EXECUTIVE SUMMARY

POLICIES AND PRACTICES TO PROTECT CIVILIANS:
Lessons from ISF Operations Against ISIS in Urban Areas

CENTER FOR CIVILIANS IN CONFLICT
RECOGNIZE. PREVENT. PROTECT. AMEND.
ABOUT CENTER FOR CIVILIANS IN CONFLICT

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC’s 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 vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilian war victims and their families in Iraq and Afghanistan. Building on her extraordinary legacy, CIVIC now operates in conflict zones throughout the Middle East, Africa, Europe, and South Asia to advance a higher standard of protection for civilians.

At CIVIC, we believe that parties to armed conflict have a responsibility to prevent and address civilian harm. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft practical solutions to address that harm, and engage with civilians, governments, militaries, and international and regional institutions to implement these solutions. We believe that working collaboratively with affected communities, governments, multilateral institutions, and fellow civil society organizations is the most effective way to protect civilians. We advocate the adoption of new policies and practices that lead to the improved wellbeing of civilians caught in a conflict in order to advance a higher standard of protection for civilians caught in conflict around the world.

In Iraq, CIVIC began engaging with the US military on acknowledging and addressing civilian harm caused during operations in 2003. We also worked with the US Congress to create the Marla Ruzicka Fund for Iraqi War Victims. This fund provided vocational trainings, startup grants to business, and educational assistance to civilians incidentally harmed during military operations. Since 2014, CIVIC has been engaging with the US military to ensure it incorporated best practices on civilian harm mitigation in its operations against ISIS. From January 2015, CIVIC visited areas being retaken from ISIS and met with civilians, Iraqi Security Forces (ISF), Peshmerga, Hashad al Shabi or Popular Mobilization Units, and government officials. In mid-2016, CIVIC began holding civilian protection workshops with Peshmerga officers. In 2017, upon securing funding from Germany, CIVIC hired Iraq based staff and began engaging with the ISF and the government on civilian protection through trainings, research, and advocacy. CIVIC’s work in Iraq is supported by the German Federal Foreign Office.

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CIVIC is grateful to the government officials and ISF officers who shared their perspectives and experience during the research. The civilians with whom CIVIC spoke have suffered greatly during the armed conflict and years of insecurity. We greatly appreciate their willingness to speak with us about urgent and challenging concerns, including being separated from their families and losing loved ones. CIVIC takes seriously our duty to ensure their words are translated into policies and practices that address their protection concerns.
INTRODUCTION

ISIS took control of Fallujah in January 2014 and continued its offensive in the summer of 2014, capturing Mosul and parts of Salah al-Din, Kirkuk, Diyala, and Anbar governorates, as ISF units withdrew.1 On 13 June 2014, Ayatollah Ali al-Sistani, the highest Shia religious authority in Iraq, issued a fatwa calling for the defense of Baghdad and other cities, and for volunteer fighters to join security forces to fight ISIS.2 From August 2014, ISF, the Peshmerga and the PMU, supported by a US-led anti ISIS coalition3 and Iran, mounted a counter offensive against ISIS. Prime Minister Abadi instructed all forces to protect civilians during military operations.

The fight against ISIS posed unique challenges to the Government of Iraq (GOI), its security forces, and the coalition on how to protect civilians. ISIS’s tactics of preventing civilians from fleeing and using them as human shields, using IEDs—including human and vehicle borne IEDs— rigging buildings with booby traps, and using tunnels to escape or re-appear in cleared areas added to the complexities of fighting in densely-populated urban areas. The GOI and the ISF have acknowledged the need to identify and learn ways to build trust and good relations with civilians and build capacities of its security forces to protect them. A Nineveh Police officer told CIVIC, “Before ISIS, people did not accept any security forces; there was a wall between civilians and us.”4 A lieutenant general in the MOD said, “Now we understand that the army has to work with local authorities, civilians and tribes.”5 A major general in the ISF reflected, “The government needs to be close to its citizens to avoid creating another Daesh. Daesh found a good environment because the government and its forces were not close to people.”6

This report is intended to inform the institutional learning of the ISF and suggest improvements in policies, procedures, and trainings on civilian protection.

3 The US-led CJTF-OIR included Australia, Belgium, Canada, Denmark, France, the Netherlands and the United Kingdom, and others. It comprised 74 countries at the time of writing who provided support in various ways.
4 CIVIC interview with Nineveh Police officer, Mosul, March 2018.
5 CIVIC interview with lieutenant general, MOD, Baghdad, April 2018.
6 CIVIC interview with major general, ISF, Baghdad, December 2017.
Military operations against the Islamic State or Daesh (also referred to as ISIS) resulted in the displacement of 3.4 million people, thousands of deaths and injuries, and widespread damage and destruction of cities. Fighting in densely populated areas poses immense challenges for militaries and governments to identify ways to protect civilians. Even when a military force makes efforts to abide by international humanitarian law (IHL), the cumulative effect of urban warfare inevitably leads to human suffering. This report reflects the perspectives of many Iraq Security Forces’ (ISF) officers on their efforts and challenges to reduce and minimize civilian harm during military operations against ISIS.

While Iraq’s Prime Minister Haider al-Abadi instructed all forces to protect civilians during military operations, the three-years-long fight to reclaim major cities such as Ramadi and Fallujah, or Mosul from ISIS is a case study of the significant challenges of effectively protecting civilians in the context of urban warfare. The fight in Mosul in particular, with a population of over 1.5 million spread between east and west Mosul, has been touted as one of the most significant urban battles since World War II. ISIS’s tactics of preventing civilians from fleeing and using them as human shields, using improvised explosive devices (IED)—including human and vehicle borne IEDs—rigging buildings with booby traps, and using tunnels to escape or re-appear in cleared areas added to the complexities of fighting in the city while protecting its civilian inhabitants. The fight against ISIS was led by the ISF, Peshmerga, and Hashd al-Shabi or Popular Mobilization Units (PMU), which, depending on the unit, had different levels of training, weapons, and competencies. The US-led anti-ISIS coalition primarily provided air support to target ISIS and was in a training advisory role to the ISF and Peshmerga.

Operations against ISIS in Iraq highlight the operational, ethical, strategic, and political necessity to understand how to protect civilians in urban areas. The government of Iraq (GOI) has acknowledged the need to identify and protect civilians. However, the ISF and Iraqi people and build capacities of its security forces to do so. A major general in the ISF, when reflecting on the battle said, “The government needs to be close to its citizens to avoid creating another Daesh. Daesh found a good environment because the government and its forces were not close to people.” This report is based on Center for Civilians in Conflict (CIVIC) interviews with ISF forces and civilians. It reflects some civilian perspectives on the risks they faced during the fighting, but primarily ISF perspectives on their preparedness and challenges in operations against ISIS. It details the policies, trainings, and practices of the ISF, that were made available to CIVIC, that enabled the ISF to protect civilians and handle large-scale displacement. It also highlights the enormous challenges and complexities to reduce civilian harm when fighting high intensity battles in populated areas where the civilian population has been taken hostage by opposing forces that show complete disregard for civilians.

As outlined herein, our study identified practices that ISF implemented that had positive impacts. The report notes these “good practices” as well as outlining “best practices” in protection of civilians. The study provides recommendations on how the existing “good practices” can be institutionalized by the Iraqi government and how to further enhance ISF’s operational guidance, trainings, and capacities of the ISF on civilian protection in order to reach the threshold of “best practices.” Further, the report includes recommendations to the coalition and partnered forces who are training the ISF on how to build civilian harm mitigation capacities of the ISF.

Our study found that prior to military operations, Prime Minister Abadi’s repeated calls to the armed forces to protect civilians, supported by religious and political authorities, and his instructions to avoid using heavy weapons in populated areas, had a positive influence on the troops’ mindset as they began to fight. However, ISF officers interviewed had different understandings of the weapons covered by the guidance on heavy weapons, and the location it applied to, which raises concerns about their ability to interpret and implement it effectively on the battlefield. Prime Minister Abadi’s calls were not complemented by tailored rules of engagement (ROE) and operational orders on how to meet that objective. As a colonel in the 15th Division told CIVIC, “We were told to reduce civilian casualties but we have not been told how to achieve that.”

Trainings organized by the Ministry of Defense (MOD), Ministry of Interior (MOI), and the coalition prior to and during operations were instrumental in building the ISF capacity to fight ISIS and retake territory. While mission success included two elements for the GOI—both defeating ISIS and protecting prioritized the former. The training curricula did not always integrate ISF tactics, techniques, procedures (TTPs), and other threats against civilians and how the ISF could reduce civilian harm in light of those. Coalition programs of instruction (POI) were not adjusted after major operations to take into account lessons identified on how to mitigate civilian harm, and IHL dedicated lectures started after major operations ended. Some troops did not receive training, due to the tempo of the operations as they were forward deployed. This led to inconsistent competences and capabilities, which may have had an impact on the troops’ capacity to reduce civilian harm. Coalition training efforts reflected Iraq forces’ limited readiness for offensive operations and ISF priorities. It did not systematically include training on best practices on civilian protection, mitigation policies, tactics, and tools used by some members of the coalition. While coalition advise and assist teams at the tactical level worked with some ISF units in directing fires, CIVIC was not given access to any advisors to learn how harm mitigation tactics were integrated in the advisory role to the ISF.

During combat operations, many factors affected the capacity of Iraqi armed forces to reduce civilian harm. In addition to ISIS tactics, forces had difficulty distinguishing between civilians and ISIS combatants and accurately identifying and hitting military targets. The ISF attempted to warn civilians about upcoming military operations and to stay away from ISIS, but often civilians could not access this information or follow the instructions. Even though ISIS targeted civilians trying to escape, ISF learned valuable tactics to reduce risks to civilians by improving the coordination of ISF, PMU, and crossfire ISF tactics of deliberately hiding among civilians and using civilian houses and infrastructure to target the ISF made it extremely challenging for the ISF and the coalition to distinguish between ISIS fighters and civilians. As a colonel on the 16th Division told CIVIC, “ISIS is like a cancer. You cannot take it out of the body. You may harm the body. This is how war felt like.” ISF used a combination of sources to verify civilian presence near a target location and assess collateral damage prior to firing any weapon, including through collecting intelligence from civilians about ISIS’ and civilians’ locations, commercial drones, and cross checking it through coalition Intelligence Surveillance Reconnaissance (ISR) assets. CIVIC recommended needed good practices by the ISF on targeting processes and weapons choices, including the presence of ISF and coalition observers to direct fires and observe civilian presence, the use of smaller or precision guided munitions, and commanders demonstrating tactical patience and using tactical alternatives to explosive weapons in order to reduce civilian harm.

While these good practices are a positive step, these efforts faced many limitations. The difficulty of detecting civilians in a packed city, even with advanced targeting systems and continuous observation, made it difficult to determine the number of civilians occupying a target area prior to approving strikes. ISIS tactics made this exercise significantly more challenging. As a major general in the ISF acknowledged, “It was a big challenge for us to know from the air whether there were any civilians, we had limited resources for that. For some ISF locations, we could cross check information from different sources: civilians and coalition intelligence. Sometimes we could not check. This is war. We can’t know from the air where civilians are. In Mosul, some mistakes happened because there were many houses and people were in basements.”

In addition, the ISF and Peshmerga were not always able to communicate accurate target coordinates due to the maps used, the tempo of the operations, and the lack of a common operating picture between all forces on the ground. Significantly, some units of the ISF and the PMU used wide area effects, such asougled rockets and artillery, causing civilian casualties and damaging civilian properties and infrastructure. Civilian harm was compounded by the ISF’s and coalition’s inability to predict and control the effects of the weapons they utilized, particularly in Mosul, due to ISIS tactics and the dense urban terrain.

The battle for the Old City in west Mosul—the last neighborhood controlled by ISIS—was the most challenging of all ISF battles against ISIS. The layout of the Old City with its narrow streets made it especially suited for defense, and ISIS had ample time to prepare for the counter offensive. By May 2017, troops had been fighting in Mosul for seven months. For the first time, ISIS was fully surrounded by the ISF and had no escape route or nearby sanctuary to which it could retreat. While the Counter Terrorism Services (CTS) participated in operations, other forces with less urban warfare training were spearheaded by the ISF. Generally, some members of the ISF perceived civilians remaining in the Old City as supportive of ISIS. An internal
review of the US battle plan against ISIS had led to a subsequent transition from “attrition” to “annihilation.”

The fighting tempo increased. ISIS fighters used indirect fire tactics, such as rockets, mortars, and IEDs, and chose to fight to death whilst some tried to hide amongst fleeing civilians. All of these factors significantly increased civilian harm.

The ISF did not conduct post-strike assessments of civilian harm in order to better understand the impact of its operations on civilians and infrastructure. The scale of the conflict was so immense that it was simply too great for the ISF to track individual incidents of civilian casualties. ISF forces were hamstrung in identifying ways to adjust tactics, policies, trainings, and in properly responding to civilian losses. The coalition was tracking incidents of civilian casualties attributed to its own fires, but did not train the ISF to assume this responsibility. ISF after action reviews (AARs) on operations did not include any information regarding civilian harm and its causes due to their lack of training and tasking by command to undertake this assessment. Had this data and analysis been undertaken, it could have informed new tactics and guidance and reduced incidental harm, contributing to the Prime Minister’s directive to protect civilians.

The displacement of 3.4 million civilians since 2014 has posed tremendous challenges for the government. The GOI demonstrated its willingness and ability to change within the operational forces and institutions is that this study serves as a catalyst for learning and understanding the causes of civilian harm. Without this information, Iraqi courts will be unable to make just decisions on who is responsible for the harm.

KEY RECOMMENDATIONS

In 2018, while the fight against ISIS in Iraq has changed from high tempo conventional armed conflict to a counter terrorism fight targeting remaining ISIS fighters and leaders, mitigation of civilian harm in any type of operation remains essential. Below are key recommendations on how to mitigate civilian harm.

To the Government of Iraq:

• Develop a national policy on the protection of civilians that emphasizes preventing, mitigating, and responding to civilian harm.

• Create a Center for Urban Warfare Operations in Baghdad to gather and share lessons learned and to advance the thinking, training, and education on the strategic, tactical, and operational challenges of fighting in populated areas and how to minimize civilian harm. Such a center should also be open to experts on protection of civilians, including academia, international and national NGOs, to identify, train on and practice ways to protect civilians.

• Allocate funds to ensure the implementation of Compensation Laws No. 20/2009 and No. 57/2015.

To the Ministry of Defense and Interior

Leadership

Train commanders to understand that preventing, minimizing, and addressing civilian casualties is not only an obligation under IHL, but also a crucial element in efforts to build lasting stability in Iraq and rebuild trust between civilians and government institutions. Commanders should develop a mindset that this is the right thing to do from an ethical, legal and strategic perspective.

• Implement a robust, command-supported, in-depth lessons learned process to identify best practices on the protection of civilians and areas needing improvement at the strategic, operational, and tactical levels.

Operational Guidance

• Develop ROE for military forces on the basis of IHL obligations and designed to meet the strategic imperative of minimizing civilian harm and ensure their wide dissemination across all forces.

• Develop clear rules on the use of force for police under international human rights law, UN guidelines for law enforcement (particularly the Basic Principles on the Use of Force and Firearms), and Iraqi laws stipulating that force is only to be used as a last resort for public safety or in self-defense.

• Create and maintain no-strike lists and procedures that instruct that hospitals, medical clinics, sites of worship, schools, archeological and cultural sites, and critical infrastructure (e.g., power stations and water treatment facilities) cannot be targeted.

• Review and issue guidance that Battle Damage Assessments (BDAs), including data on civilian harm, must be conducted after all deliberate and dynamic strikes and that the results and lessons of those BDAs be an integral part of future operational planning.

Training

• Design and undertake scenario-based trainings on civilian harm mitigation, at the tactical and operational levels tailored to the military and police functions and tasks.

• Review the training curriculum annually to include new threats to civilians and lessons identified on ways to mitigate civilian harm. The review should include inputs from forces on the ground and expert organizations on the protection of civilians.

Targeting

• In order to minimize civilian harm, develop detailed and clear targeting procedures for deliberate and dynamic strikes and ground-to-air and surface-to-surface fires.

• Develop collateral damage estimate (CDE) methodology and procedures when using direct and indirect fire weapons systems to help commanders weigh likely civilian harm during planning and execution of combat operations.


14 US Defense secretary Mattis stated in May 2017, “We have already shifted from attrition tactics, where we show them from one position to another in Iraq and Syria, to annihilation tactics where we surround them. Our intention is that this fight to return home to North Africa, to Europe, to America, to Asia, to Africa. We’re not going to allow them to sail.”

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Incidents
Assessment and Learning on Civilian Harm

• Develop protocols to engage with external sources to cross check the information gathered and national organizations, and use other external sources to assist, accompany and enable teams working with the ISF.

Resources to Mitigate Civilian Harm

• Ensure appropriateness of incidents of civilian harm and steps being taken to improve operations to minimize civilian harm. Efforts at transparency and taking remedial action in response to civilian harm will signal to civilians the commitment of the GOI and ISF on protection of civilians.

Security Screening

• Ensure that any civilian arrested is immediately transferred to safe, legally established detention facilities with detention and treatment conditions that abide by applicable norms, granted due process under Iraqi and international law, and an immediate opportunity to re-establish contact with family and lawyers, as well as the ICRC, to reduce the likelihood of disappearances.

Legal Investigations

• Investigate and prosecute effectively and impartially all alleged crimes against civilians committed by Iraqi forces under international fair trial standards and, where appropriate, compensate victims. The findings of such investigations should be made public.

KEY TERMINOLOGY USED IN REPORT

Protection of civilians (PoC) during armed conflict is a cornerstone of international humanitarian law (IHL) and extends to civilians, and civilian objects, who may not be deliberately targeted and must be protected from violence and treated humanely. It also includes ensuring adequate humanitarian relief to displaced persons such as food, clothing, shelter, and medical treatment.16

Civilian harm includes conflict-related death, physical and psychological injury, loss of property and livelihood, and interruption of access to essential services.

Civilian harm mitigation (CHM) includes all measures taken by armed actors to prevent, minimize and address civilian harm resulting from their own operations.

Civilians refers to persons who are noncombatants (members of armed/paramilitary forces) or not members of organized armed groups.17 Civilians may not lose their protected status “unless and for such time as they take a direct part in hostilities.”18

Daesh, is used interchangeably with the Islamic State in Iraq and the Levant, or ISIS.

Iraqi Security Forces (ISF), as used in this report, includes the Iraq Army, the Iraqi Army Aviation, the Iraqi Air Force, Counter Terrorism Service (CTS), Federal Police, Emergency Response Division (ERD), and the local police including the Special Weapons and Tactics (SWAT) units involved in the fighting. When used in this report, it does not include the Hashad al Shabi or Popular Mobilization Units (PMU).

Hashad al Shabi or Popular Mobilization Units are used interchangeably in this report. The report refers to the Hashad al Ashari, or tribal forces, when discussing policies and practices specific to those forces, even though they are part of the PMU.

ISIL, the Islamic State in Iraq and the Levant is used interchangeably with Daesh.

International humanitarian law (IHL) or the law of armed conflict (LOAC) is used interchangeably.

The ISF used the term heavy weapons to include artillery, missiles and rockets, mortars, anti-tank weapons, and aircraft bombs.

Explosive weapons with wide area effect includes artillery, missiles and rockets, mortars, and aircraft delivered bombs.

Fires, when used in this report, refers to the related tasks and systems that provide collective and coordinated use of indirect fires, air, and joint fires through the targeting process intended to create specific lethal or nonlethal effect on a target.19

To Partnered Forces, including the Anti-ISIS Coalition and NATO

• Take steps to implement their obligations to “undertake to respect and to ensure respect” for IHL in “all circumstances” as per Article 1 common to the Geneva Conventions.

• Share lessons identified on civilian harm mitigation from operations, and especially from operations conducted in partnership with ISF, to improve civilian protection outcomes in the future and as training efforts with the ISF continue.

• Increase training and on-the-job mentoring to the ISF on IED/UXO to protect civilians and for force protection purposes.

Resources to Mitigate Civilian Harm

• Undertake at the unit and formation level, where possible, live fire weapons exercises to enable unit commanders to understand the foreseeable impact of weapons on civilians and civilian objects.

Assessment and Learning on Civilian Harm

• Mandate the ISF to track civilian harm incidents and through internal reporting to ensure credibility and veracity of incidents.

• Procure and train troops in the use of precision, low yield, and reduced fragmentation munitions, in accordance with the distinction and proportionality principles, to reduce civilian harm.

• Publicly communicate the results of assessments of civilian harm and steps being taken to improve operations to minimize civilian harm. Efforts at transparency and taking remedial action in response to civilian harm will signal to civilians the commitment of the GOI and ISF on protection of civilians.

• Ensure appropriate resources, tools, and equipment such as intelligence, surveillance and reconnaissance (ISR) tools are available for military forces involved in operations to observe for civilian presence and to develop pattern of life analysis.

16 Four Geneva Conventions and Additional Protocol I and II
17 Additional Protocol I (AP I) of the Geneva Conventions of 12 August 1949, Article 50 together with Article 43, as well as Article 4 (A) of the Third Geneva Convention
18 Additional Protocol I (AP I) of the Geneva Conventions of 12 August 1949, Article 53;

US Army / Cpl. Rachel Diehm