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

ACKNOWLEDGEMENTS

CIVIC’s Iraq Researcher Caroline Baudot was the lead researcher and author of the report. Sahr Muhammedally, CIVIC MENA Director, co-authored certain sections and edited the report. The report was also reviewed by Ali al-Assaf, Iraq Country Director; Shannon N. Green, Senior Director of Programs; Marc Linning, Senior Protection Advisor; Thomas Sheperd, Senior Military Advisor; and Federico Borello, Executive Director. Piper Hendricks, Senior Communications Manager, Kate Raley, Communications Associate, and Jordan Lesser Roy, MENA Program Associate, provided additional editing support.

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.
Cover 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

Report designed by Dena Verdesca.

Sahr Muhammedally/CIVIC.
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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 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 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

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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 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 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.
A car sits above rubble from a destroyed building. August 2017

Sahr Muhammedally/CIVIC.
review of the US battle plan against ISIS had led to a subsequent transition from “attrition” to “annihilation.”7 The fighting tempo increased. ISIS fighters used indirect fire weapons such as rockets, mortars, and IED and chose to fight to death whilst some tried to hide amongst fleeing civilians.8 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 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 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 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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7 “Department of Defense Press Briefing by Secretary Mattis, General Dunford and Special Envoy McGurk on the Campaign to Defeat ISIS in the Pentagon Press Briefing Room,” U.S. Department of Defense, May 19, 2017, https://www.defense.gov/News/Transcripts/Transcript-View/Article/1188225/department-of-defense-press-briefing-by-secretary-mattis-general-dunford-and-spi/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 “civilians 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
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.

US Army / Cpl. Rachel Diehm
## Glossary

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<tr>
<td>AAR</td>
<td>After Action Review</td>
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<tr>
<td>ATAK</td>
<td>Android Tactical Assault Kit</td>
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<td>ATO</td>
<td>Air Tasking Order</td>
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<td>BDA</td>
<td>Battle Damage Assessment</td>
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<td>CCMT</td>
<td>Civilian Casualty Mitigation Team</td>
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<td>CENTCOM</td>
<td>United States Central Command</td>
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<td>CDE</td>
<td>Collateral Damage Estimate</td>
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<td>CIVIC</td>
<td>Center for Civilians in Conflict</td>
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<td>CJFLCC</td>
<td>Combined Joint Forces Land Component-OIR</td>
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<td>CJOC</td>
<td>Combined Joint Operations Center</td>
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<td>CJTF</td>
<td>Combined Joint Task Force</td>
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<td>CJTF-OIR</td>
<td>Combined Joint Task Force-Operation Inherent Resolve</td>
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<td>CTS</td>
<td>Counter Terrorism Services</td>
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<td>Directorate for Mine Action</td>
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<td>Iraqi Kurdistan Mine Action Agency</td>
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<td>Information Management and Mine Action Programs</td>
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<td>[United States] Department of Defense</td>
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<td>ERD</td>
<td>Emergency Response Division</td>
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<td>ERW</td>
<td>Explosive Remnants of War</td>
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<td>GOI</td>
<td>Government of Iraq</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>IED</td>
<td>Improvised Explosive Device</td>
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<td>International Human Rights Law</td>
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<td>Initial Incident Report</td>
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<td>Iraqi Security Forces</td>
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<td>Islamic State in Iraq and Levant</td>
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<td>ISR</td>
<td>Intelligence, Surveillance, and Reconnaissance</td>
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<td>Joint Terminal Attack Controllers</td>
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<td>MOD</td>
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<td>[Iraq] Ministry of Peshmerga</td>
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<td>NATO</td>
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<td>NOCC</td>
<td>Nineveh Operations Command Center</td>
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<td>[Iraq] National Security Service</td>
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<td>OIR</td>
<td>Operation Inherent Resolve</td>
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<td>PID</td>
<td>Positive Identification</td>
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<td>PMU</td>
<td>Popular Mobilization Unit</td>
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<td>POC</td>
<td>Protection of Civilians</td>
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<td>POI</td>
<td>Programs of Instruction</td>
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<td>Rules of Engagement</td>
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<td>TTPs</td>
<td>Tactics, Techniques, and Procedures</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNAMI</td>
<td>United Nations Assistance Mission for Iraq</td>
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<td>UXO</td>
<td>Unexploded Ordnance</td>
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<tr>
<td>VBIED</td>
<td>Vehicle Borne Improvised Explosive Device</td>
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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 nongovernmental 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.
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.10 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 sites, and for volunteer fighters to join security forces to fight ISIS.11 From August 2014, ISF, the Peshmerga and the PMU, supported by a US-led anti ISIS coalition12 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 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 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.”13 A lieutenant general in the MOD said, “Now we understand that the army has to work with local authorities, civilians and tribes.”14 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.”15

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

12 The US-led CJTF-OIR included Australia, Belgium, Canada, Denmark, France, the Netherlands and the United Kingdom, and others. It comprises 74 countries at the time of writing who provided support in various ways.
13 CIVIC interview with Nineveh Police officer, Mosul, March 2018.
14 CIVIC interview with lieutenant general, MOD, Baghdad, April 2018.
15 CIVIC interview with major general, ISF, Baghdad, December 2017.
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.  

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. Civilians may not lose their protected status "unless and for such time as they take a direct part in hostilities."

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

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

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

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

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

Advise and assist teams refer to the coalition advise, assist, accompany and enable teams working with the ISF.

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.

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 5(3).
**OVERVIEW OF ISF MILITARY OPERATIONS AGAINST ISIS (2014-2017)**

“Operations against Daesh were tougher than expected, even for other armies involved, because of all the challenges we faced: most ISF divisions are infantry and not trained for this kind of war; the enemy mixed with civilians; the fighting continued for months without stopping; we were fighting in our own country, and had to spare civilians and civilian infrastructure; the streets and alleys were narrow, and buildings very dense; the enemy was very well trained and equipped and believed in their cause.”

—CIVIC interview with a major general of the 16th Division, Mosul, December 2017.

**Tikrit**

In June 2014, ISIS gained control of Tikrit and killed an estimated 1,700 Iraqi security forces trainees from Camp Speicher (also called Shahid Majid Al Tamimi). Military operations to regain control of the city started in March 2015, spearheaded by the PMU (with an estimated 20,000 fighters), supported by the ISF (estimated at 3,000), and tribal militias (estimated at 1,000). These forces surrounded the city, but were unable to break ISIS defenses due to ISIS tactics and the troops’ lack of urban warfare training. Reports of PMU members looting and burning homes and torturing suspected ISIS members raised concerns over sectarian tensions. In late March 2015, the coalition began providing air support at the request of the Iraqi government to enable the ISF to advance. The coalition’s involvement reportedly led some PMU forces to withdraw from the operations. The fighting displaced several hundred families. Tikrit was declared retaken in April 2015.

**Ramadi**

ISIS took control of Ramadi in May 2015. In July 2015, the ISF launched its counter offensive. The ISF advance into the city was slow, due to ISIS tactics—including its IED defensive system. Military operations were spearheaded by the CTS—trained by US Special Forces post 2003 to conduct counterterrorism raids but in the fight against Daesh deployed as an elite infantry force to clear neighborhoods—with 8th Division, 16th Division, Federal Police, and coalition air support. Local tribal militias participated in operations, but the...
Government sought to reduce the involvement of other PMU forces in order to reduce sectarian tensions, and due to allegations of violence in Tikrit.\(^\text{31}\)

The forces surrounded the city, but ISIS fighters were able to withdraw behind a screen of IEDs, booby-trapped buildings, and snipers. A small ISIS unit stayed behind to delay the final retaking of the city rather than to fight a prolonged, intensive urban battle.\(^\text{32}\)

The ISF used heavy weapons during the fighting.\(^\text{33}\)

According to the coalition, the ISF served in a support role (pointing out ISIS positions for air attacks and holding the roads to the city center) rather than leading the battle, with coalition airstrikes providing 80 per cent of the effort.\(^\text{34}\) At least 30,000 civilians fled the city during the fighting.\(^\text{35}\) In late December 2015, Prime Minister Abadi declared victory in Ramadi, but clearance operations continued into early 2016.\(^\text{36}\)

For the first time in military operations against ISIS, the ISF and the CTS (rather than the PMU) spearheaded the counter offensive in Ramadi, and the Iraqi Air Force provided limited air support.\(^\text{37}\) The tactics used for Ramadi—the prominent role of the CTS, the ISF reliance on coalition airstrikes, as well as encircling the city—were replicated in ensuing operations.

### Sinjar

In August 2014, ISIS captured the city of Sinjar, killed thousands of Yazidi women, men, and children and kidnapped hundreds of Yazidi women and girls.\(^\text{38}\)

Military operations to retake Sinjar started in November 2015,\(^\text{39}\) led by 7,500 fighters in a combination of Syrian Kurdish People’s Protection Units, Syrian People’s Defense Forces, Iraqi Kurdish Peshmerga forces, as well as Yazidi militias.\(^\text{40}\) The coalition provided significant air support, prior to and during ground operations.\(^\text{41}\) The city was retaken from ISIS in two days.

### Fallujah

ISIS took control of Fallujah in January 2014.\(^\text{42}\) In April 2014, ISIS manipulated control of the dam downstream of the city to flood the Euphrates delta, restricting civilians’ access to water and causing extensive displacement of rural residents.\(^\text{43}\)

In February 2016, after retaking Ramadi, the ISF started operations to retake Fallujah. Forces surrounded and besieged the city, raising concerns for the estimated 90,000 civilians who remained in Fallujah without supplies.\(^\text{44}\)

A revolt against ISIS control reportedly led by local tribesmen was crushed by ISIS fighters.\(^\text{45}\)

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33 CIVIC Interview with lieutenant general, CJOC, Baghdad, January 2018.
In May 2016, as security forces were stretched thin in operations to maintain security in Baghdad and its outskirts, the offensive intensified. After retaking nearby villages and districts, leading ISIS to retreat inside Fallujah, the ISF encircled the city and prepared a large-scale assault. ISIS initially defended the city fiercely, hampering the ISF advance, but later retreated to other locations, often using elaborate networks of tunnels in which to hide and later escape. The CTS spearheaded the battle once again, with support from 20,000 Federal Police and detachments from at least five Iraqi army divisions, as well as local tribal militias. Some PMU forces were first deployed in the vicinity of Fallujah as a hold force. Despite Prime Minister Abadi’s efforts to reduce PMU presence in the city to avoid sectarian tensions, some PMU forces entered the city alongside Federal Police and shadowed their operations.

In order to protect civilians, the ISF sought to warn them and instructed them to flee the city prior to the attack, then reduced the tempo of the offensive in late May. However, ISF officers interviewed by CIVIC confirmed that they thought civilian presence was limited, and therefore used heavy weapons. ISIS prevented civilians from leaving and targeted those escaping. 85,000 civilians risked their lives to flee Fallujah during these military operations. The rapid outflow of civilians overwhelmed the government’s capacity to provide them with adequate assistance. The PMU was reported to have committed serious human rights violations, such as arbitrary detentions, abductions, and forced disappearances of civilians fleeing the city. Fallujah was declared retaken in June; clearing operations continued in the following weeks.

ISIS gained control of Mosul, the second largest city in Iraq, in June 2014. The ISF counter offensive was officially launched in October 2016. Shaping operations outside the city began in the summer of 2016, as villages began to be retaken by the ISF and the Peshmerga.

The battle for Mosul city was the most challenging operation by the ISF given that there were 1.5 million civilians present in east and west Mosul. A lieutenant general in CJOC stated, “Mosul was the first operation with this number of civilians. This was the first time we had civilians inside the military operations field. For other operations, there were no civilians there, except in some areas in Fallujah.”

The composition of forces that would enter and secure Mosul was finalized in September 2016 and continually changed as operations unfolded. ISF deployed 94,000 troops to tactical assembly areas south of Mosul and Iraqi forces led operational planning and execution of operations while coalition forces advised, assisted and accompanied the ISF in the battle. The battle for Mosul can be broadly separated into three stages of the battle: east Mosul, west Mosul, and the Old City in west Mosul.

The battle in east Mosul, starting in October 2016, was spearheaded by the CTS, who sought to clear neighborhoods house-by-house with limited use of heavy weapons. The government instructed civilians in Mosul to stay at home during the fighting. ISF commanders had hoped that Mosul residents would revolt against ISIS and lead the fight from inside, but this did not happen. A short lived revolt in west Mosul

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49 Ibid.
56 CIVIC interview with lieutenant general, CJOC, Baghdad, January 2018.
58 CIVIC interview with lieutenant general, CJOC, Baghdad, January 2018.
in October 2016 led to ISIS reportedly executing 75 men who were allegedly involved. The wife of one of these men told CIVIC that her husband took up arms to fight ISIS, but was detained and likely executed, as neither she nor her relatives had known of his whereabouts for three weeks.

While the initial ISF military plan was to attack from several angles concurrently and surround the city, the various axes of advance were poorly coordinated, and ISF forces did not reach and breach the city limit in a synchronized fashion. This allowed ISIS to focus on the CTS axis of attack coming from the east, causing significant CTS casualties. The ISF asked the Prime Minister to change instructions to civilians to leave their homes in order to allow for more aggressive military tactics, including airstrikes, without harming civilians. Their request was not granted, as the Prime Minister wanted to avoid a humanitarian crisis set off by hundreds of thousands of civilians fleeing Mosul.

Operations were slowed down in December due to CTS casualties, and several measures were taken to adjust operations: senior ISF commanders reportedly decided to rely more on artillery, tanks or air support; 9th Armored Division, 16th Division, Federal Police and ERD units were sent to support CTS; and the coalition embedded advisors at the tactical level for additional support.

During operations in east Mosul, ISIS used a variety of aggressive and defensive tactics against civilians and the ISF (see below), but was able to operate from bases in and retreat to west Mosul until the connecting bridges were attacked by coalition airstrikes to prevent vehicle movement. From west Mosul, ISIS continued to attack the ISF in east Mosul, with mortars, rockets and munitions dropped by drones. 178,000 civilians fled the fighting in the first three months of the battle. East Mosul was declared retaken on January 18, 2017.

Civilian protection is achieved by inculcating a protection mindset prior to combat among policy makers, military planners, commanders, and soldiers.

During this period, the PMU advanced on and secured the Tal Afar airfield and cut the road connecting Mosul with Syria, isolating ISIS fighters from external support or possible escape to Syria. The Peshmerga did not take part in the operations inside Mosul city but supported the ISF in shaping operations and retaking areas such as Bashiq, Gwer, and surrounding villages, outside Mosul city.

Operations to retake west Mosul commenced on February 19, 2017. A pause after the capture of east Mosul.

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61  CIVIC interview with civilian, Hassan Sham IDP camp, Nineveh province, October 2016.
66  CIVIC interview with UN staff, January 2018.
Mosul was originally scheduled for troops to recover, possibly re-train and repair their equipment, but was shortened as the government and coalition decided to maintain pressure on ISIS.68

West Mosul’s dense population of 750,000-800,000 civilians, along with its narrow streets, heightened ISF challenges to conduct military operations while protecting civilians. ISIS tactics grew more aggressive against the ISF and civilians. The Federal Police, who were not trained for urban warfare, spearheaded operations in west Mosul from the south, while the CTS led a secondary line of effort in southwestern neighborhoods. The 9th Armored Division was deployed to the west and then entered the north west of the city, along with the PMU, further closing off western escape routes out of the city for ISIS and support from Tel Afar. The 15th Division was deployed in the northwest of the city.

The Mosul operation was the first time CTS, MOI, and MOD forces had to cooperate this closely in a dense urban environment.69 Coordination between forces became crucial to avoid ISIS concentrating their defenses on a single unit and to reduce the risk of friendly fires.70 The Iraqi Air Force, Iraqi Army Aviation, and the coalition provided air support. The government requested the coalition to temporarily pause airstrikes after a strike in al-Jadidah district on March 17, 2017 killed at least 105 civilians, but these resumed to support advancing forces, as ISIS remained entrenched.71

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. 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. An internal review of the US battle plan against ISIS had led to a subsequent transition from “attrition” to “annihilation” by May 2017.72 The fighting tempo increased. Some ISIS fighters chose to fight to death whilst some tried to hide amongst fleeing civilians.73

Al-Nuri mosque in west Mosul, destroyed by ISIS, July 2018. Sahr Muhammedally/CIVIC

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. The narrow streets made it impossible for the ISF to deploy tanks or even light vehicles in some areas, and the tight spaces between buildings dramatically reduced

68 CIVIC interview with UN staff, Erbil, December 2017.
the ISF’s engagement ranges and reaction times\textsuperscript{74} as they were unable to utilize tank main gun rounds or anti-tank guided missiles, and had to rely on less effective close-range AT-4 rockets and rocket propelled grenades (RPGs).\textsuperscript{75} The old structures and varying construction methods and materials of the buildings and houses made it difficult to estimate the second and third order effects of weapons, including assessing how blast pressures would be funneled down narrow streets.

While the CTS participated in operations, other forces with less urban warfare training such as Federal Police and ERD were spearheading the fighting and used explosive weapons with wide area effects. Generally, ISF forces perceived civilians remaining in the Old City as supportive of ISIS.\textsuperscript{76} ISIS used indirect fire weapons such as rockets, mortars, and IEDs. All of these factors significantly increased civilian harm.

On July 10, 2017, Prime Minister Abadi declared victory over ISIS in Mosul. Clearing operations continued for a few weeks. 780,000 civilians fled west Mosul between February and July 2017.\textsuperscript{77}

**Tal Afar**

ISIS captured Tal Afar in June 2014. From November 2016, the PMU surrounded Tal Afar, populated by an estimated 50,000 civilians.\textsuperscript{78} The PMU was reportedly tasked with sealing off escape routes for ISIS in an arc running northward across the desert,\textsuperscript{79} and to cut off Tal Afar from other ISIS territories in Syria.\textsuperscript{80} Operations to retake Tal Afar were officially launched on August 20, 2017, with Iraqi and coalition air support prior to and during ground operations. The battle involved PMU, CTS, Federal Police, and the 16th Division.\textsuperscript{81}


\textsuperscript{76} From multiple CIVIC interviews with ISF officers.

\textsuperscript{77} CIVIC phone interview with UN staff, January 2018.


\textsuperscript{79} Ibid.


Prime Minister Abadi declared victory on August 21, although some of the clearing operations continued into the following weeks. The quick success of Iraqi forces was attributed to: shaping operations in previous months; the use of artillery by troops, as the area was not densely populated; and the ability of some ISIS fighters to escape from the city, while some surrendered to the Peshmerga. 34,000 civilians fled during the fighting in and around Tal Afar.82

Hawija
Hawija was taken by ISIS in June 2014. The ISF isolated it from other ISIS held areas from July 2016 and launched operations on September 20, 2017, after repeated delays due to disagreements over the involvement of the Peshmerga and PMU.84 Operations were led by the PMU, with support from 9th Armored Division, Federal Police, and ERD. ISIS reportedly put up little resistance, apart from IEDs and booby traps, and the operation was declared over on October 8, 2017.85 For the first time, large numbers of ISIS fighters surrendered, instead of withdrawing or fighting.86 33,000 civilians fled during the fighting in Hawija.87

Anbar
The ISF launched operations in September 2017 to clear ISIS from west Anbar. Operations involved the ISF 1st and 8th Division, local police units, PMU and tribal forces and were conducted in stages: Akasha was retaken on September 18, 2017 and Qaim in November 2017.89 68,000 civilians fled during operations in Anbar.90

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ISIS TACTICS

ISIS used a wide variety of tactics against the ISF and civilians before and during military operations against it. In order to slow down the advance of the ISF, ISIS used a high number of IEDs, planted along possible routes used by the ISF. The IEDs were also used to create high-density improvised minefields.91 ISIS also used mines in open areas, around villages, around key buildings and public infrastructure, and extensively booby-trapped civilian houses.92 ISIS left behind thousands of sophisticated IEDs, mines, and booby traps, staggering in their scale, diversity, density, and complexity. According to UN Mine Action Service (UNMAS) officials, some IEDs were devised to injure anyone who would seek to remove or disable them, and many were hidden in everyday appliances to increase the likelihood of injury.93

ISIS snipers targeted both the ISF advancing and civilians trying to flee. ISIS set fire to oil wells in several areas (including Kirkuk, Salah al Din and Nineveh), in an attempt to slow the advance of the ISF and hinder airstrikes against their positions.94 ISIS sought to conceal its activities in several ways (fighting at night, using bad weather to their advantage, using smoke screens such as burning tires, mouse-holing to move between houses unnoticed, etc.) to remain undetected.95

In addition, ISIS used tunnels and small teams of fighters to repeatedly infiltrate cleared areas and launch night counterattacks and ambushes.96 It also used civilian infrastructure to conceal its weapons and used hospitals to launch attacks from as well as rigged ambulances with IEDs as seen in west Mosul, in order to use Iraqi policies and coalition ROE, which restricted targeting civilian objects, to its advantage.97

In addition to these tactics, ISIS increased its use of suicide vehicle-borne IEDs (SVBIEDs) in Mosul as this tactic was more effective in the city’s dense urban terrain than in open areas. ISIS camouflaged SVBIEDs, masking the armor on the vehicles to make them as indistinguishable from civilian vehicles as possible. The ISF had little time to decide whether to open fire on a vehicle advancing towards them, not always knowing whether it was filled with explosives or with civilians trying to flee conflict.98 This caused significant casualties, as errors in judgment were either fatal to the ISF or to civilians.99

The SVBIEDs were paired with drones for reconnaissance, enabling ISIS to better plan attacks such as identifying the best route for an SVBIED to take to avoid checkpoints and barricades. In addition, ISIS weaponized drones to enable them to drop small bombs, and deployed them on a large scale, which disrupted military operations and monopolized the limited Iraqi and coalition ISR.100

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92 CIVIC interview with UNMAS official, Erbil, June 2018.
93 Ibid.
96 Ibid.
97 CIVIC interviews with ISF and civilians in west Mosul and visit to the Al-Shifa hospital August 2017 and July 2018. The coalition described this tactic as such, “Additionally, that same place where the children used to go to school, ISIS cracked the ground of a floor of the children’s house — or at the children’s school. And in the children’s school where it broke the floor, it sunk its baseplates for its mortars into the floor. And on the ceiling, that used to protect the children from the heat, ISIS punched holes in it so that that mortar could fire through the roof of that former school, knowing that the coalition always exercises constraint when it comes to schools that are made for children. And the Islamic State would drape a tarp over the top of that hole that it put in the roof, so that they could fire mortars when they felt like, and then cover it, and try and help evade detection from some of our intelligence assets; “Department of Defense Press Briefing by Colonel Work via Teleconference from Iraq,” U.S. Department of Defense, July 21, 2017, https://www.defense.gov/News/Transcripts/Transcript-View/Article/1255012/department-of-defense-press-briefing-by-colonel-work-via-teleconference-from-it/.
THREATS AGAINST CIVILIANS

PROTECTION RISKS FACED BY CIVILIANS AT ALL STAGES OF MOVEMENT

Civilians face protection risks if they experience displacement—from the decision to leave home, through displacement in a host community or camp, to when they return home. People face tough choices with only limited information and reaching safety is often a dangerous process. Even once they exit areas of active conflict, civilians continue to face risks to their safety, security, and well-being, including upon returning home.

INSIDE MOSUL

- Civilians blocked from fleeing by armed actors
- Sexual and gender-based violence
- Movement restrictions and lack of safe escape routes
- Unsafe routes and gathering points (e.g. contaminated with Explosive Remnants of War [ERW])
- Families separated during evacuation, increasing vulnerability of younger/older family members and women

DURING FLIGHT

- Inadequate distinction
- Targeting of civilians, use of civilians as human shields
- Use of explosive weapons (air & ground) in populated areas
- Escape routes blocked, civilians prevented from fleeing, freedom of movement restricted in city
- Sexual and gender-based violence
- Siege conditions limit entry of food and essential services
- Damage (whether deliberate or incidental) to civilian infrastructure, including hospitals, water systems, and electrical grids
- Concerns about displacement conditions and property status

RECEPTION & SCREENING

- Arbitrary screening process and related abuses at checkpoints (i.e. forced disappearances, arbitrary detention, physical abuse, screening conducted in secret or informal locations)
- Screening processes conducted by untrained actors, actors not mandated to conduct such processes
- Confiscation of identity documentation or possessions
- Restrictions on freedom of movement
- Sexual and gender-based violence
- Coercion by armed actors to give up documents
- Proximity of screening sites to active conflict areas

DURING DISPLACEMENT

- Prolonged displacement in overcrowded camps with poor living conditions
- Camps used for recruitment by armed groups
- Continued screening in camps and arrests
- Military presence in camps
- Sexual and gender based violence in camps
- Confiscation of ID and restriction on freedom of movement especially in camps located in KRG-controlled territory

RETURN HOME

- Counter-attacks by armed actors, continued presence of fighters
- Restriction of freedom of movement
- Continued screening issues
- Contamination of ERW, particularly UXO, intentional booby trapping of civilian premises with explosives
- Inter-community tensions and acts of revenge against those perceived to be affiliated with Islamic State
- Extensive damage to infrastructure and lack of access to essential services
- Forced returns by local and non-local authorities and/or prevented returns (for those perceived to be affiliated with Islamic State)

LONG-TERM PROTECTION CONSEQUENCES OF CONFLICT

Protection risks persist for years and sometimes decades after a conflict, with far-reaching effects on recovery for individuals, families, and communities.

- Damaged or destroyed civilian infrastructure
- Civilian areas contaminated with explosive remnants of war (ERW)
- Long-term consequences of widespread sexual violence
- Disruption in education and school cycles
- Destruction or loss of livelihood assets, infrastructure and agricultural land
- Widespread trauma and psychosocial impacts, including due to physical injury and harm
- Damaged social fabric, including mistrust between social groups
- Reintegration of those participating in the conflict, including children forcibly conscripted


While ISIS was controlling territory, it targeted certain groups of civilians, including those affiliated with or perceived to be affiliated with the Iraqi government or security forces, professionals, including journalists and doctors, ethnic and religious communities, and those who questioned ISIS authority or refuse to align themselves with the group. ISIS sought to deter any internal resistance and killed people who provided information to ISF or used their cell phones. Possessing a SIM card was punishable by death. While ISIS was reportedly unable to prevent civilians from leaving Tikrit when they controlled the city, they actively sought to ensure that civilians would remain in other cities under its control by threatening to kill anyone leaving their homes.101

As military operations started, ISIS used tactics to deliberately put civilians at increased risk. ISIS snipers intentionally targeted civilians seeking to flee. A review of wound patterns and injuries at trauma centers in Mosul pointed to direct targeting of civilians in the head, neck and spine.102 In Mosul, ISIS put corrugated iron sheets on the streets to hear people trying to flee at night and sometimes concealed IEDs under those sheets.103 ISIS exploited civilians as human-shields in order to protect its fighters or strategic locations from attack, or to maximize civilian casualties if Iraqi or coalition forces targeted them. When military operations started in villages around Mosul, ISIS carried out mass abductions

102 CIVIC phone interview with UN Staff, January 2018.
of thousands of civilians while withdrawing from areas later reclaimed by ISF and forcibly moved them into conflict zones, in order to place them between ISF and their own forces, in hopes of reducing the ISF use of artillery and airstrikes, and/or to increase civilian casualties from military operations, including air raids and ground engagements.\textsuperscript{104} To maximize civilian casualties, ISIS welded the doors shut of civilian homes to prevent them from fleeing, actively tried to draw ISF and coalition fires towards locations where civilians were present, for instance by engaging ISF from the rooftops of houses filled with civilians held hostage, and sometimes loaded buildings and houses with explosives that would detonate when the structure was hit, to increase the effects of ISF and coalition weapons.\textsuperscript{105} 

ISIS deployed men as human borne IEDs to carry out these suicide attacks, but also used women, particularly during the battle in the Old City, in order to increase ISF and civilian casualties. Knowing that the ISF was unable to search women due to societal sensitivities, women were sent by ISIS, with explosives, to cross the frontlines amongst a group of civilians and then detonate the explosives when they reached ISF positions.\textsuperscript{109} In reaction, the ISF sometimes assigned untrained civilian women “volunteers” to search other women civilians.\textsuperscript{110} ISIS also used chemical weapons and weaponized both industrial chemicals and hazardous materials. In November 2016, ISIS reportedly used chlorine and mustard gas in Bashiqa against the Peshmerga and burned sulfur plants around Qayyarah. In March 2017, the ICRC and the UN reported the use of toxic chemical agents near Mosul.\textsuperscript{111}


\textsuperscript{106} Ibid.

\textsuperscript{107} Ibid.

\textsuperscript{108} CIVIC interview with lieutenant general, CJOC, Baghdad, January 2017.

\textsuperscript{109} CIVIC interviews with ISF officers, Baghdad and Mosul, December 2017 to May 2018.

\textsuperscript{110} CIVIC interview with major, 16th Division, Mosul, May 2018.

While both the Prime Minister and the CJOC oversaw the operation, forces on the ground maintained independent command structures and standards.

Civilian protection is achieved by inculcating a protection mindset prior to combat among policy makers, military planners, commanders, and soldiers. This mindset may be initially established through the basic training soldiers and commanders receive upon first joining the military, and then reinforced through subsequent tactical and command training. Prior to operations, this mindset can be confirmed by the Commander’s intent, and formalized in ROE and operational orders, which provide concrete and specific guidance to commanders and troops on how to prevent, mitigate and respond to civilian harm once on the battlefield. As part of combat preparations, training rehearsals that include scenarios tailored to the specific challenges forces will face on the battlefield to protect civilians will help prepare soldiers to implement in real-time the command guidance and mindset on civilian protection.

This section analyzes efforts by the Iraqi government and ISF to develop operational guidance on civilian protection prior to operations against ISIS. It also reviews training programs by the MOD, MOI, MOP, and the coalition to Iraqi forces engaged in military operations against ISIS.

Operational Guidance on Civilian Protection

“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.”

- Prime Minister Dr. Haider al-Abadi’s speech at the Council of Representatives.

The military necessity of using force must be balanced by considering the legal and strategic effects of that force on civilians and civilian infrastructure. Forces have to make split second decisions to engage the opposing forces and protect themselves while ensuring all efforts are taken to minimize incidental harm to civilians and civilian objects. IHL regulates the behavior of armed actors including decisions on the use of force. Commanders’ guidance, operational orders, and rules of engagement are further tools to help forces manage through complex issues regarding use of force. When such guidance and orders emphasize the protection of civilians, this can impact units’ culture and individual soldiers’ behavior and ensure they prioritize protection of civilians as a key element of their mission.

In Iraq, senior officials emphasized the importance of protection of civilians repeatedly during operations against ISIS, which created widespread awareness among the ISF. However, major challenges and gaps existed on how to operationalize and implement this guidance.

Good Practice: Commander’s Guidance on Protection of Civilians

The Iraqi Commander in Chief, Prime Minister Abadi, repeatedly instructed the ISF that the protection of civilians was a primary strategic objective for operations against ISIS:

• In September 2014, in reaction to civilian casualties from airstrikes, Abadi announced on his official Twitter account “I have ordered the Iraqi air force to halt shelling of civilian areas even in those towns controlled by ISIS.”

• In March 2015, as the operation in Tikrit was starting, Abadi urged government forces to “exercise the utmost care in protecting civilian lives and property” and to “respect human rights and preserve [civilian] property.”

• In March 2016, Abadi assured his forces had “taken measures to ensure that there are no civilian casualties [in Fallujah].”

References:

116 [Abadi: We Are Calling for Collapse in Falluja and We Have Taken Measures to Ensure that there are No Civilian Casualties], Sky Iraq, May 24, 2016, http://www.skyiraq.org/news.php?id=1634.
On May 25, 2016, Abadi reportedly issued strict instructions to the forces to protect civilians and provide safe exit corridors in Fallujah.117

During the Mosul operations, Abadi visited the CJOC to reiterate the importance of protecting civilians.118

Prime Minister Abadi’s guidance to the ISF was disseminated in multiple ways: through social media, television, and letters sent to commanders and heads of units. It was also reaffirmed to commanders during operational planning meetings. These commanders then disseminated the instruction to their subordinates/lower ranking officers and soldiers through radio, calls, or when visiting troops on the battlefield.119

Every ISF officer interviewed by CIVIC was aware of the prime minister’s instructions to protect civilians. A Nineveh SWAT police officer said, “Protecting civilians was our first order.”120 The Chief of Staff to the 9th Armored Division said, “We have to defeat Daesh, but also protect civilians, or our mission will fail.”121 A colonel in the Hashad al Ashari also cited Prime Minister Abadi’s order to protect civilians, and said, “We had instructions not to harm civilians and get them out safely.”122

Commanders of various ISF units, including the Federal Police, told CIVIC that they emphasized to their units to protect civilians. “We told our soldiers to respect the dignity of civilians. The fight against Daesh is [a] fight for civilians,” said a brigadier general from the Federal Police.123

Good Practice: Guidance from Religious and Regional Authorities and the Iraqi President on the Protection of Civilians

In February 2015, Ayatollah Ali al-Sistani, the highest Shia religious authority in Iraq, issued “Advice and Guidance to the Fighters on the Battlefields,” calling on troops to protect civilians during combat (by not killing civilians, not looting their property, and respecting their rights, including of women and family members of ISIS fighters) and to follow these instructions even when suffering military losses.124 The guidance also addressed escalation of force.125

Ayatollah al-Sistani reiterated calls on troops to protect civilians ahead of the operations in Tikrit,126 in Fallujah,127 and Mosul.128 According to a senior official in the PMU, these statements were prompted by PMU leadership’s recognition that PMU troops lacked training and “had sectarian motivations and wanted revenge,” and were designed to promote discipline and reduce abuses against civilians.129

In August 2014, KRG President Masoud Barzani issued a directive to the Ministry of Peshmerga, calling on military units involved in operations against ISIS to “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.”130 [See Appendix.]

In October 2016, prior to operations in Mosul, the President of Iraq, Fuad Masum instructed the ISF to respect and protect civilians, stating, “The liberation of...”
Mosul is imminent and [...] protecting civilians is our first mission.”131

As forces involved in military operations against ISIS included a wide array of troops with diverse affiliations and loyalties, statements from various political and religious authorities were a positive effort to strengthen troops’ awareness of and adherence to the Commander in Chief’s intent to protect civilians.

**Good Practice: Guidance on Limiting Use of Heavy Weapons in Populated Areas in Mosul**

Instructions were given to the ISF to avoid using “heavy weapons” in densely populated areas during military operations against ISIS. ISF officers interviewed generally understood heavy weapons to include artillery, large caliber mortars, rockets, anti-tank weapons, and aircraft bombs, although this interpretation varies.132

This instruction was integrated in the planning for Mosul operations. A lieutenant colonel in the 15th Division explained, “The order by the Prime Minister changed the planning. For military operations, the preparations included artillery and mortars. After the statement, we stopped it and we limited the use of heavy weapons.”133

Many ISF officers interviewed by CIVIC were aware of the need to avoid using heavy weapons in Mosul:

- A major general in the ISF explained, “There was an order not to use heavy artillery [...] in order to reduce damage to infrastructure and because those houses have basements and people might be in basements.”134
- A major in the 16th Division said, “There was a rule that we cannot use every weapon.”135
- A colonel in the 16th Division said, “There was an order not to shoot randomly, to try and not use heavy weapons.”136
- A colonel in the 9th Armored Division understood the order to mean, “Area should be empty of civilians before using artillery.”137
- A colonel from the Federal Police said, “When we entered West Mosul, our guidance was not to use our heavy weapons and our vehicles in center of city. We had to use light weapons.”138

Numerous ISF officers conveyed how challenging this limitation was for them. A lieutenant general in CJOC said, “Usually, when you advance to liberate an area, you use all available weapons, such as air support and artillery, to advance and to be a step ahead of your enemy because you have weapons that they don’t have. But Mosul was different because there were civilians. This cost us time and casualties and was a challenge.”139 A lieutenant colonel in the 15th Division explained, “The battle took so long because we could not use heavy weapons.”140

Despite ISF officers’ awareness of the need to avoid using heavy weapons, most were unclear about the nature of this instruction, such as whether it was a specific order or general guidance to troops, how it was disseminated, and its date. 141

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132 CIVIC interviews with CTS; 9th Armored Division; 16th Division, February 2017.
133 CIVIC interview with lieutenant colonel, 15th Division, Baghdad, December 2017.
134 CIVIC interview with major, 16th Division, Mosul, May 2018.
135 CIVIC interview with major general, ISF, Baghdad, December 2017.
136 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
137 CIVIC interview with colonel, 9th Division, Mosul, February 2017.
139 CIVIC interview with lieutenant general, CJOC, Baghdad, January 2018.
140 CIVIC interview with lieutenant colonel, 15th Division, Baghdad, December 2017.
141 CIVIC interviews with ISF officers, Baghdad and Mosul, December 2017 to May 2018.
Challenge: Absence of Rules of Engagement or Other Written Orders Tailored to Minimize Civilian Harm

While the ISF was instructed to protect civilians during military operations, troops did not receive much guidance on how to implement this instruction effectively in light of the unique challenges they were facing on the battlefield.

When asked about specific instructions and orders they received to operationalize the commander’s intent to protect civilians, ISF officers interviewed could only cite broad guidance:

- That only individuals carrying a weapon were legitimate targets.
- That any attack or fires should be cancelled if it would result in high civilian casualties, even if the target was a “high value ISIS target.”
- That some locations, such as mosques, churches and hospitals were protected facilities and may not be attacked.\textsuperscript{142}

While these provisions reflect essential IHL distinction and proportionality principles, the ISF did not develop ROE prior to military operations to translate the Commander’s intent to protect civilians into clear operational guidance on how to minimize civilian harm. Prior to combat, armies may develop ROE tailored to the specific military operation and opposing force tactics. ROE typically delineate circumstances and limitations under which force may be initiated against other forces, individuals, or objects encountered.\textsuperscript{143} ROE are not required by law, but are designed to constrain armed forces’ actions to ensure those are consistent with LOAC, operational requirements, and national policy objectives. Interviews with ISF officers reflected a mixed understanding regarding the existence of any ROE for operations against ISIS. Some ISF officers stated that the ISF developed ROE for the fight against ISIS,\textsuperscript{144} while others stated that the ISF used older ROE prior to operations against ISIS. A senior commander at the Nineveh Operations Command said, “What rules of engagement? We did not have them.”\textsuperscript{145}

The Peshmerga did not have pre-written rules of engagement.\textsuperscript{146} ROE may be complemented by operational orders for the implementation of tactics, techniques, and procedures to minimize civilian harm in a specific context. The instruction restricting the use of heavy weapons was a first step in this direction; however, ISF officers were also unclear about details of the instruction. They could not say whether this instruction was provided in writing or verbally, and whether or how it was disseminated among all troops involved in military operations. They had different understandings of which weapons were covered by this guidance, and the location it applied to. Some officials stated it applied to the entire city of Mosul, others stated it only applied to Mosul’s Old City. The lack of clarity of officers interviewed about the nature and content of such a crucial order raises concerns about their ability to interpret and implement it effectively once on the battlefield.

CIVIC understands that there was no systematic manner of transferring rules and guidance to subordinate commanders and units during military operations, leaving such messages open to misinterpretation or to be ignored, or omitted, and thus not implemented effectively on the ground. As a police officer involved as a back-up to the CTS in east Mosul said, “I did not receive any instructions on who to shoot and not to shoot.”\textsuperscript{147}

Generally, ISF officers told CIVIC they received no specific order, instruction, or tactical directive during the battle about how to reduce civilian harm, leaving them feeling unprepared. ISF officers interviewed did not have a shared understanding of what protecting civilians meant, nor how to achieve this objective. When asked for examples on how they protected civilians, most officers spoke about evacuating civilians and about providing food and water to people fleeing the fighting. A captain in the 16th Division said, “We had orders to protect civilians but there were no details. It depends on one’s judgment and experience.” A colonel in the 15th Division also explained, “We were told to reduce civilian casualties but we have not been told how to achieve that.”\textsuperscript{148}

\textsuperscript{142} CIVIC interview with colonel, 16th Division, Mosul, April 2018.
\textsuperscript{144} CIVIC interview with lieutenant general, CJOC and with deputy commander, 16th Division, Baghdad and Mosul, December 2017 and January 2018.
\textsuperscript{145} CIVIC interview with major general, Nineveh Operations Command, Mosul, May 2018.
\textsuperscript{146} CIVIC interview with senior Peshmerga officials, December 2017 and January 2018.
\textsuperscript{147} CIVIC interview with SWAT II Commander, Mosul, March 2018.
\textsuperscript{148} CIVIC interview with colonel, 15th Division, December 2016.
Training of Iraqi Security Forces

Ensuring ISF preparedness to fight ISIS in cities and populated areas demanded comprehensive training and operational planning. This training not only necessitated infantry skills, but also tactics, techniques, and procedures to fight in urban areas and overcome ISIS while protecting civilians. Protection of civilians tactical training is thus critical to ensure adherence to LOAC principles of distinction, proportionality, precaution, humanity, and military necessity and, in Iraq, to commanders’ guidance to protect civilians. International law also carries a requirement that states include LOAC in their military programs of instruction. 149 Efforts from the MOD, MOI, and coalition forces were instrumental in building the capacity of the ISF to fight ISIS and retake territory. The training, which focused on instilling greater professionalism in the forces including familiarity with the weapons used, most likely contributed to reducing civilian harm during operations. Gaps however, remain on a comprehensive approach to protect civilians in urban areas. This is not limited to Iraq, as most militaries do not have dedicated trainings to protect civilians and reduce civilian harm in urban areas.

Good Practice: MOD, MOI, Peshmerga Provided Some Training

The Iraqi MOI and MOD provided trainings to their respective troops. The MOD oversees a large training program, with a War College for senior commanders, a National Defense University for Commanders, a Military College for officers, and a non-commission officer (NCO) school. Specialized trainings are offered in artillery school, infantry school, armored school, signal school, engineering, Navy, and Air Force. 150

The MOI General Directorate for Training oversees seventeen general training centers in Iraq provinces, including three for the Federal Police (Dublin camp in Baghdad airport, Taji in Baghdad, and Ayn al Assad in Ramadi) as well as a female police officer training center. Police officers undertake a nine-month course to qualify as lieutenant or three-year training programs for higher ranks. Rank and file police staff attend the Police Commissioners Institute. Training provided to Federal Police is different than training provided to local police, reflecting their more significant roles in military operations. 151 Federal Police are akin to French Gendarmerie or Italian Carabinieri.

The Ministry of Peshmerga had a yearly training program before the coalition started its training program in January 2015. The MOP training was not provided to Division 70 and Division 80 forces and covered the use of weapons, but did not include urban warfare or military intelligence training. It stopped once the coalition training started in 2015. 152 CIVIC did not get access to the programs of instructions used by MOD and MOI despite repeated requests.

Good Practice: The Anti-ISIS Coalition Training to Iraqi Forces

From 2014, the anti-ISIS coalition partnered with the MOD, MOI, the CTS, the Kurdish Peshmerga as well as some Yazidi, Christian, Sunni, and Shabak tribal forces and supported them with training and equipment in order to increase their capacity to retake and defend territory from ISIS.

Such training was necessary considering the capacity gaps in most forces that would be involved in military operations. The CTS, for instance, was deployed from 2014 to conduct operations using heavy weapons such as mortars, artillery support, and armored vehicles that the CTS neither possessed nor was trained to use. Previously, most CTS operations had been conducted at the company level and below. 153 From 2014, it had to operate at the battalion level and above, requiring the integration of artillery, mass close air support, and close coordination with other ISF units, which had reportedly not been covered in previous trainings. 154 The Peshmerga faced “basic” gaps such as lacking a proper medical corps and communication units. 155

Training to fight ISIS required the coalition to train the ISF on conventional war fighting tactics and move away from the counter-insurgency tactics that the US had trained the Iraqi army on post-2003. 156 Through the building partner capacity program (BPC), the coalition reports having provided tactical training to more than 138,000 ISF, including 49,800 Iraqi Army, 5,350 Federal Police, 16,700 local police, 8,000 border guards and supporting units, and some police in Kirkuk, Qara, and some local police in Arbil. 157

The MOD, MOI, the CTS, the Kurdish Peshmerga as well as some Yazidi, Christian, Sunni, and Shabak tribal forces were trained by the anti-ISIS coalition. The CTS neither possessed nor was trained to use. Previously, the CTS neither possessed nor was trained to use anything other than mortars, small arms, and limited quantities of small arms ammunition. 158 The training was significant, particularly given the lack of comprehensive training to date. 159

The MOD, MOI, and the Peshmerga faced “basic” gaps such as lacking a proper medical corps and communication units. 160

149 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol II), 8 June 1977, arts. 80, 83(2) & 87(2). Iraq is a state party to API.

150 CIVIC interview with lieutenant general, MOD, Baghdad, April 2018.

151 CIVIC interviews with deputy director, training directorate, MOI, Baghdad, April 2018.

152 CIVIC interview with major general, Ministry of Peshmerga, Erbil, January 2018.


154 Ibid.


security guards, 28,200 Kurdish Peshmerga, 15,300 CTS members, 3,300 members of the Emergency Response Division, and 11,170 tribal mobilization forces between 2015 and March 31, 2018 in several training sites in Iraq.\(^{157}\)

According to official documents, the training mission was planned to be executed via standardized programs of instructions (POI) delivered by trainers in each BPC site. Trainees would begin with a six-week POI, focusing on leadership, marksmanship and weapons training, movement formation and techniques, and squad and platoon tactics. Speciality training such as preventive medicine, use of weapons, and counter-improvised explosive device tactics was also available to some troops. Select troops received another three-week more advanced training on rifle marksmanship, military operations in urban terrain, and combined arms.\(^{158}\)

According to the coalition trainers interviewed, the training focused on building the capacity of the ISF to function as bigger units (from platoon to company to brigade level) and to combine weapons and tactics, including air support, with other units.\(^{159}\)

The CTS has received more specialized training from US Special Operations forces since 2003, but trained for raids and fighting against al-Qaeda. Training was provided by several coalition members and coordinated by SOJTF. The CTS is perceived as the most professional and disciplined military unit in the ISF.\(^{160}\)

Soldiers from the CTS Golden Brigade told CIVIC about the training they received from the coalition on protecting civilians. This included how to distinguish between civilians and ISIS combatants, how to evacuate civilians, how to conduct house-to-house clearance, and how to search approaching civilians for weapons. “When civilians approached us, we told them to put everything on ground, take off outer coats, stay away from preliminary screening until full body inspection,” explained a captain with the Golden Brigade.\(^{161}\)

In January 2015, the coalition established the Kurdistan Training Coordination Center (KTCC) in Erbil to coordinate the training of Kurdish Security forces units.\(^{162}\) According to official documents, the training lasted 23 days and covered individual and crew-served weapons training; basic fire and maneuver at the section, platoon, and company level; and command post and staff training at the company and battalion-level.\(^{163}\) The POI was adjusted regularly. Training on first aid, force protection, sniping, advanced sniping, how to storm houses and conduct urban assaults, screening of persons, and countering improvised explosive device was included.\(^{164}\) A lecture on key principles on LOAC was also given during trainings.\(^{165}\)

In 2016, Hashad al Ashari, or tribal forces, were trained in Taqaddum or al-Asad bases by Iraqi Security Forces, with coalition forces overseeing that training.\(^{166}\) Their mandate was originally to man checkpoints, rather than participate in offensive combat operation, although they become involved in fighting. They underwent ten days of training including on using weapons and a lecture on human rights.\(^{167}\)

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159 CIVIC interview with CJFLCC officials responsible for ISF training, Baghdad, December 2017.  
165 CIVIC interview with UK and German officers affiliated with the KTCC, Erbil, March 2016.  
167 CIVIC interview with US Special Forces Tribal Engagement Advisor, Erbil, June 2016.
Several ISF officers mentioned how useful the coalition training was. A lieutenant colonel from the 16th Division said, "I was trained by the coalition in the Tajji military base for five months. I was trained on fighting at night and street fighting, so we were prepared for it. I was also trained to face an enemy in an urban area. The training included car bombs, human shields, how to protect ourselves, [and] how to get civilians out safely. All of us at all ranks received this."\textsuperscript{168} A major from the 16th division described the training, "We received training from the US forces on how to surround an area and arrest terrorists and how to fight in cities. We were taught to shoot ISIS from different sides to make it difficult for them to move."\textsuperscript{169}

\textit{Good Practice: The Coalition Advise and Assist Teams}

The coalition deployed military forces with several ISF units, including the Peshmerga, to support with planning, operations, intelligence, surveillance, reconnaissance, and logistics.\textsuperscript{170} These advise and assist teams consisted of a battalion or company level commander, a fire support element, joint terminal attack controllers (JTAC), an intelligence analyst, and a communications specialist. Special operations forces advise and assist teams brought similar capabilities, as well as "special technical capabilities that accelerated precision dynamic targeting of ISIS."\textsuperscript{171} For Mosul,

\textsuperscript{168} CIVIC interview with lieutenant colonel, 16th Division, Mosul, January 2018.
\textsuperscript{169} CIVIC interview with major, 16th Division, Mosul, May 2018.
advisory teams were partnered with Iraqi army and Federal Police units. They were deployed at senior commander level (providing advice on planning) until a tactical directive in December 2016 instructed them to deploy to the battlefield at the tactical level to provide on-scene advising and timely precision fires.

The coalition did not provide information to CIVIC on its advise and assist program and how it may have contributed to civilian harm mitigation in practice by the ISF.

**Challenge: Assessing Effectiveness of Trainings**

CIVIC could not map out the content of the trainings provided to the forces involved in military operations against ISIS as each unit and rank received distinct trainings from different entities such as MOI, MOD, CJFLCC, KTCC, and SOJTF. Each of these entities used different POI, with little coordination between the training providers. Coalition members provided trainings on a rotating basis, using their own national POI. Those POI were only standardized at the coalition level in 2017. Every individual ISF officer interviewed by CIVIC seemed to have received different levels of training, even those belonging to the same unit. Entities providing training do not seem to keep track and have a detailed record of the type of training received by each unit and of the POI used for these trainings.

Notably, coalition trainers were unable to provide CIVIC with the number and type of troops who received LOAC or international human rights law training.

In addition, the effectiveness of the training provided to the ISF by the coalition was not comprehensively assessed. Coalition trainers explained to CIVIC that they are unable to assess the impact of their training to the ISF as they are not monitoring troops’ behavior in the field. A US Department of Defense (DOD) Inspector General report expressed concerns that the coalition reliance on Iraqi self-assessments to evaluate ISF capacity and effectiveness put coalition trainers at risk of misunderstanding ISF capabilities. Another DOD report assessing US and coalition training to the CTS found that the CTS academia curriculum and the POI developed by the coalition (in collaboration with CTS leadership) did not consistently provide training standards to enable a meaningful evaluation of CTS trainees’ performance. The report concluded that “Therefore the CTS unit commanders, the Academia, and SOTC-I [Special Operations Training Command] did not have a sufficiently comprehensive assessment of the effectiveness of the training provided to CTS recruits and, therefore, their capacity to perform the trained tasks in combat.”

**Challenge: Gaps in Trainings in Fighting in Populated Areas**

The challenges of the military operations against ISIS, particularly considering ISIS’ tactics against civilians, called for training with scenarios and simulations of the complex operational environments, including with civilians present, that troops were going to face on the battlefield. Such trainings would have supported the effective implementation of the Commander’s intent and guidance on the protection of civilians.

Many ISF and Peshmerga, as reflected above, praised the trainings they received for the fight against ISIS. But many also expressed concerns that they were simply not prepared to fight with a large civilian presence.

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174 CIVIC interview with CJFLCC officials in charge of ISF training programs, December 2017, Baghdad.

175 Ibid.

176 The report states that “The DoD continued to rely on Iraqi information and self-reporting to assess the capability and readiness of the ISF, particularly at the tactical level. U.S. advise and assist teams were embedded only at the higher levels and often did not collect first-hand data, leading to a lack of independent information to assess Iraqi military capabilities. The U.S. military reported that it tried to verify the accuracy of self-reporting through regular meetings with key Iraqi military leaders. The DoD reported there was often consensus on broad issues regarding Iraqi military preparedness and skill, but not enough data available to gauge the accuracy or reliability of details.” Overseas Contingency Operations: Operation Inherent Resolve, Operation Pacific Eagle-Philippines, January 1, 2018 – March 31, 2018, Lead Inspector General, US Department of Defense, May 2018, https://media.defense.gov/2018/May/14/2001916692/-1/-1/FY2018_LIG_OCO_OIR2_O2_MAR2018.PDF.


SOTC I is a subordinate command of CJOSOTF I. Its mission is to coordinate all CJOSOTF I training assets to be used to the maximum extent in support of the current and future fight. SOTC I is responsible for developing programs of instruction (POIs) and supporting CTS training within the Iraqi CTS Academia.
• A colonel in the Peshmerga said, “Many Peshmerga were killed because they were trained for classic wars, and ISIS changed the rules of war.”

• A general in the Nineveh Operation Command said, “We need training on how to fight in cities. How can we help civilians who are used as human shields by ISIS? That was such a challenge.”

• A major in the 16th Division said, “I received training in Taji. That military base is an open area, but Mosul was not an open area, it was crowded. When we entered Mosul, we were surprised because there were many buildings close to one another, it was very difficult for us because we did not have that training. For instance, ISIS made holes between houses and we were afraid because of IEDs. We were not trained on this.”

• A colonel in the 16th Division colonel said, “We have been trained to fight regular enemies, to shoot only at enemies, not randomly, on direct targets. But ISIS is not like this, it was not an army versus army fight, their thinking is different.”

The curricula did not always integrate ISIS TTPs against civilians—such as using civilians as human shields, targeting civilians fleeing on safe routes—and how the ISF could reduce civilian harm in light of those TTPs. The training curriculum did not seek to identify points in the operation where there was a high risk of civilian casualties and to minimize these risks. POI were not adjusted after major operations to take into account threats to civilians and good practices on civilian harm mitigation.

While mission success included two elements for the GOI—both defeating ISIS and protecting civilians—the training provided by the coalition focused on ISIS defeat rather than on civilian harm mitigation. Coalition officials in charge of the training program told CIVIC this was due to the coalition prioritizing the defeat of ISIS and force protection as training objectives.

Similarly, according to the head of the MOD training department, the MOD training did not include tactics such as house-to-house clearance or creating safe routes for civilians to protect them from ISIS because “we did not know it was needed, and troops were continually engaged in fighting.”

Coalition training should have done more to prepare the ISF for the complexities of avoiding civilian casualties in densely populated areas, to integrate tactics and techniques on the protection of civilians and to build the ISF capacity to collect, track and analyze civilian casualty data and apply lessons identified for future operations.

In addition, the training grounds used did not adequately replicate the unique characteristics of dense urban environments, including the structural and population density of cities like Mosul. Notably, most militaries do not have urban training centers that effectively replicate these characteristics.

Challenge: Scenario-Based LOAC Training Prior to Mosul Operations Was Limited

The conflict in Iraq is characterized as a non-international armed conflict under international humanitarian law. The international legal framework applicable comprises international humanitarian law and international human rights law. Iraq is a party to the four Geneva Conventions and Additional Protocol I to the Geneva Conventions. Iraq is not party to the 1977 Additional Protocol II to the Geneva Conventions, which is applicable to non-international armed conflicts. However, many provisions exist, together with article 3 common to the four Geneva Conventions, in customary international law and apply to the conduct of all parties in a non-international armed conflict.

ISF officers repeatedly told CIVIC that most ISF troops have limited knowledge of IHL and none on how to protect civilians. The MOD, MOI, and coalition trainings provided limited training to address this gap.

MOD training included a maximum of one to two-hour sessions on IHL and international human rights law (IHLR) topics for some officers. Training by the MOI prior to and during military operations did not cover IHRL and IHL.

178 CIVIC interview with colonel, Peshmerga, Erbil, January 2018.
179 CIVIC interview with major general, Nineveh Operation Command, August 2017.
180 CIVIC interview with major, 16th Division, Mosul, May 2018.
181 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
182 CIVIC interview with CJFLCC officials in charge of ISF training programs, December 2017, Baghdad.
183 Ibid.
184 CIVIC interview with lieutenant general, MOD, Baghdad, April 2018.
186 CIVIC interviews with ISF commanders, August 2017 and December 2017.
187 In 2017, the MOI set up a human rights training center which will reportedly include a course on civil-military relations, delivered by MOI, NATO and the EU, which covers relations with civilians. Interview with MOI official, MOI General directorate for Training, Baghdad, December 2017.
188 Email from Australian MOD official to CIVIC, May 2016.
LOAC was weaved into the coalition practical training and exercises from 2016. Training packages with vignettes were sent out from CJFLCC in Baghdad to training centers which touched on LOAC principles on distinction—including positive identification (PID)—proportionality, military necessity, and humanity. LOAC principles was not taught by coalition lawyers at the training sites, but were weaved into discussions on targeting and weapons training by non-lawyer trainers.\(^\text{189}\) Australian trainers in 2016 included key LOAC principles in their trainings at the Taji base.\(^\text{190}\) Those efforts were limited however, as, according to a coalition official, “Our training prioritized force protection over sensitizing troops or relevant ministries to LOAC.”\(^\text{191}\) In spring 2017—while the battle in the Old City of west Mosul was ongoing—a fragmentary order (FRAGO) was issued to provide more comprehensive LOAC and IHRL training to the ISF and police.\(^\text{192}\) Coalition training to all ranks should now include a two-hours basic level LOAC lecture, with scenarios relevant to Iraq and ISIS tactics. A coalition representative in charge of training programs indicated that troops were not all receptive to this training as they believe they vanquished ISIS and do not need lectures. In addition, MOD senior NCO and officers should now receive a four-to-five hour training on LOAC in 2017. The coalition indicated that the intermediate level LOAC training was delivered to the leadership of six army brigades, but could not provide numbers for troops trained on LOAC in 2017.\(^\text{193}\)

The ICRC supported the MOD with IHL training courses in Baghdad in 2015.\(^\text{194}\) In 2016, it provided IHL briefings to “1,700 members of front-line central/Iraq Kurdistan Region military commands, and of popular mobilization units,” supported IHL courses to officers and troops in Iraqi training institutions and advised international coalition representatives training Iraqi troops on teaching IHL in 2016.\(^\text{195}\) These efforts continued in 2017.\(^\text{196}\)

In advance of the operations in Mosul, CIVIC undertook scenario based civilian harm mitigation workshops with 190 Peshmerga officers between August and October 2016 in select locations in Kirkuk, Gwer, Makhmur, Khazer and Sinjar.\(^\text{197}\) Due to ongoing military operations, Peshmerga officers deployed on the frontline were only available for three hours.

Training on LOAC alone is not sufficient to prepare troops to reduce civilian harm, but it is a critical element for troops to train on, and would have helped to raise troops’ awareness that the Commander-in-Chief was prioritizing the protection of civilians and to discuss best practices and challenges for implementing this guidance and orders.

**Challenge: Inconsistent Competencies within ISF and Impact on Civilians**

Most ISF troops were constantly deployed or on leave...
from deployment during the three years of continuing military operations against ISIS. It was therefore challenging for the ISF and their coalition partners to maintain suitably trained armed forces to conduct complex urban operations in areas with significant civilian presence.

MOD and MOI had difficulties allocating sufficient troops for training, as military operations to retake territory were ongoing and also required troops to hold newly retaken territory. The head of the MOD training department said, "Very few units have been trained since 2014 because we needed a balance between using units to fight and training units." Some units were not trained as entire units. For instance, the Federal Police were trained by the coalition on an individual basis rather than as an organic unit, as MOI was unable to assign the whole unit for training. Under the US Leahy Law, the US military however, was not allowed to train certain units of the Federal Police due to some units’ involvement in violations of human rights.

As a result, ISF participating in operations against ISIS had different levels of trainings. The CTS was trained and mentored for many years by US Special Operations forces prior to 2014, to undertake raids, but were used as an elite infantry force to clear neighborhoods in Mosul. The Iraqi Federal Police were trained in wide-area security and infantry tactics but not complex urban operations. The 9th Armored Division was used as an infantry unit during operations against ISIS even though it was not trained in infantry.

Other forces did not undergo coalition or MOI or MOD training, e.g. the Hashad al Shabi who had their own trainings and command structure and are not formally under the MOI or MOD. Some training on protection of civilians was provided to the PMU by religious guides who advised high-ranking PMU commanders on how to deal with civilians and civilian properties according to Islamic law. A senior military official in charge of trainings for the PMU told CIVIC, “Let’s be realistic. Fighters need to know the law in order to follow any rules of engagement. However, fighters in the PMU have a weak knowledge of the law. They think force is the solution. We need to improve on this.”

These inconsistent competencies and capabilities may have had an impact of the troops’ effectiveness to reduce civilian harm. A major general in the ISF said, “The instructions were the same, but the implementation was different from one unit to another. You cannot compare the performance of CTS with others.”

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198 CIVIC interview with head of training department, MOD, Baghdad, April 2018.
199 Interview with CJFLCC officials in charge of ISF training programs, December 2017, Baghdad.
200 CIVIC interview with CJFLCC SJA, June 2017. Leahy Law prevents US-funded assistance from reaching specific security force units or individuals who have committed gross violations of human rights.
201 Dominic Evans and Ahmed Rasheed, “‘Crashing waves’ of jihadists fray soldiers’ nerves in Mosul battle,” Reuters, November 10, 2016, https://www.reuters.com/article/us-mideast-crisis-iraq-battle-idUSKBN1350GB. This was confirmed in interviews with coalition officials.
202 CIVIC interview with lieutenant general, PMU, Baghdad, December 2017.
203 Ibid.
204 CIVIC interview with major general, ISF, Baghdad, December 2017.
DURING COMBAT OPERATIONS

“ISIS is like a cancer. You cannot take it easily out of the body, you may hurt the body. This is how war felt like.”

“We took casualties in order to reduce civilian casualties.”

“In every military operation in the world, there will be mistakes. But as much as we can, we tried to avoid mistakes.”

“Tikrit, Ramadi, Fallujah, all those cities were empty. But in Mosul there were more people, more ISIS shooting, it was much more difficult. ISIS knew that civilians would flee and would cooperate with the military and they wanted to take revenge on the civilians. The soldiers were threatened by ISIS but we could not fight back because there were civilians there.”

Combat operations expose civilians to multiple risks. They can be caught in the crossfire, be killed or injured due to their proximity to a military target, or suffer from the impact of indirect fire or inappropriate weapons systems in populated areas, or due to targeting errors or mistaken identity on the basis of faulty intelligence, and be deprived of access to life-saving services. IHL requires that parties to a conflict minimize such incidental death, injury, and destruction of persons and objects.

During combat operations against ISIS, many factors affected the capacity of Iraqi armed forces to reduce civilian harm, including ISIS tactics as well as forces’ ability to distinguish between civilians and ISIS combatants and to accurately identify and hit military targets, and their choices of weapons and munitions. This section analyses efforts by the ISF on these issues. It also reviews lessons identified and challenges faced on post-strike harm assessments, assistance to and security screening of internally displaced persons (IDPs), and government oversight of Iraqi forces.

Under IHL, both the attacking party and the party being attacked are required to take precautionary measures, unless circumstances do not permit, in order to avoid (or at least to minimize) civilian harm. Effective advance warning before attacks which may affect the civilian population is such a precautionary measure – as it may allow the civilian population to flee out of harm’s way. The law also provides that everything feasible must be done to remove the population from the vicinity of military objectives (on a voluntary basis for civilians). All obligations with respect to the principle of distinction and proportionality in the conduct of hostilities remain applicable even if civilians remain in the area of operations after a warning has been issued.

Warnings to Civilians

Providing effective advance warning to civilians of impending attacks is critical in order to enable civilians to make informed decisions on self-protection. In Ramadi, Fallujah and Mosul, the ISF sought to communicate with civilians living in ISIS-controlled territory prior to attacks on the cities, to warn them of the impending attacks, and to urge them to stay away from ISIS positions. The ISF communicated through speakers, radio broadcast, mobile phones, leaflets dropped from the air, as well as via other civilians also living in ISIS-controlled territory who were in contact with the ISF.

ISF instructions to civilians on whether to remain at home or leave their homes differed depending on the location of the military operation. For instance, in Ramadi and Fallujah, the ISF instructed civilians to leave their homes, to make it easier for the ISF to re-take those cities without civilian casualties. A colonel from the 16th Division said, “A week before the operations, we informed civilians in Ramadi, Fallujah, Mosul. When people fled, this made it easier to liberate a city. Ramadi was easy because it was empty.” In Ramadi, the ISF

205  CIVIC interview with lieutenant colonel, 16th Division, Mosul, January 2018.
206  CIVIC interview with major general, 16th Division, December 2017.
207  CIVIC interview with colonel, 16th Division, Mosul, April 2018.
208  CIVIC interview with lieutenant colonel, 16th Division, Mosul, April 2018.
209  State practice establishes this as a norm of customary international law applicable in international, and arguably also in non-international, armed conflicts. This rule is an application of the principle of distinction (see Rules 1 and 7). It is also related to the prohibition on using human shields (see Rule 97), as everything feasible must be done to evacuate the civilian population from the vicinity of military objectives; in no event may civilians be used to shield military objectives.
211  CIVIC interviews with ISF officials, 2016-2018.
212  CIVIC interview with colonel, 16th division, Mosul, April 2018.
dropped leaflets late November and December 2015, asking civilians to leave the city in the next 72 hours and indicating safe routes to use for escape.213

In Fallujah, on March 25, 2016, the ISF declared that three exit routes were open to civilians214 and instructed them to leave their homes.215 85,000 civilians fled the city in a few days. The government and humanitarian actors however, were not prepared to provide assistance to these IDPs, resulting in thousands lacking access to food, water, and shelter (see section below on assistance to IDPs).

In Mosul, in October 2016, the ISF dropped leaflets instructing civilians in east Mosul to stay at home during military operations. With 1.5 million civilians estimated to live in both east and west Mosul, Prime Minister Abadi was concerned about the lack of preparedness to provide humanitarian assistance and decided that civilians in Mosul should stay home, to avoid a repeat of the humanitarian crisis experienced in Fallujah.216

During operations in Mosul, the ISF informed the Prime Minister that the presence of civilians in the city created challenges and slowed down the operations. However, the Prime Minister maintained his instructions to the ISF to keep people at home and to protect them during operations.217 In May 2017, the policy was reversed. The ISF dropped leaflets on west Mosul urging civilians to exit through safe corridors, but did not announce specific itineraries for safe routes.218

Challenge: Ensuring Effective Warnings to Civilians

To be effective, warnings have to be adapted to the environment, be specific, and be practical. ISF instructions did not always reach civilians, as ISIS targeted those reading leaflets or communicating with the ISF. In addition, in west Mosul, many civilians hid in basements to protect themselves from ISIS, or from the bombings, and therefore could not read the leaflets nor hear the broadcasts advising them to leave.

Many civilians were also unable to heed ISF warnings and instructions to leave cities, due to ISIS tactics, heavy fighting, or physical impairments.\textsuperscript{219} ISIS prevented people from leaving, used civilians as human shields, and targeted those trying to leave. People were therefore unable to stay away from ISIS. Some civilians were also reluctant to leave their homes and move towards the ISF and the PMU, as they were afraid of them. This was due to ISIS propaganda about pro-government forces, their own previous personal experience, or reports of abuses of by security forces during previous operations.\textsuperscript{220}

Safe Routes for Civilians Fleeing ISIS Areas

When military operations intensified in their locations, civilians had to make life or death choices – to stay or leave their homes. ISF warnings and instructions may have informed or influenced their choices, however, civilians had to consider many other factors. If they stayed at home, they might be used as human shields by ISIS, hit by artillery or an airstrike, and lack access to water, food, and medical assistance. If they fled, they risked being caught in the cross fire, being targeted by ISIS snipers, walking over an IED, or being mistreated by security forces.

The ISF had to respect civilians’ choices and to protect both those seeking to escape the active fighting and those who remained in areas of fighting. In Mosul, ISF efforts to help civilians escape ISIS areas made the operation akin to a large-scale hostage recovery situation. During interviews with CIVIC, ISF officers usually referred to this process as “evacuating” civilians. However, the term “evacuation” implies planning and setting conditions including a guarantee of safety, which, due to ISIS tactics, the ISF was unable to provide to all civilians.

**Good Practice: Reducing Risk to Civilians Crossing Frontlines**

ISF troops were sometimes able to reach civilians on or behind the frontlines and escort them to safety. In the process, they learned valuable lessons on the best practices to protect civilians despite ISIS attacks on civilians who tried to flee and holding them hostage.

ISF tactics to protect civilians crossing frontlines were different in less densely populated areas from more populated urban areas. A colonel in the Peshmerga explained that in open areas around villages, “Sometimes, families in ISIS controlled territory would contact relatives who would then come to us to say they want to escape. If possible, we would then go with a family relative three or four kilometers behind the frontline to get the family. That family would advance towards us. We would hide and observe if ISIS was with the family, if not the relative would recognize them and call them.”\textsuperscript{221}

A major general in the ISF gave an example of a successful example of moving civilians in Mosul, “One cold rainy night, a group of civilians called our unit and told us they were between our position and Daesh’s position. We sent a special unit of the Ninth Division, who sneaked behind ISIS lines, rescued 33 families, and came back. Meanwhile we sent another unit in another direction to distract ISIS. This was a well-coordinated operation.”\textsuperscript{222} ISF officers interviewed by CIVIC indicated that they were able to provide better protection and cover to families who contacted them in advance of their escape.

The ISF used the following tactics to reduce risks to civilians crossing the frontlines towards their positions:

- Communicating with civilians still in ISIS controlled territory to exchange information on the safety of escape routes. Through private phone communications, the ISF would direct civilians planning to flee from ISIS held territory to their positions. The ISF would sometimes be able to indicate which routes might be safer (in relation to ISIS positions or IEDs for instance), although sometimes civilians had better information and would actually be the ones informing the ISF on this. Civilians would then walk to ISF positions, sometimes using smugglers.
- Using routes that did not provide ISIS fighters with a clear line of sight of civilians and their movements.\textsuperscript{223}
- Informing ISF troops about routes designated for civilians’ escape, to avoid friendly forces shooting in the area.

\begin{itemize}
\item \textsuperscript{219} CIVIC interviews with civilians from west Mosul, June-August 2017.
\item \textsuperscript{220} For instance, in October 2015, up to 1,200 individuals were detained, abducted or have disappeared at the PMU run Razzaza checkpoint, south of Fallujah; “Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 November 2015 – 30 September 2016,” United Nations Assistance Mission for Iraq and United Nations Human Rights, December 30, 2016, http://www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=2106_a96b8b398574e30a6b5f7379845067c&Itemid=650&lang=en.
\item \textsuperscript{221} CIVIC interview with colonel, Peshmerga, Erbil, January 2018.
\item \textsuperscript{222} CIVIC interview with lieutenant general, CJOC, Baghdad, December 2017.
\item \textsuperscript{223} CIVIC interview with brigadier general, CTS, Baghdad, December 2017.
\end{itemize}
• Advising civilians to leave and move in small rather than big groups, to avoid being spotted and targeted by ISIS.224
• Using ISR to verify if routes were safe.225
• Covering their escape with an ISF sniper.226
• Using air support to secure routes.227
• Using flashlights at night to guide civilians to their positions.
• Launching an attack away from civilians fleeing in order to distract ISIS.228
• Isolating and securing one area in the neighborhood where fighting is occurring to give an opportunity for civilians to leave that area.229
• Removing IEDs on routes likely to be used by civilians.
• Advising civilians on how to distinguish themselves from combatants, e.g. white flags, raised arms, not driving vehicles as those could be mistaken for VBIEDs, removing clothes to show they had no weapons. When ISIS increased its use of human borne IED (HBIED), men and boys were requested to remove their shirts when approaching the ISF.
• Negotiating via community leaders. Some efforts were sometimes made to negotiate with ISIS fighters to allow families to go, via the local sheikh or mukhtars or other authorities in the area. A colonel in the Peshmerga explained that in some villages south of Daquq, “Some ISIS fighters were locals and had their families in the villages. We asked the sheikh and the mukhtar in one village to talk to ISIS fighters in other villages so they do not shoot or fight.”230

These efforts and tactics enabled thousands of civilians to escape active conflict areas.

**Challenge: Inability to Guarantee Safe Escape Routes to Civilians**

When civilians tried to escape from ISIS held areas, ISF attempts to aid their escape saved some lives, but overall the ISF were unable to guarantee their safety, due to ISIS tactics, crossfire between ISF and ISIS, and airstrikes.

ISIS prevented civilians from fleeing, in order to use them as human shields, and targeted those seeking to escape. In Ramadi, ISIS took civilians deeper into the area as human shields as ISF forces advanced. Abdul, whose family was among 160 families forced to move with ISIS several times, explained, “We wanted to leave Ramadi, but Daesh threatened, ‘we will blow up your house with you and your family.’ We could not refuse.” He angrily described what it was like to be human shields for ISIS, “We lived in constant fear that as human shields either the ceiling would collapse due to airstrikes or we would die by shelling of Daesh or by the IEDs laid on the roads toward the frontlines. There was danger all around.”228

In Fallujah, ISIS continued to block civilians from leaving after the ISF declared ‘safe corridors’ out of Fallujah. ISIS reportedly used speakers in mosques and on vehicles to broadcast the message that anyone attempting to flee would be immediately killed. In addition, as ISIS knew about the ‘safe routes’, they had time to organize a response, to position snipers, and to target civilians seeking to flee.232 Landmines, in and beside the roads, made the journey extremely risky. The ISF was eventually able to establish greater control over the ‘Al Salam junction’, but it still presented grave dangers to civilians using it.233

When fleeing operations in Salah Al-Din, families faced similar risks, and some also reported that their properties were looted and cattle stolen by the PMU along the way. They fled on foot for long distances in the desert, with little water and food along the way.

In Mosul, and particularly in west Mosul, families were also targeted by snipers. ISIS concealed IEDs on potential escape routes and put corrugated iron sheet on the roads to hear and target civilians seeking to escape.234 Civilians who escaped fighting between the ISF and ISIS in Mosul consistently reported having to wait until the army were close enough to their homes.
and then having to cross the frontlines, often with ISIS at one end of the street and the ISF at the other end. Until they reached ISF positions, civilians consistently risked their lives from crossfire, ISIS snipers, bombardments, and IEDs.\textsuperscript{235} In the Shifa neighborhood of Mosul, on June 1, 2017, at least 163 civilians trying to escape were killed by ISIS.\textsuperscript{236} Many civilians lost their lives when crossing the frontlines during operations. Many civilians who fled Mosul at the height of the fight were disappointed that there were no actual “safe routes” as promised by the ISF. A woman from Zinzii in west Mosul said, “When government makes a promise, they need to keep it. There were no safe routes for civilians.”\textsuperscript{237}

While ISF implemented some practices to evacuate civilians, some other possibilities could have been considered:

- Building in temporary pauses, even if unilateral, in the offensive military operations to allow for safe passage.
- Using hand delivered obscurants, such as smoke pots, to conceal civilian movement across open ground from ISIS observation.
- Not announcing specific safe route itineraries publicly.

**Distinction**

Verifying civilian presence near a target location in order to assess collateral damage prior to firing any weapon is critical to reducing civilian harm. Similarly, identifying the location of civilian objects such as homes, medical facilities, and religious sites are essential to assisting commanders in foreseeing incidental harm, in deciding the timing of attack, and in choosing the appropriate weapons in compliance with the principles of distinction and proportionality. The US military implements a PID process, which is used by many western militaries, to establish reasonable certainty that a proposed target is a legitimate military one.

Identifying the number of civilians in a target location in Iraq was challenging in part due to ISIS tactics. ISIS fighters:

- Mixed with civilians on purpose, making distinction more difficult.
- Used buildings irrespective of their civilian nature, e.g. a hospital or homes, to attack ground forces or coalition planes, aiming to draw return fire and cause civilian harm.
- Ordered civilians to remove the front door of homes to allow ISIS to enter at any time to hide or conduct offensive operations.
- Created “mouse holes” or passageways between connecting houses to allow fighters to move unseen from aircraft or ISR. These holes would also, when safe, be used by civilians to move away from fighting and towards ISF posts.
- Forced people to hide in basements of houses in west Mosul and welded doors shut, making it difficult for the ISF to check civilian presence and estimate possible civilian casualties.

\textsuperscript{235} The incident on 1 June 2017 when at least 163 civilians were killed as they were fleeing the Shifa neighborhood towards Iraqi security forces was another demonstration, in addition to countless individual reports, of ISIS targeting people escaping and the lack of safe exit routes for civilians.


\textsuperscript{237} CIVIC interview with civilian, Mosul, June 2017.
• Placed explosives in some buildings, either deliberately as booby traps and to cause mass casualties if hit, or for the purposes of storage or manufacture of weapons.

A major from the 16th Division told CIVIC, “There are two types of fighting: military versus military, and when the enemy is among civilians. The latter drives you crazy, as you do not know who is who.”

Civilians too feared that they would be targeted, “Our biggest fear during the fighting was when fighters entered our home and then our home became a target,” said Hamza, a resident of east Mosul.

A Ministry of Interior official stated that a key objective of the leaflets airdropped in cities still under ISIS control was to facilitate distinction by advising civilians to stay away from ISIS positions.

Good Practice: Verification of Civilian Presence Through Civilians and ISR

The ISF used a combination of intelligence from civilians, coalition ISR assets, and their commercial drones to identify ISIS locations and civilian presence. All ISF officers interviewed emphasized the significance of civilians’ cooperation, particularly in Mosul, in order to verify civilian presence, to guide civilians fleeing, to warn them about impending attacks and to confirm ISIS locations. A lieutenant colonel in the 15th Division speaking about Mosul said, “We got information about the selected targets from civilians themselves. They told us where ISIS was located.” Similarly in Ramadi, “people came towards us after crossing the frontlines, they had suffered a lot under ISIS so they informed us about their fighters,” explained a lieutenant colonel from 16th Division.

The ISF collected information from civilians in several ways:

• Troops asked civilians crossing the frontlines about ISIS locations and civilian presence in and around ISIS locations.

• The ISF was in contact with civilians in ISIS held territory through telephone calls, SMS, or social media. The ISF had civilians’ contact details either because they knew them on a personal level or because civilians who had fled had passed on others’ numbers.

• A hotline was established in June 2014 by the ISF to collect information from civilians, including about civilians’ presence. The number was communicated to civilians through leaflets and text messages. Information sent to the hotline was going to the Central Command in Baghdad, which analyzed the information. However, ISIS knew about the hotline and was also using it to share inaccurate information. As a result, the ISF had to crosscheck the information.

Some ISF and Peshmerga troops used commercial drones to check for opposing forces’ locations and civilian presence. On a larger scale, the coalition’s support to the ISF with ISR capacity such as drones and satellite imagery was widely used to verify civilian presence and identify opposing forces prior to fires. The combination of Iraqi drones, as well as information from civilians, and coalition ISR capabilities enabled a stronger assessment of civilian casualties prior to airstrikes. An Iraqi team at the CJOC was analyzing information from civilians, and a coalition-Iraqi mixed team was combining this information with other coalition ISR and Iraqi sources.

A lieutenant colonel in the 16th Division explained, “Civilians gave us information about where ISIS was, so if ISIS was concentrated in one area, we would make sure there were no civilians there, and then we could use mortars and rockets. If there was a coalition airstrike we would check with drones if civilians were present and then strike.”

Observers attached to artillery teams were also sometimes able to provide information about civilian presence. According to a colonel in the 16th Division, the coalition provided training and equipment to some observers, including binoculars with night vision.
connected to a satellite, in order to provide accurate target locations. 250

A captain in the 16th Division confirmed that the ISF also had sources amongst ISIS, explaining, “We had an intelligence officer working for us within ISIS, passing on information on the number of ISIS, their locations, and if civilians were present.” 251

**Challenge: Population Density, ISIS TTP Impacted Ability to Detect Civilians**

The difficulty of detecting civilians in a dense city such as Mosul, even with advanced targeting systems and continuous observation, challenged efforts to determine accurately the number of civilians occupying a target area prior to approving strikes. ISIS tactics made this exercise significantly more challenging.

ISIS actively attempted to prevent civilians from passing on information to anyone. Civilians who had phones were targeted by ISIS and sometimes killed. ISIS used civilians as human shields, cramming several families into one house, or locking families in a basement, which made it difficult to determine accurately the number of civilians in a target area. Civilians explained to CIVIC that as fighting in Mosul intensified, “We would move house to house. I moved four houses in one month. When one was hit or fighting intensified, we moved to other houses. There we would find other families scared and hungry,” said a resident of Zinjili in west Mosul. 252

The US Army Center for Army Lessons Learned (CALL) Mosul Study Group (“Mosul Study Group”) concluded that ISIS’s use of mouse holes, where fighters would knock down interior walls between houses and shoot from one house before moving away quickly to another, as well as ISIS’s creating firing ports in the roofs of buildings in order to fire mortars from inside, made it difficult for forces to accurately locate targets, and thus to correctly estimate civilian presence and potential casualties. 253

ISF officials acknowledged their challenges to verify civilian presence in the midst of the fighting, and that mistakes were made. A major general in the ISF said:

“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.” 254

–Major general, ISF, Baghdad, December 2017.

Reliance on drones to assess civilian presence presented challenges and limitations. First, ISF officials stated they needed more intelligence sources. A major general in the ISF explained, “In order to assess civilian presence, we would have needed more drones, more cooperation from civilians, and more trained forces who could go behind enemy lines and be our source of information, but we had limited resources and no capacity to train officers.” 255

Second, in Mosul, coalition ISR was used primarily to confirm partner force positions (to avoid friendly fires casualties) and/or, in the case of armed ISR platforms, for “striking” over “collecting.” 256 This had a negative impact on the availability and use of imagery to verify civilian presence.

Third, in a densely populated urban setting, the ability of overhead imagery based ISR systems to effectively gather intelligence is limited: for example, observing the outside of a building through an ISR platform for minutes or even hours, and not noting any civilian activity, does not guarantee that there are no civilians in the building, as civilians would be hiding in homes and basements for days as operations intensified. A coalition official told CIVIC, “We can be watching a building in Mosul for some time. But given ISIS TTPs, and as we learnt civilians moved between homes, unless a drone has gone inside the building, can one really confirm number of civilians

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250 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
252 CIVIC interview with civilian, Zinjili, August 2017.
253 The Mosul Study Group report states that it “created new challenges as target location error would rise when trying to determine an accurate point of origin. This had immediate impact on collateral damage estimates when generating counterfire and strike requests.” *Mosul Study Group: What the Battle for Mosul Teaches the Force,* U.S. Army Press, September 2017.
254 CIVIC interview with major general, ISF, Baghdad, December 2017.
255 Ibid.
256 The Mosul Study Group report states, “Frequently, valuable intelligence, surveillance and reconnaissance assets were diverted to confirm partner force positions.” Later, it adds, “In Mosul, this was highlighted in the challenge to the disciplined and effective employment of armed intelligence, surveillance and reconnaissance platforms (multi role assets) between the roles of ‘strike’ and ‘collect’. Dynamic targeting requirements reprioritized platforms, thereby retasking armed remotely piloted aircraft to conduct immediate strikes.” *Mosul Study Group: What the Battle for Mosul Teaches the Force,* U.S. Army Press, September 2017, pp. 56 and 60.
for collateral damage estimate?*257

In addition, not all ISF fires, rotary and fixed wing or surface-to-surface such as mortars and artillery, were coordinated with the coalition forward observers or coalition ISR.258

**Challenge: Perception of Civilians in West Mosul as ISIS Supporters**

Estimating incidental harm to civilians prior to fires requires drawing a distinction between civilians and combatants. The ability to distinguish between both was not only challenged by ISIS’s tactics, but also by the perceptions of some ISF soldiers and officials towards civilians. As the principle of proportionality under LOAC requires a commander to assess harm to civilians and civilian objects vis–a-vis expected military gain, underestimating civilian presence or perceiving civilians as combatants will affect any assessment of proportionality and the principle of distinction.

Several ISF officials interviewed perceived civilians in west Mosul as ISIS supporters.259 A brigadier general in the CTS stated, “Innocent civilians will follow instructions and follow secure routes. Those who refuse to follow secure routes are with Daesh. People in west Mosul were all Daesh, that’s why they did not cooperate with security forces. People in east Mosul who were with Daesh moved to west Mosul.”260 Another ISF official explained that if civilians did not leave an area or did not stay away from ISIS locations after being warned, they would “technically be combatants.”261

These statements disregard the multiple reasons why some civilians may be unable or unwilling to leave ISIS held areas, including ISIS preventing them from fleeing, lack of genuinely safe escape routes, physical inability to move, fear for property if left behind, lack of trust in security forces and other armed groups, concerns over conditions in areas of displacement, or fear of being prevented to return home once military operations ended.

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257  CIVIC interview with senior officer from CJTF, December 2017.
258  CIVIC interview with senior CJFLCC officer who was in theater 2016-2017, August 2018.
259  CIVIC interviews with ISF soldiers and officers, June-August 2017; December 2017; April 2018.
260  CIVIC interview with brigadier general, CTS, Baghdad, December 2017.
261  CIVIC interview with general, 15th Division, Badoush, August 2017.
Challenge: Surrounding ISIS in Mosul Old City

ISF officers interviewed confirmed to CIVIC that some ISIS fighters were able to withdraw safely from Ramadi, Fallujah, east Mosul, and Tel Afar as ISF forces only partially surrounded ISIS strongholds when attacking. A colonel in the 16th Division told CIVIC, “In Ramadi, we let ISIS escape. We surrounded the city from several angles and killed some ISIS fighters, but other ISIS fighters could escape through another path.”

In the Old City of west Mosul, there was no such route for ISIS. An internal review of the US battle plan against ISIS in early 2017 had led to a transition from “attrition” to “annihilation” by May 2017. Military commanders shifted battleground tactics and this time completely surrounded the area to prevent ISIS fighters from escaping.

An Iraqi general told CIVIC, “There was a political decision made by internal and external forces to deal with Daesh in al-qadima [old city]. There would be no escape route. That was not the original plan for Mosul. They would be allowed to move towards Syria and then attacked by airstrikes. Yes, some may flee to fight us again, but that was the plan and it was changed. The results are obvious.”

A colonel from the 16th Division said, “the fight in west Mosul was different because ISIS had no escape, so they had nothing to lose and took revenge on civilians.” Civilians reflected on this tactic and asked, “Why was Daesh not chased out of al-Qadima and killed elsewhere. Why did we have to be punished for Daesh’s crimes?”

ISF soldiers present in west Mosul soon after it was retaken told CIVIC, “Entire families were killed in al Qadima. We just don’t know. They were in basements. As we advanced towards the Tigris river, we called airstrikes. We killed Daesh fighters, they could not escape.” When asked, whether ISIS should have been allowed to leave Mosul towards open area, one soldier replied, “Yes, we did that in Fallujah, but al-Qadima was different. A lot of our men also died. Al-Qadima is Daesh’s graveyard.”

Mosul Civil Defense officials confirmed retrieving 800 bodies of fighters on the Old City banks of the Tigris River in May 2018.

International humanitarian law does not require parties to provide an escape route for fighters. All operations need to be conducted in compliance with the principles of distinction and proportionality to minimize incidental harm to civilians and civilian objects, in addition to military necessity. Any planning conducted prior to operations should be adjusted during operations to consider the impact on civilians and assess control measures and resources needed to mitigate against civilian harm resulting from a new course of action during operations.

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263 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
265 CIVIC interview with general, ISF, Mosul, August 2017.
266 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
267 CIVIC interview with civilian, Mosul, August 2017.
268 CIVIC interview with ISF soldiers, Mosul, August 2017.
269 Ibid.
270 CIVIC interview with Mosul Civil Defense, July 2018.
Targeting Processes

According to the ISF officers interviewed, the targeting approval process for ISF artillery deliberate strikes was as follows:271

**Step 1:** The ISF used two sources to locate targets: ISR (Iraqi and coalition) and information from civilians. Civilians would explain to the ISF where ISIS was located. This usually involved a verbal explanation of the location, using a landmark (i.e., a school or a mosque), and/or using an offline map (often the ATAK application) on a smartphone or tablet.272 Observers attached to infantry teams may observe the target directly at that stage and assist with localizing the target.

**Step 2:** Troops (including observers) on the battlefield would share this information, along with GPS coordinates, to the operational headquarters (HQ).

**Step 3:** The Division level HQ, where coalition advisers were usually present, would centralize, analyze and cross-check this information with other sources of information and ISR. They may also coordinate with the Regional Operations Command and the Central Operations Command for more information/ISR.

**Step 5:** The Division level HQ would do a CDE and select weapons and munitions to use.

**Step 6:** The Division level HQ would approve fires.

**Step 7:** When feasible, the accuracy of the fires was checked by troops, observers, and ISR on the battlefield. Fires were adjusted if needed to reach the target.

CIVIC understands that ISF troops did not require approvals from Division Command HQ when firing in self-defense.273

In the battle for Mosul, in December 2016, the Iraqi government reportedly changed the approval process to decentralize it allowing commanders at the frontline authority to approve coalition strikes.274 Moreover, most strikes were dynamic—targets of opportunity, and were subject to less extensive review and approval process for both Iraqis and coalition than deliberate strikes (see below). CIVIC was not provided information on Iraqi approval process for dynamic air strikes or surface-to-surface fires.

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271 This process applies to 16th Division artillery deliberate strikes. CIVIC did not have access to the IAF and IAA to understand the approval process for ISF deliberate or dynamic targeting from aerial platforms.

272 ISF officers interviewed described the process and showed the ATAK smartphone application to CIVIC. See Android Windows Tactical Attack Kit, https://atakmap.com/p_about.aspx: “ATAK is a mapping engine developed for the Android Operating System which allows for precision targeting, intelligence on surrounding land formations, navigation, and generalized situational awareness.”

273 This understanding is based on interviews with several ISF 16th Division officers.

For coalition airstrikes, targets are assigned through the US joint air tasking cycle, often at a Combined Air Operations Center (CAOC), a multinational headquarters that oversaw the air campaign against ISIS. The joint air tasking cycle generally reflects the overall targeting process including commander guidance, target development, CDE, weaponeering, assignment through an air tasking order (ATO), execution, and assessment.275 Coalition targeting boards would go through an “exhaustive process of discussion and review” prior to approving a target for deliberate strike.276 For dynamic strikes, which were the majority of strikes in Mosul, this is an accelerated process.

Under US methodology, used by the coalition, CDE answers five basic questions:

1. Ability to make a positive identification of the military object.
2. Are there protected or collateral objects, civilian or noncombatant personnel, involuntary or unwitting human shields, or significant environmental concerns within the effects range of the weapon that is to be used?
3. Can damage to those collateral concerns be mitigated by striking the target with a different weapon or with a different method of engagement, yet still accomplish the mission?
4. If not, how many civilians and noncombatants will be injured or killed by this attack?
5. Are the collateral effects of attack excessive in relation to the expected military advantage gained, and does this decision need to be elevated to the next level of command to attack the target based on the ROE in effect?277

Once the CDE is complete, each participating nation’s ROE identify the permissions and authorities required to approve strikes based on the anticipated level of civilian harm or collateral damage.278

Coalition airstrikes for Mosul had to be approved by a strike cell, which was a command post with a fire support element. The strike cells are a team that integrated and synchronized coalition joint fires and ISR at all levels, from company to division. They were manned with a combination of coalition maneuver, fires, air, and Iraqi personnel and provided both deliberate and dynamic support.

The dynamic targeting for the coalition was as follows: ISF made requests to embedded advisors in ISF tactical HQ, who vetted and prioritized the requests and coordinated them with the special operations liaison officer or the joint tactical air controller (JTAC) in the strike cell. The team then determined if the target was legitimate, gave it a CDE rating, and had a legal advisor check for ROE compliance. Once cleared, the fires desk determined the most appropriate weapon system, and a strike request was sent to the CJOC where it was examined by the target engagement authority that assessed the CDE. If approved, the strike request was sent to Iraqi CJOC officials for final approval.279

Good Practice: ISF and Coalition Observers

Forward observers, forward air controllers, or JTAC can contribute valuable information for the formulation of CDE, including civilian presence, target construction, and potential secondary effects from fires.

Some ISF units included observers working with the artillery teams to support accurate targeting. A 16th Division observer described his role to CIVIC as such:

“I was in contact with the mortars team. Before they fire at a target, they tell me when they will shoot (for instance 20 seconds or 1 minute). I have two assistants with me to check the time. This is to make sure that we don’t confuse their fire with someone else’s. When they fire, I look at the target. If it was not hit, because of the weather or something, I tell them and we correct the mistake. We used offline maps and GPS coordinates. Sometimes I could see with my own eyes, sometimes I could not, especially in west Mosul, so we had to rely on drone and air cameras. Every six hours, the mortars team gets a report on the weather and factors that in its firing.”280

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276 CIVIC conversations with officers from CJTF and CENTCOM, 2016-2017.
277 “No-Strike and the Collateral Damage Estimation Methodology, CJCSI 3370.01A,” Chairman of the Joint Chief of Staff Instruction, October 12, 2012, https://info.publicintelligence.net/CJCS-CollateralDamage.pdf.
278 CIVIC conversations with officers at CENTCOM 2015-2016.
280 CIVIC interview with captain, 16th Division, Mosul, May 2018.
In addition, further to the December 2016 directive, coalition Advise and Assist teams, which included JTACs, deployed at the tactical level to accompany Iraqi forces to the frontlines. They fed into target engagement authority (TEA) strike cell for all coalition fires including dynamic strikes.281 “Coalition fires needed some eyes on target, forward observer, drone feed. We could not proceed until we had PID,” said a senior CJFLCC officer who was in Baghdad during the Mosul campaign.282

Through their work to control and coordinate close air support, JTAC can increase the accuracy of air attacks and lower the risks of friendly fires and civilian casualties (as these risks are higher due to the nature of close air support, particularly in an environment like west Mosul) by carefully selecting targets to ensure that the right ones are hit and by supporting with collateral damage estimates and initial BDA. This additional technical expertise and the combination of Iraqi and coalition ISR capabilities enabled a stronger assessment of civilian casualties prior to airstrikes.283

**Challenge: Lack of ISF and Peshmerga Forward Observers**

Some of the ISF and Peshmerga units who used indirect fire weapons did not include troops to observe targets such as forward observers.284

They did not benefit from coalition FO or JTAC support until December 2017,285 when “advise and assist” teams were deployed in the battlefield.

Even then, coalition JTAC were not deployed to all ISF and, due to the high level of activity in the airspace in the target area, had to focus on deconfliction rather than on guiding attacks to the correct target location.286 According to the Mosul Study Group report, the Mosul operations “turned joint terminal attack controllers into what at times seemed like air traffic controllers managing up to 40 aerial platforms, [as a result] army ground supporting fires assumed a supporting role as joint terminal attack, while controller-qualified personnel took the lead on deconfliction, synchronization, and execution of targets.”287

The coalition started to develop the capacity of ISF and Peshmerga officers. From mid-2016, the coalition started training coordinators within the Peshmerga, who were taught to read GPS coordinates and maps, to pinpoint locations and to observe targets, and then to relay that information to operational command headquarters.288 During the Mosul operations, the coalition started to build the capacity of Iraqi officers as forward air controllers.289 The formal coalition training for ISF forward air controllers began in July 2017 after Mosul was retaken from ISIS.290

In addition, forward observers are trained by the MOD school of artillery. The coalition started partnering with this training in 2018.291 As of June 2018, the coalition is not training any Iraqi JTAC.292

**Challenge: Communicating Inaccurate Target Coordinates to Fire Teams**

As seen above, civilian harm can be caused from an engagement with known opposing forces where the effects of the engagement impact civilians. As a result, accuracy and precision of fires are crucial to reduce civilian harm. When using indirect fires, forces do not have a direct line of sight to their target area. The precision and accuracy of their fires will depend, in part, on troops having the correct coordinates for their targets.

The ISF relied heavily on civilians' information to find coordinates of targets on a map. A colonel in the 16th Division confirmed what other ISF officers had explained, saying, “When civilians fled, we showed them an offline map, they explained to us where ISIS was located by referring to a landmark building like a school and they explained to us. It was easier to find the right location in villages than in Mosul because of all the buildings close to each other.”293 While interviewees claimed they checked this information with other sources, doing this in a dense urban environment like Mosul could lead to the transmission of incorrect target coordinates, particularly when the tempo of the operations increased.

The lack of common operating picture between all forces on the ground further increased the likelihood of communicating inaccurate target coordinates. As the

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281 CIVIC interview with former CJFLCC officer who was in theater 2016-2017, August 2018.
282 Ibid.
284 CIVIC interviews with officials, ISF and Peshmerga officials; CJFLCC officials in charge of ISF training, Baghdad and Erbil, December 2017 and January 2018.
285 Except for military units, mostly CTS, supported by Special Forces.
287 Ibid.
288 CIVIC interview with lieutenant colonel, MOP, January 2018.
289 CIVIC interview with former CJFLCC official who was in theater 2016-2017, August 2018.
290 CIVIC interview with CJFLCC official who was in theater 2016-2017, Baghdad.
291 CIVIC interview with CJFLCC officials in charge of ISF training programs, December 2017, Baghdad.
292 Ibid.
293 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
Mosul Study Group report documented, “subordinate units in the field used a variety of systems to aid in their situational awareness. Different common operating pictures (e.g., Distributed Common Ground System-Army, Command Post of the Future, Google Earth) provided different levels of and approaches to visualization.” In west Mosul, the lack of common operating picture, the density of the terrain, and the rapid changes of the environment due to the intensity of the fighting led to a fight that “was often fought off non common imagery (with various sources and refresh rates), [with the result that] the target engagement authorities sometimes questioned the validity of a target observed by an in-contact ground element based on outdated imagery.”

Such challenges impacted the ISF and coalition’s ability to accurately locate and share locations of ISF units and of civilians, and increased risks to target the wrong location/coordinates, particularly for dynamic targeting. This impacted both the ISF, with some ‘friendly fires’ incidents, and civilians.

**Weapons Choices**

The selection of munitions and weapons delivery systems has a significant impact on civilians, as the effects of those weapons may increase civilian harm. Most weapons are designed for use in open battlefields, not cities, and when used against military objectives located in populated areas, their effects are devastating for civilians. According to the International Committee of the Red Cross (ICRC), the use of explosive weapons with a wide impact area—such as unguided indirect fire weapons, multiple barrel rockets, large caliber mortars, and large radius bombs—should be avoided in densely populated areas, due to the significant likelihood of indiscriminate effects, despite the absence of legal prohibitions on specific types of weapons.

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294 “Mosul Study Group: What the Battle for Mosul Teaches the Force,” U.S. Army Press, September 2017, p. 56. A common operational and intelligence picture is critical to creating and maintaining a shared understanding of the environment and communicating that common picture within the U.S. Army, throughout the joint force, and to both the coalition and partner forces. The common operating picture in Operation EAGLE STRIKE resided at the CJOC-level (the CJFLCC at Baghdad and Erbil, the brigade at Mahkmur). However, subordinate units in the field used a variety of systems to aid in their situational awareness. Different common operating pictures (e.g., Distributed Common Ground System-Army, Command Post of the Future, Google Earth) provided different levels of and approaches to visualization, which may or may not have fed the larger common operating picture. The coalition force’s common operating picture systems have not been federated. Therefore, different imagery databases resulted in inefficiencies and sub-optimal combat effectiveness.”

295 “Mosul Study Group: What the Battle for Mosul Teaches the Force,” U.S. Army Press, September 2017, p. 56, https://www.armyupress.army.mil/Portals/7/Primer-on-Urban-Operation/Documents/Mosul-Public-Release1.pdf; the report adds: “On the ground, the difference between a building and a pile of rubble was measured in hours as opposed to the speed at which the imagery was updated (at best several days). Additionally, the environment changed with the impacts and devastation caused by larger munitions. Target grids could differ substantially from imagery after a series of fires effects changed the landscape within Mosul.”


“Wide impact area” weapons consist of three components: due to large destructive radius of the munitions (e.g. large bombs, large guided missiles, large caliber mortars and rickets, and heavy artillery projectiles); due to the lack of accuracy of the delivery system (such as unguided indirect fire weapons, including mortars, rockets and artillery); and where a weapon system is designed to deliver munitions over a wide area (multi-launch rocket systems or cluster munitions.)

Explosive weapons may have primary, secondary, and tertiary effects. The primary effects of explosive weapons are the direct impact of the weapons’ components. The secondary effects result from the interaction of the blast wave and fragmentation with the surrounding environment – this may lead to structural collapse, shattered windows, and fire damage, and can cause multiple human casualties through injuries from flying glass, crushing, suffocation, and burns. The tertiary effects are the long-term impacts of the damage caused by explosive weapons on human living conditions such as damage to or destruction of vital infrastructure (housing, utilities, or health facilities) and include a wide range of consequences of reduced access to services and infrastructure that are vital to sustain lives and livelihoods.

Many explosive weapons with wide impact area were available and used during military operations against ISIS. Coalition forces airdropped large bombs and missiles. ISF troops had a combination of indirect fire weapon systems and had varying degrees of competency on how to use them.

To ensure relative accuracy of indirect-fire weapon systems, military forces need to ensure that operators and commanders are knowledgeable about the correct employment of indirect-fire weapon systems, including their limitations and specific characteristics when employed in populated areas, and that they regularly determine the accuracy and precision that fire units and systems can deliver under combat conditions. Military forces should conduct realistic, scenario-based training simulating the use of indirect-fire weapon systems in populated areas in order to better understand and anticipate their effects and the risks posed to civilian population and civilian objects.

**Good Practice: Use of Tactical Patience and Tactical Alternatives**

Strategic patience may involve, for example, delaying offensives to allow time and opportunities for civilians to seek safety. Tactical patience may involve, for example, taking additional time to confirm a target before returning fire and having more situational awareness in order to minimize civilian harm.

In order to reduce civilian harm, the ISF and the coalition sought to exercise tactical patience during military operations. For instance, in Fallujah, Prime Minister Abadi paused operations out of concern for the civilians still present in the city. In addition, many ISF officials interviewed explained that throughout the operations against ISIS, they had to cancel operations due to the presence of civilians, or that the coalition would sometimes abort a strike request after it established civilian presence at target location. A major general in the 16th division said:

“In east Mosul, after liberating a neighborhood, ISIS fired mortars at us from the West into the East. We were taking casualties—both army and civilians. We could see who was firing and we could see the weapons but we did not fire back in order to protect civilians around the weapon.”

In Mosul, the ISF also learned to exercise tactical patience when responding to ISIS mortar fire or sniping from rooftops, knowing that they were likely using civilians as human shields in the same house they were firing from. A major general in the 16th division explained:

“In a neighborhood, there was a house with one sniper, holding two civilian hostages in a room, using the roof to fight from. He was expecting a raid or a strike on the house. We had information from civilians who fled that civilians were in this room. So, we did not use heavy weapons. We waited, took care of the sniper, then we opened the door he had welded and saved the family.”

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302 CIVIC interview with major general, 16th Division, Mosul, December 2017.

303 CIVIC interview with major general 16th Division, Mosul, December 2017.
The ISF and the coalition used additional tactics to reduce the use of heavy weapons and/or their effects on civilians, such as:

- Surrounding a building and targeting ISIS from several sides with small arms. This was mostly done in less populated areas.
- A show of force by bringing air support over ISIS to stop a counter attack and reinforcement, without firing weapons.
- Pinpoint cratering of intersections to slow VBIED. While this was primarily done for force protection, it may also have reduced harm to civilians as it gave more time to the ISF and the coalition to accurately engage the VBIED, possibly with smaller ordnance to accurately target and strike the VBIED.
- Establishing a foothold in buildings and areas populated by a mixture of civilians and ISIS by breaching ISIS defensive lines in specific locations that were exclusively used by ISIS (i.e. with no civilian presence) to protect civilians during that breaching.
- Clearing neighborhoods house-by-house. This tactic, used in east Mosul by the CTS, proved successful in reducing civilian harm.

When clearing an area house-by-house, if troops faced a bigger building, a lieutenant colonel in the 15th Division explained, “We used explosive to open a hole in the first wall, then if we found civilians we would tell them where to go and ask them where to find ISIS, then we would find the tunnels where ISIS was and then go through the neighborhood.”

**Good Practice: Use of Smaller Munitions or PGM in Densely Populated Areas**

Soldiers were instructed to try and use small arms instead of heavy weapons, and explained how they combined various weapons for different types of threats. According to a 16th Division artillery officer, “When soldiers move forward, if there is gun shooting and it is a small target, we will use hand weapons or rockets but not heavy weapons. If they shoot with a gun, we respond with a gun. We mostly used hand grenades or we surrounded houses. If there is a big target, we pass on the information to airstrikes because they are more precise.”

In Mosul, when ISF troops were very close to ISIS combatants in the same building, they used hand grenades since using artillery would have put their forces as well as civilians at risk. The deputy commander of the 16th division explained, “Sometimes we were fighting in areas where the depth was 200 meters – where our troops would be in one room and ISIS in the next room, fighting with hand grenades and light guns. We could not use artillery as we had to protect civilians but also our own forces. It was too cramped to use artillery. The weapon we used the most was hand grenades with loud explosion sound.”

(See section above on Prime Minister Abadi’s guidance on limiting use of heavy weapons in Mosul.)

In Mosul, the coalition used precision-guided munitions (such as Excalibur and Guided Multiple Launched Rocket System precision guided munitions), low-yield weapons, low-fragmentation weapons, and direct-fire munitions (such as the AGR-20 laser guided rockets) to increase precision and reduce civilian casualties. In addition, the coalition sought to mitigate the effects of munitions by delaying the fuse settings munitions, allowing the ground to absorb the majority of the fragmentation from the munition and channel the blast upwards to protect nearby structures.

Generally, the coalition’s support to the ISF with both intelligence and precision targeting capabilities helped to mitigate weapons’ effects on civilians through greater use of precise munitions and weapons delivery systems. However, deploying such weapons can be effective at engaging the target and reducing harm to civilians and civilian objects, only if real-time intelligence on the location of opposing forces and of civilians is available when such weapons are used.

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305 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
306 CIVIC interview with lieutenant general, CJOC, Baghdad, January 2018.
307 CIVIC interview with lieutenant colonel, 15th Division, Baghdad, December 2017.
308 CIVIC interview with colonel, 16th Division, Mosul, April 2018.
309 CIVIC interview with Deputy Commander, 16th Division, Mosul, December 2017.
312 Ibid.
Challenge: Inconsistent Compliance with Guidance Limiting Heavy Weapons

IHL prohibits indiscriminate attacks that are of a nature to strike military objectives and civilians or civilian objects without distinction. Article 51(4) of Additional Protocol I prohibits attacks which employ a method or means of warfare which cannot be directed against a specific military objective. This prohibition includes the use of weapons that strike blindly, as well as weapons that are not precise enough to strike a specific military objective, due to the circumstances and manner in which they are used.

While the ISF sought to avoid using heavy weapons, they used them, particularly when they perceived a location to be devoid of civilians. A lieutenant general in the CJOC explained, “For Fallujah and Ramadi, we could use all the weapons and support we wanted in order to reach our target and advance.”

A major general in the ISF said, “In Salah al Din and Ramadi, it was easier because most people had evacuated. The choice of weapons was open for us.”

A colonel in the 16th Division who fought in Ramadi confirmed, “In Ramadi we used tanks or airstrikes or rockets RPG.” However, at least 30,000 civilians remained in Ramadi and 85,000 in Fallujah at the time of fighting. In addition, the use of explosive weapons created significant destruction of civilian home and infrastructure. (See section below).

ISF officers acknowledged the use of explosive weapons in self-defense, or to break resistance, and doing so extensively in west Mosul. According to a lieutenant general in the MOD, “The Prime Minister was right to order not to use heavy weapons and commanders understood it, but in the battle, when the enemy is using heavy weapons, what can a commander do?”

An officer in the 16th division artillery team said, “If the other side is shooting, we can use different types of weapons to defend ourselves (airstrikes, tanks, rockets). It depends on the target – sometimes you use helicopters or rockets or mortars. Sometimes we use all weapons to destroy a group of ISIS coming towards us.” An officer with the Federal Police added, “When a VBIED approached us, we used our heavy weapons.”

Another colonel from the Federal Police admitted, “We made mistakes. We lost many of our men. We used weapons we had with us to move forward.” A colonel in the 16th Division told CIVIC, “Sometimes we didn’t see anything about the target, but we just wanted to finish the enemy.”

The use of heavy weaponry during operations in west Mosul was extensive due to the nature of the conflict, the force composition, fatigue, and high casualties amongst CTS and the Federal Police. As fighting in the old city intensified and victory over ISIS loomed, civilian harm increased. A colonel in the Nineveh police who was embedded with CTS in west Mosul told CIVIC, “It was impossible to know who was in homes. We had to advance, so when ISIS snipers would attack us, we had to call in airstrikes. Entire families were likely killed.”

Throughout military operations against ISIS, and particularly in west Mosul, the ISF relied upon mortars, artillery, and non-precision guided ordnance delivered by rockets and aircraft. CIVIC and other organizations documented Iraqi forces (Federal Police and Emergency Response Division) launching locally fabricated rockets, commonly known as improvised rocket-assisted munitions (IRAMs), into west Mosul. These munitions cannot be aimed beyond a basic orientation toward the target and therefore are inherently indiscriminate.

Images published by media outlets and the US military depicted US forces and Iraqi forces firing mortars and...
unguided artillery rockets into west Mosul. The media also depicted the PMU utilizing a variant of the BM-21 Grad multi-barrel rocket launcher on the outskirts of Mosul. A major general in the ISF acknowledged this, stating, "In Mosul, some troops used excessive force and weapons with wide range, especially when they were suffering high casualties. Their intention was to destroy the enemy, not to kill civilians, but that created civilian casualties." Troops tended to use these resources prior to entering ISIS controlled areas to reduce the level of resistance they would encounter, even when they knew they were firing inaccurate munitions. A colonel in the 16th division artillery unit explained, "Sometimes the US mortars and rockets were not enough, and we had to use some from Iran or Spain. This made it more difficult to target accurately because we had less experience with them. We used the original US product when we were attacking a specific target, and others when we stood in defense line to threaten the enemy."

The US DOD reported that during the fight against ISIS, Iraqi forces typically did not advance on the battlefield without coalition air support and that during combat operations, coalition aircraft provided 92 percent of anti-ISIS airstrikes. The coalition and ISF air delivered bombs of 500 lbs and higher in densely populated civilian areas of west Mosul. In west Mosul, UNMAS has found many air dropped 500 pounds and 1000

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327  Interview with major general, ISF, Baghdad, December 2017. The use of the term ‘wide range’ reflects the lack of clear definition among ISF officers of the term ‘heavy weapons’ and ‘explosive weapons with wide area effect’.
328  CIVIC interview with colonel, 16th Division, Mosul, April 2018.
330  CIVIC interview with UNMAS, Erbil, June 2018.
pounds air delivered bombs, as well as mortars, and found more air-delivered bombs in the Old City of west Mosul than artillery shells, reflecting the intense use of airstrikes in the last stages of the fighting.331

**Challenge: Unintended Weapons Effects**

Due to ISIS tactics and the dense urban terrain, the ISF and the coalition were unable to predict and control the effects of the weapons they utilized, particularly in Mosul. While the use of precision guided munitions helped to mitigate weapons’ effects on civilians, the impact on civilians was still significant. A US army major, who served as a planner for the 1st Armored Division within CJFCC as part of the OIR campaign, concluded in an article:

“The battle [for Mosul] illuminated a misconception of modern warfare with the precision paradox—the proposition that the employment of precision weaponry can make war antiseptic and devoid of collateral damage or civilian casualties. The Battle of Mosul, a nine-month slog, blending U.S. and coalition precision weapons with Iraqi frontal attacks against an ensconced and determined enemy, precisely leveled the city one building at a time. The result: upwards of 900,000 displaced people, billions of dollars needed for reconstruction, and the city largely in ruins. Precision weaponry did not spare the people of Mosul, nor did it spare the city’s infrastructure.”332

In addition, the population density and ISIS tactics such as booby-trapping buildings increased the risk of civilian harm when using explosive weapons. As the quantities and locations of ISIS explosives were unknown to the ISF or coalition, this made it impossible to anticipate the net effect that ISF and coalition weapons, and secondary explosions from ISIS explosives, would have on such structures, and to estimate civilian casualties. Given the lack of knowledge on such ISIS explosives, even utilizing appropriately sized munition fused to reduce secondary blasts may not prevent secondary explosions – as seen in the al-Jadidah strike on March 17, 2017, where over 100 civilians were killed. According to the coalition, a 500-pound bomb was used to take out two snipers in a building to enable the CTS to advance. Although the bomb was fused to impact the top floor and not the entire structure, the entire building exploded, causing mass casualties. Ground investigation uncovered that the building had been rigged with explosives which were triggered with the airstrike.333

The ISF and the coalition lacked a deep understanding of how urban terrain and urban infrastructure, particularly in west Mosul, would impact weapons employment and effectiveness, which further increased civilian harm. This was reflected in two ways. First, weapons were not as effective as anticipated due to the construction of the urban terrain.334 This may result in multiple rounds being fired to get the desired effect, increasing risks to civilians. Second, weapons may have greater effects than expected. As the Mosul Study Group report concluded, “Munition choices [...] were not always proportional to the intended effects on the enemy and, when combined with rules of engagement considerations, on collateral damage [...] For air delivered munitions, advise and assist teams noted that general purpose bombs and missiles might create more than the desired effects.”335

**Challenge: No Systematic Live Fire Training**

**Inhibiting Understanding of Weapons Effects**

The ability of soldiers to engage opposing forces effectively is fundamental to the operational success of most militaries. Weapons use training is a key element for such effectiveness. Integrated (direct and indirect) live fire weapons training is undertaken by many militaries.

Indirect fire weapons are meant to be controlled by qualified operators who are trained and tested to ensure that they are capable of assessing the risks posed to civilians. Observers, crew delivery artillery fires, as well as those supplying and maintaining them should be highly skilled. Such training should be provided during collective training exercises, often replicating the expected conditions in operations, which requires large training areas.336 Familiarity with direct fire systems in terms of being able to maneuver and mass effects is also critical.

331 CIVIC interview with UNMAS, Erbil, June 2018.
334 The Mosul Study group report states that, “In Mosul, building construction (old and new) within the city center presented challenging munitions survivability issues, mainly due to use of high-pressure concrete, steel reinforcement, and multiple stories; munitions survivability in terms of fuzing and body construction in some instances did not meet the desired effect.” “Mosul Study Group: What the Battle for Mosul Teaches the Force,” U.S. Army Press, September 2017.
335 Ibid.
Live fire exercises, up to brigade level are needed to build troops’ competence to effectively use their weapons, to understand the weapons effects, and to synchronize and coordinate all weapons systems (direct and indirect) within the unit for maximum effectiveness and minimum risk. Such live fire training can build requisite knowledge base, and judgment, in the commanders, staff, and soldiers in their choice of weapons, munitions and tactics to reduce civilian harm.

Weapons use training was a key aspect of MOD and coalition trainings to various units of the ISF to prepare them to fight ISIS. It is however unclear whether ISF units underwent live fire training.

Even the CTS—who benefited from more extensive coalition training including on weapons than other ISF units—did not receive live fire training. According to the DOD Inspector General, Iraqi CTS soldiers did not receive live fire training on the AT-4, M-72, and SPG-9 weapons. As a result, according to the DOD Inspector General report, CTS soldiers “may not be fully prepared to employ the AT-4, M-72 and SPG-9 weapons in combat. That could make them less effective, putting the success of combat engagements at risk [and increasing the risk of] collateral damage to nearby facilities and equipment.” The report explained, that live fire training did not take place because it was not prioritized by Iraqi CTS leadership and thus not by Special Operations Training Command - Iraq (SOTC-I), and “neither the [CTS] Academia nor the SOTC I had developed a training curriculum or procured the resources (weapons, simulators, range facilities, and ammunition types and quantities) necessary to conduct such training because of competition for access among the multiple Iraq Security Force training populations.”

Lack of familiarity with weapons may lead soldiers to fire more munitions repeatedly when they do not hit a target accurately, and thus increase risk to civilians around the target.

Post-strike Assessments of Civilian Harm

Prime Minister Abadi had repeatedly stressed the importance of protecting civilians in the fight against ISIS. Assessing how military operations impact civilians and infrastructure, and learning how and what caused civilian harm, is a crucial tool to achieve this objective. Tracking of civilian harm and assessing the cause can help identify ways, through additional trainings and guidance, to reduce incidental harm during operations.

Civilian harm tracking is an internal process by which a military force gathers data (qualitative and quantitative) on the impact of its operations on civilians and infrastructure and assigns personnel to input the data and analyze the information. Based on the analysis, the team can identify root causes for civilian harm and suggest ways to adjust tactics, policies, and trainings, and to properly respond to civilian losses. In order to ensure that an armed actor’s use of force is proportional and tailored to reduce incidental harm to civilians and civilian objects, commanders must have a real-time understanding of harm that does occur.

Over time, tracking civilian harm:

• Creates a mindset among troops that the impact of their operations on the civilian population is taken seriously;

• Allows for assessments, based on empirical data, of tactics that cause civilian harm, and enables the correction of problematic trends through trainings and guidance, and identification of operational best practices to mitigate civilian harm; and

• Enables commanders to appropriately respond to confirmed incidents of civilian harm with factual information and credible evidence to counter false claims.

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337 The AT-4, the M 72 and the SPG 9 are anti armor weapons.
339 Ibid.
Such a tool was used by the coalition in Iraq to track incidents of civilian casualties attributed to the coalition. CJTF-Operation Inherent Resolve put out monthly statements on its website on casualties attributed to the coalition and in some cases, the US military released public summaries of assessments of civilian casualties due to US strikes. (See e.g., the March 2017 Mosul Al-Jadida incident). Other coalition members did not make public information about casualties attributed from their strikes. A mechanism to assess and mitigate civilian harm was similarly developed in Afghanistan. There, NATO set up a civilian casualty mitigation team (CCMT) to document and analyze information in order to inform commanders of the impact of their and other parties’ operations on the civilian population and advise on ways to reduce civilian harm. Information and analysis from the CCMT allowed commanders to make adjustments and issue tactical directives, resulting in a documented decrease in civilian casualties and in ways to better address harm caused. The Afghan government has created a similar mechanism for its security forces. The Ukrainian military is in the process of creating a CCMT.

There is growing recognition among states and the UN of the importance of civilian harm tracking and analysis. The 2018 UN SG report on the protection of civilians in armed conflict recommended that member states, “establish specific capabilities, standards and methodology to track, analyze and respond to allegations of civilian harm [...]. Such capabilities should be used to enable assessments that identify the causal factors that contribute to civilian casualties and inform the necessary adjustments to ongoing and future operations.” A decision by the Iraqi government to establish such capacity would exhibit its commitment to understand and learn how to reduce incidental civilian harm, and start to build a protection mindset within ISF ranks.

Challenge: Lack of Tracking and Assessments of Civilian Harm by the ISF

During military operations against ISIS, the ISF conducted after action reviews on operations. The reports however, focused on the military aspects of the operations such as the number of ISIS fighters killed, ammunitions used by the unit during the operations, casualties or injuries among the military personnel, as well as military equipment damaged or destroyed during the fighting. These reports did not include any information regarding civilians injured or killed during operations, nor about civilian infrastructure or property damaged or destroyed.

Two reasons explain this: first, trainings by MOD, MOI or the coalition did not include trainings on how to track and assess civilian harm and how doing so enables institutional learning on how to mitigate incidental harm. Second, the ISF was not tasked or provided with resources to do so and did not see it as their responsibility.

ISF officers explained that civil defense was responsible for collecting civilians’ bodies and keeping track of civilian deaths. According to a civil defense official, they kept a record and reported civilian casualties figures to their hierarchy and to the CJOC.

A commander in the 16th Division, said:

“Every time we would liberate a neighborhood, civil defense will take care of bodies and will investigate, it is their job. We would get civilian casualties numbers from civil defense. Our job as soldiers is to keep fighting and I don’t have time to keep counts, only for our own casualties.”

340 This report does not analyze the quality of coalition assessments of civilian casualties caused from its operations in Iraq. Since 2014, CIVIC has been engaging with CENTCOM, DOD, SOJTF, CJTF, and CJFCC to create civilian casualty tracking and mitigation policies and improve quality and efficacy of those efforts as well as build partner capacity on harm mitigation. See, for e.g., Center for Civilians in Conflict & Interaction, Protection of Civilians in Mosul: Identifying Lessons for Contingency Planning, October 2017, https://civiliansinconflict.org/publications/policy/protection-civilians-mosul-identifying-lessons-contingency-planning/; Center for Civilians in Conflict, Recommendations to Anti-ISIS Coalition on Syria, June 2017, https://civiliansinconflict.org/publications/research/recommendations-anti-isis-coalition-operations-syria/; Center for Civilians in Conflict Memorandum to CENTCOM and CJTF, Syria and Iraq: Improving the quality of post-strike analysis, Investigations, and developing a capacity to make amends, July 2017 (non-public submission); Center for Civilians in Conflict, Policy Brief on Civilian Protection in the Current Mosul Campaign, February 2017; CIVIC Letter to General Votel on al-Jadida strike, March 24,2017 (non-public submission); Center for Civilians in Conflict, Recommendations to the US Government on Operations in Iraq and Syria, 2014 (non-public submission sent to the CENTCOM, SOCOM, White House, Department of State, Department of Defense). CIVIC presentations on civilian protection challenges in Iraq and Syria to SOJTF-OIR during pre-deployment orientations held in August, September, October 2017; CIVIC presentation at SOCOM Legal Conferences in 2015 and 2017.


343 CIVIC interviews with CJOC, 15th Division; 16th Division, Baghdad and Mosul, December 2017 to May 2018.

344 CIVIC interviews with training directorates, MOI and MOD; and CJFCC trainers, Baghdad, December 2017 to April 2018.

345 CIVIC interview with civil defense staff, Mosul, December 2017. An interview with the former head of the Nineveh Police confirmed that CJOC centralized information on civilian casualties.

346 CIVIC interview with major general, 16th Division, Mosul, December 2017.
The lack of civilian harm assessments by the ISF created several gaps. First, the ISF was unable to identify and learn which actions, TTPs, and weapons contributed to civilian harm. The ISF was tasked by the Prime Minister to protect civilians, yet had little means to measure whether this objective was achieved, or to identify key challenges in its implementation. The ISF thus had limited ability to adjust their tactics to reduce civilian harm since they were not aware of the cause.

Second, the lack of official Iraqi figures on civilian casualties during military operations prevented the government from reacting with credibility to external reports on casualty figures. ISIS sometimes made these claims for propaganda purposes. As a major general in the ISF explained, “Daesh was keen to increase civilian casualties to put pressure on us and to use them for their propaganda,” often blaming the government for the harm in order to turn public opinion against it.347

Credible news sources seeking to establish independent information about civilian casualties during the war also investigated the issue and interviewed local authorities and civilians. According to media reports, the Mosul municipality chief Abdul Sattar al-Habu estimated that approximately 10,000 civilians were killed in the military operations in Mosul from both ground fighting and airstrikes.348 As of February 2018, Mosul’s government had received some 9,000 requests from residents regarding missing persons, and the Mosul morgue reportedly had a list of 9,606 people killed during the operation. An investigation by the Associated Press found that between 9,000 and 11,000 civilians were killed in Mosul, a third of them from coalition and Iraqi attacks and a third due to ISIS attacks (it could not determine who caused other deaths).349

The UN recorded casualties at trauma stabilization points, health centers and hospitals in the Mosul area. Between October 2016 and June 2017, the UN recorded 14,705 casualties (73% civilians) referred to hospitals. Hospital referrals increased significantly in late February, when the military operations to retake west Mosul started, and peaked in early April when more than 1,000 casualties were recorded in a single week.350

These figures contrast with official figures from the Iraqi government and coalition forces. According to the Iraqi government, 1,260 civilians were killed in the fighting in Mosul.351 As of September 2018, the coalition reports at least 1,114 civilian deaths due to coalition strikes since the start of Operation Inherent Resolve in both Iraq and Syria.352 There are no official Iraqi government figures for civilian casualties in Ramadi and Fallujah.

Third, the lack of official tally of civilian casualties may hamper the government’s ability to properly address losses with the civilians themselves as allowed for under Iraqi Compensation Law No 20 and 57.

Numbers alone are insufficient metrics for evaluating civilian harm. Context, purpose, and tactical alternatives are critical for an operational analysis of civilian harm for mitigation purposes.

Impact on Civilian Infrastructure

Damage to civilian infrastructure in populated areas can be caused by intentional targeting of civilian objects, or it can be incidental to an attack on a legitimate military objective. Civilian infrastructure is often heavily damaged when fighting occurs in urban areas. The danger is compounded when armed actors employ explosive weapons with wide area effects, artillery, missiles, rockets, mortars, and aircraft delivered bombs.

Damage to critical infrastructure reduces civilians’ access to basic services and may exacerbate humanitarian needs. It can also have compounding effects. For instance, access to healthcare will be affected by damage to health facilities but also to electrical, water, and waste management services, which can create significant second-order health risks. A disruption to one service will impact the others, particularly electricity upon which all services rely. Damage to sub-surface infrastructure such as water and sewage networks that cannot be visually identified by targeting cells using normal ISR methods will affect

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347 CIVIC interview with major general, ISF, Baghdad, December 2017.
349 Susanah George, “Mosul is a Graveyard: Final IS Battle Kills 9,000,” Associated Press, December 21, 2017, https://apnews.com/bbee7094fb954838a2fc11278d65460/9,000-plus-died-in-battle-with-Islamic-State-group-for-Mosul?utm_campaign=SocialFlow&utm_medium=APThe media could not determine which side was responsible for the deaths of the remainder, who were cowering in neighborhoods battered by airstrikes, IS explosives and mortar rounds from all sides.
350 CIVIC phone interview with UN staff, January 2018.
Red dots on the UN Habitat maps indicate destroyed sites for a specific period.

Yellow and red arrows on the ISW maps reflect the area and direction of attack (and therefore the location of the most intense fighting) for a specific period.

APRIL 29-MAY 11

26 April - 15 May 2017

15 May - 28 May 2017

MAY 12 - JUNE 21

28 May - 16 June 2017
On the basis of satellite imagery dated 08 July 2017, Water Directorate, UNDP, Water Treatment Plant working group, and this report have been created with inputs from, among others: Mosul.

Destroyed amount of damage to the water network, verifying this are operating on electricity from various sources, including Mosul Dam (right bank), where airstrikes have hit residential neighbourhoods. The Old City was hit the most.

In west Mosul, most treatment plants are now partly functional, and rehabilitation is likely higher than the number indicated on this dashboard.

### AREA COVERAGE OF RUNNING WATER TREATMENT PLANTS

<table>
<thead>
<tr>
<th>Name</th>
<th>Status after Rehabilitation</th>
<th>Date</th>
<th>Functionality</th>
<th>(to be) Rehabilitated by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Al-Sahiruun</td>
<td>100% Functional UNDP</td>
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<td>80%</td>
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<tr>
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<td>75% Functional UNDP</td>
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<tr>
<td>Al-Ayser Al-Jadeed</td>
<td>80% Functional UNDP</td>
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<td></td>
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</table>

### Total Destroyed Sites Per Sector

<table>
<thead>
<tr>
<th>Military &amp; Security</th>
<th>Housing</th>
<th>Roads and bridges</th>
<th>Commercial &amp; industrial sites</th>
<th>Public administration</th>
<th>Public facilities</th>
<th>Recreation/Amenities</th>
<th>Military and security</th>
</tr>
</thead>
<tbody>
<tr>
<td>424</td>
<td></td>
<td></td>
<td>32</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Destroyed Sites after 16 June 2017

- Most damage to public administration facilities
- Military and security facilities
- Recreation/Amenities
- Commercial & industrial sites
- Roads and bridges
- Housing

### Enquiries

info@unhabitatiraq.org


<table>
<thead>
<tr>
<th>Area</th>
<th>Length of Water Network with a High Likelihood of Damage in kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Mosul</td>
<td>18</td>
</tr>
<tr>
<td>West Mosul</td>
<td>14</td>
</tr>
</tbody>
</table>

This graph on the left indicates damage to all water lines from 200mm to 1200mm. The length of damage to the water network is an estimation based on overlapping severely damaged roads, with the location of main water pipes. It is likely that the actual length of damaged network is lower than estimated here.
civilians’ access to basic services. Destruction of and/or damage to houses prevent civilians from returning home and resuming their lives once the conflict is over.

**Good Practice: ISF Efforts to Preserve Civilian infrastructure**

When military operations started in Mosul, the bridges were still intact and used by civilians. Prime Minister Abadi did not want the bridges to be hit. But as the battle against ISIS proceeded, this guidance was removed. The degrading of the five bridges within Mosul city was undertaken to prevent the transit of VBIEDs from west to east Mosul.

When planning for those strikes, the coalition considered key civilian concerns such as the ability of IDPs to continue utilizing the bridges to escape on foot, that the bridge also supported water pipes and electrical lines that were suspended under the bridge deck, and that damage should be minimal in order to expedite reconstruction. With those considerations in mind, the decision was made that multiple strikes using low-yield ordnance to create limited damage were employed, and at points between piers or on the actual approach slabs.\(^{353}\)

**Challenge: Extensive Damage to Major Cities**

The fight against ISIS resulted in extensive damage to key cities. These areas need critical support to rebuild and restore services. While those efforts are underway, more support and resources are needed to meet civilians’ needs.

ISIS often sought to destroy infrastructures prior to surrendering control of a city. In Ramadi, as Iraqi ground forces moved in, ISIS methodically laid explosives and blew up swaths of the city’s infrastructure. The electrical grid was almost completely destroyed and the city’s water network was also heavily damaged. ISIS bombed the city’s remaining bridges and two dams.\(^{354}\)

While the ISF and the coalition tried to preserve civilian infrastructure, their use of explosive weapons and airstrikes also caused damage. In the end, the fighting resulted in extensive damage to homes, public


facilities, and infrastructure.\textsuperscript{355} According to the UN, the destruction of some neighborhoods in Ramadi exceeded 80% including housing and public facilities.\textsuperscript{356} Over 7,500 buildings have been partially or totally destroyed, including nearly 200 public facilities and road infrastructure. In January 2016, satellite imagery showed that 5,732 out of a total of 6,180 damaged sites (93 percent) were houses.\textsuperscript{357} Some neighborhoods were so severely damaged that few families were unable to return more than a year after the end of military operations.\textsuperscript{358}

In Fallujah, the UN reported a total of 1,422 destroyed structures (an increase of 53% from 2014), 604 severely damaged structures (an increase of 99% from 2014), and 578 moderately damaged structures (an increase of 362% from 2014). The total number of destroyed or damaged structures therefore increased from 1,360 to 3,964, an increase of 191%.\textsuperscript{359}

In Mosul, the scale of destruction is different in east Mosul than west Mosul, particularly the Old City. The total number of damaged structures in the entire city is estimated at 34,500, of which 31,000 are houses (or 90% of damaged structures), with 72% of the damage in west Mosul and 28% in east Mosul.\textsuperscript{360} Damaged road length is 33 km in east Mosul (about 2% of road infrastructure) and 100 km in west Mosul (10% of the road infrastructure).\textsuperscript{361} The UN estimated that the fighting in Mosul resulted in 8 million tons of debris.\textsuperscript{362}

The Old City in west Mosul is the neighborhood most affected by the destruction of houses. According to a medical NGO, nine of the 13 hospitals in Mosul are damaged and only 1,000 hospitals beds available when there should be 3,000.\textsuperscript{363} The al Shifa hospital in west Mosul, the second largest hospital in Iraq, is now destroyed.\textsuperscript{364} It was taken over by ISIS, and civilians told CIVIC that under ISIS control they were denied treatment from the hospital as priority was given to ISIS fighters.\textsuperscript{365} Clearance units have removed 1800 units of explosive material from the hospital.\textsuperscript{366}

While pinpoint cratering was a useful tactic against VBIEDs, it resulted in impact craters impeding vehicle traffic as well as secondary damage to hundreds of residential and commercial buildings within the blast zone. It may also have affected water and sewage networks.

In Tal Afar, at least 764 sites, 83% of which housing sites, were severely damaged between August 15, 2018 and August 26, 2018. Several public facilities and commercial areas were also hit in the city.\textsuperscript{367}

The Iraqi government estimated the total damage to the housing sector in the seven governorates affected by the conflict at IQD 18.7 trillion (US$ 16.1 billion), with an approximate 138,051 residential buildings impacted. Low-income housing experienced the bulk of the damage, indicating that the conflict has severely impacted the low-income population of Iraq, worsening an already fragile situation.\textsuperscript{368}

The level of destruction of civilian infrastructure in Mosul can be linked to military operations and the movement of the frontlines. The destruction of houses and the reduced access to commercial areas was also hit in the city.\textsuperscript{367}

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\textsuperscript{360} Confidential United Nations document, copy on file with author.


\textsuperscript{364} CIVIC interview with COL from Nineveh police who was embedded with CTS in western Mosul, August 2017.

\textsuperscript{365} CIVIC interviews with civilians, Mosul, June 2017.


\textsuperscript{367} “Preliminary Damage Assessment in Tel Afar”, UN Habitat, August 31, 2017, on file with author.

basic services hampers civilians’ ability and willingness to return home and resume their lives. In the Nineveh province, many people who lost their homes have had to stay in camps for displaced people. When asked about the most significant barrier to return, 76% of people currently displaced in camps in Nineveh province reported that their original homes were partially damaged, heavily damaged, or completely destroyed.\textsuperscript{369} Some people have been renting houses, sometimes in other parts of the city, but rent has become too expensive for many, particularly those who lost their livelihoods due to the conflict.\textsuperscript{370} As a result, camps around Mosul continued to receive new arrivals a year after the end of the conflict. Between January and March 2018, 48.4% people who arrived in Mosul camps cited financial/economic reasons and 21.7% cited destroyed or damaged houses as a reason for coming to the camp.\textsuperscript{371}

Assistance to IDPs

Under IHL and IHRL, the provision of humanitarian assistance is primarily the responsibility of parties to the conflict.\textsuperscript{372} In addition, under IHL, every party to a non-international armed conflict is obliged, at a minimum, to collect and care for the wounded and sick on an impartial basis. Care must be provided to all wounded and sick hors de combat, from each relevant party to the conflict, to the fullest extent practicable and with the least possible delay. Parties to the conflict are obliged to make no distinction among the wounded and sick other than medical ones.

Humane treatment without any adverse distinction is required, including the provision of food and water, safeguard of health and hygiene, protection against the climate, and dangers of the conflict. Where duty bearers do not have the required capacity to provide assistance against these minimum standards, they should consent to and facilitate humanitarian assistance, where failure to do so would threaten the survival of a civilian population (under the prohibition on ‘violence to life.’)\textsuperscript{373} The conflict with ISIS in Iraq produced one of the most rapidly unfolding humanitarian crises. Between January 2014 and June 2015, 2.9 million people fled their homes in three mass waves of displacement, and multiple smaller ones. During the first major wave in early 2014, more than 350,000 civilians fled, primarily from Falluja and Ramadi. Just a few months later, 500,000 people escaped from ISIS held areas, including Mosul.\textsuperscript{374} Within weeks, another 800,000 were displaced from areas under attack by ISIS, including Sinjar. Displacement continued during 2015; in April, 130,000 people fled Ramadi when ISIS attempted to take over the city. In May and June 2015, at least 100,000 more were displaced within hours after Ramadi city fell.\textsuperscript{375} By November 2015, 3.2 million people had been forced to flee their homes.\textsuperscript{376}

In December 2015 and January 2016, around 30,000 people were displaced as a result of military operations to retake Ramadi. Between March and May 2016, battles to retake Heet and surrounding areas along the Mosul corridor displaced over 50,000 people. In June 2016, as the city was retaken by Iraqi security forces, over 85,000 people were rapidly displaced from Fallujah. In September 2016, military operations along the Anbar and Mosul corridors displaced more than 500,000. In December 2016, around 90,000 people were displaced in the first two months of the battle in

370 CIVIC interviews with aid workers and protection organizations, Mosul, March 2018.
Mosul. In total, more than 1 million people fled Mosul during the fighting.377 Operations in Tal Afar, in Hawija, and in west Anbar displaced more than 12,000, 34,000 and 68,000 individuals respectively.378

In total, 3.4 million people were displaced between 2014 to mid-2017. The government and humanitarian organizations sought to provide assistance to meet the needs of displaced persons.379

**Government Response to IDP Flows**

In July 2014, by Resolution 328, the GOI established the Supreme Committee for Relief and Sheltering of Displaced Persons to coordinate its response to the crisis. Headed by the Minister of Displacement and Migration, the Committee involves several relevant ministries in the response with the objective of providing rapid assistance to displaced persons. The Committee established an executive committee with regional operational centers in the Kurdistan Region of Iraq, Kirkuk and other areas. A Joint Coordination and Monitoring Center (JCMC), the national emergency coordination system, was set up by the Iraqi government while a regional counterpart, the Joint Crisis Coordination Center (JCCC), was established by the Kurdish regional government.

In June 2016, over 85,000 civilians suddenly fled the fighting in Fallujah in a matter of days. The government and humanitarian agencies were unprepared, and the pace of displacement stretched response capacities. As a result, thousands of people were left in the open without shelter, food, and water for several days. Many IDP camps were operating beyond capacity, with families living in overcrowded conditions.380

Anticipating that the military operations in Mosul would trigger even more significant displacement, the government sought to improve the provision of humanitarian assistance to civilians displaced by the Mosul operations. In June 2016, the JCCC launched a contingency plan, solely focused on displacement from Mosul city into KRG administered/Peshmerga controlled areas of Nineveh.381 In September 2016, Prime Minister Abadi instructed the ISF to take a much more significant role in the provision of assistance to civilians displaced from Mosul.

The Prime Minister assigned the ISF to coordinate the support to and movement of civilians fleeing from the city during the fighting. The ISF assigned a lieutenant general to undertake this role, provided him with a staff of over 80 officers and troops and 180 buses and trucks to coordinate the movement of IDPs from the city into camps.382

In October 2016, the government issued a plan entitled “IDPs Support Plan for Nineveh Liberation Operation” (IDP Support Plan).383 It assigned tasks and responsibilities for the provision of assistance to IDPs to the ISF and Iraqi ministries. The MOD was responsible for getting civilians out of Mosul safely and assisting in the security screening, identifying settlements for IDPs in coordination with MODM and the Peshmerga, and coordinating with the Ministry of Oil to get sufficient fuel to transport IDPs from the frontlines to screening sites. The MOI was charged with the security screening of IDPs, through police and intelligence including military and security intelligence. MODM was responsible for the provision of humanitarian assistance at all stages of the IDP movement, supporting the IDPs transport to screening sites, and providing shelter in IDP settlements. The MOH was to operate mobile clinics and stockpile medical supplies.

The IDP Support Plan also relied on the Iraqi Red Crescent and Society and NGOs to support the delivery of assistance. It was unclear how much assistance would be provided by relevant ministries and how much the government expected from NGOs and international organizations.

This plan improved the response to humanitarian needs for people fleeing Mosul compared to the Fallujah operations. The government provided transportation to IDPs as planned. The improved clarity regarding the movement of IDPs and the routes they would be directed to and transported along helped to ensure that civilians received basic assistance before reaching IDP camps or host communities, where they received additional assistance.

However, the government was unable to meet all humanitarian needs due to the scale of the crisis and because ministries cited in the plan did not provide the assistance required of them. NGOs and international organizations had to step in to provide food and water in muster points and screening sites as well as emergency medical services.

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381 Document on file with author.
383 Document on file with author.
More advance planning across ministries, a more realistic assessment of ministries’ capacity to deliver the support required, and advance communication with NGOs and international organizations regarding gaps on where their support will be required would have facilitated the delivery of assistance to civilians in a quicker and more effective manner.

ISF officers interviewed saw their role in the provision of humanitarian assistance as a key element of their efforts to protect civilians in Mosul. They also emphasized that many soldiers shared their own food and water rations with civilians fleeing areas of conflict. They explained how they sometimes used their own vehicles to carry injured civilians to receive emergency medical care. These actions during Mosul operations helped to restore trust of civilians in the ISF.

**Security Screening of IDPs**

Driven by security concerns and magnified by the significant number of civilians fleeing active conflict zones previously under ISIS control, as well as by the potential infiltration of ISIS combatants amongst IDPs, Iraqi, and Kurdish authorities set up a security screening process for people fleeing conflict areas or in recently retaken areas. Security screening is a complex process.

The process involved armed actors separating women and girls from men and boys and, for males aged 16 and older, checking IDs against various official and informal lists of ISIS members or pictures received on their smartphones. These lists were sourced from the National Security Service (NSS) database, ISF, Hashad al Ashabi, mukhtars, and secret informants. Men and boys who did not pass the initial screening process risked being detained.

National authorities have a right to conduct security screening to ensure general safety and security, but need to conduct it in accordance with international law obligations to ensure humane treatment and respect of the dignity of the people being screened and their families. In addition, Common Article 3 of the Geneva Conventions and customary international law require states to take steps to prevent disappearances, including through the registration of persons deprived of their liberty, and to provide family members with information on detained person’s fate, ensure respect for family life, and avoid the unnecessary separation of family members.

**Challenge: Insufficient Planning and Training on Screening**

The government knew that it would conduct security screening for civilians during military operations, but did not develop any policy or written instructions, at any point during the three years of operations, on how the security screening sites would be set up or would operate.

For operations in Fallujah and Ramadi, the process was not clearly delineated. For the Mosul operations, the government sought to formalize the IDP movement and the screening process. The government IDP Support Plan required the MOD to conduct security screening and search all IDPs prior to relocating them to screening areas and camps. It then tasked MOI intelligence services to conduct security screening in screening sites and established that all government agencies would be under the command of MOI for the screening. It further required MOI to train and prepare a team of intelligence officers with a complete database for IDP security screening. The IDP Support Plan for the Mosul operations also provided for the ISF to provide receipts of arrests to the family members of those arrested.

According to an NSS official, NSS officers were trained to check if IDs were fraudulent, and to conduct field investigations into a suspect’s records. A MOD official stated, “We did not provide training to our troops on security screening, because it was not part of ISF responsibilities, other agencies were responsible.” This demonstrates the confusion regarding actors responsible for the process, as ISF were involved in the security screening. Similarly, the coalition did not cover security screening in the training it provided to the ISF.

**Challenge: Protection of Civilians Concerns During Screening**

Throughout military operations, several issues increased risks to civilians during the security screening process.

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384 CIVIC interview with lieutenant colonel, 16th Division, Mosul, January 2018, as well as author’s visits to screening sites during Mosul military operations.


386 “IDP support for the Nineveh Liberation Operation” Plan, Government of Iraq, October 1, 2016, on file with author.

387 CIVIC interview with NSS, Mosul, December 2017.

388 CIVIC interviews with MOI and MOD, Baghdad, April 2018.

389 CIVIC interview with brigadier general, MOD, Baghdad, April 2018.

390 CIVIC interviews with CJFLCC trainers, Baghdad, December 2017.
PART I: PRO FILE OF THE CRISIS OVERVIEW AND IMPACT

During 2018, and beyond, millions of people are likely to need protection support as families and communities grapple with post-conflict realities. Retaliation against people associated with ISIL and sectarian-related violence are problems in sensitive areas. Families without civil documentation are struggling to access the Government's social protection floor and claim compensation. Hundreds of thousands of people who have been brutalized by violence, including women and children, require specialized support and services, many of which are only partially available.

Fighting begins in Anbar and Fallujah falls, displacing about 85,000 people.

People displaced by violence in Anbar reach 550,000.

Mosul falls and violence spreads across north-central Iraq. Conflict-related displacements increase to 1.2 million, though some displaced quickly return to Mosul.

Displacement increases to about 2.2 million people due to insecurity and conflict in central and northern regions.

Military operations in Anbar trigger displacement. About 116,850 displaced people returned to their homes.

Cholera outbreak begins, affecting central and southern Iraq. By December, 17 governorates are affected, over 2,800 cases are laboratory confirmed and two deaths are registered.

Military operations to retake Ramadi intensify, opening a new phase in the Iraq crisis. Around 30,000 people are displaced in December and January 2016 as a result.
550,000 people displacing in Anbar and nearby areas.

Families without civil documentation are struggling to access protection and support as families and communities grapple with displacement and insecurity. During 2018, and beyond, millions of people are likely to need support.

**PART I: Profile of the Crisis Overview and Impact**

**INTERNALLY DISPLACED PEOPLE (IDP) AND RETURNEES - AS OF DECEMBER 2017**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total IDPs</th>
<th>Returnees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0.09</td>
<td>0.09</td>
</tr>
<tr>
<td>2015</td>
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<td>0.14</td>
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<tr>
<td>2016</td>
<td>0.50</td>
<td>0.50</td>
</tr>
<tr>
<td>2017</td>
<td>0.66</td>
<td>0.66</td>
</tr>
</tbody>
</table>

**2014**
- **MAY 2014**
  - Attacks on Sinjar, Iraqi government soldiers and security forces, and displaced people move south, rejoining the Sinjar corridor.
- **JUN 2014**
  - The Mosul offensive begins.
  - Around 90,000 people are displaced in the first two weeks, pushing the number of displaced to over 1 million people within central and northern regions.

**2015**
- **SEP 2015**
  - The Mosul operation begins.
  - A total of 1.2 million people are displaced.
- **OCT 2015**
  - Around 1 million civilians are displaced due to severe protection threats for over 1 million civilians.
- **DEC 2015**
  - Over 1 million civilians are displaced, and two deaths are reported.

**2016**
- **MAR 2016**
  - Battles to retake Heet and surrounding areas begin, displacing over 50,000 people by end-May.
- **SEP 2016**
  - Military operations along the Anbar and Mosul corridors displace more than 500,000 people by end-September.
- **OCT 2016**
  - The fight for Mosul begins on 17 October, leading to severe protection threats for over 1 million civilians. Around 90,000 people are displaced in the first two months of the battle.

**2017**
- **JAN 2017**
  - The Iraqi government launches the Mosul offensive.
  - Over 1 million people are displaced.
- **SEP 2017**
  - The Mosul offensive begins on 17 October, leading to severe protection threats for over 1 million civilians. Around 90,000 people are displaced in the first two months of the battle.
- **OCT 2017**
  - Approximately 180,000 people displaced due to military realignment in northern Iraq in October.
- **DEC 2017**
  - In late December 2017, for the first time since the Iraq displacement crisis began in December 2013, IOM recorded more returnees (3.2 million individuals) than people displaced (2.6 million individuals) in Iraq.

First, there was no single, overarching authority coordinating or overseeing the numerous armed forces - Iraqi Army, CTS, Federal Police, PMU - that became formally or informally involved in security screening.

Second, these armed actors used different and multiple sources and lists to screen civilians. Armed forces and intelligence services did not coordinate nor share information with one another, nor did they use a single, comprehensive database, resulting in multiple screenings for civilians. An NSS official told CIVIC, “Almost every force would do the screening, every force had its own ways of working and its own information, and that’s why there were multiple levels of screening. It was not easy to coordinate between all the units at the same time.”

Third, security forces relied on secret informants, who were members of the community who identified alleged ISIS suspects. Their accusations could be based on tribal, familial, land, or personal disputes rather than on evidence of crimes. During the security screening, people did not have access to legal representation and the right to appeal a decision.

Fourth, security screening also occurred outside of formal sites identified for screening purposes. As civilians moved from the frontlines to identified screening locations, they often had to go through ad hoc and informal checkpoints and security screening on multiple occasions by a variety of actors. Screening also occurred in ad hoc locations such as schools, mosques and other buildings, out in the open, in transit sites, and designated areas within camps. Screening also took place in situ, when civilians stayed at home in the conflict area.

The government did not establish facilities designed for the security screening process and did not allocate sufficient human and material resources, resulting in an ever-increasing backlog, with people waiting up to two weeks for screening, particularly during Fallujah operations. Shortcomings in the material conditions at these sites where people were being held or kept waiting, included lack of shelter during winter or shading in hot summer days, lack of hygiene and sanitation facilities, and insufficient food and water. Furthermore, the family members of individuals arrested were not provided with any information on their whereabouts. During military operations in Ramadi and Fallujah, women and girls were separated from men and boys undergoing security screening and were often transported to other locations without knowing what would happen to their husbands, sons and brothers and where they might be detained, their locations and the charges against them. Twenty-one percent of civilians who returned to Ramadi after military operations said that they had difficulties accessing information about the status of their detained family members. Humanitarian actors reported that one of the first things female IDPs from Fallujah asked in displacement camps was information regarding the whereabouts of their male family member.

With no receipts or documentation of detention given to families, they did not know which armed actor may have arrested their relative and did not know where their relatives was being detained and by whom, further increasing the risk of disappearances. The IDP Support Plan for Mosul required receipts to be given to the family members of those detained.

On June 5, 2017, the Prime Minister reiterated this instruction, ordering that “the Ministry of Interior shall assume circulating the names of detainees in the Mosul liberation operations and the places of their detention to alleviate the psychological pressure on their families.” Security forces however, never implemented this instruction.

The government did not provide numbers of people arrested through security screenings, and did not have a mechanism to track whether detainees leaving informal ad hoc screening sites actually arrived in formal detention centers. At the height of displacement from 17 Tammuz neighborhood in west Mosul towards the Badush screening site, it was estimated that at least 40 men were being detained per day.

The multiplicity of actors, the lack of transparency and accountability about the security screening process and criteria to use, the multiple layers of screening, the
ad hoc nature of some screening including in secret locations, the use of secret informants and the lack of investigation into allegations of ISIS affiliation, as well as the lack of receipts of detention, all combined to expose civilians, particularly men and boys, to arbitrary detentions, enforced disappearances, extrajudicial killings, and verbal and physical abuse.

**Challenge: Oversight of Forces and Accountability**

Under international law, the GOI is required to hold to account alleged perpetrators of violations or abuses of international human rights law and international humanitarian law in particular those that constitute war crimes, crimes against humanity, and genocide, irrespective of who the perpetrators may be.

During operations against ISIS, the UN, human rights organizations and international media outlets reported allegations of physical violence, abductions, summary executions and extrajudicial killings of prisoners, detainees and civilians, arbitrary arrest, detention, and kidnappings.400 Sunni Arab men and boys were reportedly broadly perceived by security forces as supporting ISIS, irrespective of the existence or absence of evidence linking an individual to ISIS. They were often subject to abuse.401

Some units of the ISF, including CTS, ERD, Federal Police, Nineveh Police, the PMU, and Peshmerga forces were alleged to be implicated in these abuses.402

Allegations of abuses against ISIS suspects and their families have also been reported in formally identified security screening sites controlled by the ISF and Kurdish security forces.403

Notably, a senior advisor to the PMU acknowledged that the PMU made mistakes. “Yes, we made mistakes in Salah al Din and Diyala. Some of the Hashad were from these areas and knew Daesh and who cooperated with Daesh. When we liberated, they wanted revenge and retaliated. There was burning and looting. Commanders directed them not to do this. Those fighters were not included in next battles.”404 A major general in the ISF told CIVIC, “It was difficult to enforce rules of engagement with the PMU, but also with other units.”405

The use of armed forces with personal ties to the area they are deployed to fight in presents both risks and opportunities for the protection of civilians. On one hand, their local ties with the civilian population (e.g. their own family residing in area) can incentivize them to apply precautionary measures to a high level and put harm mitigation at the center of their thinking when planning and conducting operations. On the other hand, their intimate knowledge of the civilian population in their home area can tempt them to seek revenge against civilians they deem to have collaborated with the opposing force and thereby take the law in their own hands. The risk of extrajudicial killings or unlawful arrests rises and can only be mitigated via clear and well enforced and overseen orders within a clear military hierarchy.

The Iraqi government acknowledged that abuses may have been committed. In June 2016, Prime Minister Abadi announced the establishment of a committee to investigate “any violations of the instructions on the protection of civilians,” including the alleged disappearances of displaced persons from Fallujah, and issued “strict orders” to hold accountable those responsible for any abuse in the course of the operation in Fallujah.406

Other investigations were publicly announced in response to specific incidents. In August 2017, the Iraqi government acknowledged that some members of the

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403 “Iraq will probe abuses in Fallujah op: spokesman,” AFP, June 5, 2016. http://afp.omni.se/42843954-5a45-4ac7-b756-f3a913251787
ERD had committed abuses against civilians in Mosul. The MOI and MOD reported that an investigated into misconduct by the ERD was ordered and that some members have been suspended from duty. At this writing, it is unclear whether there have been any prosecutions.

“Good practices and lessons may have been learned at the individual level, but there has been nothing done in a structured way to institutionalize our learning.”

A Brigadier General told CIVIC

AFTER OPERATIONS

Challenge: Identifying Lessons on Civilian Harm Mitigation

Military operations against ISIS were unprecedented. The ISF learned many valuable lessons on how to reduce civilian casualties, which should be captured. Strategic, operational, and tactical adjustments that were identified should be adopted into standing policies, trainings, and practice to ensure that troops benefit from those lessons without having to re-learn them, and ensure better performance in the next operation. To our knowledge, there was no process within the ISF to capture and discuss lessons learned on civilian harm mitigation during the three years of fighting.

At the individual level, mid-ranking officers interviewed on this felt that ISIS tactics had evolved and changed too much for the ISF to be able to keep up and adjust their tactics. A colonel in the 16th Division said, “Daesh is constantly developing and evolving and changing tactics so we are always behind. There is no lesson, because each fight is different. Everything, we had to learn everything. Daesh was ahead a thousand steps. There is no point trying to learn lessons, we will always be behind.”

Another colonel in the 16th Division said, “I have no specific advice or lesson learned, soldiers will face many things, it is unpredictable. It depends on you and your experience.” The commander of the 15th Division said, “We did AARs after operations, but there is no systematized cross-learning across the ISF and none on protecting civilians.”

Operational command meetings before each operation did not discuss lessons identified to reduce civilian harm from previous battles. There is little evidence of orders and tactics to reduce civilian harm evolving through the three years of the military campaign to reflect lessons learned. According to the head of training at MOD, “Good practices and lessons may have been learned at the individual level, but there has been nothing done in a structured way to institutionalize our learning.”

Challenge: Inadequate Post Harm Assistance Programs

In 2009, Iraq adopted Law 20 on Compensation for Victims of Military Operations, Military Mistakes and Terrorist Actions (“compensation law”). This law was amended as Law 57 in 2015. It provides financial assistance for loss of life, injuries, damage to property, as well as assistance to families of the ISF, PMU, and Peshmerga who died during operations. The law applies to military operations against ISIS.

To date, no money has been allocated by the GOI to pay for verified claims.

Civilians face a number of challenges to file claim under the compensation law, including accessing compensation committees’ offices when these are not established at the district level, cumbersome and lengthy procedures, onerous and costly evidentiary requirements, and requests for security clearance. Security clearance is usually delivered after screening by the NSS or the local police. However, many people are afraid to ask for this document because they do not know if their name is on the list of ISIS suspects. In addition, anyone with an immediate relative whose name appears on a list of suspected ISIS members will fail the security check and be unable to obtain the security clearance documents. Finally, some people may not be aware about the compensation law and how to file claims.

Challenge: Unexploded Ordnance Removal and Risk to Civilians

Iraq is one of the countries most contaminated by explosive hazards due to multiple conflicts, including the 1980-1988 Iran-Iraq war, the Anfal campaign, the 1990-1991 war with Kuwait, and the conflict post 2003. Since 2014, ISIS IEDs and mines as well as Iraqi and coalition bombs and artillery, rockets, and mortars added more unexploded remnants of war. The widespread destruction of infrastructure has left UXO hidden amongst the rubble.
In 2007, Iraq ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (‘the Convention’), which required it to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control no later than ten years after entry into force.416 In 2017, Iraq requested a ten-year extension to comply with this requirement, citing the scale of contamination, the lack of funding and the conflict with ISIS as key reasons for the extension request.417

The Directorate for Mine Action (DMA) and the Iraqi Kurdistan Mine Action Agency (IKMAA) manage mine action in Iraq. Both ISF army engineers, tasked by the Ministry of Defense Directorate, and Civil Defense, tasked by the Ministry of Interior and the DMA have been active in mine clearance since 2014. The coalition is providing training to the Iraqi military and police on the removal of explosive ordinance.418

Many people have been killed and injured by explosive hazards since the Iraqi government regained control over territory previously held by ISIS. There is currently no comprehensive government data on the number of incidents and victims.419

The significant scale and scope of the explosive contamination in areas retaken from ISIS exceeds existing and available national explosive hazard management capacities.

Until recently, demining units within Iraqi security forces were the only entities clearing private houses in areas controlled by the federal government. Accredited non-military actors are now able to do so, but the scale of the challenge remains immense. The mine action community is unable to keep up with the increasing number of requests for house clearances from people returning home. Delayed removal of explosive hazards compromises IDPs’ ability to return home and resume their lives, as their homes and lands are contaminated, and raises the risk of ‘self-clearance’ by untrained civilians.420

In addition, Iraqi security forces do not have the capacity to destroy all ERW at pace with existing clearance operations. Mine actors who are non-military entities, such as private companies and NGOs, are not allowed to utilize explosives, and therefore cannot destroy items as they clear them.421 As removal of explosive hazards accelerates, the issue of growing stockpiles becomes increasingly prominent.422

418 CIVIC interview with CJFLCC, Baghdad, December 2017.
419 The DMA has started a victim assistance survey to build a more accurate reflection of the number of explosive hazard victims in recently retaken territory. This survey will be completed at the end of 2018 but is not expected to include fully comprehensive data due to funding shortages. CIVIC email exchange with iMMAP, Erbil, August 2018.
420 CIVIC interview with UNMAS official, Erbil, May 2018.
421 Ibid.
422 Ibid.
RECOMMENDATIONS

Lessons from military operations against ISIS can assist the Iraqi government to ensure all its security forces are prepared to protect civilians through policies, guidance, and trainings. In 2018, 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.

Avoidance and mitigation of civilian harm in any type of operation are essential to rebuild ties between civilians, security forces, and the government.

Below are recommendations that CIVIC hopes the government, ISF, and international partnered forces training the ISF will consider for implementation.

To the Government of Iraq

• Develop a national policy on the protection of civilians that emphasizes preventing, mitigating, and responding to civilian harm. The 2018 UN Secretary General report on the protection of civilians in armed conflict recommended that all member states develop “a national policy framework that builds upon good practice and establishes clear institutional authorities and responsibilities for the protection of civilians and civilian objects in the conduct of hostilities.” The Afghan government enacted such a policy in 2017.

• Create a Center for Urban Warfare Operations in Baghdad to gather and share lessons learned and 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 and 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 and review the compensation process to ensure it is accessible, fair and effective.

To the Ministry of Defense and Ministry of Interior Leadership

• Train commanders to understand that preventing minimizing, and addressing civilian casualties is not only obligation under IHL, but also for the stability of Iraq and rebuilding trust between civilians and government forces. Commanders should develop a mindset that this is the right thing to do from an ethical, legal, and strategic perspective.

• Train commanders to ensure they are able to sustain a robust dialogue with their forces at all levels on how best to protect civilians, including their assessment and acceptance of risk to forces and civilians, and development of tactical alternatives.

• Ensure commanders require from their subordinates a brief-back on civilian harm mitigation measures as a regular part of operational and tactical planning and after action review processes.

• 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.

• Develop a lessons learned database to facilitate the sharing and institutionalization across security forces of best practices and procedures on civilian harm mitigation into future training and education.

• Support the recruitment, training and forward deployment of female officers to engage with communities on protection concerns and support in screening of ISIS suspects.

Operational Guidance

• Develop clear rules of engagement for military forces on the basis of LOAC and designed to meet the strategic imperative of minimizing civilian harm and ensure wide dissemination across all forces.

• Develop clear rules on 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. The procedures should specify:
  • the necessary senior command authority needed to approve removing such restricted sites and to engage, should these sites be used by the opposing force to make an effective contribution to military action; and,
  • a follow-on mitigation plan to publicly communicate plans to rebuild and restore services to civilians and do so expeditiously, if such sites are approved for engagement.
• Develop and issue guidance to avoid the use of explosive weapons with wide area effects in populated areas, for deliberate and dynamic strikes, including in self-defense. Such guidance should:
  
  ◦ specify in detail the restricted weapons and munitions types and its impact on civilians and infrastructure;
  
  ◦ outline the command authority needed to approve the use of such weapons and munitions and why; and,
  
  ◦ instruct forces to explore tactical alternatives and where feasible use precision guided low yield and reduced fragmentation munitions and make such munitions available to forces to reduce harm to civilians.

• Develop and maintain strike logs, where all the forces’ strike data, including date, time, munitions used, with as much locational details as possible, for all strikes (air-to-surface and surface-to-surface) is collated.

• Develop and issue guidance that 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.

• Develop and issue guidance that during operational planning, commanders should study the short and long-term consequences of the destruction of critical civilian infrastructure including second and third order effects, to guide mitigation measures.

• During operations, ensure all operational guidance on protection of civilians is well understood by all concerned via a clear translation of it into actionable tactical directives, ROE cards or unit commanders’ verbal briefings to their troops.

• Operational guidance on protection of civilians must be integrated into training curriculum and exercises.

**Trainings**

• Design and undertake scenario-based trainings on protection of civilians, including civilian harm mitigation, at the tactical and operational levels tailored to the military and police functions and tasks. Such trainings should include:

  ◦ International humanitarian and human rights law and civilian harm mitigation principles in practice.
  
  ◦ Operational guidance designed to minimize civilian harm.
  
  ◦ How to integrate civilian harm mitigation into military planning, decision-making, and tactical orders development processes.
  
  ◦ Vignette-based ROE training with different operational or tactical scenarios to convey ROE and the application of operational guidance in contexts portrayed by the scenarios.
  
  ◦ Determination of PID—that there is reasonable certainty that a target is a military object before engagement—for both offensive operations and in self-defense with the key criteria to observe for civilian presence and avoiding prejudgment of the population’s affinity with the opposing side.
  
  ◦ Escalation of force procedures for contexts where civilians are present, in particular at checkpoints.
  
  ◦ Battle drills on direct fire engagements and how to avoid incidental harm.
  
  ◦ Battle drills and reporting processes for individual and unit level actions when encountering civilians on the battlefield.
  
  ◦ Assessments of civilian harm to identify mistakes and lessons learned for mitigation purposes and engagement with communities after operations to reduce tensions.
• Train sufficient numbers of forward observers and forward air controllers to ensure their deployment in all ISF units involved in surface-to-surface fires and air-to-surface fires.

• Ensure thorough training in the use and selection of weapons, including their effects on civilians. This training should:
  - Cover clearance of fire processes and command authorities for engagement with all types of weapons;
  - Cover the use of indirect fires and its impact on civilians and civilian infrastructure; and,
  - Include individual and formation level live fire training where possible, particularly for wide area effect weapons as a way to understand impact.

• Develop training facilities that replicate the characteristics of urban environment, including the structural and population density of cities, to ensure training reflects real life challenges that troops will face.

• Conduct joint exercises including command post exercises (CPX) of and between relevant military and police branches, as well as international forces when applicable, to practice and obtain maximum compatibility and integration of respective branches’ civilian harm mitigation measures and policy procedures.

• Develop clear standards and metrics to measure the effectiveness of trainings, particularly in relation to civilian harm mitigation.

• 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 reduce civilian harm, develop detailed and clear targeting procedures for deliberate and dynamic strikes, and air-to-surface and surface-to-surface fires. These procedures should provide:
  - Details on the fires clearance process and command approval for fires;
  - That troops should assume the presence of civilians when operating in populated areas;
  - That civilian presence and pattern of life should be observed using different intelligence methods including surveillance technology and that the most up to date information on this be incorporated in clearance processes; and,
  - That intelligence for targeting must be vetted from multiple sources to improve confidence of accuracy and guard against biased information from sources.

• Assign and ensure legal advisors are included in targeting processes, to provide legal advice on all aspects of the process, particularly distinction, proportionality, precautions, and military necessity.

• Develop CDE methodology and procedures, when using direct and indirect fire weapons systems, to help commanders evaluate civilian harm against military necessity during planning and execution of combat operations. The CDE methodology should:
  - Include foreseeable harm to civilians and civilian infrastructure;
  - Require the involvement of engineers to advise on the likelihood of primary and secondary effects from blast fragmentation on structures; and,
  - Include lessons identified from munitions effects from operations in Ramadi, Fallujah, and Mosul and when assessing impact on structures.

• Assign trained forward observers and forward air controllers within all ISF units for calling for surface-to-surface and air-to-surface fires and task them to support with PID and assessments of civilian harm.

• Ensure that a real-time common operating picture that includes civilian and no-strike locations is available to all commanders, command authorities, observers, and controllers involved in the targeting process, including partnered forces if applicable.

• Exercise, to the extent feasible, tactical patience to reduce civilian harm by taking additional time to confirm a target before returning fire and developing and maintaining situational awareness in order to minimize civilian harm.
Weapons Usage

- During all operations, adjust weapons and munitions choice and calibrations to reduce civilian harm. In choosing targets, consider all aspects, including the distance from which the weapon is launched, the angle and direction of impact, and timing of the attack.

- Avoid the use of explosive weapons with wide area effects in populated areas in deliberate or dynamic strikes, given the likelihood of civilian harm that can incur from the blast and fragmentation from such weapons to civilians and civilian infrastructure. As noted above, develop operational guidance limiting the use of such weapons. When feasible, consider using precision, low yield, and reduced fragmentation munitions to reduce the impact on civilians.

- Set command authorities for use of munitions at the tactically highest appropriate level based on balancing risk of harm calculated via CDE with the operational demands (deliberate or dynamic and time sensitive targeting). The command approval should rise in correlation with rising estimates of civilian casualties, keeping in mind proportionality concerns as required by LOAC.

- Avoid, to the extent feasible, the use of airstrikes as a primary tool in densely populated areas, and consider tactical alternatives, (e.g. the possible use of direct fire or maneuver by ground forces engagement through Iraqi forces conducting more door-to-door clearing operations to minimize civilian harm.)

- Undertake at the unit and formation level, where possible, live-fire exercises to enable unit commanders to know how to integrate all weapons systems for effectiveness and understand the foreseeable impact on civilians and civilian objects.

Resources to Mitigate Civilian Harm

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

- Procure and train troops in the use of precision, low yield, and reduced fragmentation munitions to reduce civilian harm.

- Procure and train troops to use nonlethal weapons, especially for use in the current stabilization phase, including during cordon and search operations and at checkpoints.

Assessment and Learning on Civilian Harm Incidents

- Issue guidance to all Iraqi forces to track and assess civilian harm (death, injuries, and property/infrastructure damage) in any engagement.

- Adopt and train forces on using an IIR to account for civilian harm. This should include information such as who, what, where, when, sequence of events, weapons and munitions used, actions taken after the incident, and be reported to unit commanders. The IIR complements the BDA, but provides more detailed information on civilian harm to identify initial causes and potential responses.

- Create and fully staff a CCMT tasked to gather information on all incidents of civilian harm through a BDA and IIR, analyzing causes and recommending changes to TTPs and training.

- Develop protocols to engage with external organizations that collect information on civilian casualties such as UNAMI, the ICRC, and international and national organizations. Use other external sources to cross check the information gathered through internal reporting to ensure the 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 to their protection.

- Encourage forces to report examples that show good results from exercising tactical patience or tactical alternatives that prevented civilian casualties and integrate those examples into lessons learned processes, TTPs, and training.

- Conduct annual reviews of civilian harm assessments and disseminate them as tools to educate and train forces on desirable tactics that resulted in reduction of civilian harm and areas for improvement and further training.
Security Screening

• Develop common guidelines and procedures on future security screening should large numbers of civilians move between cities and towns. To ensure consistency, transparency, and adherence by all relevant security actors, these guidelines should:
  o Clearly identify which security forces are authorized to conduct security screening and explicitly forbid other forces from doing so;
  o Identify formal locations where security screening is to be conducted;
  o Instruct forces conducting security screening to provide basic information on the procedures to civilians being screened and their families and to notify the family members of anyone arrested through this process;
  o Identify minimum conditions to be put in place for people being screened and their relatives waiting for them – including basic shelter, food, water and medical care; and
  o Outline special processes for screening of women (e.g. presence of female screeners), children, and vulnerable individuals.

• Disseminate these guidelines to all forces involved in security screening and include them in training curriculum and exercises.

• Ensure compliance by all security actors with the criminal procedural code, including that no individuals are arrested without an arrest warrant.

• 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, to reduce the likelihood of disappearances.

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

Legal Investigations

• Develop and/or apply clear internal disciplinary protocols for violations of ROE, commanders’ guidance, orders, and directives related to the protection of civilians.

• Investigate effectively and impartially all alleged crimes against civilians committed by Iraqi forces under international law fair trial standards. 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 continues.

• Support the ISF on trainings on civilian harm mitigation best practices. Review training curriculum and exercises and, as feasible, ensure the above recommendations are integrated into training curriculum, exercises and education.

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

• Ensure any remaining advise and assist teams at the tactical through operational levels contribute to efforts to capture, cross-pollinate, and incorporate ISF perspectives on lessons learned on civilian harm mitigation into future training and advice for ISF and partnered forces.
**APPENDIX**

**Legal framework**

Iraq is also a party to: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child, including its Optional Protocols on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance.

These core international human rights treaties remain applicable in parallel to international humanitarian law, unless and until the government formally derogates from certain provisions in line with relevant procedures. Iraq’s obligation to protect human rights in accordance with international human rights law is not diminished or replaced even if and where it has lost effective control over a part of its territory.

Under LOAC rules, all parties to the conflict (both state actors and non-state armed groups) must respect the fundamental principles of distinction (the need to distinguish at all times between armed actors and those directly participating in hostilities, who may be subject to attack, and the civilian population) and proportionality (the harm caused to civilians and civilian objects cannot be excessive in relation to the expected military gain) when conducting armed operations. The principle of reciprocity obligates party to conflict to comply with LOAC even if an adverse party breaches the law.

They must also take, in advance of any military attack, precautionary measures to spare the civilian population and civilian infrastructure, including by verifying the military nature of any objective and taking all feasible precautions in the choice of means (such as weapons choice) or methods of attack to avoid, or at least minimize, civilian casualties or damage to civilian objects. In addition, all parties must take steps to ensure the safety and protection of civilians by enabling them to leave areas affected by violence in safety and dignity, and to facilitate their access to basic humanitarian assistance at all times.
Kindly see below a translation of Presidential Decree No. 3, by H.E. Masoud Barzani, President of the Kurdistan Region.

In accordance to the, amended, Law of the Presidency of Kurdistan Region No. 1 in 2005, taking the current developments in the Kurdistan Region into consideration and due to the current war imposed on us by the terrorist group ISIS, we would like to appreciate the gallant Peshmarga forces in defending the people of Kurdistan Region against terrorists. Their bravery and achievements in the war against the terrorists of ISIS made us all proud. Yet, to preserve that image and reputation, all of our Peshmerga forces are required to abide by the following instructions:

1. We reiterate our, stance and, instructions issued in Letter No. 120, on 21st of August 2014, addressed to the KRG Ministries of Peshmarga, Interior and other relevant authorities regarding reminding all the KRG forces to keep up their high morals, good conduct and the good reputation of the people of Kurdistan during military campaigns against the terrorists of ISIS, in a way that civilians, in the liberated areas, be protected and well treated.

2. As the Peshmarga advance and ISIS terrorists are driven out of areas they used to control, all our forces are ordered/instructed to protect the lives and properties of the civilians inhabiting those liberated areas.

3. No Civilian should be arrested without proof or arrest warrant. In the event of any arrest, his/her case should be decided by courts of justice and in accordance to relevant legal procedures.

4. No person should be forced to leave his/her home/property in the liberated areas without substantiated military or legal reasons.

5. All people, including those of the liberated areas, are free to move/travel as they wish except for the battlefields. For their own safety, people are encouraged to take the advice and instructions of the KRG’s Security and Military Authorities into consideration.

6. All our forces are reminded/instructed to respect the principles of human rights and humanitarian laws during, war, military confrontations when dealing with civilians/people in the liberated areas and in battlefields.

7. Any authority/person who does not abide by the instructions above will face legal procedures in the courts of justice.

These instructions must be implemented as of the date of their issuance.

Signed by:
Masoud Barzani
President of the Kurdistan Region
Commander in chief of the Kurdistan Region Peshmarga Forces
17 March 2016
**ADDENDUM: TRANSLATION OF LEAFLETS DROPPED ON WEST MOSUL IN JANUARY 2017**

*For the left leaflet:* In the name of God the compassionate and merciful and whoever does a wrong or wrongs himself but then seeks forgiveness of Allah will find Allah forgiving and merciful. To all who were seduced by ISIS in the west Mosul, to those who carried arms with it [ISIS], worked along its ranks and helped in its scheme... the sons of our heroic armed forces, after they defeated ISIS in east Mosul, after entrusting their soul to Allah, are crossing to west Mosul and they are confident that they will end the battle with a big victory that would overcome the last infidel apostate in our great country. This is your last chance to drop your arms, and to leave ISIS, which is alien to our country and our pure religion. Stay in your houses; raise white flags when armed forces approach. Surrendering is better than dying an infidel.

*For the right leaflet:* In the name of God the compassionate and merciful and prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others beside them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged. To the Muslawis in the west of the remarkable Tigris. Your treacherous enemy has been defeated in east Mosul. Some died, some fled and some left them [the enemy]. Your heroic armed forces that belongs to you after entrusting their soul to Allah and Allah’s wisdom, achieved victory. Those days are past where the ignorant was governing your civilized city by the rule of sword. The doors of returning to the great Iraq has opened. Your armed forces are firm and approaching west Mosul. They are determined to clear all your areas from their [ISIS] brutality. The armed forces are up for the task and raise your Iraqi flag high. You will soon be freed from their brutality and dominance. Be prepared to receive your sons from the armed forces and to cooperate with them as your brethren did in east Mosul in order to minimize the loss and to accelerate the mission.
BACK COVER  Destroyed homes in west Mosul. August 2018.
Sahr Muhammedally/CIVIC