

THE WAR REPORT IRAQ: ANY HOPE FOR CHANGE?



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THE GENEVA ACADEMY A JOINT CENTER OF

CLASSIFICATION OF THE CONFLICT

Since 2014, Iraq continues to be involved in a non-international armed conflict (NIAC), in which the armed forces of the Government of Iraq and several other actors including the Kurdish Peshmerga and the Popular Mobilization Units (PMU) are fighting against the Islamic State in Iraq and Syria (ISIS). It is worth noting that the Iraqi Government and paramilitary groups' fighters have resorted to foreign assistance from the United States and its allies and the PMU received backing and funding from Iran. Nevertheless, the conflict

continues to be classified as a NIAC, as the Iraqi Government invited and consented to the intervention.¹

Despite the fact that the Iraqi state has claimed victory against ISIS, the armed conflict has not yet ended. Recent events have shown that there is still a high risk of its resurgence. For instance, paramilitary groups and armed forces still have a grip on and are playing a significant role in shaping Iraqi politics. Clashes across the Iraqi borders and against ISIS sleeper cells have yet to be recorded. Grievances are accumulating and the political and economic situation is deteriorating. Protesters are currently rallying against the government, demanding access to basic rights and services. They are in turn being quelled by the army through the use of force and violence.

HISTORY OF THE CONFLICT

Iraq has been consumed by decades of conflict that has left most of the country in ruins and further aggravated the Sunni–Shia divide within the Iraqi population. Starting with the US invasion in 2003 until the recent civil war against ISIS, the country has witnessed the destruction of its infrastructure and continuous political instabilities.

In connection with the Syrian crisis, Iraq has witnessed a NIAC since 2014 between Iraqi armed forces, supported by an international coalition, and ISIS. The Iraqi civil war began in January 2014 after ISIS emerged as a strong player in Syria and seized Iraqi land. ISIS was able to feed on the turmoil in Syria and extend into Iraq by gaining the support of marginalized Sunni Iraqis who were displeased with the ruling Shiite government. The then leader of ISIS, Abu

Bakr al-Baghdadi, killed in October 2019 by US forces,² took this opportunity to declare a caliphate in Mosul and announce a new official name – Islamic State – for the Islamic State in Iraq and Syria.³ Amidst these escalations, the then Iraqi Prime Minister, Nouri al-Maliki, resigned⁴ and the US declared the formation of an international coalition to defeat ISIS.⁵ Despite the massive airstrike campaigns conducted by the US and at least a dozen other countries, ISIS launched a brutal campaign of killings, rape, abductions and enslavement against the Yazidi community in Sinjar, a district on Iraq's

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northwestern border with Syria.⁶ The struggle against ISIS continued to escalate until 2017, the year of IS' catastrophic defeat in which it lost most of its strongholds, including Mosul, to Iraqi and US forces. In December 2017, the then Iraqi Prime Minister, Haider al-Abadi, claimed that Iraqi troops

were in complete control of the Iraq-Syria border and announced victory over ISIS.⁷

On 25 September 2017, Masoud Barzani, President of the Kurdistan Region and leader of the Kurdistan Democratic Party (KDP) pushed for an unofficial referendum, which was highly contested and opposed internationally despite its high turnout, reported to be around 72 percent with 92.73 percent voting in favour of independence from Iraq.⁸ The strong international opposition to the referendum gave a green light to al-Abadi and the Iran-backed PMU to launch an attack to recapture the disputed territories from the Kurdish Peshmerga, a main actor in the plight against ISIS.⁹ Following the

2 R. Callimachi and F. Hassan, 'Abu Bakr al-Baghdadi, ISIS Leader Known for His Brutality, Is Dead at 48', The New York Times, 27 October 2019, <https://www.nytimes.com/2019/10/27/world/middleeast/al-baghdadi-dead.html>.

3 'ISIS Fast Facts', CNN, 6 November 2019, <https://edition.cnn.com/2014/08/08/world/isis-fast-facts/index.html>.

4 M. Bradley, 'Iraq Crisis: Nouri al-Maliki Quits', The Wall Street Journal, 15 August 2014, <https://www.wsj.com/articles/iraqi-prime-minister-steps-down-1408047116>.

5 U.S. Department of State, 'The Global Coalition to Defeat ISIS', <https://www.state.gov/bureaus-offices/bureaus-and-offices-reporting-directly-to-the-secretary/the-global-coalition-to-defeat-isis/> (last accessed 13 November 2019).

6 International Crisis Group, 'Winning the Post-ISIS Battle for Iraq in Sinjar, Middle East & North Africa Report no 183', 20 February 2018, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/183-winning-post-isis-battle-iraq-sinjar> (last accessed 13 November 2019).

7 M. Coker and F. Hassan, 'Iraq Prime Minister Declares Victory Over ISIS', The New York Times, 9 December 2017, <https://www.nytimes.com/2017/12/09/world/middleeast/iraqi-isis-haider-al-abadi.html>.

8 B. McKernan, 'Kurdistan Referendum Results: 93% of Iraqi Kurds Vote for Independence, Say Reports', Independent, 27 September 2017, <https://www.independent.co.uk/news/world/middle-east/kurdistan-referendum-results-vote-yes-iraqi-kurds-independence-iran-syria-a7970241.html>.

9 J. Holland-McCowan, 'The Kurds After the 'Caliphate': How the Decline of ISIS has Impacted

¹ 'Iraq Formally Asks US to Launch Air Strikes Against Rebels', BBC News, 18 June 2014, <https://www.bbc.com/news/world-middle-east-27905849>.

attacks, Barzani announced his resignation¹⁰ marking the abandonment of Kurdish state-building aspirations.

The victory over ISIS initiated a new phase in Iraq's political scene. On 12 May 2018, Iraq held the parliamentary election that had been initially postponed due to ISIS. The political bloc led by Shia leader Muqtada al-Sadr won the election.¹¹ However, allegations of fraud linked to the electronic counting of votes led to the Council of Representatives suggesting an amendment to the electoral law that would require the votes of internally displaced persons and overseas voters to be cancelled and, moreover, a manual recount of the votes. This proposal was rejected by the Supreme Court, which refused to cancel any of the votes but accepted a manual recount.¹² The outcome of the election resulted in months of deadlock, with Washington and Tehran each trying to exert influence through its preferred actors. These international interventions added a layer of complexity to an already factious political system. Hence, the formation of the government took more than 13 months and led to the election on 2 October 2019 of Barham Ahmed Salih as President and the appointment the new Prime Minister, Adel Abdul Mahdi, on 24 October.¹³

Despite these changes, Iraq is still witnessing several power-play dynamics on its territory between the US and Iran, citizens are dissatisfied with current living conditions and military operations are still taking place against ISIS sleeper cells and rural holdouts.

PARTIES TO THE CONFLICT

The war against ISIS involves several international and local actors who have simultaneously cooperated

the Kurds of Iraq and Syria, International Centre for the Study of Radicalisation (ICSR), 2018, <https://icsr.info/wp-content/uploads/2018/10/ICSR-Report-The-Kurds-After-the-%E2%80%98Caliphate%E2%80%99-How-the-Degradation-of-ISIS-has-Impacted-the-Kurds-of-Iraq-and-Syria.pdf> (last accessed 13 November 2019).

10 R. Jalabi and M. Chmaytelli, 'Kurdish Leader Barzani Resigns After Independence Vote Backfires', Reuters, 29 October 2017, <https://www.reuters.com/article/us-mideast-crisis-iraq-kurds-barzani/kurdish-leader-barzani-resigns-after-independence-vote-backfires-idUSKBN1CY0KR>.

11 'Iraq Elections Final Results: Sadr's Bloc Wins Parliamentary Poll', Al Jazeera, 20 May 2018, <https://www.aljazeera.com/news/2018/05/iraq-election-final-results-sadr-bloc-wins-parliamentary-polls-180519071930804.html>.

12 H. Mustafa, 'Iraq: Supreme Court Settles Debate Over Amendment of Electoral Law', Asharq Al-Awsat, 22 June 2018, <https://aawsat.com/english/home/article/1308401/iraq-supreme-court-settles-debate-over-amendment-electoral-law>.

13 A. Rasheed and R. Jalabi, 'Iraq Names New President and Premier, Ending Deadlock', Reuters, 2 October 2018, <https://www.reuters.com/article/us-iraq-politics/iraq-names-new-president-and-premier-ending-deadlock-idUSKCN1MC2J9>.

and competed with the state to fight ISIS and advance their own political agendas. The crisis witnessed the re-emergence of Iraqi paramilitary groups and several non-state actors who gained legitimacy through their collaboration with the international community and their support for the Iraqi state in its fight against ISIS.

IRAQI ARMED FORCES

Several Iraqi government forces including the army, the Counter Terrorism Service and the Federal Police have fought against ISIS and participated in the battles to recapture occupied territories. Nevertheless, the efforts of Iraq's army have been insufficient to achieve victory over ISIS despite the fact that most of them were trained by US commanders following the fall of Saddam Hussein in 2003. This was clearly underlined in the battle of Mosul in which more than 30,000 Iraqi forces¹⁴ collapsed and there was a clear lack of morale and a chaotic chain of command among the fighters.

THE ISLAMIC STATE

The Islamic State in Iraq and Syria (ISIS) started as an Al Qaeda splinter group and emerged as a strong player during the Syrian war. ISIS was able to capture large swathes of territory in Iraq and Syria enabling its leader Abu Bakr al-Baghdadi to declare the establishment of a 'caliphate' in 2014 and change the name of the organization from the Islamic State in Iraq and Syria to the Islamic State.¹⁵ During its presence in Syria and Iraq, ISIS was able to control more than 34,000 square miles, from the Mediterranean coast to the south of Baghdad.¹⁶ Its revenue came mainly from oil production, smuggling and war economy. ISIS' presence in Iraq has been focused mainly in largely Sunni areas in which some Sunni groups pledged their allegiance to ISIS after feeling alienated from the Shia-led government in Baghdad. During that time, ISIS carried out dozens of explosive attacks on civilian-populated areas and captured many Iraqi territories including Mosul, Falluja, Sinjar and Al

14 P. Beaumont, 'How Effective is Isis Compared With the Iraqi Army and Kurdish Peshmerga?', The Guardian, 12 June 2014, <https://www.theguardian.com/world/2014/jun/12/how-battle-ready-isis-iraqi-army-peshmerga>.

15 Wilson Center, 'Timeline: The Rise, Spread, and Fall of the Islamic State', 28 October 2019, <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state> (last accessed 13 November 2019).

16 'ISIS Fast Facts'.

Qa'im. Among the most disastrous were the attacks carried out in the northern Iraqi town of Sinjar, home to a religious minority group called the Yazidis. ISIS fighters executed many Yazidis and captured women and girls for sexual or domestic slavery.¹⁷ According to the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic, the crimes against the minority Yazidis amount to a genocide.¹⁸

ISIS' expansion posed an immediate threat not only to Iraq and Syria but also to many countries around the world that witnessed terrorist attacks on their territory and many citizens of which converted to Islam and joined the group. The spread of violence urged the international community to respond. Therefore, on 10 September 2014, the US announced the formation of a broad international coalition to defeat ISIS.¹⁹ The campaign to defeat ISIS in Iraq lasted for more than three years until 9 December 2017, when the Iraqi military officially declared the full liberation of all Iraqi territories from ISIS.²⁰

The future of ISIS is still unclear, especially after the Pentagon issued a report claiming its resurgence in Syria despite President Trump's declaration that the terrorist group had been totally defeated.²¹

THE POPULAR MOBILIZATION UNITS (PMU)

Al-Hashd-al Shaabi, known in English as the Popular Mobilization Units (PMU), is an Iran-backed Shiite militia that has played an important role in fighting and defeating ISIS. Following the collapse of the Iraqi security forces in Mosul, the PMU were reinforced by a religious ruling (fatwa) by Grand Ayatollah Ali al-Sistani calling on volunteers to exercise their 'duty to fight' and defend the country and the Shiite holy sites against ISIS.²² The PMU became a strong security force separate from the army and Federal Police, and gained widespread

popularity among the Iraqi population. Their presence in Sinjar was fundamental to rescuing the Yazidis who were trapped in the grip of ISIS. This has helped them gain a military and political upper hand in the area. The PMU also had a pivotal role in recapturing the Iraqi contested lands from the KDP after the independence referendum declared by the Kurdish president. In March 2018, Iraqi Prime Minister Haider al-Abadi issued a decree formalizing the inclusion of Shiite paramilitary groups – the PMU – in the country's security forces, and granted them the same rights as members of the military.²³ The influence and role of the PMU within Iraqi society kept increasing even after the fall of ISIS. PMU leaders set up an array of institutions parallel to the state and started to provide reconstruction and services to citizens affected by the war.²⁴ In addition, PMU leaders participated in politics and formed the Fatah Alliance, an electoral bloc that came second in the parliamentary election on 12 May.²⁵

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THE PESHMERGA

The Peshmerga are the Kurdish fighting forces who played a pivotal role in the fight against ISIS. Kurdish forces in Iraq managed to reclaim key cities such as Kirkuk²⁶ and rescued many Yazidi victims, with the help of US airpower, by providing them with a safe route to escape through Syria to Kurdistan.²⁷ Most Peshmerga forces operate under the command of the President of Iraqi Kurdistan in the Kurdish autonomous region of Iraq and are considered the national fighting force of the Kurdish people.²⁸ The fight in Iraq alongside the US-led global alliance enabled the Kurds to regain influence in the region and the hope of forming their own state and achieving independence. However, instead of witnessing the creation of an independent homeland, the Kurds have suffered a major disappointment, especially after

17 Crisis Group, Winning the Post-ISIS Battle for Iraq in Sinjar.

18 S. Wheeler, 'UN Panel Reports on ISIS Crimes on Yazidis', Human Rights Watch (HRW), 21 June 2016, <https://www.hrw.org/news/2016/06/21/un-panel-reports-isis-crimes-yazidis> (last accessed 13 November 2019).

19 U.S. Department of State, 'The Global Coalition To Defeat ISIS'.

20 E. Levenson and J. Karadsheh, 'Iraq is "Fully Liberated" from ISIS, Its Military Says', CNN, 9 December 2017, <https://edition.cnn.com/2017/12/09/middleeast/iraq-isis-military-liberated/index.html>.

21 R. Browne, 'Pentagon Report Says ISIS is "Re-Surging in Syria" Following Trump's Troop Withdrawal', CNN, 8 August 2019, <https://edition.cnn.com/2019/08/06/politics/pentagon-report-isis-syria/index.html>.

22 International Crisis Group, Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State, Middle East & North Africa Report no 188, 30 July 2018, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/188-iraqs-paramilitary-groups-challenge-rebuilding-functioning-state> (last accessed 13 November 2019).

23 'Iraq's Shi'ite Militias Formally Inducted Into Security Forces', Reuters, 8 March 2018, <https://www.reuters.com/article/us-mideast-crisis-iraq-militias/iraqs-shiite-militias-formally-inducted-into-security-forces-idUSKCN1GK354>.

24 Crisis Group, Iraq's Paramilitary Groups.

25 Ibid.

26 E. Gonzalez, 'Kurdish Peshmerga: Divided From Within', Harvard Political Review, 5 September 2015, <http://harvardpolitics.com/world/kurdish-peshmerga-divided-within/> (last accessed 13 November 2019).

27 L. Sly and C. Whitlock, 'Most Yazidis Have Been Rescued From a Besieged Mountain in Northern Iraq', The Washington Post, 14 August 2014, https://www.washingtonpost.com/world/yazidis-still-reported-trapped-on-mountain-in-northern-iraq-despite-us-assessment/2014/08/14/d85337fb-c5d2-4b82-b53a-410467e0db90_story.html.

28 'Who Are the Kurds?', Al Jazeera, 1 October 2017, <https://www.aljazeera.com/news/2017/05/kurds-170516072934887.html>.



the opposition to and rejection of the 2017 independence referendum by international actors and the PMU attack to recapture the disputed territories. Despite the end of the military campaign and the fighting, the Peshmerga has continued to face increasing pressure from the Turkish military, which occasionally attacks Kurdistan Workers' Party (PKK) strongholds in Iraq, as well as an escalating rivalry with Iraq's main Kurdish party, the KDP.²⁹ On 7 October 2019, US President Donald Trump announced the withdrawal of US troops from northern Syria,³⁰ giving Turkey the opportunity to launch a military attack against the Kurds under the pretext of removing the Kurdish-led forces from the border area and creating a 'safe zone' so millions of Syrian refugees can be returned.³¹ Based on recent updates, the US has been accused of abandoning the Kurds after heavily relying on them during the fight against ISIS.³²

KEY INTERNATIONAL ACTORS

The Iraqi fight against ISIS became a major concern of the international community. Many international powers and organizations engaged in the fight and played a fundamental role in overcoming ISIS. In September 2014, the US established an anti-ISIS coalition. It comprises 68 members, including states such as the UK, France and Germany and institutions such as the European Union and the Arab League.³³ The coalition has supported Iraqi and Kurdish troops in the war against ISIS. In addition, North Atlantic Treaty Organisation (NATO) defence

29 H. Hassan, 'Boundary Disputes', Carnegie Middle East Center, 26 September 2019, <https://carnegie-mec.org/diwan/79875> (last accessed 13 November 2019).

30 A. Leary and G. Lubold, 'American Troops to Withdraw From Northern Syria Ahead of Turkish Incursion', The Wall Street Journal, 7 October 2019, <https://www.wsj.com/articles/american-troops-to-withdraw-from-northern-syria-ahead-of-turkish-incursion-11570421205>.

31 'Turkey's Military Operation in Syria: All the Latest Updates', Al Jazeera, 13 October 2019, <https://www.aljazeera.com/news/2019/10/turkey-military-operation-syria-latest-updates-191011060434166.html>.

32 'Turkey-Syria Border: Kurds Bitter as US Troops Withdraw', BBC News, 7 October 2019, <https://www.bbc.com/news/world-middle-east-49960973>.

33 Amnesty International, 'Iraq: Nowhere to Turn', 2016, <https://www.amnesty.org/en/latest/news/2016/12/iraq-nowhere-to-turn/> (last accessed 13 November 2019).

ministers agreed to a bigger 'train-and-advise' mission in Iraq to further strengthen the Iraqi fighters.³⁴ The conflict has stimulated a war by proxy on Iraqi lands due to the Sunni-Shia divide and geographical proximity to Iran, which has fully endorsed and supported the PMU to ensure that the crisis does not spread to its borders.

RECENT DEVELOPMENTS IN 2019

In the context of the conflict, Iraq has recently plunged into a new cycle of instability and political tensions. The Iraqi Government got caught up in a tug of war between its political parties over political appointments following the 2018 parliamentary election³⁵ on the one hand and a dysfunctional state apparatus hollowed out by corrupt political parties and the competing interests of Iran and the US³⁶ on the other. In addition, many citizens, mostly young people, started protesting and calling for reforms to overcome the detrimental effects of the war, political corruption and harsh economic conditions prevalent in the country.³⁷

For weeks, starting on 26 August 2019, air attacks blamed on Israel targeted military bases and ammunition depots in Iraq belonging to Iran-backed militias (the PMU), who considered the attack a 'declaration of war' against Iraq and demanded the withdrawal of US troops.³⁸ Even though the US denied responsibility,³⁹ tensions continued to increase as Iran viewed the drones as a threat to its presence in Iraq. In light of this pressure, the Iraqi Government tried to maintain a neutral stance and turned to the international community for assistance and help in appeasing the regional tensions. Clashes continued to spread across the country, which enabled ISIS sleeper cells to carry out an attack in Karbala⁴⁰ and fight against the security forces in Salah al-Din, Nineveh and Anbar provinces. Despite the ongoing tensions, the government decided on 30 September to reopen the

34 HRW, 'Iraq: Events of 2018', World Report 2019, <https://www.hrw.org/world-report/2019/country-chapters/iraq> (last accessed 13 November 2019).

35 S. al-Salhy, 'Parliament Fills Key Cabinet Posts in Iraq', Arab News, 24 June 2019, <https://www.arabnews.com/node/1515676/middle-east>.

36 M. Chulov, 'Iran Tells Middle East Militias: Prepare for Proxy War', The Guardian, 16 May 2019, <https://www.theguardian.com/world/2019/may/16/iran-tells-middle-east-militias-prepare-for-proxy-war>.

37 G. Abdul-Ahad, 'Iraq's Young Protesters Count Cost of a Month of Violence', The Guardian, 29 October 2019, <https://www.theguardian.com/world/2019/oct/29/iraqi-protesters-demonstrations-month-of-violence>.

38 P. Beaumont, 'Iranian-Backed Militia Blames US and Israel for Attacks on Bases in Iraq', The Guardian, 21 August 2019, <https://www.theguardian.com/world/2019/aug/21/iran-backed-militia-blames-us-and-israel-on-bases-in-iraq>.

39 'Iraqi PM Says Israel is Responsible for Attacks on Iraqi Militias: Al Jazeera', Reuters, 30 September 2019, <https://www.reuters.com/article/us-iraq-security/iraqi-pm-says-israel-is-responsible-for-attacks-on-iraqi-militias-al-jazeera-idUSKBN1WF1E5>.

40 'Iraq: Minibus Explosion Outside Karbala Kills 12, Injures 5', Al Arabiya, 20 September 2019, <http://english.alarabiya.net/en/News/middle-east/2019/09/20/Iraq-Minibus-explosion-outside-Karbala-kills-9-injures-6.html>.

border crossing with Syria after years of closure.⁴¹

During the dispersed clashes across the country, 1 October marked a surge in popular protests that spread throughout southern Iraq and reached the capital, Baghdad. The protests were spawned by anger at the state's corruption and inability to provide better services and opportunities to the unemployed youth. The protests gained momentum amidst Prime Minister Abdul Mahdi's decision to demote a national icon, General Abdul-Wahab al-Saadi, who played an essential role in the fight against ISIS.⁴² This decision has added to a list of deeply held grievances and anger among the Iraqi public concerning poor governance, inadequate services and miserable living conditions. The Iraqi Government responded by imposing a round-the-clock curfew and shutting down the internet for days, and the security forces tried to forcefully quell the protesters through the use of arms and gas bombs.⁴³ The use of force resulted in the death of at least 110 Iraqis, mostly protesters.⁴⁴ The Iraqi Government condemned the security forces' use of force against protesters and proclaimed the right of all Iraqis to protest peacefully.⁴⁵ President Barham Salih also requested ministerial changes and asked parliament to enact certain reforms to satisfy the demands of the public. As a result, Prime Minister Abdul Mahdi promised to reshuffle the government and introduce new reforms to appease the turmoil; furthermore, he declared the appointment of new education and health ministers.⁴⁶ Despite the cooperative response from the Iraqi Government, protesters are still dissatisfied with the ongoing conditions. The prominent Shia leader Muqtada al-Sadr, whose political coalition won the most seats in the 2018 election, asked the government to resign and for a snap vote to be held.⁴⁷ For the time being, the country is still enmeshed in turmoil, which might end up being

41 'Iraq reopens Al Qaim Border Crossing with Syria', Al Jazeera, 30 September 2019, <https://www.aljazeera.com/news/2019/09/iraq-reopens-al-qaim-border-crossing-syria-190930115636631.html>.

42 A. Twajj, 'In Iraq, Protesters Are Sick of Corruption and Foreign Influence', Foreign Policy, 7 October 2019, <https://foreignpolicy.com/2019/10/07/in-iraq-protesters-are-sick-of-corruption-and-foreign-influence-saadi-abdul-mahdi/>.

43 Z. Karam and Q. Abdul-zahra, 'Iraq's Uprising an Open Crisis With No Known Path Forward', Military.com, 9 October 2019, <https://www.military.com/daily-news/2019/10/09/iraq-uprising-open-crisis-no-known-path-forward.html> (last accessed 13 November 2019).

44 J. Davison and R. Jalabi, 'After Bloodshed Hits Flashpoint District, Iraq Scrambles to Stem Violence', Reuters, 8 October 2019, <https://www.reuters.com/article/us-iraq-protests-violence-analysis/after-bloodshed-hits-flashpoint-district-iraq-scrambles-to-stem-violence-idUSKBN1WN21Q>.

45 'Iraq President Salih Condemns Attacks on Protesters and Media in Televised Speech', Reuters, 7 October 2019, <https://uk.reuters.com/article/us-iraq-protests-president/iraq-president-salih-condemns-attacks-on-protesters-and-media-in-televised-speech-idUKKBN1WM219>.

46 'Iraq Appoints Two New Ministers After PM Promises Sweeping Reform', Reuters, 10 October 2019, <https://www.reuters.com/article/us-iraq-protests/iraq-appoints-two-new-ministers-after-pm-promises-sweeping-reform-idUSKBN1WP2E9>.

47 'Iraq Protests: All the Latest Updates', Al Jazeera, 11 October 2019, <https://www.aljazeera.com/news/2019/10/iraq-protests-latest-updates-191004085506824.html>.

either constructive or destructive in defining the future of Iraq and the region.

WAR CRIMES ALLEGATIONS, INVESTIGATIONS AND PROSECUTIONS

The situation in Iraq has been stained by allegations of brutal crimes and different human rights violations by all parties involved in the conflict. Many international organizations have condemned the abuses and called for a quick response from the Iraqi Government and the international community. The Arab League denounced ISIS attacks as 'crimes against humanity'.⁴⁸ In September 2017, the UN Security Council adopted a new resolution⁴⁹ to tackle the situation in Iraq and established the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) to document human rights violations and serious crimes committed by ISIS in Iraq.⁵⁰ The initial investigative work focused on three main areas, which included the attacks against the Yazidi community in the Sinjar district in August 2014, crimes committed in Mosul between 2014 and 2016, and the mass killing of unarmed Iraqi air force cadets from Tikrit Air Academy in June 2014.⁵¹ According to Human Rights Watch, some of the heinous crimes committed by ISIS since 2014 amount to war crimes and may amount to crimes against humanity and even genocide.⁵²

Despite the fact that Iraq has ratified various



48 'Arab League Denounces ISIS Attacks as "Crimes Against Humanity"', Al Arabiya, 11 August 2014, <http://english.alarabiya.net/en/News/middle-east/2014/08/11/U-S-weighs-options-to-evacuate-trapped-Yazidis.html>.

49 UNSC Res 2379, 21 September 2017.

50 Z. D. Kaufman, 'New UN Team Investigating ISIS Atrocities Raises Questions About Justice in Iraq and Beyond', Just Security, 28 September 2017, <https://www.justsecurity.org/45411/expect-team-investigating-isis-atrocities-iraq/> (last accessed 13 November 2019).

51 United Nations, 'Investigative Team Making "Significant Progress" Gathering Evidence to Prosecute ISIL/Da'esh for Atrocity Crimes in Iraq, Special Adviser Tells Security Council', 15 July 2019, <https://www.un.org/press/en/2019/sc13882.doc.htm> (last accessed 13 November 2019).

52 HRW, 'Iraq: UPR Submission November 2019', 26 September 2019, <https://www.hrw.org/news/2019/09/26/iraq-upr-submission-november-2019> (last accessed 13 November 2019).

human rights treaties ensuring the right to a fair trial and the absolute prohibition of torture, including the International Covenant on Civil and Political Rights and the Convention against Torture, it has been alleged that Iraqi government forces and paramilitary militias have been involved in cases of torture and other forms of ill-treatment.⁵³ Additionally, in spite of the prime minister's commitments to investigate allegations of torture and extrajudicial killings,⁵⁴ Iraq has failed to issue legislation to include war crimes and crimes against humanity under Iraqi law. According to human rights organizations, individuals held on suspicion of being affiliated with ISIS have been denied the right to an adequate defence and have often been forced to confess under duress.⁵⁵ It has been alleged that many families have been collectively punished – accused of guilt by association – for being perceived affiliates of ISIS. In addition, the Iraqi Government continues to use the death penalty and is ranked fifth in the world for the number of executions conducted in 2018.⁵⁶ According to Amnesty International, over two dozen women have been sentenced to death because a male relative, often their husband, was suspected of belonging to ISIS.⁵⁷

As a result, thousands of people, including foreign fighters, are affected by the Iraqi Government's arbitrary arrests and weak judicial system. The issue of foreign fighters aroused an important public debate regarding their detention. European countries including Britain, France and Belgium have insisted that their nationals who fought for ISIS in Iraq and Syria should not return home but rather face justice in the countries where their crimes were committed.⁵⁸ On the other hand, President Donald Trump has urged European countries to take custody of their citizens and put them on trial, warning that if they refuse, the prisoners may simply be released instead.⁵⁹ The argument over their fate does not only involve security claims but also humanitarian and legal concerns. Many humanitarian organizations

have criticized European countries for violating their humanitarian obligations by 'outsourcing' ISIS-related trials and allowing suspects to be tried by an abusive justice system that still implements the death penalty.⁶⁰ In light of these criticisms, the French foreign minister, Jean-Yves Le Drian, recently visited Iraq to discuss trials for jihadists from Syria and ensure judicial cooperation and support to secure abidance with international humanitarian obligations.⁶¹ Meanwhile, the Turkish interior minister, Suleyman Soylu, recently stated 'We are not a hotel for Daesh members of any country'.⁶²

Finally, in view of the recent wave of protests taking place in the country, Iraq is currently facing allegations of violations of the right to free expression and peaceful assembly. On 10 October, the Independent High Commission for Human Rights of Iraq reported that at least 105 protesters had been killed and another 4,050 wounded during the Iraqi protests.⁶³ Furthermore, the Iraqi authorities have imposed curfews and stopped internet access in many cities in an attempt to curb the protests.⁶⁴ Thus, the current situation in Iraq requires extensive attention and follow-up to clarify the internal dynamics on the ground and gain a better understanding of how the current political turmoil will shape the future of Iraq and the region.

ABOUT THE AUTHOR

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