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## Iraq: ISIS Attacking Civilians in Mosul Retreat - Calls 'Unbelievers' Valid Targets

(Erbil) – Fighters with the Islamic State (also known as [ISIS](#)) have indiscriminately attacked civilian areas in eastern Mosul with mortar rounds and explosives, and deliberately shot at fleeing residents, Human Rights Watch said today. Iraqi and coalition forces have also killed and wounded civilians by striking or deploying from homes.

Fleeing residents who spoke with Human Rights Watch said that ISIS justified the attacks on civilians because many of them had refused the group's orders to join its retreat west to areas of Mosul that it still controlled, where they feared they would be used as [human shields](#). Residents said ISIS members told them in person, by radio, and over mosque loudspeakers that those who stayed behind were "unbelievers" and therefore valid targets along with the Iraqi and coalition forces.

"If ISIS really cared about the people trapped in its so-called caliphate it would let them flee to safety," said [Lama Fakhri](#), deputy Middle East director at Human Rights Watch. "Instead, it is indiscriminately or deliberately killing and wounding people for refusing to be human shields."

In interviews in the Kurdistan Region of [Iraq](#) in December, 2016, Human Rights Watch spoke with more than 50 residents who had fled eastern Mosul. Thirty-one of them provided firsthand accounts of 18 mortar or sniper attacks, car bombings, or detonations of improvised explosive devices by ISIS that indiscriminately or directly killed or wounded civilians. Witnesses said that some ISIS mortar attacks took place in areas where Iraqi military forces had positioned soldiers inside homes or on residential rooftops in densely populated areas. Five witnesses described what they said were three separate Iraqi or coalition airstrikes that targeted ISIS fighters similarly positioned on residential rooftops or in alleys between homes, but that also killed civilians.

The incidents took place from the third week of November into the first week of December. The witnesses said that 19 civilians were killed and dozens wounded in the attacks by both sides that they described, but that these were a fraction of the total. The United Nations reported that [926 civilians were killed](#) and 930 wounded in November in Iraq from violence including acts of terrorism and armed conflict. Of those, 332 were killed and 114 injured in Nineveh, the governorate that includes Mosul, Iraq's second-largest city.

In the days before the Iraqi ground forces entered neighborhoods in eastern Mosul, most of those interviewed said, ISIS fighters began rounding up civilians to retreat with them. But many refused.

"They were coming door-to-door, saying, 'Do you want to leave with us or not?'" said "Ammar," who fled the eastern Mosul neighborhood of Intisar after being wounded in an ISIS mortar strike on December 5. "We said we would not go with them and they said, 'You are *kuffar* [unbelievers]. ... They said, 'Whatever happens to you guys, you deserve it.'"

"Ammar" said that on November 30, using binoculars, he stood on a rooftop and saw an ISIS gunman on another rooftop across a nearby, two-lane highway, firing on Iraqi forces while flanked by a woman on one side and a child on the other.

The witnesses described house-to-house combat between ISIS fighters and Iraqi forces, particularly the Golden Division, the most prominent of Iraq's Special Forces, in areas still inhabited by large numbers of civilians. They said they knew ISIS was responsible for multiple mortar rounds and sniper fire because those attacks came from the direction of ISIS-controlled areas where there were no Iraqi forces.

"Asma," from al-Qadisiyah al-Thaniyah neighborhood, said that an ISIS mortar shell hit and wounded her three young children – "Alaa," 12, "Mohamed," 10, and "Rasha," 5 – at about 11:30 a.m. on December 1, as they played in the family's courtyard.

"The mortar [shell] hit when I had gone to get water from the [local] tank because there was no running water," she said. "When I came back out Alaa hugged me and I saw that half his face was blown off."

Several witnesses said that when either ISIS or Iraqi military forces took up positions inside homes or on residential rooftops they generally did not give residents a say in the matter. The United Nations Human Rights Office also made this point, saying residents had reported that ISIS on November 11 [shot dead 12 civilians](#) in the Bakr neighborhood for refusing to let them launch rockets from their rooftops. In some cases, the witnesses told Human Rights Watch, by the time Iraqi or coalition forces attacked the ISIS positions in homes, the ISIS fighters had already left.

A dozen residents told Human Rights Watch they had to leave their homes as a result and seek shelter in nearby buildings that in some cases were also hit by ISIS mortar rounds or car bombs, or Iraqi or coalition airstrikes.

"Abu Ali," 32, said an Iraqi or coalition airstrike on his home in al-Murur neighborhood, apparently targeting ISIS fighters, at about 5 or 6 p.m. on December 1, killed his wife's grandmother and wounded him, his wife, and their 4-year-old son:

The house collapsed – the ceiling fell down on us. I saw the shrapnel hit my grandmother in the head. She died immediately. I called for my wife and ran to her. She was bleeding. Shrapnel had hit her back. Then I realized my son was bleeding. Shrapnel hit his right temple and his nose. By the grace of God most of us survived. Neighbors ran to us and we dragged everyone out. But it was too dangerous to go for help at night. My wife bled all night.

"Abu Ali" said the neighbors told him that the airstrike killed four ISIS fighters whom they had seen drive up next to his house, leave the car, and open fire on Iraqi military forces with a machine gun from behind a wall and the rooftop of an adjacent, empty home. The strike also hit the ISIS car, which was filled with explosives, compounding the damage, they said.

ISIS should cease deliberate attacks on civilians and indiscriminate attacks and stop forcing civilians to accompany ISIS fighters, Human Rights Watch said. Directly targeting civilians or using them as human shields is a war crime. The presence of ISIS fighters among civilians does not absolve anti-ISIS forces from the obligation to target only military objectives. All warring forces should take all feasible precautions to protect civilians from harm.

Under international humanitarian law, or the laws of war, civilians and civilian structures may not be harmed disproportionately to the expected military gain. Warring parties are also required to take all feasible measures to minimize civilian harm. Iraqi military forces should avoid positioning forces inside homes in densely populated areas, thus endangering civilians and civilian objects.

"Civilians are being hit from all sides in Mosul," Fakhri said. "ISIS atrocities do not absolve Iraqi forces and the international coalition from doing their utmost to protect civilians when attacking ISIS."

### **The Mosul Operations**

On October 17, 2016, the Iraqi central government and Kurdistan Regional Government authorities, with the support of the international coalition, began military operations to retake Mosul, which ISIS captured in June 2014.

At least 90,000 civilians have [fled](#) the fighting in Nineveh governorate. Hundreds of thousands of civilians remain trapped in ISIS-controlled areas, including western Mosul. The city has been without electricity, and has had limited stocks of fuel, food, [running water](#), and medicine since November 19.

Most of the witnesses spoke with Human Rights Watch from West Erbil Emergency Hospital, where they were undergoing operations for injuries caused by metal fragments such as severed limbs or bullet wounds. Others spoke from sprawling camps for the displaced. Many broke down in tears as they said they could not reach

family members still trapped in Mosul. Some said they watched helplessly as wounded family members or friends bled to death, trapped by the fighting, and said they or their neighbors had to bury the dead in their yards.

Human Rights Watch has changed the names of those interviewed to protect them and their relatives still in ISIS-held territory from reprisal.

### **Indiscriminate, Disproportionate, or Deliberate Attacks**

The witnesses provided detailed, firsthand accounts of 10 mortar attacks, two improvised explosive device blasts, three suicide car bombings, and three sniper attacks by ISIS in eastern Mosul that killed and wounded civilians. The witnesses to 15 of the attacks said there were military objects nearby but that in the cases of sniper fire they believed they were directly targeted.

"Fatima," 30, said three mortars struck the family's home in the Aden neighborhood on November 25, killing her mother, shattering her left foot, and wounding four other relatives include two of her young sons. The strikes also destroyed her family's house and car. "We were just finishing our breakfast and removing our plates from the table when the shelling started," she said. "My mother was killed. The rest of us were injured. So many of our neighbors were killed – the elderly, women, children."

Those who crossed over to areas controlled by the Iraqi forces faced ISIS sniper fire, car bombs, or improvised explosive devices. "Rana" said an ISIS sniper shot her, a brother-in-law, and a niece in the legs, injuring all three, as they returned at about 3:30 p.m. on December 4 to their home in al-Zuhour neighborhood after seeking clothing and other aid from Iraqi forces in nearby al-Zahra.

"The bullets came from the ISIS side, they were definitely from ISIS," she said. "We were carrying a white flag and we think it made us targets. We stayed there for two to three hours, bleeding, until the counterterrorism forces could come for us. We had to leave everything we had brought with us in the street."

Several displaced residents described fleeing attacks by one side only to be wounded in another.

"Ahmad" told Human Rights Watch that he moved his wife and five children from their home in al-Maidan, western Mosul, in August after ISIS began using nearby homes as bomb factories. He sought refuge in the eastern Mosul neighborhood of al-Murur. But as the battle for Mosul spread to al-Murur, "we were locked in our rooms, there was no electricity, water, or food. If we went outside [ISIS] snipers shot at us," he said.

After a mortar coming from ISIS-held areas struck the family's house on December 2, Ahmad packed up the family again, determined to reach the Golden Division. On their way, at about 9:30 the next morning, an improvised explosive device killed his 16-year-old son, "Murad," and wounded "Ahmad," his 14-year-old daughter "Ayisha," and his 8-month-old son "Yasin." ISIS must have planted the explosives because they lay in the path of advancing Iraqi forces, which have not been using improvised explosive devices, Human Rights Watch said. "Ahmad" said:

We walked 2 kilometers, and during that time there were no birds in the sky because mortars were falling, 50 mortars fell while we were walking. We were completely alone in the streets. We walked slowly because there were IEDs [improvised explosive devices] in the streets. I had been in the military so I helped my family pass them. We passed five IEDs, but at the sixth IED there was a trip wire and my son Murad walked right into it and it exploded. We were 5 meters behind him. I fell down and couldn't hear anything, everything went dark. Then I saw Murad and his whole upper body was severed.

The army forces were coming toward us but ISIS was shooting at them so they couldn't reach us. I grabbed my 8-month old son, and I carried him and my wife on my shoulder; the bullets were whizzing past me. Then I carried my daughter and another son to the army. Ayisha was still there, and her stomach was completely opened. I went back and grabbed her. I had to leave Murad's body there, the mortars were falling, and I couldn't bring him.

The laws of war prohibit deliberate, indiscriminate, or disproportionate attacks against civilians and civilian objects. Mortar attacks are indiscriminate when used in populated civilian areas as they cannot be precisely directed at a military objective, making it impossible to limit their potential impact on civilians. Improvised explosive devices that are triggered by contact with or proximity to a person are banned by the 1997 Mine Ban Treaty, to which Iraq is a party.

### **Access to Medical Treatment**

Most of the wounded people Human Rights Watch interviewed had to change ambulances two or three times to reach Erbil as they passed from the front line through territory held by Iraqi forces, then Iraqi Kurdistan's Peshmerga fighters. Many wounded civilians said that the Iraqi military and Peshmerga swiftly transported them to medical treatment. A few said the journey took several hours or days.

"Walid," of the Samah neighborhood, described being stuck for 11 days in a neighbor's home as he bled from a mortar strike on November 20 that sent shrapnel through his back, almost puncturing his lungs. Unable to find transport or medical care, "Walid's" wife finally rented a tractor to drive him about two kilometers to the town of Gogjali, where Iraqi forces transported him out by ambulance.

Authorities have allowed only one person to accompany each war-wounded civilian seeking emergency medical treatment in Erbil. "Hamad," who had learned via Facebook that his wounded son was being treated in Erbil, said that the only way he could enter Iraqi Kurdistan was by serving as the escort of an unaccompanied wounded man he did not know whom he spotted at a Peshmerga checkpoint near the Khazir Camp for displaced Iraqis between Mosul and Erbil. Once "Hamad" arrived in Erbil he found his son in the hospital. "Asma," whose three children were wounded in a mortar strike in the al-Qadisiyah al-Thaniyah neighborhood, said that her husband attempted to join the family in Erbil, but was not permitted to pass the Peshmerga checkpoint at Khazir.

While Human Rights Watch recognizes the need for reasonable security measures with those fleeing ISIS-controlled areas the Kurdish Regional Government has an obligation to uphold the right to free movement of displaced civilians, Human Rights Watch said. International donors and aid organizations should press authorities to respect the rights of the displaced, including to free movement.

While under international law the authorities may limit individuals' movement in conflict areas for security reasons, any restrictions must be in accordance with national law, well-tailored to achieving their legitimate aim, proportionate, and nondiscriminatory. Proportionate restrictions mean limiting their time and regional scope to what is strictly necessary and not where such restrictions would cause significant harm, including on access to essential healthcare.

With scores of new war-wounded packing Erbil's emergency hospital daily, many of those interviewed were bracing for rapid discharge. Those without family members to host them said their options were moving into overflowing tent camps for the displaced, or returning to battle-scarred neighborhoods of Mosul, many still planted with IEDs.

"We lost everything," said Fatima, the wounded woman from Aden. "Even if we can go back home we have nothing to return to."