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MOSUL: CIVILIAN PROTECTION CHALLENGES POST-ISIS

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Cover photo: Children lean out of a car as families flee West Mosul, Iraq. June 2017. *CIVIC Photo/Mariane Rae Staab.*

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EXECUTIVE SUMMARY

In June 2014, ISIS (Daesh in Arabic) took control of Mosul, the second largest city in Iraq. At the time, two key factors contributed to the rise of ISIS: poor governance both from Baghdad and at the provincial level; and heavy handedness and abuse toward the Sunni community by some members of the Iraqi Security Forces (ISF) who acted with impunity. While ISIS ruled Mosul, their ill-treatment of civilians, executions and acts of torture, targeting of minorities, and severe restrictions and punishments on men and women led many Moslawis to flee the city, while those who stayed lived in fear.¹

In October 2016, the Government of Iraq (GOI) and the ISF, with air support by the US-led anti-ISIS coalition, launched major combat operations aimed at dislodging ISIS from Mosul. At the time, an estimated 1.5 million people lived in the city. The intense fighting in the streets of Mosul lasted over nine months. Many civilians were prevented from leaving and used as human shields by ISIS. Thousands of civilians died in the conflict, which also resulted in widespread displacement, destruction of homes and civilian infrastructure, loss of livelihoods, and explosive remnants of war contamination, particularly in western Mosul.

Over the past eighteen months, the relationship between civilians and security forces has been constantly evolving. During combat operations in Mosul, the behavior of the ISF, who sought to help civilians escape areas of fighting and offered them food and water, alleviated some mistrust of Iraqi forces. However, shortly after eastern Mosul was retaken from ISIS in January 2017, followed by western Mosul in July, myriad pro-government forces with disparate allegiances and agendas were deployed in the city. Some were involved in abuses which significantly undermined civilian confidence in pro-government security forces.² In January 2018, following the GOI's decision to reconfigure the composition of forces in Mosul by pulling most pro-government forces outside of the city, the local Nineveh Police force became the primary security force in the city.³

The GOI and the ISF now have an opportunity to reestablish trust with civilians, who have suffered immensely under ISIS rule and during combat operations, and work toward a stable Iraq. Security forces' ability to provide security in Mosul and be perceived by civilians as "protectors" rather than "predators" will be a major factor in growing civilian support of the GOI and shrinking the space for ISIS to regroup.⁴

This paper assesses efforts by the GOI and the ISF to provide security and protection in Mosul, challenges civilians currently face in their interactions with security actors, and offers recommendations to address them. These findings are based on interviews with civilians, GOI and security officials, and humanitarian organizations.

CIVIC found that despite recent improvements in the protection environment for civilians, several protection concerns remain. Those include:

- **Remaining Tensions Between Civilians and the Nineveh Police:** Some Nineveh Police officers continue to believe that civilians who stayed in Mosul during the war are ISIS supporters. Civilians are reluctant to discuss their relationships with security forces and to report abuses they witness or experience at the hands of security forces out of fear of retribution or being labelled an ISIS supporter.
- **Arrests Based on Secret Informants' Information:** Some police officers arrest civilians solely on the basis of information from secret informants. This practice increases the likelihood of civilians being falsely accused and facing lengthy pre-trial detention in overcrowded facilities where there is a risk of ill-treatment and coerced confessions.⁵
- **Discrimination Against Families of Suspected ISIS Members:** Immediate relatives of suspected ISIS members are particularly vulnerable to being harassed by security forces or ignored when they face

¹ CIVIC interviews with civilians who fled Mosul, 2016 and 2017, and with Mosul residents, 2018.

² Rise, Post ISIS Mosul context analysis, July 2017.

³ According to information available to CIVIC, the GOI did not explain this decision.

⁴ See Center for Civilians in Conflict & Interaction, "Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning," October 2017, <https://civiliansinconflict.org/publications/policy/protection-civilians-mosul-identifying-lessons-contingency-planning/>; Center for Civilians in Conflict, "Policy Brief on Civilian Protection in the Current Mosul Campaign," February 2017, http://civiliansinconflict.org/uploads/files/publications/Mosul_Policy_Brief_FINAL_web.pdf

⁵ See Human Rights Watch, "Flawed Justice: Accountability for ISIS Crimes in Iraq," December 2017, https://www.hrw.org/sites/default/files/report_pdf/iraq1217web.pdf

abuse by the community. Families of alleged ISIS affiliates are also unable to obtain the security clearance documents currently required to obtain or renew civil documentation.

- **Lack of Female Officers for Searches:** The small number of female officers in the Nineveh Police force and the failure to deploy them during arrests and cordon and search operations limits the ability of the Nineveh Police to interact with all civilians, particularly women, and be responsive to their concerns. Not having female officers available also hampers the force's ability to perform important security functions, like screening women at checkpoints or during cordon and search operations. The practice of assigning untrained civilian women "volunteers" to perform such functions may expose them to great physical risk.
- **No Protocols to Record Incidents of Civilian Harm:** The Nineveh Police force does not have protocols to record harm to civilians caused by its officers or other security forces, or community outreach protocols to mitigate harm caused during operations.
- **Lack of Compensation for Destroyed and Damaged Homes:** The damage or destruction of tens of thousands of houses during military operations in Mosul is a significant obstacle to displaced families' ability to return and resume their lives. Despite Iraqi laws giving civilians the right to claim compensation for their destroyed or damaged houses, no money has yet been allocated by the GOI for this purpose.

More can and must be done to respect the rights and dignity of civilians in Mosul and assist families who lost their homes during the battle to retake the city. This paper offers recommendations to the GOI, Nineveh Police, and donor community supporting current efforts in Mosul.

I. SECURITY ENVIRONMENT: IMPROVING BUT TENSION REMAINS

Shortly after eastern Mosul was retaken from ISIS in January 2017, followed by western Mosul in July, myriad pro-government forces with disparate allegiances and agendas were deployed in the city.⁶ These forces included the 15th, 16th, and 9th Divisions of the Iraqi army, Counter Terrorism Services, Federal Police, Nineveh Police, Popular Mobilisation Forces (PMF, or Hashd al-Sha'abi), as well as other tribal militias. Most of these groups were trained for combat missions, not to hold and secure the city post ISIS. Despite the discrepancy in training, most of these actors took on security-related assignments, such as conducting screening processes, including house-to-house searches and database checks of residents.⁷

While this arrangement was generally accepted by locals, it was also the source of tension and abuse. As early as January 2017, civilians in eastern Mosul reported kidnappings for ransoms and arbitrary detention by some pro-government forces.⁸ Federal Police and PMF were often accused of abusive behavior toward civilians, harassment, occupation of houses, diversion of goods for civilians, and corruption.⁹

Throughout 2017, civilians viewed the Nineveh Police more positively than other armed actors, but reported that the police had little visible presence and less influence than other armed actors deployed in the city.¹⁰ As one woman living in western Mosul said, "The Nineveh Police are staying in their offices. Federal Police are at checkpoints, and they shout at and beat people up. The Hashd [PMF] are in the neighborhoods as well. People who need to move their belongings or goods around in the neighborhoods need to pay bribes to these forces."¹¹

In late January 2018, the GOI reconfigured the distribution of security forces in Mosul. Federal Police withdrew, the PMF moved to the entrances of the city, and the Iraqi army was positioned as a "third layer" around Mosul. While some ISF units and PMF maintain a residual presence in some neighborhoods, the Nineveh Police are now the main armed security force inside the city and are no longer undermined by other armed actors.¹²

The Nineveh Police are a local police force, whose officers are recruited from the governorate in which they are deployed. As of May 2018, the force has an estimated 18,000 police officers and consists of local police

⁶ Prime Minister Abadi declared eastern Mosul retaken in January 2017 and western Mosul retaken in July 2017.

⁷ During and after military operations, the names of men and boys 16 years and older were checked against various official and informal lists of names of ISIS members, which were compiled in several databases on computers. These civilians were detained if their names were on any of those lists.

⁸ See Rise, Post ISIS Mosul context analysis, July 2017.

⁹ CIVIC interviews with civilians in eastern and western Mosul, December 2017, January and March 2018.

¹⁰ CIVIC interviews with protection NGOs working in Mosul, Erbil and Mosul, 2017. See also Rise, Mosul and Tal Afar context analysis, December 2017.

¹¹ CIVIC interview with Mosul resident, Mosul, January 2018.

¹² CIVIC interviews with Nineveh Police officers, Mosul, March 2018.

directorates (working from static police stations), emergency brigades (mobile forces who can “hold” and control an area), and two Special Weapons and Tactics (SWAT) units.¹³

Of the estimated 18,000 officers with the Nineveh Police, approximately 20 are women.¹⁴ All of the women are assigned to police directorates and are only deployed when high-level personalities visit the city and female officers are needed to conduct body searches of civilian women present. Despite receiving the same training as their fellow officers, women in the Nineveh Police force do not participate in arrests, cordon and search operations, or checkpoint duties.

An MOI official stated that she has recommended that female police officers be deployed for such tasks.¹⁵ Her efforts to change policy have not succeeded as some government and police officials believe that female police officers should not be deployed in the streets and that residents in Mosul may react negatively if they were.¹⁶

Failure to deploy female officers limits the Nineveh Police ability to interact with all civilians, including women, and be responsive to their concerns. Lack of female officers has also hampered the force’s ability to perform some of its security functions comprehensively. For example, only women can screen other women. Without female officers present, women encountered at checkpoints and during cordon and search operations are not screened or are screened by other women civilians, as discussed below.

The Nineveh Police are implementing several security measures that directly impact civilians’ daily lives. These measures include:

- Establishing static and mobile checkpoints in each neighborhood (in addition to checkpoints at the entrance of the city);
- Requiring residents to register in their neighborhoods. Anyone entering a neighborhood must show identity documents (IDs); and
- Arresting persons suspected of ISIS affiliation during targeted individual arrests and cordon and search operations.¹⁷ These arrests and operations may be conducted by the Nineveh Police or the Iraqi army or together, and usually with support from the National Security Services (NSS).

During cordon and search operations, security forces surround and lock down an area and gather all men aged 16 and older in a school or a mosque to check their identities. These screenings employ several sources of information, including the NSS database, mukhtars (community leaders), or secret informants from the community. As discussed below, the reliance on community leaders and secret informants—rather than hard evidence—increases the likelihood of civilians being falsely accused and may erode confidence in the police. The frequency of these operations varies from neighborhood to neighborhood.¹⁸

Since the ousting of ISIS from the city, the security situation in Mosul has improved considerably. More than 700,000 civilians have returned to the city,¹⁹ many shops and businesses have re-opened, and in March 2018, some civilians told CIVIC they feel comfortable going out in their neighborhoods after dark. But there is much room for improvement and, overall, the security environment remains tense. Civilians and security forces alike report the continued existence of ISIS sleeper cells in both eastern and western Mosul.²⁰ Since October 2017, several vehicle-borne improvised explosive devices and eight attacks against mukhtars have been reported in Mosul.²¹ While these attacks have not been claimed, observers believe ISIS may have targeted these mukhtars for their cooperation with security forces.

¹³ CIVIC interview with Nineveh Police Training Directorate commander, Mosul, March 2018. In 2014, approximately 28,000 officers worked with the Nineveh Police.

¹⁴ CIVIC interview with Nineveh Police Training Directorate commander, Mosul, March 2018, and MOI Training Directorate, Baghdad, April 2018. Training of female police officers began in 2010. According to these officials, this training demonstrates Iraq’s commitment to implementing UN Security Council Resolution 1325 on Women, Peace, and Security.

¹⁵ CIVIC interview with Ministry of Interior Training Directorate staff, Baghdad, April 2018.

¹⁶ CIVIC interviews with Ministry of Interior and Nineveh Police officers, Baghdad and Mosul, March and April 2018.

¹⁷ CIVIC interviews with Nineveh Police officers, Mosul, March 2018.

¹⁸ CIVIC interviews with Nineveh Police officers and Mosul residents, Mosul, March 2018.

¹⁹ According to the Displacement Tracking Matrix of the International Office for Migration (DTM), 708,912 individuals have returned to Mosul. See IOM, “DTM round 90,” February 2018, http://iraqdtm.iom.int/LastDTMRound/Round90_Report_English_2018_February_28_IOM_DTM.pdf. While the DTM has been tracking returns since April 2015 and this figure is the total number of returns, returns are understood to have taken place after Mosul was retaken.

²⁰ CIVIC interviews in Mosul January-April 2018.

²¹ Mukhtars in Iraq are local leaders; usually the mukhtar is the head of a village or a neighborhood in a larger city. They are appointed by the MOI to act as their representatives. Attacks against mukhtars have been reported in Muru, Quds, Ta’mim, Qadisiya-1 and Nahrawan neighborhoods.

II. RELATIONS BETWEEN SECURITY ACTORS AND CIVILIANS: IMPROVING BUT STILL FRAGILE

During military operations in Mosul, security forces relied heavily on civilians as a source of intelligence to provide, for example, ISIS target locations, ISIS fighters' identity, and locations where civilians were present. This cooperation continues today. As one Mosul resident said in March 2018, "Before 2014, we were worried to denounce a terrorist because the police were corrupt and the next day we would be killed or threatened. Now, people do cooperate with the police."²²

Today, civilians approach the Nineveh Police to address a wide variety of concerns, including neighborhood disputes, domestic violence, car accidents, burglary, vehicle theft, provision of public services, and to facilitate their movement at night for medical emergencies.²³

Nineveh Police officers interviewed by CIVIC reported a marked change in civilians' attitudes. In March 2018, one officer told CIVIC, "Before ISIS, people did not accept any security forces; there was a wall between civilians and us. Now, civilians will inform us if they think someone is ISIS."²⁴ Police officers value this cooperation and believe it contributes to improving security in Mosul.

Establishing the Nineveh Police as the main security actor in the city has allowed for greater accountability of security forces' actions vis-à-vis civilians. Recounting the year between January 2017 and January 2018, one police officer told CIVIC, "Before the order to the PMF to withdraw from Mosul city, thousands of people were arrested and disappeared by these forces. Now we will take the person to the police station and register where and when that person was arrested."²⁵ In the recent past, civilians in both eastern and western Mosul were sometimes detained due to suspected ISIS affiliation and extorted in order to secure their release. Reflecting on the present situation, another officer said, "It's much better now that we are the only security actor in the area. Before, if someone was missing, we did not know who took the person."²⁶

One police officer told CIVIC that he tries to register any visits of security and intelligence services to the neighborhoods his unit is controlling. He also logs the names of officers who detain or arrest any suspects, and tries to later check the location of individuals detained or arrested by these services. It is unclear how widespread this practice of following up is within the Nineveh Police, but should be mandated by the MOI. Such efforts to increase oversight and accountability for arrests and detentions can reduce the risk of disappearances and arbitrary detention and thus improve the protection of civilians. It also signals a growing professionalization of security forces.

The Nineveh Police have taken additional steps to improve their relationship with civilians. For instance, civilians usually bear the greatest burden during cordon and search operations, as their movement is restricted, their property can be damaged, and their privacy is violated. In order to minimize the impact of restrictions on civilian movement during these operations, police officers now often "stamp" the hands of people already checked in order to restore their freedom of movement despite the temporary lock down.²⁷ Such steps to respect the dignity of civilians can help build the community's trust in the Nineveh Police.

Nineveh Police have yet to develop protocols to record incidents caused by its officers or other security forces in Mosul—either at checkpoints or during cordon and search operations—that impact civilians or their property. Nor do they have protocols to mitigate harm caused during operations through community outreach. To date, the MOI has not adopted processes to review such incidents and recommend any guidance or trainings.²⁸

The GOI's reconfiguration of security forces, coupled with positive, concrete steps by the Nineveh Police, demonstrate a shared awareness that constructive relations between civilians and security forces are critical to ensuring public support and shrinking the space for ISIS or similar entities to regroup. Several Nineveh Police officers, including senior officials, told CIVIC that the mistreatment of civilians by security forces in the past was an enabling factor for ISIS's rise in the city. These officers are determined to improve police treatment of civilians, including out of recognition that civilians are an important source of intelligence to make Mosul safer. As one police officer said, "Mosul is safer, and that's because people give us information about ISIS."²⁹

²² CIVIC interview with Mosul resident, Mosul, March 2018.

²³ CIVIC interviews with Mosul residents and Nineveh Police officers, December 2017, January and March 2018.

²⁴ CIVIC interview with Nineveh Police officer, Mosul, March 2018.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ CIVIC interviews with MOI Training directorate representatives, Baghdad and Mosul, March 2018.

²⁹ CIVIC interview with Nineveh Police officer, Mosul, March 2018.

While these developments are positive, trust between civilians and police will take time to build and remains fragile. Some Nineveh Police officers continue to believe that civilians who remained in Mosul during the war are ISIS affiliates or supporters. A Nineveh Police Colonel told CIVIC, “Police officers have seen many terrible things under ISIS and during the fighting. Now, some of those working in newly liberated areas still suspect people of supporting ISIS and this can lead to them mistreating civilians.”³⁰

For their part, civilians are reluctant to discuss openly their relationships with security forces and to disclose or report abuses they might witness or experience at the hands of security forces. A Mosul resident and NGO staff working in the city confirmed that abuses of civilians by police officers do take place, such as police officers verbally harassing civilians in the streets or physically mistreating them during arrests or ID checks. Civilians remain quiet to avoid possible retribution by security actors and out of fear that negative remarks about security actors’ conduct may result in being labelled an ISIS supporter.³¹

One civilian living in Mosul reflecting on cooperation with security forces told CIVIC, “Of course we cooperate, but only because we do not have a choice.”³² Civilians remain fearful that ISIS may re-emerge and that security forces may perceive them as ISIS affiliates if they do not cooperate.³³

Civilians also report a lack of confidence in the security screening process to identify ISIS members. “In my workplace, some people who used to be ISIS members or who had family members supporting ISIS are now back in their jobs. They were able to get security clearance and they are working again,” said a woman working in eastern Mosul. She believes that these co-workers must have paid bribes or used personal contacts to pass the vetting process.³⁴

III. PROTECTION CONCERNS

a. Arrests Based on Secret Informants’ Information

During military operations to retake Mosul, security forces used security screening to identify ISIS members amongst the civilian population. This screening consisted of separating women and girls from men and boys and, for males aged 16 and older, checking IDs against various official and informal lists of ISIS members. These lists were sourced from the NSS database, other government and pro-government forces, mukhtars, and secret informants.

These screenings raised major protection concerns. They took place outside of designated screening sites in secret or informal locations as well as in camps. Numerous actors were involved in the process, including non-authorized forces and undercover (sometimes referred to as “masked”) informants. Individuals were screened multiple times during displacement. During their detention or arrest in the course of security screening, family members were not provided with a receipt of arrest nor informed of the detained individual’s whereabouts.³⁵ According to human rights organizations, some men and boys under the age of 18 who were suspected of being affiliated with ISIS were subjected to arbitrary detention, enforced disappearances, verbal and physical abuse, and extra-judicial killings.³⁶

The continued reliance of security actors in Mosul on secret informants to identify ISIS suspects remains a matter of concern. Every Nineveh Police officer interviewed by CIVIC confirmed this practice is still employed. Some officers understand the risks this poses to civilians and may cross-check information with other sources or require several witnesses before arresting a suspect. However, other officers continue to arrest civilians solely on the basis of information from secret informants. One officer in western Mosul said, “Many people have my number. If someone is ISIS or did a crime, they call me. We will surround the area and will arrest the person. In every street, we trust one or two people who call us; if they tell us about someone,

³⁰ CIVIC interview with Nineveh Police officer, western Mosul, March 2018.

³¹ CIVIC interview with NGOs staff and Mosul resident, Mosul, March 2018.

³² CIVIC interview with Mosul resident, Mosul, March 2018.

³³ CIVIC interviews with civilians and aid workers reflecting on their own discussions with civilians, Erbil and Mosul, November 2017 - March 2018.

³⁴ CIVIC interview with Mosul resident, Mosul, March 2018.

³⁵ CIVIC interviews with civilians, aid workers, and UN staff, 2017.

³⁶ In November 2017, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reported that 4,383 alleged ISIS members were detained in Mosul alone. See “End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Iraq,” November 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22452&LangID=E>. See also Human Rights Watch, “Iraq: Dozens Found Handcuffed, Executed in around Mosul,” June 24, 2017, <https://www.hrw.org/news/2017/06/05/iraq-dozens-found-handcuffed-executed-around-mosul>

we go and arrest the person and take them to the police station.”³⁷ Another officer, working in a different western Mosul neighborhood, told CIVIC, “When we conduct cordon and search operations, we gather everyone in a school, all the men above 16 years old. We take IDs. We use informants. They are not visible to anyone. They are hiding and, through a window, [the informants] look at people and give us a sign if they recognize someone as ISIS. We then arrest them.”³⁸

While security is essential, the right of suspected persons to humane and fair treatment is guaranteed under Iraqi and international law and not negotiable. Iraqi criminal procedure prohibits arrests without a judicial arrest warrant.³⁹ The criminal procedure code further provides that suspects must be brought before a judge within 24 hours of their arrest.⁴⁰ In July and August 2017, respectively, the MOI and Prime Minister Abadi issued orders to remind authorities of the need to obtain warrants prior to arrest.⁴¹

The practice of arresting individuals based on secret informants’ information raises significant concerns. Individuals may be wrongly accused by community members because of tribal, familial, land, or personal disputes rather than on evidence of crimes. Arrested individuals are likely to face lengthy pre-trial detention in overcrowded facilities where there is a risk of ill-treatment and coerced confessions.⁴² During that time, families are unlikely to be able to communicate with detainees. The practice also puts secret informants at risk as they may face attacks by family members of those arrested in retribution for cooperating with the police. In short, this practice breeds feelings of injustice and resentment toward security forces, and of mistrust within the community, none of which are conducive to reconciliation.

b. Discrimination Against Families of Suspected ISIS Members

Immediate relatives of suspected ISIS members are particularly vulnerable in the current security environment. The attitude of security forces toward these civilians ranges from actively harassing them to failing to take action when they face abuse by the community. Families of alleged ISIS affiliates are also unable to obtain the security clearance documents currently required to obtain or renew civil documentation or to file for compensation from the government for losses incurred during the war under Iraqi law.

Nineveh Police officers have indicated to CIVIC that they do not seek to protect the families of alleged ISIS members from the hostility of other community members. One police officer said, “There are some tensions between families and ISIS families. Sometimes the community accepts the family members, sometimes they don’t. If the family members come back in the neighborhood for two or three days and the neighbors treat them badly, they will go back to camps. They don’t come to us, they will go to the camps because they don’t want to make the problem worse.”⁴³

Shortly after the retaking of Mosul, the Federal Police reportedly identified some houses as “Daesh houses” by marking the walls and either occupying these houses or depriving them of services, including electricity or water, as well as humanitarian assistance.⁴⁴ While there are less frequent reports of such marking today, a Nineveh Police officer in western Mosul confirmed this practice was still happening. This officer condoned retribution by community members saying, “There are still ISIS families in the city and people still write on their houses. I don’t feel bad about it; these families did not think about the community when they supported ISIS and occupied Mosul. We all suffered, our children have lost their future, their education and their house. They destroyed the city. If the house is empty, people have taken revenge, they looted the house and destroyed it.”⁴⁵

For their part, security forces sometimes purposely harass families of suspected ISIS members. According to this same Nineveh Police officer, “When the family is still in the house, we will search it every single day, at every hour of the day or night, without prior notice.”⁴⁶ Searching homes of suspected ISIS members for security reasons must be based on probable cause and not to “harass” as a form of punishment. Family members of suspected or actual ISIS members should not be held responsible for acts committed by others.

³⁷ CIVIC interview with Nineveh Police Captain, Mosul, March 2018.

³⁸ Ibid.

³⁹ Article 92 of the Criminal Procedure Code reads: “Arrest or apprehension of a person is permitted only in accordance with a warrant issued by a judge or court or in other cases as stipulated by the law.” (Criminal Procedure Code 23 of 1971, as amended 14 March 2010).

⁴⁰ Article 123 of the Criminal Procedure Code.

⁴¹ Statement from the MOI on 1 June 2017, <http://www.moi.gov.iq/index.php?name=News&file=article&sid=2604>, and from the Prime Minister on 6 August 2017, <http://www.nrtv.com/AR/Detail.aspx?Jimare=54366>

⁴² See Human Rights Watch, “Flawed Justice: Accountability for ISIS Crimes in Iraq,” December 2017, https://www.hrw.org/sites/default/files/report_pdf/iraq1217web.pdf

⁴³ CIVIC interview with Nineveh Police Officer, Mosul, March 2018.

⁴⁴ Human Rights Watch, “Families in Iraq with Alleged ISIS Ties Denied Aid,” 15 February 2018, <https://www.hrw.org/news/2018/02/15/families-iraq-alleged-isis-ties-denied-aid>

⁴⁵ CIVIC interview with Nineveh Police officer, western Mosul, March 2018.

⁴⁶ Ibid.

Moreover, such practices build resentment toward security forces that can be exploited and thwart efforts at national and community level reconciliation and reintegration.

In addition, relatives of suspected ISIS members are routinely denied security clearance documents by the NSS. Security clearance is usually delivered after screening by the NSS, but anyone with an immediate relative whose name appears on a list of suspected ISIS members will fail the security check and be unable to obtain the security clearance documents.⁴⁷

The lack of security clearance documentation has far-reaching effects. Clearance is required to obtain civil documentation, such as identity cards, birth, death, marriage and divorce certificates, welfare cards, and passports. Nearly all families who lived in areas ruled by ISIS are missing one or more civil documents. Individuals without a valid ID see their freedom of movement restricted, as they are vulnerable to arrest if they travel within Mosul. As an officer said, “If someone new is visiting the neighborhood, we will ask for their ID. We will take it away from them and only give it back when they leave the area. If someone does not have an ID, we will call his or her family to bring the IDs. If they do not, then the person will be a suspect and we will check with the mukhtar and may bring him or her to the police.”⁴⁸ Children denied birth certificates may be considered stateless and unable to enroll in school. Women unable to obtain death certificates for their spouses cannot inherit property or remarry unless they are granted a divorce. Civil documentation is also required to apply for jobs or welfare benefits, rent a house, register with the police in a neighborhood, or sell a car or other large items.

Furthermore, a security clearance is necessary to claim compensation under the 2009 Iraqi Law No. 20 and its 2015 amendment (Law No. 57), titled Compensation for Victims of Military Operations, Mistakes and Terrorist Actions, which provides financial assistance for loss of life, injuries, damage to property, as well as assistance to families of the ISF, PMF, and Peshmerga who died during operations.⁴⁹

Denying security clearance documents to applicants because of their perceived family relationships rather than making an individual security determination may amount to collective punishment. The GOI must hold individuals suspected of having committed criminal offences individually accountable pursuant to international law fair trial standards. Blanket denial of security clearance to relatives of suspected ISIS members is preventing countless civilians from rebuilding their lives and exposing them to marginalization and abuse, hindering long-term peace and reconciliation efforts.

c. Use of Civilians to Search Women

During military operations against ISIS in Mosul, security forces sometimes assigned untrained civilian women “volunteers” to search other women civilians (men officers cannot search women), particularly after ISIS members began disguising themselves as women to carry out human-borne suicide attacks.

This practice of using civilian “volunteers” to conduct searches persists due to the lack of female police officers working with Nineveh Police emergency brigades. Several Nineveh Police officers reported this concern, with one noting, “We are facing problems with women. We can’t do anything; we can’t search them. We do not have female police officers.”⁵⁰ Some police officers told CIVIC that they usually ask other women civilians—a “volunteer” or a mukhtar’s wife—to search “suspicious women.”

Requesting civilians to carry out security tasks must be avoided as civilians may feel coerced by security forces to “volunteer.” Further, they are not trained for such tasks, some of which may expose them to great physical risk. Women currently serving as Nineveh Police officers are trained for such duties and should be included in Nineveh Police operations to search women civilians. Their inclusion will demonstrate respect for the dignity of civilians, and further the goal of the Nineveh Police to fulfill their security duties and protect civilians in Mosul.

⁴⁷ CIVIC interviews with aid workers, Erbil, February and March 2018.

⁴⁸ CIVIC interview with Nineveh Police officer, Mosul, March 2018.

⁴⁹ Law 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions was passed in late 2009 and was amended as Law 57 in 2015. CIVIC interviews with Mosul residents and police officers, Mosul, March 2018.

⁵⁰ CIVIC interview with Nineveh Police officer, western Mosul, March 2018.

d. Lack of Compensation for Destroyed and Damaged Homes

The United Nations estimated that approximately 20,000 houses were destroyed or damaged during military operations in Mosul.⁵¹ A third of these houses are in western Mosul's Old City.⁵² Many people who lost their homes have had to stay in camps for displaced people in the Nineveh province. When asked about the most significant barrier to return, 76% of people currently displaced in camps in Nineveh province reported that their original homes were partially damaged, heavily damaged, or completely destroyed.⁵³ Some people have been renting houses, sometimes in other parts of the city, but rent has become too expensive for many, particularly those who lost their livelihoods due to the conflict.⁵⁴ As a result, camps around Mosul continue to receive new arrivals. Between January and March 2018, 48.4% people who arrived in Mosul camps cited financial/economic reasons and 21.7% cited destroyed or damaged houses as a reason for coming to the camp.⁵⁵

Assistance to these affected families remains very limited. Under Iraqi Laws 20 and 57, civilians may claim compensation for their destroyed or damaged houses. Earlier this year, the Compensation Committee reopened offices in Mosul and started accepting claims in accordance with these laws but, to date, no money has been allocated by the GOI to pay for verified claims. In February 2018, the International Conference for Reconstruction of Iraq met in Kuwait to consider reconstruction needs and mobilized US\$30 billion of international support for Iraq.⁵⁶ This sum falls short of the estimated \$88 billion required for reconstruction throughout the country.⁵⁷

CONCLUSION

The highest levels of the GOI and some security actors at the local level know that respecting civilians' rights and dignity is essential to stabilizing the situation in Mosul. This growing recognition is cause for optimism. However, much more remains to be done to rebuild the relationship between civilians and the state. Security forces must protect civilians from ISIS retaliation and revenge attacks, ensure that civilians are not arbitrarily arrested and detained, and create spaces for dialogue to discuss protection concerns. The elections in May might also test security forces' capacity to protect civilians from being caught in politically-motivated violence or in heightened tensions between Iraq's various parties and factions.

RECOMMENDATIONS

To the Government of Iraq:

- Allocate funds to implement Compensation Laws No. 20/2009 and No. 57/2015.

To the Ministry of Justice:

- Investigate all alleged crimes against civilians, regardless of perceived affiliations with ISIS, under international law fair trial standards. Those found criminally responsible should be appropriately prosecuted and, where appropriate, victims compensated.

⁵¹ In August 2017, the UN identified 4,773 buildings destroyed (24%), 8,233 severely damaged (24%) and 6,882 moderately damaged (35%), for a total of 19,888 buildings. Around 7,620 of these were located in the Old City. In addition, the UN identified 317 locations of affected bridges and roads. See Imagery analysis, 4 August 2017, Published 13 October 2017, http://unhabitatiraq.net/mosulportal/wp-content/uploads/2017/07/170713_Damage-Assessment.pdf

⁵² UN Habitat found that almost one third of houses in the Old City (over 5,000 houses out of approximately 16,000 residential buildings) had been most likely completely destroyed or severely damaged as a result of the retaking operations. See UN Habitat, "Multi sectoral damage assessment," 8 July 2017, http://unhabitatiraq.net/mosulportal/wp-content/uploads/2017/07/170713_Damage-Assessment.pdf

⁵³ See REACH, "Intentions survey, Round II – National IDP camp," December 2017 - January 2018, http://www.reachresourcecentre.info/system/files/resource-documents/reach_irq_report_cccm_intentions_survey_january_2018.pdf

⁵⁴ CIVIC interviews with aid workers and protection organizations, Mosul, March 2018.

⁵⁵ See CCCM: Iraq: Mosul camps new arrivals monitoring, 12 January-10 March 2018, <https://data2.unhcr.org/en/documents/details/62509>

⁵⁶ See ECHO Daily Flash, Iraq – Kuwait International Conference for Reconstruction of Iraq, 15 February 2018, <http://erccportal.jrc.ec.europa.eu/ECHO-Flash/ECHO-Flash-List/yy/2018/mm/2>

⁵⁷ Damage and loss assessments conducted by the Ministry of Planning and analyzed by the World Bank estimate that reconstruction will take at least 10 years and cost well over \$88 billion. See "Humanitarian Response Plan 2018," February 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/iraq_2018_hrp.pdf

To the Ministry of Interior:

- Adopt an initial incident report to account for civilian deaths, injuries, and property damage during security operations. The report should include information such as who, what, where, when, the sequence of events, and actions taken after operations for mitigation and community engagement purposes. The MOI should analyze trends impacting civilians and identify new guidance and/or trainings to reduce civilian harm.
- Ensure consistent compliance by all Iraqi security actors with the criminal procedural code, including that no individuals are arrested without an arrest warrant. Ensure that families are notified after an arrest.
- Provide uniform guidelines for reviewing applications for security clearance documents. Decisions to approve or refuse these applications should be based on individual criminal responsibility. Blanket denials based on family relations with ISIS should end.
- Ensure security forces receive training on the protection of civilians in the post-ISIS environment.
- Support the forward deployment of women officers trained for policing tasks.

To the Nineveh Police:

- Stop the practice of arbitrary searches of family members of suspected or actual ISIS members. Issue a directive to all officers that searches of homes can only be conducted based on probable cause and pursuant to Iraqi law. Those found not to follow such guidance should be referred for disciplinary measures.
- Engage in regular civilian and security force dialogue. As part of proactive protection efforts, the Nineveh Police should engage in regular dialogue with communities—both men and women—to assess security risks from any remaining ISIS presence and hear concerns arising from abuses by security forces or tensions between communities. Regular community engagement and proactive measures to address protection concerns will not only enhance the safety of civilians but also build trust between the state and the population. Engagement with communities should not expose civilians to risk or cause them harm. Civilians should be encouraged to raise protection concerns without fear of reprisal.
- Deploy trained female police officers with Nineveh Police emergency brigades to support interaction with civilians and, when necessary, searches of women civilians.
- Assign and train police officers as civilian liaison officers in each Nineveh Police emergency brigade. When conducting cordon and search operations, include civilian liaison officers within the units, or assign someone in the unit to fulfill this role. A civilian liaison officer should be the initial point of contact with the occupants of the area being searched and seek to maintain a positive relationship between civilians and the police force. This liaison officer may also receive and handle all complaints and allegations from civilians.

To the Donor Community:

- Fund the United Nation's humanitarian appeal for Iraq and support the GOI's reconstruction efforts.
- Ensure the 2005 US-funded Marla Ruzicka Fund for Iraqi War Victims, which provides assistance to rebuild homes destroyed in war, restore livelihoods, and provide medical treatment, is available for those who suffered losses during the fight against ISIS.

About Center for Civilians in Conflict

Our mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm.

Our work takes us from the homes of civilians in active conflict zones to the halls of power around the world where decisions are made that affect their lives. We document harm to civilians and analyze its causes. We advise parties to a conflict on practical tools for preventing and responding to civilian harm. We advocate for the adoption and implementation of solutions to the problems we identify and specifically encourage military actors to track, investigate, and make amends for the harm they cause. We then offer our technical expertise to implement proposed protection solutions. At the same time, we work with civil society partners and local communities to enable civilians to raise their voices and advocate for their own protection.

About this Policy Brief

This policy brief was written by CIVIC's Researcher/Analyst in Iraq Caroline Baudot and edited by Sahr Muhammedally, Director, MENA & South Asia, Piper Hendricks, Sr. Communications Manager, and Kate Raley, Communications Associate. For further information about CIVIC's work in Iraq, please contact CIVIC's Iraq Country Director, Ali Al-Assaf, at aalassaf@civiliansinconflict.org.

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