

Syria & Iraq Alert III: protect civilians in Mosul and Raqqa

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In the past few weeks, the raging battle against ISIS in Mosul has shown a significant increase in civilian casualties. With an expected altercation in Raqqa any day now, civilian harm in both Syria and Iraq are likely to increase. These casualties were not only due to military ground operations by the Syrian Democratic Forces (SDF, a coalition dominated by the Kurdish People's Protection Units, or YPG), the Iraqi army, and affiliated militias, but also to aerial bombardments by the US-led Global Coalition Against ISIS (hereafter "the Coalition"). PAX is highly concerned about the sharp rise in civilian casualties from Coalition air strikes and fears this indicates a change in the norms and regulations that have been put in place to limit civilian harm by Coalition operations. The rise in civilian casualties is unacceptable from a moral and humanitarian point of view, but it will also be counterproductive to the goals the Coalition pursues: civilian casualties will lead to more anger and more resentment which will fuel ISIS and other militant groups.

Since the launch of the Coalition, PAX and other civil society organizations have stressed that a strategy to counter ISIS cannot solely be a military campaign, but must be part of a political strategy to address the root causes of the rise of ISIS. Such a strategy must aim to establish inclusive and responsive governance, peacebuilding, and a transitional justice process. European states that are part of the Coalition and the European Union have echoed this position on numerous occasions, but clear plans for inclusive post-ISIS governance and peacebuilding have yet to be developed. Without this, the future of civilians in cities like Mosul and Raqqa will remain in the hands of military actors, and their perspectives will be marginalised. If these factors are ignored, the Raqqa and Mosul offensives to counter terrorism may only lead to new rounds of conflict and radicalization.

PAX stresses that the states participating in the Coalition against ISIS have assumed an ethical and legal responsibility for the protection of civilians living in areas held by ISIS and other jihadist armed groups during and after the battles for control of Mosul and Raqqa, even if the cities are taken by the Iraqi Army, the SDF or any other armed group that operates with Coalition support. The countries involved in the Coalition therefore, in the light of current events, should at a minimum take the following steps:

1. Protect civilians from harm as a result of operations to re-conquer Mosul and Raqqa from ISIS and other operations against jihadist armed groups:
 - a. Reconfirm and uphold strict rules of engagement in order to prevent civilian casualties from Coalition airstrikes or by local armed forces operating with Coalition support. Coalition members should report transparently on their role in the Coalition operations and on civilian casualties from their military operations.
 - b. Demand that military ground forces operating with Coalition support in Iraq and Syria take similar steps to prevent civilian casualties, and cease support to armed groups that clearly and intentionally abuse human rights and international humanitarian law.
 - c. Prevent the use of explosive weapons with wide area effects in populated areas, such as inaccurate artillery weapons.
2. Protection of civilians:
 - a. Provide safe passage for civilians wanting to escape from Mosul and Raqqa in order to prevent situations where civilians are trapped in urban battle and can be used as human shields, either by ISIS or by any armed force conquering the cities.
 - b. Make data about explosive and toxic remnants of war available to local populations as well as aid workers and returning displaced civilians.
3. Develop and express commitment to a long-term, post-ISIS peacebuilding plan:
 - a. Publicly commit to develop clear strategies for inclusive civil governance in both cities, and express long term commitment for financial and technical support for the re-establishment of legitimate, responsive, and inclusive government.
 - b. Communicate to and engage with local and displaced communities in planning to re-establish inclusive civil governance.
 - c. Develop local transitional justice mechanisms as well as a strong monitoring mechanism for compliance with IHL by the military parties as part of a nationwide strategy.
 - d. Facilitate independent and transparent mechanisms for truth-finding and documentation of war crimes by all parties involved in the Mosul and Raqqa battles.

1. CIVILIAN HARM DUE TO COALITION OPERATIONS AGAINST ISIS AND AL-QAIDA

The steep rise of civilian casualties reported in both Iraq and Syria over the past weeks is extremely worrying. There has been speculation about a possible relaxing of US rules of engagement as a possible cause of the increase in civilian casualties in Mosul and Raqqa, after an Iraqi special forces officer told the New York Times it has become “*much easier to call in airstrikes*”.¹ In a briefing from Baghdad, US Army Gen. Townsend also confirmed that “*there have been some relatively minor adjustments to the ROE since I have been in command since last August. All of those changes were fairly low level, approved at the CENTCOM level; did not have to go to the secretary of defense or the administration.*”² Parallel to the operations by the Coalition, the US started a unilateral campaign against other jihadist armed groups in Syria with Al-Qaida links. It remains unclear whether the same rules of engagement apply to the operations against those groups.

Civilian Casualties in Mosul

According to information verified by the UN OHCHR and the UN Assistance Mission in Iraq (UNAMI), at least 307 people were killed and another 273 wounded in Mosul between 17 February and 22 March. The deadliest incident occurred on 17 March, when an airstrike hit a home in the al-Jadida neighborhood in western Mosul city.³ Amnesty International estimates that up to 150 civilians were killed in this attack.⁴ The Iraqi government had expressed commitment to not use heavy artillery inside Mosul. However, photos⁵ and a video⁶ of Iraq’s emergency response division firing inaccurate rockets into west Mosul emerged on February 17. According to HRW; “*these weapons are “commonly known as improvised rocket-assisted munitions (IRAM), and they are inherently indiscriminate.”*⁷ Launching these inaccurate explosive weapons in populated areas poses a big threat to civilians and civilian infrastructure.⁸ The US military denies this, however, stating that other scenarios such as ISIS rounding up civilians and forcing them into buildings may be the main reason for the high death toll. Additionally, ISIS has allegedly rigged residential buildings with explosives. This is reportedly all part of a strategy to alienate Mosul residents from the Iraqi government forces. It is very difficult to verify accounts from the battlefield, but the UN has called on the Coalition and Iraqi forces to “*avoid this trap, review how their procedures comply with their obligations under the international humanitarian law principle of precautions, and consider all tactical options available with a view to avoiding civilian loss of life and, in any event, reducing the impact of operations on the civilian population to an absolute minimum.*”⁹

Civilian casualties in Syria

On 10 February, Airwars reported that for the first time since the Russian intervention in Syria began in September 2015, airstrikes by the US-led Coalition were claiming more civilian lives than Russian airstrikes.¹⁰

In addition to the Coalition operations against ISIS, the US has started a unilateral campaign against Al-Qaida-linked armed groups. Decision making and rules of engagement for this operation are even less transparent¹¹. On 16 March, a mosque was bombed in al-Jina, a village in the western countryside of Aleppo. Up to 50 people were killed and multiple sources confirmed that the mosque was a civilian location where people were praying at the time, and where IDP families were taking refuge. Research by Bellingcat

¹ New York Times: “U.S. Investigating Mosul Strikes Said to Have Killed Up to 200 Civilians”, https://www.nytimes.com/2017/03/24/world/middleeast/us-iraq-mosul-investigation-airstrike-civilian-deaths.html?_r=0

² <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1133033/department-of-defense-briefing-by-gen-townsend-via-telephone-from-baghdad-iraq>

³ UN: “Mosul: Protection of civilians paramount as ISIL intensifies use of human shields”, http://www.uniraq.org/index.php?option=com_k2&view=item&id=7064:mosul-protection-of-civilians-paramount-as-isil-intensifies-use-of-human-shields&Itemid=605&lang=en

⁴ Amnesty International: “Iraq: Civilians killed by airstrikes in their homes after they were told not to flee Mosul”, <https://www.amnesty.org/en/latest/news/2017/03/iraq-civilians-killed-by-airstrikes-in-their-homes-after-they-were-told-not-to-flee-mosul/>

⁵ <https://twitter.com/IraqiSecurity/status/840623443842330624>

⁶ <https://twitter.com/IraqiSecurity/status/832746631216762880>

⁷ Human Rights Watch, “Iraqi troops using indiscriminate fire against ISIS”, March 15, 2017, <https://www.hrw.org/news/2017/03/15/iraqi-troops-using-indiscriminate-weapons-fight-against-isis>.

⁸ For example, monitoring of English-language media reports on incidents with explosive violence indicate that in 2016, when explosive weapons were used in a populated area in Iraq, 93% of those dead and injured were civilians, see: <https://aoav.org.uk/explosiveviolence/iraq/>.

⁹ UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein, UN: “Mosul: Protection of civilians paramount as ISIL intensifies use of human shields”, http://www.uniraq.org/index.php?option=com_k2&view=item&id=7064:mosul-protection-of-civilians-paramount-as-isil-intensifies-use-of-human-shields&Itemid=605&lang=en

¹⁰ <https://airwars.org/news/for-the-first-time-the-coalition-is-now-killing-more-civilians-than-russia/>

¹¹ <https://airwars.org/news/shadow-american-war-syria/>

confirmed that the US was responsible for the massacre.¹² On 22 March, another US air strike hit a school in al-Mansoura village near Raqqa, killing more than 30 people.¹³ In a briefing by Gen. Townsend on 28 March, the US Department of Defense said it is investigating these incidents, but denied its involvement in the Mansoura bombing. Meanwhile, Syrian civilians trapped in the northwestern Idlib province live under enormous fear of air strikes by all parties engaged in aerial bombardments in Syria. The upcoming battle for ISIS-stronghold Raqqa raises fears for a further increase in civilian casualties.

2. HUMANITARIAN SITUATION ON THE GROUND

Human Shields in Mosul

Civilians have been urged by the Iraqi Government to stay in their homes in Mosul prior to and throughout the offensive, as humanitarian agencies warned of a lack of preparedness for the reception of the estimated one million residents remaining in the city. Prime Minister Abadi said during a talk at the United States Institute of Peace in Washington on 20 March: “*Because if we would have allowed the citizens to flee their houses as some probably suggested at the time we wouldn’t have been able to care for these civilians, probably a million or over a million of the population in Mosul itself and the areas surrounding it.*”¹⁴ However, the high number of casualties in the al-Jadida airstrike (see above) indicates that as civilians cannot leave Mosul, the probability that they will be used as human shields by ISIS increases. Amnesty International states that civilians are also not evacuated from neighborhoods after these have been taken from ISIS. Ground troops made up of Iraqi police and military set up fighting positions in residential areas.

Concerns about the upcoming battle for Raqqa

The SDF announced the start of the offensive to retake Raqqa from ISIS in November 2016. Since then, SDF soldiers have approached the city and closed off almost all access roads to the city, supported by US air power, heavy weapons, and even US troops on the ground. It is expected that the battle for the city will start in April, although there are still deep divisions between the different international actors. While the US wants to cooperate with the YPG-dominated SDF in the operation, Turkey is strongly opposed to that scenario. Therefore, a US-Turkish agreement is a precondition for preventing further conflict. Meanwhile, the remaining estimated 200,000 people in the city, many of them IDPs from elsewhere in Syria, are trapped. ISIS does not allow people to leave the territory under their control. When people do manage to flee from ISIS territory into SDF territory, they face the risk of being shot at or arrested. They are trapped under siege, undergo bombardments, and face an upcoming ground operation. In case of a prolonged siege, a humanitarian crisis is looming as food and medical stocks have already been depleted.

3. LACK OF PLAN FOR POST-ISIS PEACEBUILDING

Both in Syria and Iraq, there is a dramatic absence of a peacebuilding plan for after military conflict.. Communities on both sides of the Iraqi-Syrian border fear intra tribal revenge as a consequence of members allegedly supporting ISIS. In anticipation of this scenario, local transitional justice mechanisms must be developed as well as a strong monitoring of compliance with IHL among the competing parties. It will take years for citizens to rebuild trust and restructure relations between communities torn apart by conflict. If these factors are ignored, the Raqqa and Mosul offensives to counter terrorism may only lead to new rounds of conflict and radicalization.

Trust and transparency in Mosul

There is no question that the competition for the trust of the population in Mosul is vital to the long-term success of the military campaign. How military operations are conducted is vital to this end, in addition to the arrangements made for future governance of the city as well as mechanisms for justice and reconciliation. Although the EU and several members of the Coalition have expressed commitment to a post-ISIS peacebuilding plan, as proposed by various INGOs and experts, little has become concrete. The current discourse among Iraqi officials is that the fate of Mosul and the entire Ninewa Governorate will be decided after ISIS retreats. The citizens of Mosul, who have experienced more than a decade of neglect by the Baghdad government, have no trust that such a decision will be in their interest and will provide security. Additionally, there is a complete lack of transparency about the vetting process in place for populations

¹² <https://www.bellingcat.com/news/mena/2017/03/16/us-missile-remains-reportedly-recovered-from-site-of-aleppo-mosque-bombing/>

¹³ <http://www.reuters.com/article/us-mideast-crisis-syria-airstrike-idUSKBN16T0RV>

¹⁴ Transcript of Prime Minister Haider al-Abadi at the U.S. Institute of Peace, <https://www.usip.org/transcript-prime-minister-haider-al-abadi-us-institute-peace>

previously living under ISIS control. Although official government procedures in IDP camps are clear on paper, stories of the arbitrary application of these procedures abound¹⁵. Many communities (mostly Sunni Arab) have been prevented from returning to their areas of origin even after ISIS has been forced out. Additionally, there is no transparency about what happens to IDPs who end up in the hands of one of the many Iraqi militia groups organized under the Popular Mobilisation Forces (PMF) banner. Cases of mass disappearances of boys and men in Anbar and Diyala provinces have caused human rights organisations to sound the alarm a number of times about possible war crimes.¹⁶ Instead of making a plan to dismantle militias after the war and reintegrate militia members in society, the Iraqi Government has recently adopted a law giving the militias official status as an official part of the Iraqi security apparatus. There is a risk that the militias will in fact control the security apparatus and other state institutions, instead of the other way round.

Post-ISIS dynamics in Raqqa

People from Raqqa also express concerns about the fate of the city after it has been taken from ISIS. Until now, the strategy to retake Raqqa from ISIS only consists of military tactics, but fails to address the root causes that allowed ISIS take root in Raqqa: the absence of inclusive and responsive governance. As long as that governance deficit is not addressed, ISIS will not be defeated. The US army recognises that Raqqa has only a 10% minority of Kurds, yet is set to rely on Kurdish fighters to take over the city. General Townsend said that after the city is taken, the Kurdish fighters will “turn it over to Raqqawis to secure and govern themselves.”¹⁷ But it is expected that, similar to what happened in Tel Abyad and Manbij (two towns that were conquered earlier by the SDF), a so-called civilian governing body will be put in place which will, in practice, be a tool of the YPG. It is unlikely that activists opposed to the Assad regime from Raqqa will be allowed to participate in such a governing body, which may lead to two competing local councils. The establishment of an inclusive civil governing body that will take over control after the battle is a minimum criterion that should be agreed upon before the battle begins. The tribal dynamics in Raqqa will have to be considered in the process of establishing such a governing body.

In early March, the Manbij Military Council, which is part of the SDF, made an agreement with Russia to hand over certain towns West of Manbij to the Assad regime.¹⁸ This has exacerbated widespread mistrust of the SDF amongst the predominantly Arab population. The developments in Manbij set a very dangerous precedent and justified the fears for the safety of the population after the SDF takes control. Guarantees that the Assad regime will not return, and mechanisms to protect civilians must be put in place. IDPs and refugees from Raqqa fear that they will not be able to return in the event that the YPG takes *de facto* control through the SDF. They fear arrest by the YPG and administrative obstructions to return to their homes. A plan for the return of refugees and IDPs, and protection of their housing, land and property rights, must be part of the strategy.

PAX concludes that the states participating in the Coalition against ISIS have assumed responsibility for the protection of civilians in Mosul and Raqqa during the operations to reconquer the cities, and for peacebuilding afterwards. Without this, the operations by the Coalition and its Iraqi and Syrian allies can lead to more resentment and anger among the local population. This in turn may lead to new rounds of radicalization and conflict.

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¹⁵ Al: Punished for Daesh'crimes: displaced Iraqis abused by militias and government forces, forces'

<https://www.justice.gov/eoir/page/file/907641/download>

¹⁶ See for instance: PBS Frontline: Iraq Uncovered <http://www.pbs.org/wgbh/frontline/film/iraq-uncovered/>

¹⁷ <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1133033/department-of-defense-briefing-by-gen-townsend-via-telephone-from-bagdad-iraq>

¹⁸ <http://www.middleeasteye.net/news/us-backed-kurdish-forces-agree-hand-over-key-area-syrian-government-2116188328>



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