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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An Iraqi woman and her daughter walk through a street holding white flags as Iraqi forces secure Mosul’s Al-Dawasa neighborhood on March 13, 2017, during an offensive to retake the western parts of the city from ISIS.

AHMAD AL-RUBAYE/AFP/Getty Images

Cover

Sahr Muhammedally/CIVIC.
EXECUTIVE SUMMARY

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 Iraqi 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, 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 Hashad 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 and 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 learn ways to protect the Iraqi people and build capacities of its security forces to do so. A major general in the ISF, when reflecting on the battlefield 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 Iraqi 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 such while also 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 develop 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 once 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 civilians—training prioritized the former. The training curricula did not always integrate ISIS 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.

1 CIVIC interview with major general, ISF, Baghdad, December 2017.
2 CIVIC interview with colonel, 15th Division, Mosul, December 2016.
on how to mitigate civilian harm, and IHRL 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 competencies and capabilities, which may have had an impact on the troops’ capacity to reduce civilian harm. Coalition training efforts reflected Iraqi forces’ limited readiness for offensive operations and ISF priorities. It did not systematically include training on best practices on civilian harm 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 crossing the frontlines, and saved the lives of thousands of Iraqis. But many civilians also lost their lives or their loved ones while moving towards ISF lines under the threat of IEDs, ISIS snipers, and crossfire.

ISIS 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 lieutenant colonel from the 16th Division told CIVIC, “ISIS is like a cancer. You cannot take it out of the body easily, you may hurt the body. This is how war felt like.” The 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 research identified 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 ISIS 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 explosive weapons with wide area effects, such as unguided 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 winding streets made it well 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 spearheading the fighting. Generally, some members of the ISF perceived civilians remaining in the Old City as supportive of ISIS. An internal

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3 CIVIC interview with CJFLCC officials in charge of ISF training programs, December 2017, Baghdad.
4 CIVIC interview with lieutenant colonel, 16th Division, Mosul, January 2018.
5 CIVIC interview with major general, ISF, Baghdad, December 2017.
6 From multiple CIVIC interviews with ISF officers.
The displacement of 3.4 million civilians since 2014 has posed tremendous challenges for the government. The GOI demonstrated its willingness and ability to improve its assistance to civilians fleeing the conflict. After experiencing a humanitarian crisis for internally displaced persons (IDPs) from Fallujah, the government appointed the ISF to organize and coordinate IDP flows and assistance, which enabled most lifesaving needs to be met for the nearly 900,000 civilians who fled Mosul, despite gaps in emergency medical care.9

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 or the causes of civilian harm. Without this information, Iraqi 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 (AAR) 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 government had IDPs go through security screening to prevent ISIS infiltration. While this step was necessary to preserve security, gaps in the process exposed civilians to risks, including arbitrary arrests and detentions, enforced disappearances, and torture. When such abuses were reported by international organizations and media, the allegations that some soldiers of the ISF, Peshmerga and PMU were involved did not lead to systematic investigations nor public reports of prosecutions. Oversight and accountability of forces is critical to show to both the Iraqi people and the world the government’s commitment to respect national and international law. It is also crucial to demonstrate that the government will not tolerate mistreatment of civilians and is committed to rebuilding trust between civilians and the state.

The scale of harm is immense and the government has a daunting task to help its citizens. The Iraqi compensation law, passed in 2009 and amended in 2015, provides the government a significant and positive opportunity to offer some support to civilians who were harmed by ISIS, and during military operations, and shows its willingness to address their needs. The complexity of the process and the current lack of budget allocation to pay for legitimate claims under the law may, however, undermine this opportunity and should be addressed. This should be accompanied by increased efforts to restore essential services, clear IED and unexploded ordnance (UXO), and rebuild critical infrastructure and homes so civilians can return home and resume their lives.

Ultimately, rebuilding the relationship with civilians will require the government and ISF to demonstrate, through concrete actions and measures, their commitment to reduce and address civilian harm.

Militaries around the world are not adequately trained, equipped, and prepared to fight in densely populated areas and to fulfill their twin objectives of defeating opposing forces and protecting civilians. Our hope is that this study serves as a catalyst for learning and change within the operational forces and institutions and prepares the ISF to defend the nation while protecting civilians, pioneering best practices that Iraq can subsequently share with other governments and militaries facing similar challenges.

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US Defense secretary Mattis stated in May 2017, “We have already shifted from attrition tactics, where we shove them from one position to another in Iraq and Syria, to annihilation tactics where we surround them. Our intention is that the foreign fighters do not survive the fight to return home to North Africa, to Europe, to America, to Asia, to Africa. We’re not going to allow them to do so. We’re going to stop them there and take apart the caliphate.” He added “civilian casualties are a fact of life in this sort of situation;” Martin Pengelly, “Defense secretary Mattis says US policy against Isis is now ‘annihilation’;” The Guardian, 28 May 2017, https://www.theguardian.com/us-news/2017/may/28/james-mattis-defense-secretary-us-isis-annihilation


METHODOLOGY

This research report aims to inform institutional learning on the impact of complex urban operations on civilians, based on ISF military operations against ISIS from Tikrit in 2015 to Hawija in 2017. The research was launched with a roundtable in Baghdad in November 2017, co-hosted by the al-Nahrain Center for Strategic Studies (“Nahrain Center”) and CIVIC, and chaired by the Deputy National Security Advisor, to discuss civilian protection policies and practices in Iraq. The roundtable was attended by officials from the National Security Advisor’s office, the Nahrain Center, the National Operations Command, MOD, MOI, CTS, and the PMU.

The primary data used to develop the study comes from interviews conducted by CIVIC between December 2017 and July 2018 in Baghdad, Mosul and Erbil with forces who participated in military operations against ISIS since 2015. This included officers from the Combined Joint Operations Center (CJOC), 15th Division, 16th Division, CTS, Peshmerga, PMU and the Nineveh Police as well as representatives from MOD, MOI, Psychological Operations, National Security Service (NSS), Civil Defense and the anti-ISIS coalition. The interviews were semi-structured to allow greater flexibility in data collection and were conducted face to face in Arabic, English or Kurdish at the discretion of the respondent.

The aims of the research were made clear to obtain informed consent. For the security and privacy of both civilian and military interviewees, CIVIC has withheld names and/or identifying information throughout the report.

This report also reflects observations and conversations by CIVIC with civilians, ISF, local government officials, national and international humanitarian non-governmental organizations, and UN agencies in Diyala, Kirkuk, and Nineveh governorates since 2016, as well as with Combined Joint Task Force Operation Inherent Resolve (CJTF-OIR), Special Operations Joint Task Force-Iraq (SOJTF-I), Combined Joint Forces Land Component-OIR (CJFLCC), and US Central Command (CENTCOM) since 2014. The analysis is also based on careful review of publicly available government statements, documents, and media articles.

The study is not a survey intended to provide statistically significant results or conclusions. It reflects and assesses ISF officers’ perspectives on their efforts to reduce and minimize civilian harm during their military operations against ISIS. The study also assesses the challenges in applying policies and efforts to reduce civilian harm due to the type of warfare (i.e., high intensity fighting in populated urban settings) and the tactics used by opposing forces (i.e., ISIS disregard for the protection of civilians). The report recognizes both good practices ISF implemented and challenges’ ISF faced in relation to a specific threat to civilians or military tactic. The study includes both to reflect the diversity of individual perspectives and experiences as well as the complexity of the contexts assessed. The report also offers some perspectives from civilians on the threats they faced during these military operations. The study ends with recommendations on how good practices to protect civilians can be institutionalized and challenges addressed.

CIVIC requests for additional semi-structured interviews with CTS, 15th Division, 9th Armored Division, Iraqi Air Force, Iraqi Army Aviation, Federal Police, and PMU for this research were not granted. CIVIC was not granted access to review the program of instructions used by MOD and MOI nor to official ISF documents and orders. Similarly, the coalition did not provide access to the programs of instruction it used to train the CTS and did not provide information on its advise and assist program. CIVIC looks forward to continuing our dialogue with all Iraqi and coalition forces on the basis of this report and will integrate additional information in subsequent versions.

This study analyses coalition training efforts only in relation to the ISF’s preparedness to mitigate civilian harm and does not examine coalition operations.

US Army / Cpl. Rachel Diehm
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. More detailed recommendations can be found at the end of the report.

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 Ministry of 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.

• Develop 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.

Trainings

• 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 against military necessity during planning and execution of combat operations.
Weapons Usage

- Avoid the use of explosive weapons with wide area effects in populated areas in deliberate or dynamic strikes, including close air support, given the likelihood of civilian harm that can incur from the blast and fragmentation from such weapons to civilians and civilian infrastructure. Develop operational guidance limiting the use of such weapons. When feasible, and in adherence with the distinction and proportionality principles, consider the use of precision low yield and reduced fragmentation munitions.
- 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.

Resources to Mitigate Civilian Harm

- 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.
- 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.

Assessment and Learning on Civilian Harm Incidents

- Mandate the ISF to track civilian harm incidents and create and fully staff a Civilian Casualty Mitigation Team (CCMT) tasked to gather information on all incidents of civilian harm, analyzing causes, and recommending changes to tactics and training.
- Develop protocols to engage with external organizations that collect information on civilian casualties such as the United Nations Assistance Mission for Iraq (UNAMI), the International Committee for the Red Cross (ICRC), and other international and national organizations, and use other external sources to cross check the information gathered through internal reporting to ensure credibility and veracity of incidents.
- 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.

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.
- Publicly communicate the number of people arrested under suspicion of terrorism, the legal grounds for their detention, and the number of people charged and convicted.

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.

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.
RECOGNIZE. PREVENT. PROTECT. AMEND.