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May 27, 2016 12:00AM EDT

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Why Accountability for Iraq’s Militias Matters

Published in *Just Security*



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[Iraq](#) is awash with daily atrocities, with the Islamic State (ISIL) reportedly burying people alive, drowning people in submerged cages, detonating explosives around victims’ necks, and shooting its own members trying to defect. The group has murdered thousands, including up to 1,700 Shia military cadets in Tikrit in June 2014.



Iraqi security forces and Shi'ite fighters sit in military vehicles near Falluja, Iraq on May 31, 2016. © 2016 Reuters

The response of Iraq, and much of the world, has been to fight ISIL on the battlefield, at huge cost — not only in combat deaths of the largely volunteer fighters, but also to [local populations that these fighters abuse](#) after freeing them from ISIL.

ISIL has shown its disregard for the laws of armed conflict that are meant to protect civilians, but Iraq's anti-ISIL forces are no more accountable to international standards. It is high time for Iraq to establish better mechanisms to hold its own forces to account, not only to protect the civilian population, but also to ensure that new abuses do not breed resentment feeding a resurgence of ISIL-like groups.

As the Iraqi military [moves to retake Fallujah](#) from ISIL with support from volunteer militias and ahead of the offensive to dislodge ISIL from Mosul, the Iraqi government and the US-led anti-ISIL coalition should also press for accountability for Popular Mobilization Forces (PMF) — the name for the largely Shia volunteer forces.

Iraq has built up increased command structures for these forces, but is lagging in ensuring effective control over them, including by prosecuting those members who execute, torture, kidnap, loot, and pillage populations in recaptured areas.

To start, Iraq should make war crimes, crimes against humanity, and genocide offenses under domestic law. Iraq should also join the International Criminal Court, which has a mandate over these crimes. International oversight can help in establishing a credible system than could independently and impartially investigate these

grave abuses. Most of all, the state needs to prosecute abusive fighters and their leaders.

An Uphill Battle for Accountability

If the Iraqi state is to exert control over the Popular Mobilization Forces, then its fighters should be subject to discipline and justice up the chain of command.

In an apparent move to bring the militias that make up the PMF under central control, Prime Minister Haider al-Abadi signed an order on February 22 to make the forces “an independent military organization and part of the Iraqi armed forces,” answering to him as commander-in-chief. But the new designation faces an uphill battle to prove it can effectively control unruly militias on the ground.

Jamal Ibrahimi, deputy head of the [Popular Mobilization Commission](#) (PMC), the government agency created to oversee the forces, is responsible for their day-to-day management. Ibrahimi, better known as Abu Mahdi al-Muhandis, told me in Baghdad in late March that the forces were like a child who has just learned to walk. What keeps him awake nights, he said, was how to transform this Shia-dominated, fractured force into a national institution “that belongs to the state.”

That, he said, was why he fought hard to allow Sunnis displaced from ‘Adhaim, a town in a militia-controlled area, to return home. It’s also why he agreed with Salim al-Jiburi, the Sunni speaker of parliament, to recruit 900 Sunni fighters for the force from the Diyala governorate, where Shia-Sunni clashes had cost many lives. Overall, the planned 120,000 men under arms are to include up to 30,000 Sunnis, PMC officials told me.

Yusif al-Kilabi, the military spokesperson for the PMF, told Human Rights Watch it now vets volunteers, including those in existing militias — a word he dislikes as Iraq’s constitution bans militias — and has a 20-member legal department with 100 liaison officers in the fighting divisions. The legal advisers had completed training in the laws of war, al-Kilabi said.

However, when we asked Kazhim al-Issawi, the head of the [Peace Brigades](#), one of the fighting forces affiliated with the prominent Shia cleric Muqtada al Sadr, what increased unification of command looked like, he said that the Peace Brigades “do not take orders” but coordinate with other groups on the battlefield. He said they do their own officer training, including on the laws of war, “at a secret location.”

The fighters wear uniforms of their individual militias because new uniforms are not yet available, al-Kilabi said. He displayed what he said was a new PMF identity badge, to protect the members from “imposters” who carry out kidnapping and extortion and other crimes under the guise of the PMF. But al-Issawi said he’d never seen one and his fighters don’t carry them.

The Popular Mobilization Commission’s tenuous control over the militias presents a problem that goes beyond badges, uniforms, and training. It means there is no accountability.

In early 2015, the government set up a special prison for PMF offenders, with [300 currently detained](#) or convicted and with some serving sentences longer than 10 years, several officials said. Judge Abd al-Sattar Bir Qadar, spokesman for the [High Judicial Council](#), told us the fighters are tried as civilians by a judge specially designated for these cases at the Central Criminal Court. That may change with the February 2016 order requiring military ranks and designations for the PMF.

Al-Kilabi and Bir Qadar denied that the charges against the detained fighters pertained to enforced disappearances, executions, or widespread demolition of buildings — violations of the laws of armed conflict — by militias around [Amerli](#) that Human Rights Watch documented in late 2014, or around [Tikrit](#) in March and April 2015. Al-Issawi said that “other militias” were responsible for beheadings and scorched earth practices.

In March, PMF fighters participated in capturing the Jazira desert area west of the Tigris River. Muhannad al-‘Iqab, the PMC media director, showed us videos of fleeing Sunni Arabs attesting to the good treatment by the PMF. Al-Muhandis, al-Kilabi, and Bir Qadar separately said that judges went to oversee the detention of suspected ISIL members in the Jazira campaign.

But others described continued violations. One militia fighter said that he had participated as his militia executed over 90 captured Sunni men from the [Jazira area](#) earlier in March. A member of a specialized military command in Tikrit said that around the same time militias had rounded up and abused thousands of Jazira families, destroyed Sunni homes and mosques, and also carried out some executions.

So far, as the Popular Mobilization Commission builds up its command structures, control over fighters’ actions remains tenuous. And it seems that accountability remains a distant prospect; in September 2015, an unnamed militia [released](#) kidnapped Turkish construction workers after government negotiations; in October, the Army of the Chosen One (Jaish al-Mukhtar) [claimed](#) responsibility for rocketing the camp of an Iranian opposition group near Baghdad; in January 2016, Badr Brigades and League of Righteous forces were [implicated](#) in revenge killings of Sunnis in Diyala province. Yet no investigations into these crimes against civilians had taken place, officials said. When we asked Prime Minister al-Abadi why not, he responded: “Do you want to see the militias fighting in the streets of Baghdad?”

The price for government recognition should not be a free rein to commit abuse, but adherence to the laws of war and their strict application. Otherwise, Iraqi civilians will remain stuck between genocidal ISIL and state-led war criminals fighting them.

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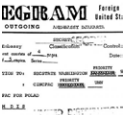
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