

<https://www.iraqbodycount.org/analysis/numbers/2020/>

IRAQ 2020: Legitimacy, security and war crime let-offs

by *Lily Hamourtziadou*

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Health security: Covid-19 (12,000–13,000 deaths)

Along with the rest of the world, Iraq suffered thousands of deaths from Covid-19 during 2020. Despite efforts to tackle the virus, the growing number of severe and critical cases has recently overwhelmed Al-Kindy and other health facilities treating people with COVID-19.

“Every moment of every day we’re seeing more and more severe COVID-19 cases in Baghdad,” explains Dr Pedro Serrano Guajardo, a doctor working with MSF as an intensive care unit specialist. “Many patients stay in the RCU for 15 to 20 days to be treated, meaning that sometimes new patients are put on the waiting list for two, maybe three days, until they can get the treatment they need. By the time we have a free bed, patients are in really bad shape. It is really distressing to watch these people wait for a bed.”¹

¹COVID-19 outbreak in Baghdad is “very alarming” Médecins Sans Frontières, 24 Sep 2020.

Physical security: civilian death toll from armed violence

The pandemic is sadly not the only problem Iraqis have to face every day. The continuing violence this year has claimed another 902 innocent lives among the unarmed population. Between January 1st and December 31st, civilian deaths were reported on all but 78 days, i.e. on 4 out of every 5 days. February was the worst month, with 147 civilian deaths, while July saw the lowest figure of 47.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
114	147	73	50	74	64	47	81	54	70	74	54

As every year, children are not safe from the terror of continuing indiscriminate attacks; of the 902 killed, 32 were children, fewer in number than last year's 92, but roughly in the same proportion and a still further loss of innocent life. By far the biggest victim category this year were again protesters and activists: 133 were killed around the country, both during demonstrations and in targeted individual assassinations, by security forces and militia. Policemen are a common target in Iraq and in 2020 a further 68 police were killed in insurgent and terrorist attacks. Airstrikes once again caused civilian deaths, this time by the Turkish military. Turkish airstrikes over Kurdish areas claimed the lives of 28 civilians. Casting a cloud over Iraq's democracy and claims of respect for human rights, reports of 16 detainees tortured to death in various prisons and detention centres attest to the contrary. Among this year's victims were 2 UN employees: an engineer working for UNDP, abducted and executed by the Islamic State on November 5th in Al-Rutba, and a doctor stabbed to death on September 26th in Kirkuk.

The youngest victim this year was a 2-year-old girl killed by an IED in Basra on July 17th.

In 2020 Iraq saw significantly fewer violent incidents causing civilian deaths and injuries, bringing the annual death toll to the lowest since the 2003 invasion.

Year	Civilians killed
2003	12,133
2004	11,737
2005	16,583
2006	29,526
2007	26,112
2008	10,286
2009	5,382
2010	4,167
2011	4,162
2012	4,622
2013	9,852
2014	20,218
2015	17,578
2016	16,393

Year	Civilians killed
2017	13,183
2018	3,319
2019	2,392
2020	902

However, Iraq still suffers from IED explosions, shootings, airstrikes, abductions and executions. It is a violence that has now, 18 years on from the March 2003 invasion, become normalised for a whole generation of Iraqis. Normalised, but unendurable, and as we should expect, a focus for active, popular resistance.

Political security: activism and protest

Mass protests have long figured in Iraqis' opposition to the foreign capture and subjugation of their country and its sideways movement from one form of internal corruption to another. The most worrying casualty in the context of the democracy that Iraq allegedly is since 2006, a casualty that has become evident in the last two years, is activism, including the activism involved in organising and participating in protest marches and demonstrations.

Activism has historically played a major role in challenging totalitarian regimes, protecting the rights of workers, demanding equality and fighting for civil and women's rights, opposing oppression and abuse of power. Activists challenge injustice and exploitation, ask for reforms, pressure governments and voice the fears of those who feel powerless. Activism is vital in promoting an active citizen based society, founded on democratic freedoms. When the state responds with beatings, arrests, imprisonment, torture and killings, a further casualty is democracy.

Starting in January, two activists were assassinated in Basra, a southern city plagued by violence between pro-Iran groups and a Western-leaning government. One of them was Riham Yaaqub, a 29-year-old athletics coach who was deeply involved in anti-government protests and who was shot dead. Five days earlier, activist Tahsin Al-Shahmani died after being shot more than two dozen times.

Yaaqub began speaking out during Basra's 2018 protests, appearing on several media outlets despite limits on the public role of women in her conservative hometown. Two years ago, she was targeted by an online smear campaign for having met with the US consul in Basra. Yaaqub was killed just as top US diplomat Mike Pompeo was meeting his Iraqi counterpart Fuad Hussein in Washington, part of the first senior Baghdad

*delegation to visit the US in several years. Heading the team was Iraqi Prime Minister Mustafa Al-Kadhimi, who has struggled to fulfil his pledge to rein in powerful Tehran-backed groups who act independently of state forces. Al-Kadhimi was already reviled by Iran-backed groups, which have openly accused him of being a US “agent,” while their personnel have burned American flags as they stepped on portraits of the premier. Immediately after ascending to the premiership in May, Al-Kadhemi ordered the offices of one armed group in Basra closed, but efforts to silence activists continued.*²

²Series of killings plunges Iraq activists into familiar fear Arab News, 22 Aug 2020.

³UK ambassador to Baghdad condemns the killing of Abdul Samad and his colleague in Basra Al-Baghdadiya, 11 Nov 2020.

On January 10th reporter Ahmed Abdul Samad and photographer Safaa Ghali were also killed in Basra while covering the protests.³

The targeting of activists continued to the final days of 2020. Intisar Nahi was kidnapped on December 22nd and tortured with an electric drill for 4 days. She survived her ordeal to reveal that her captors, masked gunmen who had abducted her from central Baghdad, punctured her body with a drill and further tortured her with electric shocks:

*"I was tortured with electric wires (they shocked me with electricity on my head and parts of my body), and when I asked for water, they brought me cold water and poured it on my head," said Intisar Nahi. She said that "she was subjected to intimidation operations in order to pressure her to shoot a video in which she confesses that she is affiliated with the American embassy, and that she receives money for protest, or that she belongs to the Baath Party, against the background of her activity in popular protests, before her transfer after her release to Yarmouk Hospital in Baghdad. Activists documented signs of torture on her body."*⁴

⁴ Series of killings plunges Iraq activists into familiar fear Arab News, 22 Aug 2020.

⁵ A bomb targets home of cleric active in Nasiriyah demonstrations IQ News, 23 Dec 2020.

As Intisar Nahi was being held and tortured, other activists were fortunate to escape injury from explosive devices targeting their homes. On December 22nd it was reported that "Unidentified persons targeted the homes of the activists, Wali Al-Saadi, in the area of Dawaya, north of Dhi Qar, and Karar Al-Azirjawi, in the center of the city of Nasiriya, with two explosive devices." On December 23rd, also in Nasiriyah, an explosive device was planted outside the home of cleric and activist Sheikh Amer Al-Khafaji. The security source who

reported this explained that “Al-Khafaji is a cleric, who was previously involved with the Sadrist movement, but he defected during the demonstrations and has a tent in Al-Haboubi Square” (a main protest site in the city).⁵

Democracy and legitimacy

Iraq is officially a democracy, but it is a state with significant domestic vulnerabilities, daily conflict and internal threats to leadership. The regime lacks legitimacy, because the citizens don't identify with the state, but instead with their ethnic, religious or tribal groups. Democracy needs legitimacy to thrive, a strong social contract between the rulers and the ruled, whereby there is public confidence and trust in the leaders and in the state institutions. How can democracy exist without legitimacy? How can stability ever be achieved? Iraq in 2020 is still a country of insurgency, of terrorism, of civil unrest and of violations of human rights.

On November 19th the EU condemned the increasing rate of executions by the Iraqi state of those convicted on terrorism-related charges:

⁶Iraq: Statement by the Spokesperson on the reported executions of convicted terrorists EEAS, 19 Nov 2020.

*Earlier this week, twenty one individuals convicted on terrorism-related charges were reportedly executed in Nasiriyah Central Prison, also known as Al Hoot, in Iraq. The European Union condemns in the strongest terms the criminal actions for which they were sentenced and expresses its sincere sympathy to any victims and their families. At the same time, the European Union recalls its opposition to the use of capital punishment under any circumstances.*⁶

The death penalty is often given to prisoners who have confessed to acts of terrorism. Those confessions are routinely obtained through torture, yet another violation of human rights and international law. 16 of those tortured this year died in prison.

A country still in need

Iraq is still a country that needs both immediate humanitarian assistance, as well as justice against perpetrators of armed violence against the civilian population.

In ‘An elegy to Baghdad’ journalist Nabil Salih laments the loss of the city he knew...

As I walked across Jisr al-Shuhada, I thought about ... what had become of my city. I wandered through the zigzag alleys of Jadid Hasan Pasha

*neighbourhood near al-Hayder Khana mosque, looking at the antiquated buildings. The distinctive shanasheel, the balconies decorated in beautiful wooden latticework, are rapidly vanishing. Some buildings have been demolished to make way for ugly commercial edifices erected in complete disregard of municipality regulations with the help of hefty bribes. Others have been left to decay, leaning on adjacent buildings on the verge of collapse ... on the sidewalks, old men puffed on their cigarettes and sipped istikanat of sweet hot cardamom tea, sitting quietly by stagnant sewage. I kept thinking that every mayor of Baghdad placed in charge by his or her corrupt party since the 2003 US invasion should be taken to court for the ghastly cannibalisation of the city. But is there justice in Iraq?*⁷

⁷An elegy to Baghdad Al Jazeera, 3 Oct 2020.

Is there justice in Iraq...?

A Presidential Pardon

As the year neared its end, it was announced that US President Trump, while preparing to leave office, had pardoned four security guards from private military firm Blackwater who were serving jail sentences for killing 14 civilians in Baghdad in 2007, including two children.

The four mercenaries – Paul Slough, Evan Liberty, Dustin Heard and Nicholas Slatten – were part of an armoured convoy that opened fire indiscriminately with machine-guns, grenade launchers and a sniper on a crowd of unarmed people in a square in the Iraqi capital. Slough, Liberty and Heard were convicted on multiple charges of voluntary and attempted manslaughter in 2014, while Slatten, who was the first to start shooting, was convicted of first-degree murder. Slattern was sentenced to life and the others to 30 years in prison each. ⁸

⁸ [Trump pardons Blackwater contractors jailed for massacre of Iraq civilians](#) The Guardian, 23 Dec 2020.

Also see: ['Cheaper than water': Iraqis angry but unsurprised over Blackwater pardons](#) Agence France-Presse, 23 Dec 2020.

As the four convicted murderers are about to go free, Julian Assange is languishing in prison for exposing crimes and human rights abuses committed against Iraqi civilians, facing up to life imprisonment for conspiracy, theft, and electronic espionage. For nearly two years, Assange has been held in Belmarsh Prison, in the UK, confined to a cell for 23 hours a day, unable to receive visitors. The UK has placed him under arrest, as he waits to be charged under US laws. The UK and the US being the two countries whose military personnel have

faced accusations of war crimes in Iraq. Most of those, however, men who killed and tortured the unarmed for years, will never face prosecution.

Breathtaking list of UK war crimes

Back in 2005, Iraq Body Count published [A dossier on civilian casualties in Iraq 2003-2005](#) which found that 24,865 civilians were reported killed in the first two years after the invasion, 9,270 of them by the US-UK coalition.

The documented civilian deaths caused by coalition forces raised the matter of war crimes committed by the coalition, an issue that became a growing concern over the next 15 years, as air raids and drone strikes continued and increased, especially during the Battle for Mosul 2016 - 2017.

On 10 January 2014, the European Center for Constitutional and Human Rights (“ECCHR”) together with Public Interest Lawyers (“PIL”) submitted an article 15 communication to the International Criminal Court, alleging the responsibility of UK officials for war crimes involving systematic detainee abuse in Iraq from 2003 until 2008. On 13 May 2014, the Prosecutor announced that the preliminary examination of the situation in Iraq, previously concluded in 2006, was re-opened following submission of further information on alleged crimes within the 10 January 2014 communication.

After a 6-year investigation, on December 9th 2020, the International Criminal Court (ICC) published its 180-page report on UK war crimes in Iraq after the 2003 invasion.

The preliminary examination has found that there is a reasonable basis to believe that various forms of abuse were committed by members of UK armed forces against Iraqi civilians in detention. In particular, as set out below, there is a reasonable basis to believe that from April 2003 through September 2003 members of UK armed forces in Iraq committed the war crime of wilful killing/murder pursuant to article 8(2)(a)(i) or article 8(2)(c)(i), at a minimum, against seven persons in their custody. The information available provides a reasonable basis to believe that from 20 March 2003 through 28 July 2009 members of UK armed forces committed the war crime of torture and inhuman/cruel treatment (article 8(2)(a)(ii) or article 8(2)(c)(i)); and the war crime of outrages upon personal dignity (article 8(2)(b)(xxi) or article 8(2)(c)(ii)) against at least 54 persons in their custody. The information available further provides a reasonable basis to believe that members of UK armed forces committed the war crime of rape and/or other forms of sexual violence article

8(2)(b)(xxii) or article 8(2)(e)(vi), at a minimum, against the seven victims, while they were detained at Camp Breadbasket in May 2003 (p. 4)

The report was based on evidence that pointed to

serious incidents of abuse in military detention facilities and other locations, including: "hooding of detainees, sensory deprivation and isolation; sleep deprivation; food and water deprivation; the use of prolonged stress positions; use of the 'harshing' technique (sustained aggressive shouting in close proximity); a wide range of physical assault, including beating, burning and electrocution or electric shocks; both direct and implied threats to the health and safety of the detainee and/or friends and family... 184 executions and threats of rape, death, torture, indefinite detention and further violence; environmental manipulation, such as exposure to extreme temperatures; forced exertion; cultural and religious humiliation; as well as wide-ranging sexual assault and humiliation, including forced nakedness, sexual taunts and attempted seduction, touching of genitalia, forced or simulated sexual acts, as well as forced exposure to pornography and sexual acts between soldiers". The communication alleged that "[b]etween them, these victims make thousands of allegations of mistreatment amounting to war crimes of torture, or cruel, inhuman or degrading treatment, as well as wilfully causing great suffering, or serious injury" and that "[c]lear patterns emerge of the same techniques being used for the same purposes in a variety of different UK facilities, over the whole period that UK Services Personnel were in Iraq, from 2003 to 2008 (p. 11).

Perhaps most damning of all,

Available evidence suggests that failures to follow-up on or ensure accountability for ending such practices became a cause of further abuse. The obvious conclusion is that such mistreatment was systematic and had a systemic cause, which further suggests that there are hundreds more such victims. There are considerable reasons to allege that those who bear the greatest responsibility for the crimes are situated at the highest levels, including all the way up the chain of command of the UK Army, and implicating former Secretaries of State for Defence and Ministers for the Armed Forces Personnel." It further asserted that the UK Government was unwilling to genuinely investigate and prosecute low-level perpetrators, while no efforts have been made to

investigate and prosecute high-level perpetrators
(p. 12).⁹

9 SITUATION IN IRAQ/UK - FINAL REPORT ICC, 9 Dec 2020.

Yet there will be no justice for the victims of this abuse, because the ICC will not take action. No justice for the families of those killed in custody. No accountability. Although the UK has only one domestic prosecution for war crimes since 2001, the prosecutor has decided not to proceed, on the basis that there is insufficient evidence that the UK is unwilling to investigate and prosecute allegations.

The implication is that, had there been evidence that the UK was unwilling to investigate, the ICC would have proceeded. In other words, there was no proof that the UK deliberately avoided to investigate the alleged war crimes, so the ICC, trusting the UK's good intentions, is also trusting the UK to proceed as it judges. And the UK is given the benefit of the doubt, despite the 180-page evidence collected.

Economic, Food and Community Security

The impact of this war is painfully visible in many areas, where human security has been violated: in physical harm, in psychological damage and in lack of necessities. A recent UNICEF report reveals that 5.6 million people, including 2.6 million children, continue to need humanitarian assistance. The continuing social and economic instability make any humanitarian assistance difficult, as even securing permission and obtaining access remain a challenge.

10 Iraq Appeal - Humanitarian Action for Children UNICEF, 2020.

Some 1.6 million children are in need of child protection and gender-based violence support due to both COVID-19 and displacement. According to a remote monitoring exercise conducted by UNICEF in May 2020, commonly reported issues include lack of access to education (83 per cent); stress, fear and anxiety (51 per cent); child labour (26 per cent); and violence, abuse or neglect within the household (24 per cent). While more than 86 per cent of people in Iraq have access to basic drinking water, only 39 per cent have access to safely managed water services. Only 24 per cent of the population has access to safely managed sanitation services. ¹⁰

Despite the (comparatively) lower death toll from violence in 2020, Iraq is still a country suffering from poverty, injustice, the trauma of massive loss of life and daily fear. Trauma that arises from a loss of control or powerlessness, a sense of defeat and humiliation, widespread social suffering within a democracy that the West has fought wars and maintained occupations to establish. Or so we are told.

Lily's book, 'Body Count - The War on Terror and Civilian Deaths in Iraq' was published in December by **Bristol University Press**