

PRACTICE NOTE

Iraq: Learning Civilian Protection the Hard Way

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This article—based on the author’s interviews with civilians and security forces in areas retaken from the Islamic State (also known as ISIS) in Northern Iraq in 2015—examines challenges in civilian protection when pro-government forces take control of areas formerly under control of anti-government forces.¹ It recommends to the Iraqi and Kurdish leadership specific harm mitigation training for their forces, a protection-based approach to shield civilians from harm from all sides, and provision of security to returnees, including protection both from crime and revenge attacks. Such preventative measures, if enacted *before* major military operations to retake populated areas under ISIS control begin, would better protect civilians, strengthen the government’s mission against ISIS and provide building blocks for a stable Iraq.

Introduction

Civilian protection should be a central objective of the Iraqi and Kurdish forces in the fight against ISIS. That protection should include minimizing harm to civilians from pro-government military operations and proactive protection of civilians who may be caught between pro-government forces and ISIS. This is particularly important in areas being ‘cleared’ of ISIS fighters by the Peshmerga and Iraqi Security Forces (ISF). If pro-government forces fail to deliver on security and protection, their overarching mission will be undermined.

Maintaining peace in areas retaken by Peshmerga or Iraqi forces depends on how the security forces conduct themselves in military operations, how well they establish security to protect civilians from ISIS and

other armed groups, and how well they create an environment that prevents future harm. Prioritizing civilian protection is not only a legal and ethical endeavor, but also a strategic one. From an ethical perspective, government forces should not turn a blind eye to collateral damage or abuses by their own forces. From a legal perspective, all forces have an obligation to ensure respect for national laws, as well as international humanitarian and human rights laws. Strategically, ensuring forces take all feasible precautions to reduce civilian harm and their quick and effective assistance to those harmed demonstrates to civilians that the military is concerned with their well-being and can help ensure support from civilians for its mission.

Allegations of abuses are not limited to ISIS, but also attributed to some Iraqi security forces and pro-government militias leading the fight against ISIS (Bazzi 2015; Gordon 2015; HRW 2015). While investigation of

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abuses by security forces is necessary, it is no less important that security forces prioritize, learn, and put into practice civilian protection. Security forces should not wait for widespread harm to civilians to occur during operations; instead they should undertake in-depth, pre-mission and in-mission planning and training to avoid harm, and proactively protect civilians. It's an approach that provides both short-term tactical and long-term strategic gains (Muhammedally 2014). This article offers practical guidance based on the challenges observed in Iraq.

Protection Policy and Practice

A 'Protection Mindset'

Kurdish and Iraqi forces should adopt a 'protection mindset' in all military operations. This is in addition to the crucial need for those forces to fight *effectively* in these operations – a part of military science beyond the scope of this paper. Senior Kurdish and Iraqi leadership have emphasized that security forces must 'protect civilians and their properties'; there is thus political guidance for forces to act responsibly.² However, this guidance must be translated into action. A protection mindset focuses on minimizing—to the greatest extent possible—any harm to civilian life and property during operations, and on proactively protecting communities from harm from other armed groups.

Osman, a Sunni Arab from Ramadi, described the frustration and anger at all armed actors when he said, 'The Iraqi government, *Daesh* [Arabic for ISIS], they don't care about us civilians. They will use mortars and bombs injuring and killing civilians, but not each other. They have no respect for human life'³ (Interview, February 2015). Iraqi and Kurdish military commanders should actively work to counter this perception and curtail actions, which undermine protection.

Both Iraqi and Kurdish soldiers opined in interviews that the fight against ISIS is about defending their 'homeland.' It is critical to ensure they do so responsibly by minimizing civilian harm. This is critical for mission

success. They should do so by inculcating a protection mindset approach that emphasizes restraint and patience in the use of force, searching of homes, and at checkpoints.

Harm Mitigation Tactics

The United States and its allies in Afghanistan and Iraq developed battle-tested tactics, techniques, procedures (TTPs), and theater-specific commanders' guidance that limited civilian harm. These tactics were learned and adopted the hard way by the US and its allies. When put into practice, however, they eventually reduced civilian harm in Iraq and Afghanistan. These practices can be adjusted for the context in Iraq and disseminated by trainers affiliated with the anti-ISIS coalition.

For example, tactical restraint requires the disciplined protection of civilians and infrastructure by giving a situation time to more fully develop before taking action. This does not, of course, prohibit soldiers from taking measures for force protection when there is an imminent threat. Instead, when practiced by soldiers in appropriate situations, it can create critical time in which to consider alternatives and to assess the second and third order effects of the use of force, including its impact on civilians.

Another harm mitigation tactic that the coalition trainers could teach is a sequence of questions that soldiers can use to help assess when to use force within their rules of engagement (ROEs):

- *Must I shoot?* Forces are authorized to shoot if they or their fellow soldiers are facing immediate threat and there are no alternatives to neutralize the threat.
- *Can I shoot?* If a threat is not immediate, forces should ask themselves whether the threat is real, if the target is a valid military target, if use of force right now is necessary, and if civilians are present and likely to be harmed in the immediate target area.
- *Should I shoot?* Even when force is authorized against a legitimate military target, an assessment should be made

whether use of force is the best option. Is there the possibility of unseen civilians in the area? Are fires directed at a home or business? Is there an alternative approach, different from use of force, that would achieve the desired effect? Would the negative effects of engagement outweigh the possible benefits?⁴

Moreover, given the current challenge in distinguishing civilian from combatant, local security forces need both operational guidance and tactical training, such as positive identification determination of an enemy before engaging a target to respect not only distinction, but to ensure biases against Sunni Arabs do not affect their actions on distinction. Some Iraqi and Kurdish forces suspect Sunni Arabs for their decision to stay in their villages rather than flee when fighting erupts. They assume those who stay behind do so because they are linked to ISIS and may be 'sleeper cells.' A member of the Assayesh (Kurdish intelligence) told me, 'When 95 per cent of the village has left but only five per cent remain, we have to assess who are these five per cent and what are their motivations' (Interview, February 2015). An Iraqi commander admitted, 'We have a big problem with distinction. We can't trust people who did not leave after ISIS took control of their town' (Interview, February 2015). Another Kurdish commander expressed concern about Arabs, 'These are civilians who support terrorists. I don't trust them. There are sleeper cells in those villages. If *Daesh* advances then those people will turn against us and come from behind' (Interview, February 2015). Iraqi and Kurdish military leadership must work hard to counter such views as they may expose civilians to harm during operations when it comes to distinction.

Proactive Protection to Allow for Return

The tactics that ISIS uses when it retreats from towns under attack represent a serious challenge for both Peshmergas and Iraqi soldiers. ISIS often rigs buildings and roads with improvised explosive devices (IEDs), which

threaten pro-government forces as well as civilians returning to their communities. Proactively and safely disarming IEDs requires specialized counter-IED (C-IED) training and equipment. Kurdish forces have rudimentary explosive ordnance disposal units with little training and only the most basic equipment. Still, in February, a Peshmerga official told me that they have diffused over 10,000 IEDs, which understates the total that have been and need to be disarmed. Security forces, with support from the international coalition against ISIS, should focus on safely defusing explosive ordnance from civilian structures and engage with community leaders to explain their efforts to clear and mark areas for the safe return of civilians.

Address Incidental Civilian Harm

Exercising restraint may reduce civilian harm, but will not eliminate it completely. Some amount of harm may still occur, and it is essential that all allegations of harm be acknowledged, investigated, and addressed. Iraqi and Kurdish leadership should adopt and implement a standard operating procedure to define how they receive, investigate, and respond to alleged incidents of harm.

Officials should also devise a policy to meaningfully address any harm. Making amends for incidental harm—including explanations, apologies, tangible assistance, and/or monetary assistance—is an important way to address civilian suffering. Ignoring harm and leaving civilians with no explanation or tangible assistance breeds resentment and strengthens the armed groups that exploit such grievances. The Iraqi government came to understand this: in 2009 it enacted a compensation law to assist victims of terrorism going back to 2003. The government should ensure that the law also covers harm from current operations, and Kurdish authorities should enact similar policies (CIVIC 2013; Al-Shaher 2013).

Establishing Peace and Security

Security is not maintained simply by 'neutralizing' the enemy but by guaranteeing protection against criminality and violence from

all sides. It also requires providing resources essential for rebuilding, consistent with local expectations.

Civilians need to see military and police creating a secure environment, as clearly stated by Ahmed of Fallujah who said, 'We don't want money from the government, we just want security' (Interview, February 2015). It is critical that military and/or police are trained and put in place after re-taking an area from ISIS to guard against looting and disorder and prevent revenge attacks or retaliation. Only through the establishment of a secure environment can the government illustrate its commitment both to protect its people and to respect the rule of law. In the absence of security, the local population will turn to the strongest side—whoever can provide basic social services and safety—or will join the fight themselves.

Many communities, including Sunnis, Yazidis, and Christian Assyrians want local self-defense units. But having local defense forces all across Iraq further challenges the integrity of the Iraqi state, and creates the need for effective oversight to curb abuses. Experience with the Sons of Iraq—created to fight al Qaeda and operating outside the purview of the central government—is instructive on how their later integration within the ISF was fraught with political tension, administrative hurdles, and violence (Good 2008).

Iraq's government is already struggling to control the various Shia militias known as the *Hashd al-Shaabi* (Popular Front)—created in 2014 to lead the fight against ISIS—with some units accused of summary executions, looting, and torching of Sunni homes (HRW 2015). Proper oversight of irregular forces, eventual disarmament plans, and/or integration of vetted individuals into security forces is critical to ensuring that the so-called liberators don't turn into predatory government actors.

Civilians across various confessionals and ethnic groups want stability. 'We want security, law, and order from the Iraqi government.

We want to go home,' said Abdullah, a displaced Sunni Arab from Ramadi (Interview, February 2015). Their communities will need protection against retaliation by ISIS and other sectarian militias.

Although fighting against ISIS continues, plans for rebuilding communities and maintaining peace and security should be prioritized. It requires addressing grievances and drivers of violence, whether it be poor governance, abuse, repression, or economic concerns. It is critical that Iraqi and Kurdish authorities engage with communities to understand what is needed to rebuild devastated towns and reintegrate people into their communities. Engaging with communities as a partner can create new allies and strengthen government legitimacy. However, it is vital that sectarian interests not set government policies, as this risks giving ISIS another opportunity to secure support from marginalized communities and to undermine the legitimacy of the state.

Accountability

Part of establishing security is ensuring accountability for crimes and other violations of law. When wrongful acts occur, political and military officials should send a clear message through the chain of command that violators will be held to account. Foreign military aid by the US and coalition countries to units found to be involved in gross human rights violations should be revoked.

Civilians however, need to know that their lives and property will be protected and, if harm occurs, what actions will be taken to right the situation. Some displaced Sunni Arabs told me that they welcomed the Peshmergas. Mohammad said, 'The Peshmergas liberated our village, but we want to be informed about when we can return to our homes. We need assurances that our property and homes are being protected' (Interview, February 2015).

Assyrians told me of looting in Tel Skuf, Nineveh governorate, which is under Peshmerga control. Abdullah, who visited

his home to collect some belongings after Kurdish forces had pushed ISIS out, described what he saw:

No civilians have been allowed back in since it was liberated last year. . . . My front door was broken and clothes, tables, everything was scattered. My TV and satellite had been taken. I approached a soldier and complained, but my complaints were dismissed. I was told, "Peshmergas are the redline to protect you, anything else is unimportant." But it is also important that they respect our dignity and property (Interview, February 2015). (See also Bazzi 2014; Gordon 2015; HRW 2015 reporting on human rights violations by Iraqi security forces and Shia militias).

Iraqi and Kurdish military leadership should have processes for oversight to avoid destruction of homes and businesses and to ensure that civilian property remains protected in adherence with international humanitarian law. Proper oversight to prevent arbitrary destruction may also help avoid punitive attacks against Sunni residents suspected of supporting ISIS if their homes were destroyed.

Political and military leadership cannot afford to ignore allegations of abuses; every action undertaken by security forces impacts the trust and cooperation between forces and civilians. The more commanders ignore civilian harm created by their forces—either incidental or wrongful—the greater the likelihood that support for the government will collapse.

Address the Sectarian and Ethnic Divide

Iraq's recent history is in part due to sectarian-driven policies leading to the marginalization of Sunni Arabs, thereby allowing ISIS to gain a foothold. Iraq faced similar challenges in 2006, when violence by Iraqi security forces and Shia death squads

emboldened the insurgency and created support for al Qaeda in Iraq (Kagan 2007; Parker 2007; Filkins 2006).

Many Sunnis feared the Iraqi army and its militias and welcomed the greater freedom of movement allowed by ISIS. Some civilians also chose not to abandon their property and to stay under ISIS rule. Tarek, a resident of Eski Mosul explained his reasoning:

As long as I followed the rules imposed by ISIS they did not bother my family or me. I was able to go to work. Five generations of my family have lived here. I will die in my house. Why should I be homeless and live in an abandoned building? Now the Peshmergas are controlling Eski Mosul, we are now following their rules (Interview, February 2015).

Sunni Arab communities fear retribution from ISIS if they are seen as working with Iraqi or Kurdish forces and also fear revenge attacks by Kurdish and Shia groups for being Sunni. Abdul, a Sunni Arab from Makhmour who cannot return, while his Kurdish neighbors have been allowed to go home, told me, 'We have been abandoned. We are being punished for Daesh's actions because we are Sunni' (Interview, May 2015).

Iraqi and Kurdish officials must find a way to overcome these fears in order for communities to reintegrate and support the government. Of course, this is far easier said than done, as some tensions are generational and long-held grievances cannot be changed overnight. Yet allowing such views to color the handling of civilians in contested areas results in discrimination, arbitrary detention, abuse, and risks in creating an opening for the return of ISIS.

Conclusion

Making tactical gains against ISIS is far easier than creating a secure environment from which a lasting peace can grow. The heart of such an environment is protection of the

people and their property. To provide true security, Iraqi and Kurdish governments need to make a commitment to civilian protection and harm mitigation in the conflict with ISIS. Iraqi and Kurdish leadership must learn not only to responsibly clear areas of ISIS and minimize civilian harm, but to hold these areas by providing security, reducing threats from all sides, and breaking away from sectarian-driven policies and practices. The anti-ISIS coalition should emphasize this message. Failure to do so threatens the entire strategy to defeat ISIS.

Competing Interests

The author declares that they have no competing interests.

Notes

¹ The author visited Makhmour and Zumar sub-districts in the Nineveh governorate whose capital is Mosul, as well as villages of Barzan, Shikhan, and Telskuf, which is 20 miles from Mosul. The author, with the help of an Arabic and Kurdish interpreter, interviewed 70 security officials and civilians in these areas as well as observed destroyed and damaged buildings and homes, and the debris of battlefields. ISIS reached these areas in 2014 and has been pushed back, but sporadic clashes between the Peshmergas and ISIS continue. The author interviewed displaced Iraqis from Ramadi, Mosul, and Fallujah, as well as Yazidis and Assyrians living in displaced persons camps and abandoned buildings in Erbil and Dohuk governorates. Due to security conditions, phone interviews were conducted with ten people from Eski Mosul, Nineveh governorate and Kirkuk governorate. Interviewees were selected randomly and based on accessibility in location of interview. The author was not embedded with Iraqi or Peshmerga forces, or coalition advisors.

² 'We have set the basics for security regulation after each liberation operation and instructed everyone to protect civilians

and keep their properties; infringement by any armed group outside the state is intolerable, and this is consistent with the directives of the Supreme religious authority and the Constitution.' Iraq PM Urges Forces to Spare Civilians in Tikrit Battle, *Yahoo News*, March 1, 2015 available at <http://news.yahoo.com/iraq-pm-urges-forces-spare-civilians-tikrit-battle-205120971.html>; 'We inform all the military units that are participating in the war against the terrorists that they must commit to the high moral standards that Kurds have been known for historically. . . That is to protect the civilians and their properties while pursuing the terrorists.' Barzani: In Pursuing Terrorists Peshmerga Are to Protect Civilians, *Dinars*, August 23, 2014 available at <http://www.dinars.me/featured-dinar-news/barzani-in-pursuing-terrorists-peshmerga-are-to-protect-civilians/>

³ Interviewees are identified only by their first name in this article.

⁴ The author is not privy to the ROEs of the ISF or the Peshmergas.

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