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Amnesty International Report 2017/18 - The State of the World's Human Rights - Iraq

Iraqi and Kurdish forces, paramilitary militias, coalition forces and the armed group Islamic State (IS) committed violations of international humanitarian law, war crimes and gross human rights abuses in the armed conflict. IS fighters forcibly displaced thousands of civilians into active conflict, used them as human shields on a mass scale, deliberately killed civilians fleeing the fighting, and recruited and deployed child soldiers. Iraqi and Kurdish forces and paramilitary militias extrajudicially executed captured fighters and civilians fleeing the conflict and destroyed homes and other civilian property. Iraqi and Kurdish forces as well as government authorities arbitrarily detained, forcibly disappeared and tortured civilians suspected of being affiliated with IS. Courts subjected IS suspects and other individuals suspected of terrorism-related offences to unfair trials and sentenced them to death on the basis of “confessions” extracted under torture. Executions continued at an alarming rate.

Background

By December, the Iraqi government, Kurdish forces, paramilitary militias and US-led coalition forces had recaptured the territory and population centres held by IS, including east Mosul in January, west Mosul in July, Tel Afar in August and Hawija in October. By November, more than 987,648 people in Nineveh governorate had been internally displaced as a result of the military operation to recapture Mosul and surrounding areas. More than 3 million people remained internally displaced across Iraq.

On 25 September the Kurdish Regional Government (KRG) held a referendum on independence in the Kurdistan Region of Iraq (KR-I) as well as in the “disputed areas” of Iraq, including areas in the governorates of Nineveh, Kirkuk, Salah al-Din and Diyala. Preliminary results showed that approximately 93% of votes were cast in favour of independence. The government of Iraq declared the referendum illegal and unconstitutional. Following the referendum, Iraqi government forces and pro-government forces including the Popular Mobilization Units (PMU) retook control of Kirkuk governorate as well as areas of Nineveh, Salah al-Din and Diyala governorates.

Abuses by armed groups

IS committed gross human rights abuses and serious violations of international humanitarian law, some of which amounted to war crimes. It forcibly displaced thousands of civilians into zones of active hostilities in an attempt to shield their own fighters. IS deliberately killed civilians who were trying to flee the fighting and hanged their bodies in public areas as a warning to others who were contemplating escape. It carried out execution-style killings which targeted opponents, and recruited and deployed child soldiers. In Mosul, IS regularly denied medical care to civilians, and its fighters occupied several medical buildings and hospitals to avoid being targeted by Iraqi and coalition forces.

IS killed and injured civilians across Iraq in suicide bombings and other deadly attacks that deliberately targeted civilians in markets, Shi'a religious shrines and other public spaces. On 2 January, bombings by IS in the predominantly Shi'a neighbourhood of Sadr City in the capital, Baghdad, killed at least 35 people and injured more than 60. Suicide attacks on 30 May outside an ice-cream parlour and a government building in Baghdad killed at least 27 people and wounded at least 50. An IS attack on a restaurant frequented by Shi'a pilgrims in Nasiriya on 14 September killed at least 84 people and injured 93.

The UN reported in October that as many as 1,563 Yazidi women and children remained in IS captivity in Iraq and Syria. They were subjected to rape and other torture, assault and enslavement. Those who managed to escape or were freed after their relatives paid ransoms did not receive adequate remedies, including the necessary care and support required to help rebuild their lives. The UN stated in August that at least 74 mass graves had been discovered in areas previously controlled by IS in Iraq.

Armed conflict – violations by government forces, coalition forces and militias

Government forces, paramilitary militias and coalition forces committed repeated violations of international humanitarian law, some of which may amount to war crimes. In west Mosul, Iraqi and coalition forces launched a series of disproportionate or otherwise indiscriminate attacks. In one such attack, on 17 March in Mosul al-Jadida neighbourhood, at least 105 civilians were killed by a US air strike targeting two IS snipers.

In west Mosul, Iraqi forces consistently used explosive weapons with wide-area effects, such as improvised rocket-assisted munitions (IRAMs), which cannot be precisely targeted at military objectives or used lawfully in populated civilian areas. In east Mosul, hundreds of civilians were killed in air strikes launched by the coalition and Iraqi forces on their homes or places where they sought refuge as they followed Iraqi government instructions not to leave during the battle.

Iraqi and Kurdish government forces and paramilitary militias carried out extrajudicial executions of men and boys suspected of being affiliated with IS. In the final weeks of the Mosul battle between May and July, consistent reports emerged that Iraqi forces, including the Emergency Response Division, Federal Police and the Iraqi Security Forces, had detained, tortured and extrajudicially executed men and boys who were fleeing the fighting.

Arbitrary arrests and detentions

Thousands of men and boys considered to be of fighting age (roughly 15 to 65) fleeing territories controlled by IS were subjected to security screenings by Iraqi security forces, Kurdish forces and paramilitary militias at temporary reception sites or in makeshift detention facilities. Men suspected of affiliation with IS were held for days or months, often in harsh conditions, or transferred onward. Iraqi forces, Kurdish forces and paramilitary militias, including the PMU, arrested thousands more alleged “terrorism” suspects without judicial warrant from their homes, checkpoints and camps for internally displaced people (IDPs).

Torture and enforced disappearances

Men and boys suspected of being members of IS were subjected to enforced disappearance – cut off from their families and the outside world – in facilities controlled by the Iraqi Ministries of the Interior and Defence, the KRG and in secret detention centres. Detainees were interrogated by security officers without lawyers present and were routinely tortured. Common forms of torture included beatings on the head and body with metal rods and cables, suspension in stress positions by the arms or legs, electric shocks, and threats of rape of female relatives. Detainees faced limited access to medical care, which led to deaths in custody and amputations. They also endured harsh conditions, including severe overcrowding, poor ventilation and lack of access to showers or toilets.

Unfair trials

The criminal justice system in Iraq remained deeply flawed. Defendants, in particular “terrorism” suspects, were routinely denied the rights to adequate time and facilities to prepare a defence, to not incriminate oneself or confess guilt, and to question prosecution witnesses. Courts continued to admit “confessions” that were extracted under torture as evidence. Many of those convicted after these unfair and hasty trials were sentenced to death.

Between July and August, the Iraqi authorities issued arrest warrants for at least 15 lawyers who were defending suspected IS members, accusing the lawyers of being affiliated with IS. These arrests caused concern among other lawyers that they could be arrested simply for defending IS suspects.

Internally displaced people

More than 3 million people remained internally displaced across Iraq. The displaced sheltered in host communities, IDP camps, informal settlements and buildings under construction. By November, more than 987,648 people in Nineveh governorate had been displaced as a result of the Mosul military operation. Humanitarian agencies reported significant shortfalls in international funding.

Civilians in IDP camps experienced shortages of food, water, medicine and other basic needs. Freedom of movement in IDP camps was severely limited, and camp residents reported that civilians, including children, were recruited from camps by paramilitary militias – sometimes forcibly – and that family members had been forcibly disappeared from public areas in the camps and from their tents. Families were separated for days or months due to screening procedures carried out at temporary reception centres. Women heads of households who sheltered in IDP camps – particularly those whose male relatives were suspected of affiliation with IS – reported being subjected to rape and other sexual abuse and exploitation and systematic discrimination, including having inadequate and unequal access to food, water and other basic supplies.

Forced displacement and destruction of property

In the context of the armed conflict involving IS, Iraqi government forces and paramilitary militias forcibly displaced civilians and destroyed their homes on a mass scale. For example, early in the year Sunni tribal militias within the PMU known as the Hashad al-Ashari, alongside Iraqi government forces, forcibly displaced at least 125 families from Salah al-Din governorate perceived to be affiliated with IS, following a decree issued by local authorities authorizing their displacement. The families were then held against their will in an IDP camp functioning as a detention centre near Tikrit.

Arms trade

Factions of the PMU, which had committed war crimes and other serious violations across central and northern Iraq since 2014, benefited from transfers of arms from a range of countries, including the USA, Russia and Iran. The transferred weapons included armoured vehicles and artillery as well as a wide range of small arms. Poor management of weapons stocks and a thriving in-country and cross-border illicit trade led to the arming of militia groups, further undermining security.

Freedom of expression – Kurdistan Region of Iraq

Journalists and online activists in the KR-I were subject to arbitrary arrest, beatings, surveillance, death threats, and smear campaigns intended to damage their reputations or the reputations of their family members. This trend of interference in the freedom of expression of journalists and online activists appeared to escalate in the run-up to the

independence referendum in the KR-I; Amnesty International documented 12 cases of arbitrary arrests, beatings and intimidation of journalists and online activists between June and September.

On 14 March, security forces, including anti-riot police belonging to the KR-I and Syrian fighters under the command of the KRG (“Rojava Peshmerga”), used tear gas canisters and fired live ammunition to disperse Yazidi protesters. The protesters were calling for the Rojava Peshmerga forces to leave the area, following clashes between members of the Rojava Peshmerga and Sinjar Resistance Unit earlier that month. Protesters and witnesses reported that Nazeh Nayef Qawal, a Yazidi woman, was killed during the violent dispersal of protesters.

Impunity

In response to allegations of serious violations of international humanitarian law and war crimes committed by Iraqi forces and pro-government militias – such as torture, extrajudicial execution and enforced disappearance – the Iraqi authorities established committees to evaluate the available evidence and launch investigations. Such committees consistently failed to release any findings publicly or to communicate their findings to international or national NGOs. More than a year since 643 men and boys from Saqlawiya in the Anbar governorate were abducted and forcibly disappeared by PMU militias, a committee established by the Office of the Prime Minister on 5 June 2016 had failed to publicly release any findings.

On 21 September the UN Security Council passed a unanimous resolution aimed at ensuring accountability for war crimes and human rights abuses committed by IS. However, the resolution crucially failed to include any provisions to ensure accountability for crimes committed by Iraqi forces, paramilitary militias such as the PMU, the US-led coalition and others responsible for grave violations of international law, including war crimes, during the conflict.

Death penalty

Iraq remained one of the world’s most prolific users of the death penalty. Scores of people were sentenced to death by courts after unfair trials and executed by hanging. The death penalty continued to be used as a tool of retribution in response to public outrage after attacks claimed by IS. In January, dozens of men were hanged for their alleged role in the killing of 1,700 Shi’a cadets at Speicher military camp near Tikrit in 2014. The men, whose “confessions” were extracted under credible allegations of torture, were convicted following deeply flawed and hasty trials. These mass executions followed a similar mass execution in August 2016, also in relation to the Speicher massacre. On 25 September, dozens of men were executed on “terrorism” charges. This mass execution took place 11 days after an IS suicide attack in Nasiriyah on 14 September that killed at least 84 people.

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