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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



Mosul – Where is the Plan for Reconstruction and Reparations?

A Plan is Needed

A year and a half after the end of the so-called “liberation” of Mosul conducted by forces of the government of Iraq with the support of the international coalition led by the United States of America, much of Mosul’s infrastructure and buildings remain in shambles and many civilians are still in desperate need of humanitarian assistance. Everyone who fled during the occupation of ISIS are now facing harassment and humiliation from the Iraqi Security Forces and its affiliated militias when trying to return to their homes in the city. This statement discusses the need for a plan of reconstruction for Iraq’s second largest city and reparations for its citizens.

Reconstruction of Mosul

During the ISIS occupation of Mosul and its forced withdrawal in 2017, residents witnessed the destruction of many cultural artefacts and historical landmarks (notably the Nebi Yunus shrine and the Great Mosque of al-Nuri). In addition, ISIS destroyed the homes, businesses and places of worship of many different ethnic, religious and minority groups while subjecting them to other horrific atrocities. The battle for Mosul between ISIS and government forces, which concluded in July 2017, devastated the entire city through indiscriminate bombing and destroyed almost the entire infrastructure including schools, universities, hospitals, and residential areas. As a result, hundreds of thousands of people were displaced and the majority of residents lack basic facilities such as an operating water system, reliable electricity, and safe bridges and other transportation infrastructure. The damage has left thousands of civilians without clean running water, adequate shelter, or even food and medicine. Tens of thousands of displaced people are residing in camps just outside the city while others are struggling to rebuild their homes and businesses despite ongoing security concerns. For those displaced people that cannot return to their homes, a national strategy and funding is needed to assist with relocation and helping them start new lives.

Shockingly, citizens are left to rebuild the city or work out their own relocation largely on their own. The government of Iraq, despite the widespread destruction caused in part by its own forces, does not yet seem to have a plan to rebuild the country’s second largest city and alleviate the suffering of millions of its own people. Foreign governments, such as the United Arab Emirates,¹ have provided funding to help restore critical history and iconic landmarks in the city, while the recently-approved Iraqi budget is mostly dedicated to funding the security forces, militias, and government salaries rather than desperately-needed reconstruction and services for the population.

Reparations to Repair the Damage of Conflict and Sectarianism

In addition to physical reconstruction, there is an urgent need for reparations to the people of Mosul. In terms of harm to persons and property, the Iraqi government must recognize that the citizens of Mosul have a right to reparations aimed at restoring all that was damaged or destroyed during the ISIS occupation and government military campaign. Guidelines adopted by the UN explain that for victims of gross violations of international human rights law and serious violations of international humanitarian law, such as the citizens of Mosul, the state is responsible for “provid[ing] effective remedies to victims, including reparation.”² This

¹ *UAE To Fund \$50.4 Million Project To Rebuild Mosul's Grand Al-Nuri Mosque*, Reuters (23 Apr. 2018), <https://www.reuters.com/article/us-mideast-crisis-iraq-mosul-unesco/uae-to-fund-50-4-million-project-to-rebuild-mosuls-grand-al-nuri-mosque-idUSKBN1HU2LO>.

² G.A. Res. 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (16 Dec. 2005).

includes providing reparations for any acts attributable to the state (Iraq) and for the acts of others who are unable or unwilling to provide reparations directly. Therefore, the Government of Iraq and international coalition countries must provide reparation in accordance with the damage and suffering they have caused (including the actions of all militias employed by Iraq), and the government must take additional efforts to establish a process of reparation for the actions of ISIS.

For Mosul citizens, appropriate reparations would include, inter alia, a guarantee of non-repetition, restitution of destroyed and looted property, compensation and rehabilitation for physical and mental harm, the satisfaction of a true accounting of the events in Mosul and a public apology for the government's violations. Another critical element of reparations is the search for the bodies of the dead and the whereabouts of the disappeared. Thousands of bodies remain buried in the rubble of Mosul, and mass graves are shockingly numerous in the area around Mosul. At its current pace, the process of exhuming and identifying the victims will take decades to complete – an unacceptably long time. The Government needs to redouble its efforts to speed up this process for the families of all the victims, and the UN should provide all necessary technical assistance to facilitate the identification of bodies and re-unification of families with disappeared loved ones.

Beyond physical harm, events in Mosul have produced significant mistrust between neighbors and groups that formerly lived peacefully together. Members of formerly vibrant minority groups, like the local Christian population, who largely fled Mosul over the past four years are still reluctant to return to Mosul for fear of their safety. Under ISIS occupation, these groups suffered horrendous human rights violations. Then, during the battle for Mosul, official militias and government forces committed grave violations against these groups. Today, reports allege that civilians who stayed in Mosul continue to be indiscriminately abducted under the suspicion that they may have had ties with ISIS or had relatives associated with ISIS.

Overall, the entire population of Mosul needs assistance both to recover from the horrors of ISIS and to protect them from violations resulting from the ongoing activities of militias, police and security forces. The Iraqi government must take the security and well-being of the people of Iraq as its paramount obligation and not contribute to sectarian violence. However, considerable changes and reforms are needed within the judicial and political system for the human rights of Iraqis in Mosul to be fully respected and secured.

Ensuring Justice

Justice for Mosul should be encouraged and supported by the international community in a way that incorporates all relevant actors into truth and reconciliation processes. Currently, the Iraqi government does not have the capacity to carry out complete and impartial investigations conforming to international norms regarding truth, justice, and reparations as clearly demonstrated by the fact that families who have requested over a year ago investigations into the whereabouts of missing relatives claim that still no investigation has taken place. Actions such as Security Council Resolution 2379, adopted in September 2017, are not sufficient. That resolution only provided international assistance for addressing the crimes committed by ISIS (Da'esh) in Iraq. However it will not achieve justice to be selective about investigating human rights violations. All violations must be investigated, and all perpetrators held accountable. In addition, due to the unfortunate state of the Iraqi government, there is little capability for the national courts and local authorities to cooperate with the investigative team and special advisor established per Resolution 2379. To achieve true accountability, an independent international commission of inquiry is needed.

The former UN High Commissioner for Human Rights Mr. Zeid Ra'ad Al-Husseini had suggested that Iraq accede to the Rome Statute of the International Criminal Court (ICC). Many countries have also echoed this sentiment in recommendations during the Universal Periodic Review of Iraq. We agree with this recommendation and believe that the ICC, as an independent, professional, international body, is ideally suited to address issues of justice for major human rights violations in Iraq.

Assistance from an international body is even more important due to citizens' lack of confidence in the Iraqi government due to rampant corruption. Prime Ministers have often announced a fight against corruption in Iraq, unfortunately anti-corruption efforts have yet to be taken seriously and results have not materialized. The former head of the Iraq Integrity Commission resigned in May 2018 saying that "authorities only addressed 15% of the 12,000 corruption cases that the commission had looked into and referred to the judiciary."³ Even some Iraqi political leaders have said they believe that the overlapping groups set up to address corruption, including the now-restructured Supreme Anti-Corruption Council, will not be effective.

Recommendations:

Reconstruction cannot be completed overnight, but a start needs to be made soon. Also, the citizens of Mosul need recognition and compensation for their many losses in order to begin rebuilding their lives. Therefore, we recommend the following:

- The UN should establish an independent international commission of inquiry.
- The United States and Iraq should accede to the Rome Statute and assist the International Criminal Court in prosecuting perpetrators of grave violations of international human rights and humanitarian law.
- Iraq should ensure protection, confidentiality, and support to victims specifically for them to speak out and document human rights violations of all kinds, with special care to ensure the safety of women and girls who were victims of sexual violence.
- Iraq should officially apologize for the human rights violations of its forces and militias and allocate sufficient resources to begin rebuilding the city.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Iraq Solidarity Association in Stockholm), Association Maonah for Human Rights and Immigration, NGO(s) without consultative status, also share the views expressed in this statement.

³ *Iraq Activates Supreme Anti-Corruption Council*, Al Shahid (31 Jan. 2019), <https://alshahidwitness.com/iraqi-pm-anti-corruption/>.