



# TURNING A BLIND EYE

AMNESTY  
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# THE ARMING OF THE POPULAR MOBILIZATION UNITS

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**Cover photo:** Iraqi Shi'a fighters from the PMU hold a position near the town of Tal Abtah, south of Tal Afar, on November 30, 2016.

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by Amnesty International Ltd  
Peter Benenson House, 1 Easton Street  
London WC1X 0DW, UK

**Index: MDE 14/5386/2017**  
**Original language: English**

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**Cover photo:** Iraqi Shi'a fighters from the PMU hold a position near the town of Tal Abtah, south of Tal Afar, on November 30, 2016.

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# 1. EXECUTIVE SUMMARY

Proliferation of arms and ammunition to armed groups and militias across Iraq has had devastating impacts on civilians. It has contributed to a catalogue of gross and systematic human rights abuses and violations of international humanitarian law, and dragged the country into a spiral of insecurity and instability. The massive leakage of Iraqi military stocks to the armed group calling itself Islamic State (IS) and the disastrous consequences for civilians have been well documented, including by Amnesty International in a 2015 report.

In the context of the conflict against IS, the predominantly Shi'a paramilitary militias operating under the umbrella of the Popular Mobilization Units (PMU) continue to use a wide range of arms and ammunition to commit or facilitate serious human rights violations and violations of international humanitarian law, including war crimes, with total impunity.

This report is based on field research carried out by Amnesty International in northern and central Iraq from June 2014 to November 2016. The research included interviews with dozens of former detainees, witnesses, survivors, and relatives of those killed, detained or missing. To document PMU militia arsenals, Amnesty International commissioned expert analysis of verified photographs and videos featuring PMU militias deploying weapons, drawn from both open and closed sources.

Since June 2014, PMU militias have extrajudicially executed or otherwise unlawfully killed, tortured and abducted thousands of men and boys. Victims were picked up from their homes, workplaces, camps for internally displaced persons, checkpoints or other public places. Some were later found shot dead. Thousands more are still missing, weeks, months and years after they were abducted. Amnesty International has documented such violations by PMU militias in and around Baghdad, and in the Anbar, Salah al-Din, Diyala and Kirkuk governorates.

Such crimes are being perpetrated against a background of increased sectarian tensions in the country. Since Iraqi central government forces lost control of much of northern Iraq to IS, sectarian attacks have spiralled to a level not seen since 2006-2007, the worst period of civil strife in the country's recent history. Unless the Iraqi authorities rein militias in and combat the prevalent climate of impunity, fears remain regarding possible revenge attacks by PMU fighters, participating in military operations launched on 17 October to recapture Mosul and surrounding areas such as Tal Afar from IS.

The PMU enjoy access to a wide variety of small arms, light and heavy weaponry. This report finds that their inventories include arms and ammunition manufactured in at least 16 countries, including Chinese, European, Iraqi, Iranian, Russian and US small-arms and light weapons, rockets, artillery systems and armoured vehicles. Amnesty International has found that the PMU militias have used their arsenal to commit or facilitate serious human rights violations across central and northern Iraq.

Iraqi state institutions have supplied or funded the supply of arms to PMU militias; while other transfers have taken place with the direct or tacit approval of the Iraqi authorities. Some members of militias also individually purchase weapons on the private, mainly illicit, market, including through the internet. The PMU militias source a proportion of their arms and ammunition directly from Iran, either in the form of gifts or sales.

More than 20 countries have supplied Iraq with arms and ammunition over the last five years, led by the USA, followed by Russia. According to the Stockholm International Peace Research Institute, arms exports to Iraq increased by 83% between the periods 2006–10 and 2011–15. As of 2015, Iraq was the sixth largest arms importer of heavy weapons in the world.

In December 2014, the US Congress appropriated US\$1.6 billion for an Iraq Train and Equip Fund (ITEF) to support Iraq's military campaign against IS. Photographic evidence demonstrates that a range of US equipment, including Humvees, M1113 armoured personnel carriers and small arms supplied to the Iraqi army is now being deployed by PMU militia forces, including some militias accused of serious human rights violations. While US equipment may have originally been intended for use by the Iraqi army, Iran has directly supplied the PMU with arms and logistical support with apparent disregard for their human rights record.

Iraq continues to face very real and deadly security threats from IS, a group which has committed crimes under international law, including war crimes and crimes against humanity, in territories under its control and continues to launch deadly bombings and other attacks on civilians elsewhere in Iraq. The state has the right and duty to protect the lives and physical security of people in their territory or subject to their jurisdiction. States supplying arms to Iraq may argue that they are supporting the government in fulfilling this duty.

However, the fight against IS has been marred by serious violations of international human rights and international humanitarian law, committed mainly by militias but also by government forces, which have compounded the suffering of civilians and for which there can be no justification. There can be no excuse for turning a blind eye to PMU militia violations.

Despite this persistent pattern of violations, there has been no accountability for violations committed by these militias. The Iraqi government's backing of the PMU since its establishment and its integration into the armed forces in February 2016 played a major role in perpetuating this state of affairs.

Iraq's predominantly Shi'a paramilitary militias were incorporated into the newly created PMU in June 2014 when, in the wake of IS's swift grab of territory, then Prime Minister Nouri al-Maliki and Grand Ayatollah al-Sistani, the country's highest Shi'a religious authority, called for able-bodied men to join the fight against IS. From the outset, the PMU enjoyed government financial support, arms supplies and political backing, but they were only brought under the nominal control of the Prime Minister (as the Commander-in-Chief of the Armed Forces) in April 2015.

The Prime Minister officially ordered that the PMU militias be designated as part of the Iraqi armed forces in February 2016, and they are now in theory subject to military law. In November 2016, Parliament incorporated the Prime Minister's order into law and specified that the Prime Minister, as Commander-in-Chief of the Armed Forces, has the sole authority over the deployment of PMU militias. However, these changes remained largely cosmetic, and in reality PMU militias often act outside of the state's command and control structures.

Accountability for past abuses and compliance with international standards on the use of force remain distant prospects. In the wake of well publicized incidents in which PMU militias have been accused of serious violations, the government has announced investigations. However, no findings have been published to date and no information has been made available on whether these investigations resulted in bringing any members of PMU militias to justice.

As the risk of further serious violations of human rights and international humanitarian law remains acute, particularly in the context of the conflict against IS and the battle to retake Mosul, the Iraqi authorities must take immediate action to address the PMU militias' ongoing violations.

The authorities should immediately implement effective command and control over paramilitary militias by Iraqi armed forces, and establish effective oversight and accountability mechanisms by civilian bodies. Thorough, transparent and independent investigations must be conducted into all cases of extrajudicial executions and other unlawful killings, abductions and enforced disappearances, torture and other serious violations by the PMU, while any individuals reasonably suspected of serious human rights violations must be excluded from service. And where there is admissible evidence of responsibility for crimes, those responsible must be prosecuted in fair trials and without recourse to the death penalty.

Any PMU militias that are not thoroughly integrated into the Iraqi armed forces' command and control structure structures and held fully accountable for human rights violations must be disarmed, demobilized and reintegrated in line with international standards.

Iraqi authorities must also confront the thriving in-country and cross-border illicit trade and procurement in arms and ammunition by adopting effective, transparent mechanisms to control the flow of arms domestically and internationally. These should include: greater due diligence for monitoring, managing, distributing and using conventional arms; and more investment in stockpile management systems, including registration, marking and inventory systems. Iraq should accede to the Arms Trade Treaty and take concrete steps to implement the Treaty as soon as possible.

Supplier states must adopt a "presumption of denial" rule on the transfer of arms and other military assistance to the Iraqi armed forces, including the PMU militias, meaning that they should not transfer any arms except when strict criteria are met. In particular, the Iraqi military unit designated as the end-user of the arms in question must demonstrate that it can act consistently with full respect for international human rights and humanitarian law and that it is fully under the effective command and control of the Iraqi armed forces and subject to rigorous accountability mechanisms.

All supplier states and members of the international coalition against IS must adequately vet and monitor the various Iraqi army and security forces, including the PMU, in receipt of equipment or assistance to ensure that they operate in full compliance with international human rights and humanitarian law.

Working with the Iraqi authorities, supplier states must ensure that stockpiles are secure and well managed, and not at risk of diversion or theft. This should involve strengthening controls over each stage of the arms

transfer process, including transportation, delivery mechanisms, stockpiling, end use and eventual decommissioning.

Ultimately, it is incumbent on the states exporting to Iraq to demonstrate that there is no substantial risk that arms will be used for serious violations of international human rights and humanitarian law. If they cannot do that, no transfer should take place.

# 2. METHODOLOGY

This report is based on field research carried out by Amnesty International in northern and central Iraq from June 2014 to November 2016, most recently during a visit to Iraq between 24 October and 11 November 2016. In the course of the visit, Amnesty International interviewed dozens of former detainees, witnesses, survivors, and relatives of those killed, detained or missing. The organization's delegates also met local officials, parliamentarians, members of government-established investigative committees, investigative judges, public prosecutors, lawyers, tribal and community leaders, security officials, militia members, humanitarian workers, human rights defenders and other civil society actors.

In some instances, Amnesty International has documented violations committed by specific militias within the Popular Mobilization Units (PMU); in other cases, Amnesty International was not able to identify the specific group because witnesses to the violations were unable or unwilling to say which group was responsible. Distinctions between the Iraqi army and the various militias can in some circumstances be challenging to discern.

On 18 October 2016, in response to an Amnesty International publication on the pattern of serious human rights violations and war crimes committed by paramilitary militias, a PMU spokesperson denied the findings, stating that Amnesty International was motivated by calls to exclude the PMU from the Mosul battle.

To document the military inventory of the PMU militias, Amnesty International commissioned Armament Research Services (ARES), an independent organization specializing in arms and munitions-related topics, to analyse verified photographs and videos featuring PMU militias deploying weapons. The visual material was drawn from both open and closed sources, including sources in Iraq, and covered the period of March 2015 to June 2016. ARES documented the types of small arms and light weapons, artillery, ammunition and ordnance, and armoured fighting vehicles currently deployed by PMU militias. Amnesty International also examined open source data on authorized arms transfers to Iraq, including data supplied by the Stockholm International Peace Research Institute (SIPRI), the United Nations Commodity Trade database, the UN Register of Conventional Arms, the Arms Trade Treaty annual reports on imports and exports and the Norwegian Initiative on Small Arms Transfers.

On 26 September 2016, Amnesty International wrote to the Iraqi Ministry of Defence requesting information of the authorities' supply of weapons and military assistance to PMU militias, on measures to address the

unauthorized diversion of military material, and on existing accountability mechanisms to ensure investigations into allegations of violations of international human rights law and international humanitarian law. The Iraqi Ministry of Defence had not responded at the time this report was finalized. On 2 December, Amnesty International requested a meeting with the spokesperson of the PMU.

Amnesty International also wrote to the US government, as the biggest supplier of arms to the Iraqi authorities, and to the Iranian government, a major backer of the PMU militias, asking what mechanisms were in place to vet recipients of arms transfers and prevent diversion of arms to unauthorized end users. Neither government had responded at the time this report was finalized.

This report focuses on the arming of PMU militias. Amnesty International documented human rights violations and violations of international humanitarian law committed by the Iraqi and Kurdish armed and security forces and PMU militias in its October 2016 report *'Punished for Daesh's crimes': displaced Iraqis abused by militias and government forces*. Amnesty International also catalogued the array of weapons, ammunition and other military equipment observed in the possession of IS in its December 2015 report *Taking Stock: The Arming of Islamic State*.

# 3. IRAQ'S POPULAR MOBILIZATION UNIT MILITIAS

From the outset, the PMU militias have enjoyed the blessing, support and backing of the Iraqi central authorities and have operated with varying degrees of cooperation from government forces – ranging from tacit consent to coordinated, and increasingly, joint, operations. The Iraqi authorities have supplied the PMU with finance and arms, allowed unauthorized diversion of weapons from other sources, while turning a blind eye to or downplaying the widespread violations these paramilitary groups have committed.

This chapter provides an overview of the PMU's origin and composition, details some of the most prominent militia groups, and examines the way in which PMU militias have deployed in the conflict against IS and have grown in power and influence as a result. It also analyses the evolving legal status of the militias and the way in which the establishment and functioning of the PMU has helped foster a lack of effective accountability for serious human rights violations.

## 3.1 THE POPULAR MOBILIZATION UNITS (PMU)

Chronic insecurity, bouts of sectarian violence and armed conflict have wracked Iraq since the US-led invasion and occupation in 2003. The latest flare-up began in December 2013, when anti-government protests in governorates with large Sunni populations who had unaddressed grievances against the authorities were exploited by the armed group calling itself Islamic State (IS) to seize territory. By January 2014, IS had consolidated its control of Falluja in Anbar governorate and began advancing on areas to the north of the capital Baghdad. June 2014 saw the fall of Iraq's second largest city, Mosul, and the disintegration and flight of Iraqi armed forces stationed there. By mid-2014, IS had seized large tracts of territory in the governorates of Anbar, Diyala, Ninewa and Salah al-Din.<sup>1</sup>

In response to IS's capture of Mosul on 10 June 2014, then Prime Minister Nouri al-Maliki called on volunteers to fight alongside the Iraqi army.<sup>2</sup> His call was followed by a religious edict (fatwa) on 13 June by Iraq's supreme Shi'a religious cleric, Grand Ayatollah Ali al-Husseini al-Sistani, also urging men of fighting age to take up arms against IS.<sup>3</sup> Volunteer fighters joined existing and new Shi'a militias, which were grouped under the umbrella of the newly established Popular Mobilization Units (PMU), known as Hashd al-Sha'abi.<sup>4</sup>

The PMU are comprised of large, well-established militia groups, such as Munathammat Badr (or Badr Brigades or Badr Organization), Saraya al-Salam (Peace Brigades, formerly Mahdi army), 'Asa'ib Ahl al-Haq (League of the Righteous) and Kata'ib Hizbullah (Hizbullah Brigades), that were either formed before the fall of Saddam Hussein in 2003 or emerged in opposition to the US-led invasion and occupation of the country. Other groups emerged and grew as the fight against IS progressed. There are no official statistics available on the number of militias within the PMU. Media reports quote unspecified officials estimating that there are between 40 and 50 militias.<sup>5</sup> The 2016 Federal Iraqi Budget indicated that there were 110,000 persons in the PMU.<sup>6</sup> In December 2016, Ahmed al-Asadi, the spokesperson of the PMU, claimed that there were 141,000 fighters affiliated with the PMU.<sup>7</sup>

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1 For more detail see Amnesty International, Iraq: "Punished for Daesh's Crimes": Displaced Iraqis Abused by Militias and Government Forces, (Index number: MDE 14/4962/2016), 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>

2 See for instance, press conference by Nouri al-Maliki on 10 June 2014, available at <https://www.youtube.com/watch?v=NAVO7nbVJVw> and Security Council, 'Third report submitted by the Secretary General pursuant to paragraph 6 of resolution 2110 of 2013', (S/2014/48), 14 July 2014, available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2014/485](http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/485)

3 Ayatollah Sistani's Office, 'Marja' Sistani calls on citizens able to carry arms and kill terrorists to volunteer with security forces in protection for their country, people and religion', 13 June 2014 available at <http://www.sistani.org/arabic/in-news/24908/>

4 Also known as the Popular Mobilization Forces (PMF).

5 Associated Press, 'Fears in Iraqi Government, army over Shiite Militias' Power', 21 March 2016, available at <http://bigstory.ap.org/article/9696d8589a774c33a2e29aaf9699330c/fears-iraqi-government-army-over-shiite-militias-power>

6 See Iraqi budget for 2016, available at <http://www.moj.gov.iq/uploaded/4394.pdf>

7 Popular Mobilization (al-Hashd al-Sha'bi), "Al-Asadi: 141 thousand fighters from all national components in Hash", 9 December 2016, available at <http://tinyurl.com/hosaxae>



*Iraqi fighters from the PMU militias near the village of Tal Faris, south of Tal Afar during an offensive by Iraq forces to retake the city Mosul from IS.*

The PMU have enjoyed strong government backing since their establishment. Then Prime Minister Nouri al-Maliki issued an order on 19 June 2014 to pay PMU volunteers salaries and to treat them on par with members of the Ministries of Defence or Interior in cases of injury or death.<sup>8</sup> On 30 September 2014, the Council of Ministers issued a decision to provide the PMU with weapons, other military equipment and salaries.<sup>9</sup> In November 2014, the General Secretariat of the Cabinet ordered the allocation of funds to the Ministry of Defence for salaries for PMU fighters.<sup>10</sup> The 2016 Federal State Budget (as per Law 1 of 2016) allocated nearly US\$1.5 billion to the PMU, also granting the Prime Minister and the Minister of Finance the ability to allocate an additional US\$2 billion to the Ministries of Defence, Interior and the PMU for capacity building and procurement of weapons.<sup>11</sup>

The Popular Mobilization Commission (PMC) was established by the Council of Ministers in 2014 as the sole government body responsible for the administration of the PMU.<sup>12</sup> Media reports state that the PMU is headed by the current National Security Advisor, Falah Fayyad.<sup>13</sup> However, while nominally under the umbrella of the PMU or under the command of the Prime Minister, militias are not monolithic and frequently have different and at times opposing interests and party or ideological affiliations. The four main militias that Amnesty International has documented committing serious human rights violations and that feature in this report are:<sup>14</sup>

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8 General Secretariat for the Council of Ministers, Allocation of funds for “public mobilization” salaries, 26 November 2014, available at <http://cabinet.iq/ArticleShow.aspx?ID=5475> and General Secretariat of the Council of Ministers, GSCOM, ‘PM releases divan order concerning volunteers’, 14 June 2014, available at <http://cabinet.iq/ArticleShow.aspx?ID=4888>

9 General Secretariat for the Council of Ministers, ‘Decisions of Council of Ministers for session No. 4 in 30/9/2014’, 30 September 2014, available at <http://www.cabinet.iq/ArticleShow.aspx?ID=5294>

10 General Secretariat for the Council of Ministers, “Allocation of funds for public mobilization salaries”, 26 November 2014, available at <http://cabinet.iq/ArticleShow.aspx?ID=5475>

11 See Iraqi Journal, Number 4394, 18 January 2015. The allocated budget for the Ministries of Interior and Defence is US\$8.8 billion and US\$6.2 million, respectively.

12 General Secretariat for the Council of Ministers, ‘GSCOM determines the side authorized to run Popular Mobilization’, 21 December 2014, available at <http://cabinet.iq/ArticleShow.aspx?ID=5582>

13 See for example Wall Street Journal, ‘Shiite Forces in Iraq Mobilize to Retake Ramadi From Islamic State’, 18 May 2015, available at <http://www.wsj.com/articles/shiite-forces-in-iraq-mobilize-to-retake-city-from-islamic-state-1431960583> and Al-Monitor, ‘Fallujah residents fear abuse from Popular Mobilization Units liberators’, 17 June 2016, available at <http://www.al-monitor.com/pulse/originals/2016/06/iraq-fallujah-liberation-pmus-violations.html>

14 These are the largest, more powerful militias; several other smaller ones operate in different parts of the country.



**Munathammat Badr**<sup>15</sup> (or Badr Brigades or Badr Organization), the military wing of the Supreme Islamic Iraqi Council (SIIC), created in the 1980s with the backing of Iran to fight the regime of Saddam Hussein, and currently led by Hadi al-Ameri, who also heads the Badr Organization political party and served until September 2014 as Transport Minister in the Government of Prime Minister Nouri al-Maliki.



**'Asa'ib Ahl al-Haq** (League of the Righteous),<sup>16</sup> established around 2005 as a splinter group of the Mahdi Army under the leadership of Qais al-Khazali and linked to General Qassem Sulaimani, the head of al-Quds Force of the Iranian Revolutionary Guard Corps (IRGC). In the past two years some of its members have been fighting in Syria alongside Syrian government forces battling Sunni armed opposition groups.



**Kata'ib Hezbollah** (Hezbollah Brigades),<sup>17</sup> believed to be led by Jamal Ibrahim, better known under his *nom de guerre* Abu Mahdi al-Muhandis. It was designated as a “foreign terrorist organization” by the US in 2009, following claims that it had carried out attacks against US and Coalition forces since 2007.<sup>18</sup>



**Saraya al-Salam** (Peace Brigades) was revived in June 2014 from the remnants of the Mahdi Army of cleric Muqtada al-Sadr which was one of the most powerful militias following the 2003 US occupation of Iraq, but was officially dissolved in 2008.<sup>19</sup> While Saraya al-Salam initially distanced themselves from the PMU structure, the group has pledged to operate under Iraqi armed forces command in the fight against IS.<sup>20</sup>

15 See Facebook page of the Political Wing of the Badr Organization: <http://tinyurl.com/zep2y0j>

16 See Ashab Ahl al-Haq website, available at <http://ahlualhaq.com/>

17 See Kata'ib Hezbollah website, available at <http://kataibhezbollah.com/ar/index.php?p=gallery&gid=7>

18 US Department of State, 'Designation of Kata'ib Hezbollah as a Foreign Terrorist Organization', 2 July 2009, available at <http://www.state.gov/r/pa/prs/ps/2009/july/125582.htm>

19 See official page of the cleric Muqtada al-Sadr, available at <http://jawabna.com/>

20 Jamestown Foundation, 'Iraq's Shia Militias: Helping or Hindering the Fight Against Islamic State?', 29 April 2016, available at <https://jamestown.org/program/iraqs-shia-militias-helping-or-hindering-the-fight-against-islamic-state/#sthash.R5QV2gJW.dpuf>

## 3.2 THE PMU ROLE AND VIOLATIONS IN THE FIGHT AGAINST IS

Militia members of the PMU often wear military uniforms and operate both independently and alongside government forces – on the battlefield and at checkpoints – and use army and security forces' bases and detention centres. This has increasingly blurred the lines between them and regular forces.<sup>21</sup> Qais al-Khazali, leader of the 'Asa'ib Ahl al-Haq militia, said in a media interview in June 2014, shortly after the formation of the PMU, that "[PMU] is like any army, in that there are divisions inside it... and each one has its specialties... The military has artillery and aerial force. We have the fighters who go down on the ground and purge the areas".<sup>22</sup> Ahmed al-Kinani, a spokesman, told media in June 2014: "They are fighting side by side with the government forces on all fronts... They wear military uniforms. They are working with the security forces. It's logical."<sup>23</sup>



*Fighters from the PMU militias advance near the village of Tal Abtah, south of Tal Afar, on November 30, 2016.*

The PMU are conscious of their increasing power, a result of the major role they have played in the conflict with IS and the significant institutional challenges within the Iraqi military and security forces.<sup>24</sup> For instance, Hadi al-Amiri, head of the Badr Organization and leading figure in the PMU, stated in September 2016 that if it weren't for volunteer fighters "all of Iraq and all Gulf countries would be under the control of

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21 France 24, 'The Iranian commander on the frontline against IS', 9 April 2014, available at <http://observers.france24.com/content/20140904-amerli-iraq-soleimani-video-iran-isis> Reuters, 'Iranians play role in breaking IS siege of Iraqi town', 1 September 2014, available at <http://www.reuters.com/article/2014/09/01/us-iraq-security-militias-iran-idUSKBN0GW2Y420140901> New York Times, 'U.S. and Iran Unlikely Allies in Iraq Battle', 31 August 2014, available at [http://www.nytimes.com/2014/09/01/world/middleeast/iraq.html?\\_r=0](http://www.nytimes.com/2014/09/01/world/middleeast/iraq.html?_r=0)

22 Washington Post, 'Militias that fought US now lead charge against Sunni militants', 18 July 2014, available at [http://www.washingtonpost.com/world/middle-east/militias-that-fought-us-now-lead-charge-against-sunni-militants/2014/07/18/cf4f98a6-9150-4372-a7b0-95928b03bc54\\_story.html](http://www.washingtonpost.com/world/middle-east/militias-that-fought-us-now-lead-charge-against-sunni-militants/2014/07/18/cf4f98a6-9150-4372-a7b0-95928b03bc54_story.html)

23 Washington Post, 'Iraqi Army Increasingly bolstered by Shiite militias as ISIS advances', 20 June 2014, available at [http://www.washingtonpost.com/world/middle-east/iraqi-army-increasingly-bolstered-by-shiite-militias-as-isis-advances/2014/06/20/0eabaf3a-f8b5-11e3-a606-946fd632f9f1\\_story.html](http://www.washingtonpost.com/world/middle-east/iraqi-army-increasingly-bolstered-by-shiite-militias-as-isis-advances/2014/06/20/0eabaf3a-f8b5-11e3-a606-946fd632f9f1_story.html)

24 Dr Michael Knights, 'The Future of Iraq's Armed Forces', Al-Bayan Center for Planning and Studies, March 2016, pp. 15-21, available at <https://www.washingtoninstitute.org/uploads/The-future.pdf>

Daesh (Arabic acronym for IS)".<sup>25</sup> Militia leaders have indicated on various occasions their wish to be considered a major independent force in Iraq, alongside the army and the police, and to participate as such in the shaping of the Iraq's politics and security. In March 2016, Hamed al-Jazaery, head of the al-Khorasani Brigades militia, said in an interview to the media, "We want to be a third power in Iraq ...Why can't the Hashd be like the Revolutionary Guard in Iran?"<sup>26</sup> Leading militia figures and members have also occupied important positions in government and state institutions.

The participation of the PMU in key battles retaking territory from IS including in Jufr al-Sakhr, Beiji, Tikrit, Ramadi, Falluja, al-Shargat and Mosul from mid-2014 to date has emboldened them, particularly as their role continues to be praised by government officials and senior religious figures. For instance, in September 2016, the Iraqi Minister of Foreign Affairs claimed that the turning point in the battle against IS came as a result of PMU's support to the Iraqi armed and security forces in retaking territory from IS.<sup>27</sup>

The PMU's participation in the armed conflict to oust IS had been marred by war crimes and other violations of international humanitarian law and human rights law, mostly against members of the Sunni Arab community, including extrajudicial executions and other unlawful killings, torture and deliberate destruction of civilian homes and other property. Militias subjected thousands of men and boys to enforced disappearance.<sup>28</sup> Despite the well-documented patterns of PMU militia abuses since 2014, representatives of the PMU militias have tended to deny accusations. For instance, in July 2015 Qais al-Khazali, head of 'Asa'ib Ahl al-Haq told media:

*"Despite the media whirlwind and exaggeration, no media outlet has been able to accuse the Shi'ite Hashd al-Sha'abi [Popular Mobilization] of one (act of) genocide or of killing one innocent citizen".<sup>29</sup>*

In the run up to the military operation to retake Mosul, Qais al-Khazali was quoted in the media as stating that recapturing the city represents "revenge and vendetta" for the killing of Imam Hussein, one of the most revered figures by Shi'as in the seventh century. In the same statement, he claimed that revenge would be directed at the descendants of Imam Hussein's killers,<sup>30</sup> raising fears of revenge attacks against the Sunni community.

On 18 October a PMU spokesperson denied Amnesty International's findings on the pattern of serious human rights violations and abuses committed by paramilitary militias issued on the same day, claiming that the organization was motivated by calls to exclude the PMU from the Mosul battle.<sup>31</sup>

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25 PMU website Al-Amri, 'Some want the battle for Mosul to divide Iraq', 23 September 2016, available at <http://tinyurl.com/jm2p6n6>

26 Associated Press, 'Fears in Iraqi Government Army over Shiite Militias' Power', 21 March 2016, available at <http://bigstory.ap.org/article/9696d8589a774c33a2e29aaf9699330c/fears-iraqi-government-army-over-shiite-militias-power>

27 Iraqi Ministry of Foreign Affairs, 'Foreign Minister meets head of the UN General Assembly in New York', 25 September 2016, available at <http://www.mofa.gov.iq/ab/news.php?articleid=1129>

28 See Chapter 2 for further details.

29 Reuters, 'Iraqi militia leader says U.S. not serious about fighting Islamic State', 28 July 2015, available at <http://www.reuters.com/article/us-mideast-crisis-iraq-khazali-idUSKCN0Q22ED20150728>

30 NRT, 'Khazali: the liberation of Mosul revenge and vendetta for the murder of Hussein', 12 October 2016, available at <http://www.nrtv.com/ar/Detail.aspx?Jimare=31566>

31 BBC Arabic, 'Violations against Arab Sunnis', 18 October 2016, available at [http://www.bbc.com/arabic/multimedia/2016/10/161018\\_atv\\_iraq\\_popular\\_mobilization\\_forces](http://www.bbc.com/arabic/multimedia/2016/10/161018_atv_iraq_popular_mobilization_forces)



An Iraqi Shi'a fighter from the PMU militias is seen with an image of Grand Ayatollah Ali al-Sistani on his vest as fighters advance near the village of Tal Faris, south of Tal Afar, on November 29, 2016 during an offensive by Iraqi forces to retake the city Mosul from IS.

As reports of abuses emerged in the fight against IS, Ayatollah Ali al-Sistani issued instructions to fighters in January 2015 warning against any attacks on or murder of women, children and the elderly, and emphasizing the importance of respecting the sanctity and privacy of the home.<sup>32</sup> He repeated these instructions most recently in an official statement on 6 June 2016, warning against the killing of or attacks against “innocents”, destruction of private property and revenge attacks.<sup>33</sup> However, the statement did not acknowledge any human rights violations committed by PMU fighters and praised their bravery and sacrifices.

Following the emergence of reports of human rights violations in the fight to retake Falluja and surrounding areas in May and June 2016, the Prime Minister ordered an investigation and vowed to bring those responsible to justice. However, he maintained that the “infractions” committed were not part of a pattern of systemic human rights violations, and must not overshadow the successes on the battlefield and the heroic assistance provided by Iraqi forces to fleeing IDPs.<sup>34</sup>

In September 2016, the Prime Minister Haydar al-Abadi addressed the issue of violations in the context of the conflict against IS:

*“Those who have committed crimes, they have to be punished. But we have to be very careful in bringing the law. We have to follow the rule of law. .. And I think we have been managing well in the areas which have been liberated. There are excesses, which are unacceptable to us. And we are prepared, and we have the resolve to stamp them out. And we are doing this exactly.”*<sup>35</sup>

However, Amnesty International is not aware of any members of the PMU who have been prosecuted or convicted for committing human rights violations. Amnesty International’s requests to the Iraqi authorities

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32 Marja' Sistani official website, 'Advice and instructions to fighters in jihad arenas', January 2015, available at <http://www.sistani.org/downloads/Tawjihah.pdf>

33 Marja' Sistani official website, 'Al-Marja' Sistani directs advice to fighters in frontlines and describes them as loved by Marja'iyah', 3 June 2016, available at <http://www.sistani.org/arabic/in-news/25343/>

34 Al-Sumaria TV, 'Abadi announces the referral of those suspected of committing infractions to the judiciary', 7 June 2016, available at <http://www.alsumaria.tv/news/170547>

35 The Whitehouse, 'Remarks by President Obama and Prime Minister Abadi of Iraq after Bilateral Meeting', 19 September 2016, available at <https://www.whitehouse.gov/the-press-office/2016/09/19/remarks-president-obama-and-prime-minister-abadi-iraq-after-bilateral>

for information on whether any members of the PMU had been charged or tried for committing human rights violations since 2014 - most recently in a memorandum addressed to the Prime Minister on 21 September 2016 - have gone unanswered.

## **IS CRIMES**

Amnesty International and other organizations have documented crimes under international law committed by IS in territories under its control, including war crimes and crimes against humanity.<sup>36</sup> Since taking over large swaths of territory in Iraq in mid-2014, IS has carried out deliberate attacks against civilians, mass execution-style and other unlawful killings, torture, abductions, rape and other sexual violence, enslavement, the recruitment and use of children, pillage, looting and the deliberate destruction of civilian homes and other infrastructure.

The group has deliberately targeted minority communities including Christians, Yazidis, Shi'a Shabak and Shi'a Turkmen and destroyed and/or desecrated their places of worship and other sites of religious or cultural significance. IS has also systemically targeted Shi'a Muslims, whose beliefs it considers heretical. In one of its most notorious massacres in Iraq, IS fighters summarily killed up to 1,700 Shi'a cadets who had been captured after they fled the Speicher training camp near Tikrit in Salah al-Din governorate in June 2014.

IS atrocities have not been limited to members of religious minorities or Shi'a Muslims, as Sunni Muslims, particularly civil servants and members of security and armed forces who refused to pledge allegiance to the group and "repent" were systematically targeted. In general, Sunni Muslims who do not support IS in territories it controls, live under a regime of fear and deprivation, particularly as military pressure on IS has increased and financial resources have dwindled.

IS imposes a code of conduct on all civilians living under its control. Those who stray from the group's interpretation of religious edicts are murdered by stoning for "adultery" and tortured, including flogging, for "offences" of smoking or not wearing IS-sanctioned attire. Those suspected of any form of dissent or of co-operating with Iraqi armed and security forces or of providing coordinates and other intelligence are killed. Women's freedom of movement is severely restricted. Restrictions on the use of telephones and the internet has become more rigid and brutally enforced as IS has increasingly lost territory. Since early 2015, residents have been prevented from leaving IS-controlled areas, and those attempting to flee risk being killed and face attacks targeting their remaining relatives and property.

As military pressure mounted on IS since the military offensive to retake Mosul and surrounding areas begun on 17 October 2016, testimonies collected by Amnesty International from civilians who managed to flee IS's grip, corroborated by information gathered from officials, activists and humanitarian workers, show that the group has increasingly used civilians as human shields. IS fighters forcibly displaced thousands of civilians to areas under their control as they retreated in the face of Iraqi forces' military advances. In other cases, IS fighters deliberately prevented civilians from fleeing areas of active conflict.

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36 See Amnesty International, 'Escape from hell: Torture and sexual slavery in Islamic State captivity in Iraq' (Index: MDE 14/021/2014), 23 December 2014, available at <https://www.amnesty.org/en/documents/mde14/021/2014/en/>, Amnesty International, 'Iraq: Ethnic cleansing on a historic scale' (Index: MDE 14/011/2014), 2 September 2014, available at <https://www.amnesty.org/en/documents/mde14/011/2014/en/> and Amnesty International, 'Iraq: Yazidi survivors of horrific abuse neglected by international community', 10 October 2016 available at <https://www.amnesty.org/en/latest/news/2016/10/iraq-yezidi-survivors-of-horrific-abuse-in-is-captivity-neglected-by-international-community/>

IS fighters had also embedded themselves within the civilian population, taking up positions in residential areas including people's homes, further endangering civilians.

In addition to committing atrocities in territories directly under its control, IS has claimed responsibility for indiscriminate attacks with improvised explosive devices and other violence elsewhere in Iraq, with Baghdad particularly frequently hit.<sup>37</sup> IS has frequently targeted predominantly Shi'a neighbourhoods and religious shrines including during busy times of the day in an apparent attempt to cause maximum civilian damage, further enflaming sectarian tensions.

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37 See, for example, Amnesty International, 'Iraq: Deadly bomb attacks show disgraceful disregard for human life', 17 May 2016, available at <https://www.amnesty.org/en/latest/news/2016/05/iraq-deadly-bomb-attacks-show-disgraceful-disregard-for-human-life/>; Amnesty International, 'Iraq: Executions will not deter further attacks', 5 July 2016, available at <https://www.amnesty.org/en/latest/news/2016/07/iraq-executions-will-not-deter-further-deadly-attacks/>; and Amnesty International, 'Iraq: Deadly suicide attacks claim civilian lives', 15 November 2016, available at <https://www.amnesty.org/en/documents/mde14/5142/2016/en/>

### 3.3 THE LEGAL STATUS OF THE PMU

Since the formation of the PMU in June 2014, the PMU militias have enjoyed the blessing, support and backing of the Iraqi central authorities and have operated with varying degrees of co-operation from government forces – ranging from tacit consent, to co-ordinated and, increasingly, joint operations. At the same time, they have effectively remained outside the formal structures of the Iraqi military and security forces, and have enjoyed total impunity.

The PMU was first brought under the nominal control of the Prime Minister, in his capacity as the Commander-in-Chief of the Armed Forces, at a Council of Ministers vote on 7 April 2015.<sup>38</sup> In February 2016, Prime Minister Haydar al-Abadi issued Order 91, seen by Amnesty International, designating the Popular Mobilization Units (PMU) as “an independent military formation, part of the Iraqi Armed Forces and linked to the Commander-in-Chief of the Armed Forces”. The Order specified that the PMU was subject to military legislation, and organizationally similar to the Counter-Terrorism Service, which is independent of both the Ministry of Defence and the Ministry of Interior. The Order also specified that PMU members are prohibited from political work.

On 26 November, the Iraqi parliament passed a Law on the Popular Mobilization Units, incorporating Order 91 in its entirety. The Law added that the deployment of the PMU to specific locations is exclusively within the authority of the Commander-in-Chief and that Parliament has to approve the appointments of PMU senior leaders from the rank of “Commander of a Unit” and above. The Law also specified that the PMU is to be composed of all “components” of Iraqi society, in reference to the various ethnic and religious communities in Iraq.

The Law was ratified by President Fuad Masum on 18 December, and will come into force once published in the official gazette. It applies retroactively from the establishment of the PMU in June 2014. While PMU leaders and supporters hailed the passage of the Law as an acknowledgment of the important role and sacrifices made by PMU fighters, some Sunni politicians and community leaders saw it as an attempt to legitimize a force implicated in abuses.<sup>39</sup>

Prime Minister Haydar al-Abadi attempted to appease fears stating in a press conference that the Law stipulates that all PMU fighters will be “subject to all military orders applicable to the Iraqi security institution”.<sup>40</sup> It remains to be seen whether the law, once in force, achieves any real changes in bringing the PMU under the effective command and control of Iraqi authorities and ensuring their accountability.

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38 General Secretariat for the Council of Ministers, Decisions of Council of Ministers in session number 14, 7 April 2014, available at <http://cabinet.iq/ArticleShow.aspx?ID=6040>

39 See for instance, Rudaw, “ Passage of PMU Law by parliament elicits reactions in favour and against”, 26 November 2016, available at <http://rudaw.net/arabic/middleeast/iraq/261120166>; and Buratha News: “ Asadi: PMU law includes all those who joined formation in June 2014”, 26 November 2016 available at <http://burathanews.com/arabic/news/306131>

40 Popular Mobilization, “Abadi: PMU Law differentiates between those abiding by state laws and those who don't”, 30 November 2016, available at: <http://tinyurl.com/jko3n95>



*Iraqi Shi'a fighters from the PMU militias advance near the village of Tal Abtah, south of Tal Afar, on November 30, 2016 during the Mosul offensive.*

# 4. THE PMU'S HISTORY OF HUMAN RIGHTS VIOLATIONS

**“He was just sitting in a café with three others when a car pulled up and two masked men stepped out. They called him by name and then just shot him in the face. The police station is 100 metres away from the café, but militias know that they can act as they please, and nobody will stop them.”**

Relative of Mohamed, killed in the town of Muq̄dadiya, May 2016<sup>41</sup>

The climate of lawlessness and impunity which prevails in Iraq facilitates human rights violations by regular forces and paramilitary militias alike. This chapter presents evidence gathered by Amnesty International of serious human rights violations committed by PMU militias between June 2014 and August 2016.<sup>42</sup>

<sup>41</sup> Interview, location withheld, 5 August 2016.

<sup>42</sup> The cases presented in this chapter do not intend to provide a comprehensive picture of violations committed by PMU militias since June 2014, but aim at illustrating patterns through emblematic cases. Violations committed by other parties to the conflict in Iraq including government forces, IS, and Tribal Mobilization (Hashd al-Asha'iri) are briefly alluded to but largely outside the scope of this report. The latter is composed of Sunni fighters from governorates where IS seized territory and have increasingly take part in battle to retake those territories from IS, including in the May/June 2016 military operations to retake Falluja and surrounding areas and the operations to retake Mosul and its outskirts launched on 17 October. Reports of abuses by the Hash al-Asha'ri have emerged, including the recruitment and use of child soldiers, revenge attacks against those perceived to have cooperated with IS and unlawful killings. Amnesty International documented unlawful detention and torture committed by the Sab'awi tribal militias against residents of villages in the south-east of

Amnesty International documented violations taking place in the context of joint military operations between Iraqi forces and various militias under the PMU, as well as by individual militias acting independently.

PMU militias have carried out a systematic pattern of violations, including enforced disappearance, extrajudicial executions and other unlawful killings and torture of Sunni Arab men and boys, seemingly in revenge for IS attacks, and at times to extort money from the families of those they have abducted.



*A member of the PMU militias armed with a Croatian HS Produkt VHS-K1 self-loading rifle on the outskirts of Najaf (AFP)*

Predominantly Shi'a paramilitary militias operating under the PMU exercise effective control over entire cities and neighbourhoods and control access to others through manning checkpoints. In areas with mixed populations, where there is a history of intercommunal tensions dating back to the worst period of Sunni-Shi'a civil strife from 2006-2007, members of Arab Sunni communities live in constant fear of abduction, killing, loss of property and extortion, prompting many to flee. Militias have also destroyed homes and other civilian property and barred Sunni Arabs from returning to areas recaptured from IS. Others have been afraid to return to their homes fearing revenge attacks by militias who have committed war crimes and serious human rights violations in a climate of impunity.<sup>43</sup>

Since the emergence of armed groups in Iraq including al-Qaeda and the IS, thousands of Sunni men and boys have been abducted from their homes, workplaces, camps for internally displaced persons (IDPs), checkpoints or other public places. Some are later found dead, usually handcuffed and shot in the back of the head. Some of the victims were killed even after their families had paid hefty ransoms. Thousands of other victims are still missing, their fate and whereabouts unknown, weeks, months and years after they were abducted. Amnesty International has documented dozens of cases of abductions and unlawful killings by PMU militias in the governorates of Anbar, Baghdad, Diyala, Kirkuk and Salah al-Din with many more such cases reported all over the country.<sup>44</sup>

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Mosul. For more information see, Amnesty International, 'Tribal militia tortured detainees in revenge attacks during Mosul offensive', 2 November, available at <https://www.amnesty.org/en/latest/news/2016/11/iraq-tribal-militia-tortured-detainees-in-revenge-attacks-during-mosul-offensive/>

43 See Amnesty International, 'Absolute Impunity: militia rule in Iraq' (Index number: MDE 14/015/2014), October 2014, available at [https://www.amnesty.org.uk/sites/default/files/absolute\\_impunity\\_iraq\\_report.pdf](https://www.amnesty.org.uk/sites/default/files/absolute_impunity_iraq_report.pdf); Amnesty International, 'Iraq: "Punished for Daesh's Crimes": Displaced Iraqis Abused by Militias and Government Forces' (Index number: MDE 14/4962/2016), Amnesty International, 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>

44 Amnesty International, 'Absolute Impunity: militia rule in Iraq' (Index number: MDE 14/015/2014), October 2014, available at [https://www.amnesty.org.uk/sites/default/files/absolute\\_impunity\\_iraq\\_report.pdf](https://www.amnesty.org.uk/sites/default/files/absolute_impunity_iraq_report.pdf); Amnesty International, 'Iraq: "Punished for Daesh's Crimes": Displaced Iraqis Abused by Militias and Government Forces' (Index number: MDE 14/4962/2016), Amnesty International, 18

Such crimes are being perpetrated against a background of increased sectarian tensions in the country. Since Iraqi central government forces lost control of much of northern Iraq to IS, sectarian attacks have spiralled to a level not seen since 2006-2007.

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October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/> Human Rights Watch has documented scores more cases in other parts of the country. See: 'Iraq: Pro-Government Militias' Trail of Death', 31 July 2014, available at <http://www.hrw.org/news/2014/07/31/iraq-pro-government-militias-trail-death>

## 4.1 DIYALA

Widespread enforced disappearances, abductions, killings and torture targeting Sunni men and boys are continuing with impunity in the Governorate of Diyala, amid long-standing sectarian tensions, bans on returns for some Sunni IDPs and the tight control exercised by state-backed militias, particularly the Badr Organization and the 'Asa'ib Ahl al-Haq (League of the Righteous).

Following a suicide attack on a café owned by a Shi'a member of the community on 11 January 2016, armed Shi'a militia members went on the rampage in the following days, abducting and killing Sunni men and burning and destroying Sunni mosques, shops and property in various neighbourhoods in Muqdadia. Witnesses told Amnesty International that some of the abductions and killings of civilian Sunni men and the destruction of Sunni property took place in broad daylight, in some cases in front of the security forces who did not intervene to stop the attacks or apprehend the attackers. They said militia members were driving police vehicles and using loudspeakers calling on Sunnis to leave the town, and that the words irhal (leave) or matlub damm (we call for blood/revenge) were written on Sunni homes.<sup>45</sup>

Amer, a 22-year-old man from Muqdadia, was among those abducted from his home by militia men on 13 January 2016. His brother told Amnesty International that a family friend working at the hospital called the family and phoned them to come and collect Amer's body that had been found in the street. Amer had been shot in his right eye and forehead. Amer's brother said:

*"The militiamen operating in Muqdadia as 'Asa'ib Ahl Al-Haq consider all Sunnis in Muqdadia to be Saddamis [supporters of former Iraqi president Saddam Hussein], and many Sunnis were grabbed in the streets or dragged from their homes and instantly killed. In the first week of the events, militiamen drove around with speakers shouting for Sunni men to come out of their homes. On 13 January, more than 100 men were taken and have not been seen since".* To date, there has been no information on their fate and whereabouts.

Anas, a 65-year-old shopkeeper and former reservist army officer, was standing in front of his Muqdadia house on the morning of 15 January 2016, when two masked men accosted him and shot him in the head with two bullets, killing him instantly. His daughter told Amnesty International that the street was full of people and the police were present but no one intervened to stop the attackers. People were even too scared to help take her father's body to the hospital, she said. She told Amnesty International that the family was too scared to open the shop again, as they did not want to risk the life of their brother.

Amnesty International is not aware that any member of the PMU has been held accountable for these or similar violations, or that any steps have been taken to reveal the fate of those abducted. Similarly, despite announcements of investigations by the Prime Minister Haydar al-Abadi into the killings of at least 56 Sunnis in Barwana, a village west of Muqdadia, by members of the PMU and security forces on 26 January 2015, no findings have been made public and no member of the PMU or security forces has been held to account.<sup>46</sup>

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45 Amnesty International telephone interviews with Muqdadia residents, local officials, witnesses and family members of victims conducted on 28 and 29 Jan 2016. For more information, see Amnesty International, 'Iraq: Militia war crimes in Muqdadia highlight authorities' persistent failures to hold them to account' (Index number: MDE 14/3396/2016), 5 February 2016, available at <https://www.amnesty.org/en/documents/mde14/3396/2016/en/>

46 Amnesty International, 'Barwana massacre - Botched investigation, families waiting for justice', available at <https://www.amnesty.org/en/documents/mde14/1812/2015/en/>; Human Rights Watch, 'Iraq: Survivors Describe Mosque Massacre', 2 November 2014, available at <https://www.hrw.org/news/2014/11/02/iraq-survivors-describe-mosque-massacre-0>

Relatives of those abducted or killed are frequently too afraid of revenge attacks to file complaints with the police or judicial authorities, as they consider them either complicit in the crimes or powerless in the face of militias.

Mohamed, a father of two children and employee in an electronics store in his 30s, was shot dead in broad daylight on 25 May 2016 while sitting in a café in the Asri neighbourhood of Muqdadia. A relative told Amnesty International:<sup>47</sup>

*"Our family has been displaced since 2014, after militias abducted my 70-year-old father. He was freed after we paid, but we were afraid and left...Mohamed fled with us, but went back in September 2016 because he could not afford rent and could not find work away from home to feed his children. He thought the situation improved and he would be safe...He was just sitting in a café with three others when a car pulled up and two masked men stepped out. They called him by name and then just shot him in the face. The police station is 100 metres away from the café, but militias know that they can act as they please, and nobody will stop them... Mohamed's family just dropped the case; the witnesses are too scared and don't want to come forth. There is no justice for us (Sunnis)."*

## **TORTURE AND OTHER ILL-TREATMENT AT THE HANDS OF PMU MILITIAS**

Sunni men and boys have been routinely subjected to torture and other ill-treatment at checkpoints or detention facilities controlled by PMU militias. The most common methods of torture reported to Amnesty International include beatings with various objects including cables and metal rods, suspension in stress positions, being given electric shocks and threatened with murder.

A 20-year-old student told Amnesty International that on 26 July 2016 he was fleeing fighting in Shargat, when he was stopped at the Asmida checkpoint in Baiji district, Salah al-Din governorate. The checkpoint was controlled by what he described to be a mixed force of men in military uniform and some in civilian dress, some of whom he believed to be members of the PMU based on the insignia on their uniforms. He said that he was immediately blindfolded and driven away.

*"I spent seven weeks under torture; they wanted me to confess to being Daesh. I was held with about 30 other people in a school... We were all beaten with metal rods and cables. They also used electric shocks... I was blindfolded through most of this time... After 22 days, they transferred all of us to Baghdad to a prison... There were other people there, some detained for over six months and their families did not know anything about them... I was also tortured there, and interrogated once while blindfolded..."<sup>48</sup>*

He was eventually freed without charge.

<sup>47</sup> Interview, location withheld, 5 August 2016.

<sup>48</sup> Amnesty International, phone interview, 27 September 2016.

## 4.2 ANBAR

In the context of military operations to retake Falluja and surrounding areas from IS, launched on 23 May 2016, PMU militias committed war crimes and gross human rights violations including extrajudicial executions and other unlawful killings, torture and enforced disappearances against IDPs fleeing Saqlawiya and Sijir, areas in the north of the city of Falluja.



*Members of PMU on the outskirts of Falluja at the beginning of the operations to take back the city from IS control, May 23, 2016.*

On 30 May, at least 12 men and four boys from the Jumaila tribe were extrajudicially executed. The victims had fled fighting in Sijir together with their families on 24 May and were temporarily sheltering with relatives in a rural area nearby. According to survivors,<sup>49</sup> after having fled fighting in their areas and having handed themselves over to a mixed force of armed men in different military and Federal Police uniforms, the armed men separated the men and older boys from the women and younger children, told them to line up and march forward, before shooting them dead.

At least 73 other men and boys from the Jumaila tribe seized from the area of Sijir on 27 May remain unaccounted for. Witnesses reported to Amnesty International during the organization's visit to camps in Anbar in August that the disappearance took place after a large group of Sijir residents handed themselves over to an armed force composed of men in military uniform, as forces were advancing on territories previously held by IS and residents were fleeing fighting, whom they assumed to belong to the PMU based on uniform insignia and coloured flags they were carrying. Some witnesses claimed to recognize the Kata'ib Hezbollah insignia.

PMU militias abducted, tortured and killed men and boys from the Mahamda tribe from Saqlawiya during operations to retake Falluja.<sup>50</sup> On 3 June, thousands of IDPs fleeing from Albu Akash in Saqlawiya were intercepted by a large force of the PMU, who took away some 1,300 men and older boys. Three days later, on 6 June, local Anbar officials told Amnesty International that they were handed over 605 of the abducted males bearing marks of torture. About a dozen survivors told Amnesty International that they had been held by PMU militias at what appeared to be an abandoned farm house, beaten with various objects including

<sup>49</sup> Interviews, location withheld, 1 August 2016.

<sup>50</sup> See Amnesty International, 'Iraqi authorities must rein in forces amid allegations of torture and deaths in custody', 8 June 2016, available at <https://www.amnesty.org/en/latest/news/2016/06/iraq-authorities-must-rein-in-forces-amid-allegations-of-torture-and-deaths-in-custody/>

shovels and denied food and water. Former detainees told Amnesty International that they witnessed others being beaten to death or taken away by militiamen never to return.<sup>51</sup>

According to findings published on 11 June by an investigative committee established by the Governor of Anbar to look into abuses in Saqlawiya and al-Sijir, 49 people were killed; and an additional 643 remain missing amid fears for their lives and safety.<sup>52</sup> Former detainees interviewed by Amnesty International identified members of the Kata'ib Hizbullah – based on emblems on their uniforms and coloured flags - as among those responsible for the torture and killing of men from Saqlawiya.

## **TRIBAL MOBILIZATION MILITIAS**

Tribal Mobilization (TM or Hashd al-Asha'iri) militias, composed of fighters from Sunni tribes and generally active locally in their own places of origin, have played an increasing role in the fight against IS and in securing their areas after they have been recaptured. While much less powerful than the PMU, some tribes within the TM have also received support from government authorities including salaries and weapons, according to officials and tribal fighters interviewed by Amnesty International in October and November 2016.

Amnesty International has gathered testimonies from survivors, witnesses, activists, local officials and others that members of the Sab'awi tribal militia unlawfully detained, publicly humiliated and tortured or otherwise ill-treated men and boys in late October 2016 in villages south-east of Mosul that were recaptured from IS. Fighters carried out punitive revenge attacks against villagers suspected of having ties to IS, including by beating them with metal rods and giving them electric shocks. Some victims were tied to the bonnets of vehicles and paraded through the streets or placed in cages.

Amnesty International also gathered testimonies that members of the Firsan Jbour militia taunted villagers fleeing from the sub-Shoura district of Ninewa for belonging to Daesh, spat and threw rocks at them and threatened to kill or detain those with IS links as they were being transported to safer areas by Iraqi forces on 26 October.

Villagers from both the al-Qayyara and al-Shoura sub-districts of Ninewa told Amnesty International that TM fighters looted their homes, before destroying or damaging them. Low-ranking TM fighters in the town of al-Qayarra and villages in the Shoura sub-district bragged to Amnesty International in November 2016 about blowing-up or setting on fire homes belonging to suspected "Daesh" fighters in revenge for crimes committed by the group.

To prevent the repetition of similar abuses and grant victims an adequate remedy, Amnesty International has called on the Iraqi authorities to immediately address reports of abuses committed by TM militias including by carrying-out impartial, independent and full investigations into abuses and bringing those responsible to justice. Pending investigations and prosecutions, Amnesty International urged the Iraqi authorities to remove from active duty all those reasonably suspected of committing abuses.<sup>53</sup>

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51 Multiple interviews by Amnesty International researchers in person and over the phone from 3 June to late August 2016.

52 Soheib al-Rawi's website, 'Soheib al-Rawi Governor of Anbar announced recommendations of committee established by the Governorate', 11 June 2016, available at [bit.ly/2e0megD](http://bit.ly/2e0megD)

53 See Amnesty International, 'Tribal militias tortured detainees in revenge attacks during Mosul offensive', 2 November 2016 available at <https://www.amnesty.org/en/latest/news/2016/11/iraq-tribal-militia-tortured-detainees-in-revenge-attacks-during-mosul-offensive/>

## 4.3 SALAH AL-DIN

The battle to retake territories in Salah al-Din from IS has seen the deliberate destruction of civilian property and forced displacement, as well as widespread enforced disappearances of Arab Sunni men, some of whom have been killed.

Khaled, a 39-year-old businessman and father of four from Samarra, was abducted as he was driving from Samarra to Baghdad in the early morning of 26 July 2014. On 1 August his relatives paid US\$45,000 ransom to secure his release. On 11 August, his body was found in the morgue in Baghdad. He had been shot in the head three times. According to the death certificate the date of death was 1 August 2014.

Others remain unaccounted for. On 26 December 2014, a 26 year-old man was travelling between Samarra and Baghdad with five adult relatives and 12 children when the cars were stopped by armed men in military uniform, one of whom was masked, with emblems and flags suggesting their affiliation to the PMU. Witnesses told Amnesty International that the man was blindfolded, hit with the back of a rifle and had his hands tied behind his back before being forced into a vehicle. According to a former detainee held with him for several days in a place commonly referred to as “the Apartments” (al-Shuqaq) in the Balad district of Salah al-Din governorate, PMU militiamen beat detainees with metal bars and cables and deprived them of sufficient food and water. There has been no news about the victim despite relatives’ attempts to search for him in prisons across Iraq and filing a complaint with the Ministry of Defence.<sup>54</sup>

Among those still missing are seven men from same family seized between May and September 2015. The family was fleeing a village in Farhatiya in Salah al-Din governorate to settle in Ishaqi IDP camp, in the same governorate, when stopped on the road to Jazeerat al-Farhatiya by two tanks. Armed men in military khaki-coloured uniform emerged from the tanks, searched the fleeing men and handcuffed them at gunpoint. Three men were forced into the tanks, which drove off leaving the rest of the family behind. On the same day, relatives inquired about their whereabouts with the Saraya al-Salam militia, in control of the area, who denied holding them. In September 2015, witnesses told Amnesty International that Saraya al-Salam fighters, recognizable by their flags and insignia, entered the Ishaqi IDP camp, where the family had settled, and arrested another relative. Around 30 IDPs were taken that day from the camp purportedly for security screening said witnesses. In December 2015, three other relatives were then taken from the camp by Saraya al-Salam militia. The family lodged a complaint at the Salah al-Din Governorate on 28 February 2016, which transferred the case to a police station in Ishaqi. There has been no information about any of the seven men since.<sup>55</sup>

Amnesty International has documented torture and other ill-treatment committed by PMU militias against IDPs fleeing areas controlled by IS. For instance, a former detainee told Amnesty International on 27 July that he was stopped at a checkpoint near the al-Baiji oil refinery while travelling from Mafraq al-Sharqat to Tikrit on 25 June 2016, together with 11 other relatives including two boys under the age of 18. He recalled seeing different coloured flags at the checkpoint and therefore assumed that it was manned by members of the PMU. The 12 IDPs were blindfolded, had their hands tied behind their backs and were forced into vehicles. They were driven to what they described as a normal house, where they were interrogated while blindfolded about their suspected affiliation to IS and beaten with cables and wooden sticks, mainly on their

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<sup>54</sup> Multiple interviews by Amnesty International over the phone in June and July 2016.

<sup>55</sup> Interviews, location withheld, 28 July 2016

backs and legs. Five days later, they were dumped on the side of the road near the checkpoint where they were initially seized.

## **GROWING EVIDENCE OF RECRUITMENT AND USE OF CHILD SOLDIERS BY THE PMU**

In his report on children and armed conflict in Iraq of 9 November 2015, the UN Secretary-General raised concerns about the “recruitment and use of children by the popular mobilization forces and pro-Government militias”, and called on the Iraqi Government to ensure that the PMU “immediately end the recruitment and use of children”, and on the Ministry of Defence “to develop appropriate age verification procedures to preclude underage recruitment in Government-affiliated armed groups”.<sup>56</sup>

However, the PMU have continued to use children as fighters on the frontlines. Human Rights Watch documented cases of children as young as 11 fighting with PMU militias, including the case of Muthanna Qasim al-Kilabi, a 15-year-old who was killed in October 2015 while fighting with the ‘Asa’ib Ahl al-Haq PMU militia.<sup>57</sup> Journalists embedded with government forces and PMU militias – the only way to have access to frontline locations – have repeatedly come across children fighting in various militias.<sup>58</sup>

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56 Report of the Secretary-General on children and armed conflict in Iraq (S/2015/852), 9 November 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1535632.pdf>

57 Human Rights Watch, ‘No Child’s Play: Kids Fighting One Another in Iraq Conflict’, 30 October 2015, available at <https://www.hrw.org/news/2015/10/30/no-childs-play-kids-fighting-one-another-iraq-conflict>

58 Fifteen-year-old Karrar, who refused to give his last name, said he joined the Asa’ib Ahl al-Haq militia, which is fighting with the Popular Mobilization Forces, “to help liberate my people who are being killed by ISIL”, in ‘Iraq’s child soldiers: ‘What happened to our boys?’’, Al-Jazeera, 8 June 2016, available at <http://www.aljazeera.com/news/2016/05/iraq-child-soldiers-happened-boys-160523122213988.html>

The Associated Press saw over a dozen armed boys on the front line in western Anbar province, including some as young as 10, in ‘Iraqi militias train young teens to face the threat of IS’, The Associated Press, 28 July 2015 <http://bigstory.ap.org/article/563248db894b4d508f3ee7719f208255/summer-camp-iraqi-shiite-boys-training-fightX>

## 4.4 AL-RAZZAZA CHECKPOINT

Hundreds of Sunni Arabs have been forcibly disappeared since being abducted at the al-Razzaza checkpoint by members of the Hizbullah Brigades since late 2014.<sup>59</sup>

The crossing between Anbar and Karbala governorate was – until the city of Ramadi was retaken by Iraqi forces in December 2015 and alternative routes became available – the only relatively safe route out of parts of Anbar to Baghdad for people fleeing territory controlled by IS. Anbar politicians, in particular parliamentary member Ahmed al-Silmani who estimates that some 2,200 people have been seized at the checkpoint, have repeatedly called on the authorities to put an end to these disappearances and reveal the fate and whereabouts of those missing.<sup>60</sup>

According to parliamentarians, activists, witnesses and relatives of those missing, only one group – of 65 men and boys – has ever reappeared after being seized at al-Razzaza. A survivor told Amnesty International that he was held for some 40 days, with little food or water, at a disused school in Jurf al-Sakhr, a Hizbullah Brigades stronghold near al-Razzaza. He said that he was suspended in a contorted position from the ceiling and beaten with thick rubber cables while being questioned about IS members and activities in his home town.<sup>61</sup>

Some of the violations by PMU militias, highlighted in this chapter amount to war crimes. The deliberate and summary killing of people in captivity – be they civilians, suspected members of armed groups or fighters captured on the battlefield – is a flagrant and serious violation of international humanitarian law and constitutes a war crime. Torture and cruel treatment, hostage taking, and arbitrary deprivation of liberty are also serious violations of international humanitarian law and also constitute war crimes.

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59 Amnesty International interviewed dozens of relatives of individuals abducted at the Razzaza checkpoint crossing as well as local officials, activists and parliamentarians. For more information see 'Iraq: "Punished for Daesh's Crimes": Displaced Iraqis Abused by Militias and Government Forces' (Index number: MDE 14/4962/2016), Amnesty International, 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>

60 See parliamentarian Ahmed al-Salmani's Facebook page, available at <https://www.facebook.com/alsalmaniahmad/photos/a.856565561021715.1073741828.855853274426277/1159563247388610/?type=3&theater>

61 Amnesty International, multiple telephone interviews, June 2016.

# 5. THE ARMING OF THE PMU MILITIAS

**“ We cannot eliminate the possibility that various factions of the Popular Mobilization Forces that the U.S. has not agreed to support are being armed/supplied with material that the [Iraqi Army] needs from those warehouses.”**

Report by the Inspector General of the US Department of Defense, September 2015<sup>62</sup>

The PMU militias have used a wide range of arms and ammunition to facilitate the pattern of serious human rights violations described in Chapter 2.

Heavily armed PMU militias have threatened, abducted, tortured and unlawfully killed Sunni men and boys; during the course of military operations, such as the retaking of Falluja and surrounding areas from IS forces, and they have committed serious violations of international humanitarian law. PMU militias have used arms to control checkpoints and *ad hoc* detention centres, facilitating the widespread enforced disappearances of men and boys. Possession of heavy weapons has facilitated these violations, by allowing the PMU to drive out IS forces from towns and surrounding areas, and giving the PMU control over access routes to population centres. This chapter looks in detail at the way in which PMU militias obtain that weaponry to facilitate such violations.

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<sup>62</sup> Inspector General US DoD, ITEF assessment, September 2015, p. 15 available at <http://www.dodig.mil/pubs/documents/DODIG-2015-177.pdf>

PMU militias currently operating across Iraq are equipped with a wide variety of arms and ammunition manufactured in at least 16 countries.<sup>63</sup> Their arsenals bear a close resemblance to Iraqi armed forces' stocks, but also include substantial quantities of Iranian manufactured equipment.<sup>64</sup> The arms and ammunition in the possession of PMU militias assessed by Armament Research Services (ARES) for Amnesty International include:

a mix of Soviet-era arms manufactured in Russia, Eastern Europe, Iraq and China;

Iranian rifles, anti-materiel guns, mortars and light vehicles;

US small arms and armoured fighting vehicles.

While the majority of the cases described in Chapter 2 involved the direct use of small arms by PMU militias to either carry out or facilitate serious human rights violations, the PMU militias' ability to hold territory, maintaining checkpoints and enforcing their will on local populations, is significantly enhanced by their ability to deploy heavy weapons including armoured fighting vehicles and artillery.

The diverse range of equipment in the possession of the PMU militias reflects the complex and decentralized supply mechanisms they employ. Like all militias and armed groups operating in the region, PMU militias benefited from the extensive proliferation of arms in Iraq in the wake of the 2003 US-led invasion, occupation and its aftermath, and more recent opportunities for seizure of arms on the battlefield in operations in both Iraq and Syria, including from IS stocks.<sup>65</sup> In this context, and because distinctions between the PMU and Iraqi army are often blurred, it is challenging to confirm precise supply chains. However the principal current supply routes for PMU militias are likely to involve:

Individual purchase on the private, mainly illicit, market;

Battlefield capture;

Direct transfer from Iran;

Provision by the Iraqi authorities, including sales, gifts or loans from the Iraqi army to PMU groups.

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63 Countries include Austria, Bulgaria, China, Croatia, Germany, Hungary, Italy, Iran, Iraq, North Korea, Poland, Russia, Serbia, South Africa, Switzerland, United Kingdom, USA, along with the former-Yugoslavia and the former USSR.

64 Unless otherwise indicated, the following assessment draws on two baseline studies commissioned by Amnesty International and carried out by Armament Research Services (ARES), analysing verified visual imagery featuring PMU militia groups deploying weapons; the first study reviewed PMU militia inventories between 11 March and 25 May 2015; the second updated material to June 2016. Both studies assessed material drawn from open and closed sources, including social media, mainstream media, and confidential sources on the ground in Iraq.

65 For a summary of this process, see Amnesty International, 'Taking Stock: The arming of Islamic State' (Index number: MDE 14/2812/2015), 7 December 2015, pp. 24-33, available at <https://www.amnesty.org/en/documents/mde14/2812/2015/en/>



*Iraqi Shi'a fighters from the PMU militias hold a position near the village of Tal Abtah, south of Tal Afar, on November 30, 2016, with an assortment of AK-pattern assault rifles, RPG-7-type launchers, PG-7 projectiles, and two PK-pattern general-purpose machine guns.*

## 5.1 ILLICIT MARKETS AND INDIVIDUAL PURCHASES

As with all armed groups in Iraq, the PMU militias have accumulated weapons over many years as a result of Iraq's long history of arms proliferation and more recent online weapons trade.<sup>66</sup> Iraq has a thriving illicit market for weaponry. During the Iran-Iraq war (1980-88), over 30 countries supplied Iraq with arms and ammunition at a time when the Iraqi security forces were committing serious and widespread violations of international humanitarian and human rights law.<sup>67</sup> On the invasion and occupation of Iraq in 2003, the US-led coalition disbanded Iraq's 400,000-strong army which led to a significant loss of military equipment; individuals looted stockpiles, and illicit markets grew.<sup>68</sup>

According to US Army assessments of seized weapons, by 2004 large quantities of Soviet/Russian AK model firearms, and smaller numbers of FAL and Heckler & Koch G3 design rifles were in the hands of insurgents, including PMU groups. A subsequent study of weapons seized from illicit arms caches across Iraq carried out in 2008, documented over 900 weapons of Iranian origin, 29% of which were manufactured after 2003, suggesting increased arms smuggling across the Iran-Iraq border.<sup>69</sup>

From 2003 to 2007, the USA and other coalition members transferred more than 1 million infantry weapons and pistols with millions of rounds of ammunition to the Iraqi armed forces; weak oversight and poor to non-existent record keeping meant hundreds of thousands of those weapons went missing and are still unaccounted for.<sup>70</sup> During this period illicit markets flourished, as did covert supplies from Iran, making arms and ammunition readily available to armed groups operating in Iraq.

Illicit arms caches remain a problem. According to one report, Iraqi security forces are aware of at least 20 illegal and completely unregulated militia weapons depots in Baghdad, with arms stashed in abandoned mosques, homes and schools.<sup>71</sup> In September 2016, a Kata'ib Hizbullah depot exploded in the Obeidi neighbourhood in Baghdad's eastern suburbs, after a fire initiated mortar projectiles and rockets, killing four people.<sup>72</sup>

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66 ARES Conflict Materiel (CONMAT) includes examples of arms traded via social media and other communications platforms in Libya, Iraq, Yemen, Egypt, and other countries.

67 See, for example, Amnesty International, 'Iraq' in Amnesty International Report 1988 (Index number: POL 10/0001/1988), pp. 236-39, available at [www.amnesty.org/en/documents/pol10/0001/1988/en/](http://www.amnesty.org/en/documents/pol10/0001/1988/en/)

68 For a summary of this process, see Amnesty International, 'Taking Stock: The arming of Islamic State', pp. 24-33, available at <https://www.amnesty.org/en/documents/mde14/2812/2015/en/>

69 Both documents were obtained by a Freedom of Information request filed by Small Arms Survey, see Small Arms Survey 2012, 'Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq and Somalia', Chapter 10, p. 320, available at [www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2012/eng/Small-Arms-Survey-2012-Chapter-10-EN.pdf](http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2012/eng/Small-Arms-Survey-2012-Chapter-10-EN.pdf). The documents themselves can be found at: United States Army, National Ground Intelligence Center, 'Iraq Small Arms Handbook', 2004, available at [www.scribd.com/doc/221987962/156806768-Iraq-Small-Arms-Book-pdf#scribd](http://www.scribd.com/doc/221987962/156806768-Iraq-Small-Arms-Book-pdf#scribd) and 'Iraq: Update – Small Arms (Infantry Weapons) Used by the Anti-Coalition Insurgency', available at [https://weaponsdocs.files.wordpress.com/2015/02/small\\_arms\\_used\\_by\\_the\\_anti-coalition\\_insurgency.pdf](https://weaponsdocs.files.wordpress.com/2015/02/small_arms_used_by_the_anti-coalition_insurgency.pdf)

70 United States Government Accountability Office, 'Stabilizing Iraq: DOD Cannot Ensure That US-Funded Equipment Has Reached Iraqi Security Forces', GAO-07-711, available at [www.gao.gov/assets/270/264918.pdf](http://www.gao.gov/assets/270/264918.pdf)

71 Niquash, 'Secret Gun Stores: Why Iraq's Militias Are Keeping Bombs and Guns In Residential Neighbourhoods', 29 September 2016, available at <http://www.niqash.org/en/articles/security/5366/Why-Iraq%E2%80%99s-Militias-Are-Keeping-Bombs--Guns-In-Residential-Neighbourhoods.htm>

72 Reuters, Weapons storage blaze fires off rockets in Baghdad, killing four, 2 September 2016, available at <http://www.reuters.com/article/us-mideast-crisis-iraq-blast-idUSKCN1180QF>; for footage of the explosion, see



*Members of the Saraya al-Salam (Peace Brigades) display a mix of mortars and an artillery rocket in Najaf, as they prepare to reinforce government forces in the fight against the Islamic State group for control of Falluja, east of the capital, on 17 May 2016.*

<https://www.youtube.com/watch?v=Xp-Ky0ypHL>

## 5.1.1 ONLINE SALES

A significant proportion of illicit trade is now conducted over the internet, using various social media platforms, including Facebook. ARES assessed for Amnesty International a total of 564 unique attempted trades on online platforms over a three-month period between March and June 2016. Some of the vendors' profile pictures showed individuals in Iraqi army uniform, including uniforms indicating membership of the Iraqi Special Operations Forces (ISOF), operating under the Iraqi Counter Terrorism Service.



*US M400 self-loading rifle, offered for sale on the internet in December 2016, ARES CONMAT Database*

The majority of online trading is based in and around Baghdad. Of the 564 attempted trades assessed:

41% were for self-loading rifles, including AK, FN Herstal FAL and other variants, with an average asking price of USD\$600;

38% for handguns, including weapons manufactured in Belgium, Croatia, the Czech Republic, Iraq and Spain; of the 18 trades with pricing information, the average asking price was USD\$1,340.

6% for machine guns, the majority of which were the Italian Beretta M12; also observed were the Finnish Jati-Matic and Polish PM-98 models. Russian PKM, German Rheinmetall MG3, and Belgian FN Herstal M240 light machine guns were also posted for sale – systems currently in use by the Iraqi security forces or Kurdish forces, suggesting possible diversion.

## **5.2 ARMS IN THE HANDS OF PMU MILITIAS<sup>73</sup>**

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73 This section summarizes ARES' analysis of verified photographs and videos between March 2015 and June 2016 featuring PMU militias deploying weapons, and incorporates pricing data drawn from an analysis of arms traded via social media and prices at physical illicit markets in Iraq. A separate section below looks in more detail at Iranian arms deployed by PMU militias.

## 5.2.1 SMALL ARMS AND LIGHT WEAPONS (SALW)

Paramilitary militia groups in Iraq predominantly use AK (Kalashnikov) variant **rifles**.<sup>74</sup> Preference for AK over other variants is largely price-driven: AK-pattern rifles typically retail for around \$600, while US M16A2 models cost \$3,000-4,000. Ammunition is also commensurately lower in price. Along with standard Soviet and former-Warsaw Pact produced models, available visual evidence shows PMU militia groups deploying the Iraqi Tabuk and Chinese type 56 rifles, as well as the Serbian M70 series.

Less prevalent among PMU groups, though still found in significant numbers, are US manufactured M16-pattern rifles, with M16A2 and M4A1 models most widely documented. Images assessed by ARES show PMU groups deploying Heckler & Koch G3 and G36 type rifles, FN Herstal FAL type rifles and the vz. 58 model manufactured in Czechoslovakia. PMU groups also deploy the bolt-action rifles, including the British Lee Enfield series, which date back to the Second World War.

PMU militia groups have obtained Russian Dragunov, Iraqi Tabuk and Romanian PSL **precision rifles**; PK/PKM along with RPK type **machine guns** manufactured in Russia, China and the former Yugoslavia; and Russian and Chinese DShK/DShKM and W85 **heavy machine guns**<sup>75</sup> – a typical mix found in the inventories of most parties to the conflict in Iraq. Photographs also show PMU militias mounting Russian KPV heavy machine guns on flatbed vehicles. According to images analysed by ARES for Amnesty International, various PMU groups, including Farqat al-Abbas and 'Asa'ib Ahl al-Haq deploy the recently introduced (2011) Russian-made Orsis T-5000 **sniper rifles**. There have also been isolated sightings of US-manufactured M24 **sniper rifles**, in one instance fitted with an Iranian RU60G thermal sight.<sup>76</sup>

Paramilitary militias in the PMU deploy US-made M203 grenade launchers; Farqat al-Abbas deploy the Mk 19 automatic **grenade launcher**; the Iranian Nasir is also widely used (see box below for more detail on Iranian arms deployed by the PMU). A range of **recoilless** weapons are employed, most commonly the RPG-7 and its copies. PMU militias have deployed a variety of RPG-7 projectiles, including various PG-7 copies, as well as the Iranian PG-7-AT and PG-7AT-1 models, the Chinese Type 69 (DZGI-40) projectile, the Egyptian 'Cobra', and North Korean F-7 HE-FRAG type projectiles; Iranian **mortars** predominate, with some Yugoslav/ Soviet legacy models likely sourced from the Iraqi army, as well as US 60 mm M244, 81mm M252, and 120 mm M120 types.

Images assessed by ARES show the PMU militia Kata'ib Hizbullah has obtained unknown quantities of the Chinese QW-1M 'Vanguard' **MANPADS**, which is a modernised variant of the 1990s vintage QW-1. The

74 For full list of arms observed by ARES being deployed by PMU militia groups, see Annex 2.

75 The DShKM, alongside the PKM GPMG, have also been fitted to examples of Unmanned Ground Vehicles (UGV); these configurations have been photographed and filmed under remote control by the Shi'a Saraya al-Salam ('Peace Brigades') militia group, see War is Boring, 'An Iraqi Shi'ite Militia Now Has Ground Combat Robots', 23 March 2015, available at <https://medium.com/war-is-boring/an-iraqi-shi-ite-militia-now-has-ground-combatrobots-68ed69121d21>; and ARES, Iraqi PMU unmanned ground vehicle, 14 September 2016, available at <http://armamentresearch.com/iraqi-pmu-unmanned-ground-vehicle/>

76 ARES, 'Arms Diversion in Iraq – Iranian RU60G thermal weapon sight', 11 August 2015, available at <http://armamentresearch.com/arms-diversion-in-iraq-iranian-ru60g-thermal-weapon-sight/>; Green Lemon, 19 November 2015, [https://twitter.com/green\\_lemonnn/status/664206272502374400](https://twitter.com/green_lemonnn/status/664206272502374400)

original variant is in use in Iran, which is thought to be responsible for the proliferation of the more advanced QW-1M missile.<sup>77</sup> It appears that Kata'ib Hizbullah has also acquired the earlier model, either Chinese QW-1 or Iranian Misagh copies.

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<sup>77</sup> War is boring, 'Iran-Backed Terror Group Parades New Anti-Aircraft Missiles in Iraq', 19 March 2015, available at <https://medium.com/war-is-boring/iran-backed-terror-group-parades-new-anti-aircraft-missiles-in-iraq-ca0204079eb0>

## 5.2.2 ARTILLERY

Images assessed by ARES show PMU militias deploying primarily Soviet or Chinese designed **artillery guns** from the Saddam-era, delivered during or in the immediate aftermath of the Iran-Iraq war (1980-88). More recently delivered **artillery guns** deployed by militias operating under the PMU include the Bulgarian 152 mm D-20. Other artillery guns documented include 152 mm Type 835 (China), 155 mm GHN-45 (Austria/South Africa) and US-made 155 mm M198 howitzers and M109A5 self-propelled howitzers.

## 5.2.3 ARMoured FIGHTING VEHICLES AND BATTLE TANKS

Photographic evidence shows PMU militias deploying a range of armoured fighting vehicles that are standard issue with Iraqi security forces including the **US** High Mobility Multipurpose Wheeled Vehicle (HMMWV aka Humvee) and M1117 armoured personnel carrier seen in service with Kata'ib Hizbullah in March 2016; Iraqi light armoured vehicle (known as "The Badger"); the US Caiman tactical vehicle; US M113 armoured personnel carriers in service with 'Asa'ib Ahl al-Haq in March 2016 and the Soviet BMP-1 amphibious tracked infantry fighting vehicle. **Main battle tanks:** the US Abrams has been documented flying PMU flags; other tanks include Soviet T-72M and T-72M1 models and the Iranian manufactured T-72S variant. The Iranian Safir 4x4 light tactical vehicle is also prevalent amongst many PMU militia groups (see table below).

### 5.3



*A tank belonging to the Badr Organization takes position in front of a gas station in Suleiman Beg, northern Iraq September 9, 2014, REUTERS/Ahmed Jadallah*

## 5.4 IRANIAN SOURCES OF SUPPLY FOR PMU MILITIAS

Iran continues to supply the Iraqi authorities with military equipment in violation of UN Security Council Resolution 2231(2015) which calls on all states to prevent the supply, sale, or transfer of arms and related material from Iran for five years following the adoption of the Joint Comprehensive Plan of Action on 18 October 2015, unless approved on a case-by-case basis by the Security Council.<sup>78</sup> The last Secretary General report on the implementation of Security Council resolution 2231(2015) noted arms transfers reported to the Fifth Iraq Defence Exhibition, held from 5 to 8 March 2016 at the Baghdad International Fairground, without the prior approval of the UN Security Council, though Iranian officials claimed that they retained ownership of the arms in question.<sup>79</sup>

Recent suspected Iranian supplies to Iraq include Mohajer-4 drones, ammunition, Dehlavieh anti-tank guided weapons, and a range of artillery systems.<sup>80</sup> In July 2014, three Su-25UBK and four Su-25K jets were flown from Iran to Iraq, where they were based and operated by 10 Iranian and four Iraqi pilots.<sup>81</sup> Military cooperation between Iran and Iraq is also being institutionalized through the transfer of Iranian military technology and production lines to Iraq for arms, munitions, and other materiel.<sup>82</sup>

Historically, there has also been a steady and direct flow of arms and logistical support coming from Iran to Iranian-backed PMU militias.<sup>83</sup> During the occupation and its aftermath (2003-11), the US seized significant amounts of Iranian arms and ammunition from illegal stockpiles that had either been sent, or smuggled over the border with Iran.<sup>84</sup> Iran remains a major military sponsor of the PMU militias – particularly those with links to Iranian military and religious figures, such as the Badr Organization, ‘Asa’ib Ahl al-Haq and the Hizbullah Brigades – all of which stand accused of serious human rights violations including enforced disappearances, abductions, killings and torture. The Badr Organization’s control over parts of the Diyala province, a region to the east of Baghdad bordering Iran, enables the flow of illicit arms

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78 UN Security Council Resolution 2231 (2015) Adopted by the Security Council at its 7488th meeting, on 20 July 2015, Annex B: Statement, 6 (b), p. 101 “Take the necessary measures to prevent, except as decided otherwise by the UN Security Council in advance on a case-by-case basis, the supply, sale, or transfer of arms or related materiel from Iran by their nationals or using their flag vessels or aircraft, and whether or not originating in the territory of Iran...” available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2231\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2231(2015))

79 UN Security Council, Report of the Secretary-General on the implementation of Security Council resolution 2231 (2015), S/2016/589, 12 July 2016, pa. 32 available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2016/589&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/589&Lang=E)

80 Dr Michael Knights, ‘The Future of Iraq’s Armed Forces’, Al-Bayan Center for Planning and Studies, March 2016, pp. 51-2, available at <https://www.washingtoninstitute.org/uploads/The-future.pdf>; The Washington Institute, Policywatch 2312, ‘Iran’s Expanding Military Role in Iraq’, 8 September 2014, available at <http://www.washingtoninstitute.org/policy-analysis/view/irans-expanding-military-role-in-iraq>

81 The Aviationist, ‘All Iranian Su-25 Frogfoot attack planes have just deployed to Iraq’, 1 July 2014, available at <https://theaviationist.com/2014/07/01/iranian-su-25-iraq/>

82 Almada Press, ‘Iran transfers missile technology and mortar industry and sets up production lines in Iraq’, 29 May 2016, available at <http://tinyurl.com/zjzgdor>; Almada Press, ‘Military industries seeking to establish a factory for hardware in Najaf and awaits an Iranian production lines’, 1 June 2016, available at <http://tinyurl.com/jj5avkv>; According to a now defunct Facebook page, Iraqi federal police have recently received deliveries of Safir weapon-carriers and an unknown number of Toophan and Saeqeh guided anti-tank weapons – the same mix appearing in PMU militia groups.

83 Joseph Felter and Brian Fishman, ‘Iranian Strategy in Iraq Politics and “Other Means”’, Combatting Terrorism Centre, pp. 19-25, available at <https://www.ctc.usma.edu/v2/wp-content/uploads/2010/06/Iranian-Strategy-in-Iraq.pdf>

84 For a summary of seizures, see Small Arms Survey, ‘Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq and Somalia’, Chapter 10, p. 320, available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2012/eng/Small-Arms-Survey-2012-Chapter-10-EN.pdf>, pp. 317-29.

supplies from Iran into Iraq by land; there is evidence of Iranian convoys transporting Iranian military equipment across this section of the border.<sup>85</sup> The provision of conventional arms and other military support by Iran directly to the PMU militia groups risks rendering Iran complicit in war crimes.



*PMU militia deploying a Safir light tactical vehicle with an M40A1-type recoilless gun.*

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<sup>85</sup> See, for instance, Uskowi on Iran, '[Iran-led coalition weapons & equipment: Battle of Tikrit](http://www.uskowioniran.com/2015/03/iran-led-coalition-weaponry-equipment.html?view=mosaic)', available at <http://www.uskowioniran.com/2015/03/iran-led-coalition-weaponry-equipment.html?view=mosaic>; Green Lemon, '#Iraq A convoy of 3 BTR-50PK w/ Iranian camouflage pattern in eastern Iraq transported by Tehran based Azadegan co.', 29 January, 2016, available at [https://twitter.com/green\\_lemonnn/status/693185705472872448](https://twitter.com/green_lemonnn/status/693185705472872448)

## 5.4.1 IRANIAN MILITARY EQUIPMENT IN USE BY PMU MILITIAS

Verified photographs and footage analysed by ARES show a wide variety of Iranian equipment - both light and heavy conventional weapons and ammunition - in use by various PMU militias. The equipment includes anti-aircraft guns, rifles and light military vehicles. The following table summarizes some examples of specific Iranian items identified in the hands of known militias:

5.5 ITEM	5.6 MILITIA
Improved rocket assisted munition (IRAM)	'Asa'ib Ahl al-Haq Kata'ib Hezbollah Badr Organization Harakat Hizbollah al-Nujaba Harakat Ansar al-Aufiaa Kata'ib Sayyed al-Shuhada Liwa Ali al-Akbar Saraya Ansar al-Aqida Saraya Ashura Saraya al-Jihad Saraya al-Khorasani Saraya al-Salam
ZSU-23-4 (Shilka) self-propelled anti-aircraft gun (SPAAG) and ammunition	Badr Organization
HM20 Multi-Barrel Rocket Launcher (MBRL)	Badr Organization
Eight-round HM27 MBRL	Saraya al-Salam
Safir 4x4 light tactical vehicle <sup>86</sup>	Badr Organization 'Asa'ib Ahl al-Haq Harakat Hizbollah al-Nujaba Kata'ib Hezbollah

<sup>86</sup> While pickup trucks have been employed by PMU militias, the Safir is common, providing a visible illustration of Iran's materiel support. The first examples appeared in the hands of 'Asa'ib Ahl al-Haq and Kata'ib Imam Ali by early-July 2015. By August and September they were documented with most of the remaining militias. See ARES, [Iranian Al-Safir light tactical vehicles in Iraq](http://armamentresearch.com/iranian-al-safir-light-tactical-vehicles-in-iraq/), 9 August 2015, available at <http://armamentresearch.com/iranian-al-safir-light-tactical-vehicles-in-iraq/>

	Kata'ib Sayyid al-Shuhada Kata'ib Imam Ali Kataib Jund al-Imam Saraya Ansar al-Aqida Saraya al-Salam Saraya al-Khorasani
AM50 (Sayyad-2) anti-materiel rifle	Badr Organization Harakat Hizbullah al-Nujaba Kata'ib Sayyid al-Shuhada 'Asa'ib Ahl al-Haq Kata'ib Sayyid al-Shuhada Liwa al-Zulfiqar Saraya al-Aqida Saraya al-Khorasani Saraya al-Salam Saraya Ashura
Nasir automatic grenade launcher	Badr Organization
Dehlavieh anti-tank guided weapon (ATGW)	Farqat al-Abbas
333mm Falaq-2 rockets <sup>87</sup>	'Asa'ib Ahl al-Haq

<sup>87</sup> Falaq-1 and Falaq-2 artillery rockets have previously been documented by ARES in Syria, where they were linked to Iranian support, ARES, 'Iranian Falaq-1 and Falaq-2 Rockets in Syria', May 2014, available at <http://www.armamentresearch.com/wp-content/uploads/2014/01/ARES-Research-Report-No.-2-Iranian-Falaq-1-Falaq-2-Rockets-in-Syria.pdf>

T-72S tank <sup>88</sup>	Badr Organization
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Other Iranian equipment which ARES documented being deployed by the PMU militias includes:

- assault rifles (KL-7 models, a licensed copy of China's Type 56);
- general purpose machine guns (Type 80 GPMG);
- grenade launchers (Nasir)
- Iranian RPG-7 copies, and projectiles including the PG-7-AT; PG7-AT-1; OG-7V copies (Saeqeh);
- unguided anti-tank weapons (106 mm M40A1 type);<sup>89</sup>
- anti-tank guided weapons such as Toophan (BGM-71 type), Dehlavieh (9M133 type), and Saeqeh (M47 type);
- mortars (60 mm HM12/HM14, 81 mm HM15, and 120 mm HM16);
- 107 mm calibre rockets used by PMU militias are almost exclusively Iranian in origin, highlighting the importance of Iran to PMU supply.

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88 Oryx Blog, 'Iran's expanding sphere of influence: Iranian T-72 tanks in Iraq (2)', 13 March 2015, available at: [http://spioenkop.blogspot.co.uk/2015/03/irans-expanding-sphere-of-influence\\_98.html](http://spioenkop.blogspot.co.uk/2015/03/irans-expanding-sphere-of-influence_98.html)

89 See, for instance, BBC, 'The Badr Organization fighting against the Islamic State', 1:42, available at <https://www.youtube.com/watch?v=wylNIRKak9w>

## 5.7 PROVISION BY THE IRAQI AUTHORITIES

Prior to the formation of the PMU in 2014, militia groups were often privately funded<sup>90</sup> and, as noted above, some received direct support from Iran. Since the establishment of the PMU umbrella for militias in 2014, the Iraqi government has provided them with salaries, military equipment and other support.<sup>91</sup> The 2016 Federal State Budget allocated nearly US\$1.5 billion to the PMU and granted the Prime Minister and the Minister of Finance the ability to allocate an additional US\$2 billion to the Ministries of Defence, Interior and the PMU for capacity building and procurement of weapons.<sup>92</sup>

The Iraqi authorities have been major purchasers of weapons in recent years. Indeed, as of 2015, Iraq was the sixth largest arms importer of heavy weapons in the world. According to the Stockholm International Peace Research Institute (SIPRI), which tracks deliveries of major conventional weapons, arms exports to Iraq increased by 83% between 2006–10 and 2011–15.<sup>93</sup> Despite the fragility of the Iraqi armed forces and the known risk of diversion to armed groups including IS, more than 20 countries have supplied Iraq with arms and ammunition over the last five years, led by the USA, followed by Russia.<sup>94</sup> In 2012, Russia signed a US\$4.2 billion defence contract with Iraq which defence analysts believe includes attack helicopters, fighter aircraft, air defence systems and armoured vehicles.<sup>95</sup> According to defence industry sources, China is currently concluding a US\$2.5 billion deal for the HQ-9 long-range surface-to-air missile system, Type 99 tanks and other military equipment.<sup>96</sup>

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90 Norman Cigar, 'Iraq's Shi'a Warlords and Their Militias: Political and Security Challenges and Options', Strategic Studies Institute and U.S. Army War College Press, June 2015, pp. 6-10, available at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1272.pdf>

91 See for instance General Secretariat for the Council of Ministers, Decisions of Council of Ministers for session No. 4 in 30/9/2014, 30 September 2014, available at <http://www.cabinet.iq/ArticleShow.aspx?ID=5294>

92 See Iraqi Journal, Number 4394, 18 January 2015. The allocated budget for the Ministries of Interior and Defence is US\$8.8 billion and US\$6.2 million, respectively.

93 SIPRI, 'Trends in international arms transfers', 2015, p. 8, available at <http://books.sipri.org/files/FS/SIPRIFS1602.pdf> SIPRI data excludes small arms and light weapons; SIPRI TIV of arms imports to the top 50 largest importers, available at [http://armstrade.sipri.org/armstrade/html/export\\_toplist.php](http://armstrade.sipri.org/armstrade/html/export_toplist.php)

94 Data drawn from SIPRI Trade Indicator Value database <http://armstrade.sipri.org/armstrade/page/values.php> and the NISAT Database <http://nisat.prio.org/Trade-Database/Researchers-Database/> States include Austria, Bulgaria, Canada, China, Croatia, Czech Republic, Estonia, France, Germany, Iran, Poland, Romania, Russia, Serbia, Slovakia, South Africa, South Korea, Sweden, Ukraine, United Kingdom and United States.

95 Defense Industry Daily, Baby Come Back: Iraq is Buying, Fielding Russian Weapons Again, 1 July, 2016, available at [http://www.defenseindustrydaily.com/baby-come-back-iraq-is-buying-russian-weapons-again-07571/?utm\\_campaign=newsletter&utm\\_source=did&utm\\_medium=headline&utm\\_term=Baby\\_Come\\_Back:\\_Iraq\\_is\\_Buying,\\_Fielding\\_Russian\\_Weapons\\_Again](http://www.defenseindustrydaily.com/baby-come-back-iraq-is-buying-russian-weapons-again-07571/?utm_campaign=newsletter&utm_source=did&utm_medium=headline&utm_term=Baby_Come_Back:_Iraq_is_Buying,_Fielding_Russian_Weapons_Again)

96 Defense Industry Daily, 'China Gearing up to Export HQ-9 Anti-Air Missiles', 2 December 2016, available at [http://www.defenseindustrydaily.com/china-gearing-up-to-export-hq-9-anti-air-missiles-05319/?utm\\_medium=textlink&utm\\_term=continuereading](http://www.defenseindustrydaily.com/china-gearing-up-to-export-hq-9-anti-air-missiles-05319/?utm_medium=textlink&utm_term=continuereading)

## 5.7.1 SUPPLIES OF SMALL ARMS AND LIGHT WEAPONS TO IRAQ

The US remains the main provider of military equipment to the Iraqi army. In December 2014, the US Congress appropriated US\$1.6 billion for an Iraq Train and Equip Fund (ITEF) to support Iraq's military campaign against IS; the program includes the transfer of 38,400 M4 rifles, 1,560 M240 machine guns and 584,120, 81mm and 60mm mortars, amongst other equipment.<sup>97</sup> The latest funding request from the Department of Defense to Congress for the supply of local security forces in Anbar, Salah Ad Din, and Ninewa provinces for 2017 includes bids for 20,000 rifles, 6,000 Light Machine Guns (M240 B), 1,200 Heavy Machine Guns (M2), 2,400 shotguns and 2,400 pistols.<sup>98</sup>



*PMU fighters from the PMU militias pray as they advance near the village of Tal Faris, south of Tal Afar, on November 29, 2016 during the Mosul offensive.*

### REPORTED SALW TRANSFERS

The following countries reported small arms and light weapons exports/brokerage to Iraq to the Arms Trade Treaty annual reports on imports and exports<sup>99</sup> in 2016 and the UN Register of Conventional Arms<sup>100</sup> in 2015:

**Albania:** re-exported 78 anti-tank missiles from **China** to Iraq (ATT annual report);

97 Department of Defense, 'Justification for FY 2015 Overseas Contingency Operations ITEF', 2014, available at [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15 ITEF\\_J\\_ook\\_Final\\_November\\_20-2014.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15 ITEF_J_ook_Final_November_20-2014.pdf)

98 Office of the Secretary of Defense, Department of Defense Budget, Fiscal Year (FY), 2017 February 2016, p. 4, available at [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2017/FY17 ITEF\\_J\\_Book.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2017/FY17 ITEF_J_Book.pdf)

99 The Arms Trade Treaty annual reports, available at <http://thearmstradetreaty.org/index.php/en/resources/reporting>

100 The UN Register of Conventional Arms, available at <https://www.unroca.org/>

**Bosnia Herzegovina:** Light weapons (UNROCA);

**Bulgaria:** 1,050 light machine guns; 90 mortars of calibres less than 75 mm; 1,000 rifles and carbines (ATT annual report);

**Czech Republic:** 7 light weapons (ATT annual report);

**Germany:** 5,005 assault rifles (for KRG); 10 light machine guns (for KRG); 243 portable anti-tank missile launchers and rocket systems (KRG); 40 revolvers and self-loading pistols (KRG) (UNROCA);

**Italy:** 35,001 Revolvers and self-loading pistols; 1 rifle; 151 assault rifles (ATT annual report);

**Slovakia:** 4,835 assault rifles; 500 heavy machine guns (UNROCA);

**Serbia:** 776 mortars of calibres less than 75mm (ATT annual report);

**UK:** 550 sniper rifles; 800 light machine guns (ATT annual report).

The following countries registered transfers of small arms/light weapons and related ammunition, parts and components to Iraq worth more than US\$700,000 with the UN Commodity Trade Statistics Database (Comtrade) in 2015:

**Croatia:** \$786,066, including \$669,506 worth of small arms ammunition;

**Canada:** \$1,083,681 worth of sporting and hunting rifles;

**South Korea:** \$79,664,340 worth of small arms ammunition and \$47,119,541 worth of rocket and grenade launchers, etc.;

**Poland:** \$5,250,056 worth of small arms ammunition;

**USA:** \$8,020,962 worth of small arms ammunition, \$60,609 worth of parts and accessories of revolvers or pistols.<sup>101</sup>

In 2014, **Russia** registered with Comtrade \$6,930,000 worth of sporting and hunting rifles, along with \$3,402,500 for parts and accessories of shotguns or rifles as exports to Iraq.<sup>102</sup>

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101 UN Comtrade <http://comtrade.un.org/>; see also Nisat trade database which draws SALWs data from Comtrade, National reports and other sources <http://nisat.prio.org/Trade-Database/Researchers-Database/>. Many countries do not report to Comtrade, and the information collected only represents transfers across borders, not final destination. Some Comtrade categories contain items that are not exclusively related to SALWs, making them difficult to disaggregate. This list follows methodology outlined in Small Arms Survey 2015, Weapons and the World, Trade Update: After the 'Arab Spring', Chapter 4, p. 98, available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2015/eng/Small-Arms-Survey-2015-Chapter-04-EN.pdf> It uses the following Comtrade categories to record small arms transfers: 930100 (military weapons), 930120 (rocket and grenade launchers, etc.), 930190 (military firearms), 930200 (revolvers and pistols), 930320 (sporting and hunting shotguns), 930330 (sporting and hunting rifles), 930510 (parts and accessories of revolvers and pistols), 930521 (shotgun barrels), 930529 (parts and accessories of shotguns and rifles), 930621 (shotgun cartridges), 930630 (small arms ammunition).

102 Comtrade, available at <http://comtrade.un.org/>

## 5.8 SALW USED BY PMU WITH POTENTIAL LINKS TO RECENT AUTHORIZED TRADE

In the absence of physical evidence, including serial numbers, lot numbers and other markings – many of which are not visible in available images or have been deliberately erased from equipment – it is challenging to trace complete and precise chains of custody for the weapons and ammunition held by PMU militia groups. However, visual evidence of distinct weapon types being deployed by PMU militias suggest they originated from recent authorized transfers or diversion from transfers to the Peshmerga, the armed forces of the Kurdistan Regional Government. For example:

The Croatian-manufactured VHS-1 self-loading rifles documented in use with Farqat al-Abbas (and Shi'a militia groups operating in Syria) in 2016 are likely to have been sourced from deliveries of Croatian small arms to Iraq in late 2014.<sup>103</sup>

Two Czech Vz.58 self-loading rifles documented in use in 2016 by Farqat al-Abbas and Saraya al-Salam<sup>104</sup> may have been sourced from a donation of 6,000 Vz.58 rifles to Iraq by the Czech Republic in 2016.<sup>105</sup>

The Russian-made Orsis T-5000 rifles sighted in March 2014 being deployed by 'Asa'ib Ahl al-Haq, a group accused of abductions, killings and torture targeting Sunni men and boys.<sup>106</sup> These rifles may have been sourced from recent Russian deliveries to the Iraqi army.<sup>107</sup>

Sightings of Bulgarian MQ-1M PK machine guns manufactured by Arsenal, being deployed by the PMU may have originated from the 9,859 light machine guns delivered to Iraq by Bulgaria from 2008-11;<sup>108</sup> a 152 mm D-20 artillery gun in the hands of the PMU was likely sourced from 18 which were supplied by Bulgaria to Iraq in 2014.<sup>109</sup>

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103 ARES, 'Croatian VHS-D1 rifle in Syria', 8 October 2015, available at <http://armamentresearch.com/croatian-vhs-d1-rifle-in-syria/>

104 While Saraya al-Salam initially distanced itself from the PMU structure, the group has pledged to operate under Iraqi security forces command in the fight against IS, see the Jamestown Foundation, 'Iraq's Shia Militias: Helping or Hindering the Fight Against Islamic State?', 29 April 2016, available at <https://jamestown.org/program/iraqs-shia-militias-helping-or-hindering-the-fight-against-islamic-state/#sthash.R5QV2gJW.dpuf>

105 IHS Janes, 'Czech republic to donate vz. 58 assault rifles to Iraq', 26 January 2016, <http://www.janes.com/article/57476/czech-republic-to-donate-vz-58-assault-rifles-to-iraq>

106 See Chapter 2.

107 Although Russia has not officially admitted supply, Spanish military advisors have been training Iraqi Army in the use of the Orsis T-5000, which is a modern weapon introduced in 2011, see 'Spain trains Iraqi Armed Forces to operate Russian rifles', [http://rbth.com/news/2016/07/07/spain-trains-iraqi-armed-forces-to-operate-russian-rifles\\_609567](http://rbth.com/news/2016/07/07/spain-trains-iraqi-armed-forces-to-operate-russian-rifles_609567); the Orsis T-5000 may have been delivered as a part of a \$4.2 billion arms deal signed between Russia and Iraq in 2013, see Defense Industry Daily, 'Baby Come Back: Iraq is Buying, Fielding Russian Weapons Again', 1 July 2016, available at [http://www.defenseindustrydaily.com/baby-come-back-iraq-is-buying-russian-weapons-again-07571/?utm\\_campaign=newsletter&utm\\_source=did&utm\\_medium=headline&utm\\_term=Baby+Come+Back:+Iraq+is+Buying,+Fielding+Russian+Weapons+Again](http://www.defenseindustrydaily.com/baby-come-back-iraq-is-buying-russian-weapons-again-07571/?utm_campaign=newsletter&utm_source=did&utm_medium=headline&utm_term=Baby+Come+Back:+Iraq+is+Buying,+Fielding+Russian+Weapons+Again) See also, ARES, 'Iranian AM50 and Russian ORSIS T-5000 rifles in Iraq', 29 May 2014, available at <http://armamentresearch.com/iranian-am50-and-russian-orsis-t-5000-rifles-in-iraq/>

108 See Bulgaria's reports to the UN Register of Conventional Arms, 2008, 2009 and 2011: <https://www.unroca.org/bulgaria/report/2008/>; <https://www.unroca.org/bulgaria/report/2009/>; <https://www.unroca.org/bulgaria/report/2011/>

109 Stockholm International Peace Research Institute (SIPRI) trade register available at [http://armstrade.sipri.org/armstrade/page/trade\\_register.php](http://armstrade.sipri.org/armstrade/page/trade_register.php)

G36 series self-loading rifles documented being deployed by Saraya al-Salam in 2015 may have been sourced from a delivery of 8,000 Heckler and Koch rifles<sup>110</sup> from Germany to the Peshmerga in late 2014, as could Rheinmetall MG3 general purpose machine guns in use by Farqat al-Abbas, indicating possible diversion from transfers to the Kurdistan Regional Government.

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110 See Germany's report to the UN Register of Conventional Arms for 2014, available at <https://www.unroca.org/germany/report/2014/>

## 5.9 US EQUIPMENT IN USE BY PMU MILITIAS

Joint military operations and potential sharing or loaning of equipment means that tracking which specific unit is using specific types of equipment is complex. According to a heavily redacted Quarterly Progress Report from the US Department of Defense examining compliance under Section 1236 (Iraqi Train and Equip Fund), released in April 2016, the US and coalition forces “do not accompany ISF units on operations”, making it impossible for US authorities to document equipment use in conflict zones.<sup>111</sup> However, visual evidence suggests US equipment is being deployed by a variety of PMU militias accused of serious human rights violations.

While it is difficult to verify if armoured vehicles flying militia flags are under the control of any given group, footage of a Kata’ib Hizbullah military convoy shows a range of US-manufactured military vehicles including an M1 Abrams tank, M113 armoured personnel carriers, Humvees, and Mine-Resistant Ambush Protected vehicles (MRAP).<sup>112</sup> Amnesty International has documented serious human rights violations committed by Kata’ib Hizbullah, including extrajudicial executions and other unlawful killings, in the context of the operation to retake Falluja from IS.<sup>113</sup> The US Department of State designated Kata’ib Hizbullah as a foreign terrorist organisation on 2 July 2009.<sup>114</sup>

The Badr Organization, which has committed widespread violations across the Governorate of Diyala, has been photographed posing alongside a US M1 Abrams tank.<sup>115</sup> Unverified footage released by the PMU also shows the deployment of a M1A1 Abrams tank during the assault on Ramadi in March 2016.<sup>116</sup> According to one report, a US M1A1 Abrams tank was delivered to a US service facility in Baghdad, repurposed with a Russian machine gun using Iranian ammunition, contrary to US end user agreements.<sup>117</sup> Between 2010 and 2012, the US sold 140 refurbished M1A1 Abrams tanks to the Iraqi army.<sup>118</sup>

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111 US Department of Defense, ‘Section 1236 Report: Department of Defense (DoD) Quarterly Progress Report on the Authority to Provide Assistance to Counter the Islamic State of Iraq and the Levant (ISIL)’, Derived From: USCENTCOM Classification Guide, CCR 380-14, available at <https://www.scribd.com/document/319936550/DOD-Section-1236-Report-ITEF-Sep-Dec-2015>

112 The Long War Journal, ‘Iraqi Shi’a militias show US-made equipment on road to Samarra’, 4 March 2016, available at <http://www.longwarjournal.org/archives/2016/03/iraqi-shia-militias-show-us-made-equipment-on-road-to-samarra.php>

113 See Chapter 2.

114 US Department of State, ‘Designation of Kata’ib Hizbullah as a foreign terrorist organization’, 2 July 2009 available at <http://www.state.gov/r/pa/prs/ps/2009/july/125582.htm>

115 The Long War Journal, ‘Badr Organization fighters pose with us M1 Abrams tank’, 12 July 2015, available at <http://www.longwarjournal.org/archives/2015/07/badr-organization-fighters-pose-with-us-m1-abrams-tank.php>

116 The Telegraph, ‘Iraqi militia release Gopro footage of tank battles in Ramadi’, 2 March 2016, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/12180822/iraqi-militia-release-gopro-footage-of-tank-battles-in-ramadi.html>

117 Defense News, ‘Iraqi forces add Russian guns to us tanks for ISIL fight’, 16 October 2015, available at <http://www.defensenews.com/story/defense/2015/10/15/iraq-russian-gun-iranian-ammo-found-us-origin-tank/73999398/>

118 IHS Janes, ‘Iraqi Abrams losses revealed’, 20 June 2014, available at <http://www.janes.com/article/39550/iraqi-abrams-losses-revealed>



*M249 light machine gun, with US inventory control sticker, ARES CONMAT Database*

Other US-made equipment in the hands of PMU militias includes artillery guns, small arms and light weapons. According to a photograph taken on 7 March 2015, on the outskirts of Ad-Dawr, north of Baghdad, US-supplied M198 howitzers are operating under the flag of Kata'ib Hizbullah.<sup>119</sup> US equipment delivered to the Iraqi army post-2014, including M16-pattern rifles still bearing US government-applied inventory stickers, has been photographed in the hands of the Badr Organization and the Saraya al-Khorasani.<sup>120</sup>

Images assessed by ARES show US-made licensed Swedish Saab AT4 light unguided anti-tank weapons being deployed by Farqat al-Abbas since at least July 2015, possibly sourced from a reported delivery of 2,000 items announced in May 2015.<sup>121</sup> The US-made Mk 19 automatic grenade launcher also in use by Farqat al-Abbas may have been sourced from US transfers to Iraq of 1,000 launchers in 2015 or 144 in 2008.<sup>122</sup> According to images assessed by ARES, Kata'ib Hizbullah operates four US-made 155 mm M198 howitzers; with Farqat al-Abbas operating two US M109A5 self-propelled howitzers. Both types were transferred by the US to the Iraqi army in 2011.<sup>123</sup>

Senator Patrick Leahy of Vermont, author of the Leahy Law (see below) has told the Washington Post that: "It increasingly seems like end-use monitoring is more of a goal than a reality... Not enough policy concern is being placed on the real likelihood that U.S. foreign military funds to the Iraqi government are enabling Iranian-backed militia forces".<sup>124</sup>

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119 Taken by Ahmad al-Rubaye for Getty images.

120 ARES observations, including several examples in CONMAT database.

121 Reuters, 'U.S. to deliver 2,000 anti-tank weapons to Iraq', Pentagon says, 23 May, 2015, available at <http://www.reuters.com/article/us-mideast-crisis-iraq-arms-iduskbn0o62bh20150521>

122 See US Defense Security Cooperation Agency, 'Iraq - M1151A1 up-armored high mobility multi-purpose wheeled vehicles', 19 December 2014, <http://www.dsca.mil/major-arms-sales/iraq-m1151a1-armored-high-mobility-multi-purpose-wheeled-vehicles>; DSCA, Iraq - light armored vehicles, 30 July, 2008, <http://www.dsca.mil/major-arms-sales/iraq-light-armored-vehicles>

123 44 M-109A5 155mm were delivered 2011; and 120 M-198 155mm towed guns were delivered between 2011 and 2013 according to the Stockholm International Peace Research Institute (SIPRI) trade register available at [http://armstrade.sipri.org/armstrade/page/trade\\_register.php](http://armstrade.sipri.org/armstrade/page/trade_register.php)

124 Washington Post, 'Tracking U.S. weapons grows harder in the fog of Iraq's fragmented war', 26 March 2015, available at [https://www.washingtonpost.com/world/national-security/tracking-us-weapons-grows-harder-in-the-fog-of-iraqs-fragmented-war/2015/03/26/5d94e7a4-d313-11e4-a62f-ee745911a4ff\\_story.html](https://www.washingtonpost.com/world/national-security/tracking-us-weapons-grows-harder-in-the-fog-of-iraqs-fragmented-war/2015/03/26/5d94e7a4-d313-11e4-a62f-ee745911a4ff_story.html)

## 5.10 POOR STOCKPILE MANAGEMENT

Serious questions remain about the capacity and will of the Iraqi authorities to secure and manage incoming military stocks. Poor stockpile management makes the risk of diversion from Iraqi army stockpiles substantial.

According to a 2015 report by the Inspector General of the US Department of Defense assessing ITEF, the Iraqi authorities lack even basic stockpile management processes. The report found that US personnel at the Taji National Depot “did not have accurate knowledge of the contents of individual supply warehouses under Iraqi control at that location or at other locations throughout Iraq. In some cases, even the IA [Iraqi Army] did not know what supplies were present.”<sup>125</sup>

The report found that the Iraqi army had reverted to an unsearchable manual, paper-based inventory system for tracking equipment, meaning that “finding such items in the warehouse complex was dependent on the knowledge and memory of individual warehouse workers.” Equipment which had never been inventoried was stored in the open in shipping containers. As of 1 June 2015 there had been deliveries of 32 million rounds of rifle and machine gun ammunition, with deliveries of a further 105 million rounds awaiting final approval. Yet Iraqi units in Coalition training sites reported shortages of ammunition.<sup>126</sup> In relation to arms being supplied to PMU militias, the report concluded that: “we cannot eliminate the possibility that various factions of the Popular Mobilization Forces that the U.S. has not agreed to support are being armed/supplied with material that the IA needs from those warehouses.”<sup>127</sup>

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125 Inspector General US DoD, ITEF assessment, September 2015, available at <http://www.dodig.mil/pubs/documents/DODIG-2015-177.pdf>

126 Inspector General US DoD, ITEF assessment, pp. 13-14. According to one assessment, there are still “hundreds of millions of dollars of pre-2011 U.S.-provided military equipment sitting in warehouses in Taji in crates”, Dr Michael Knights, ‘The Future of Iraq’s Armed Forces’, Al-Bayan Center for Planning and Studies’, March 2016, p. 49, available at <https://www.washingtoninstitute.org/uploads/The-future.pdf>

127 Inspector General US DoD, ITEF assessment, p. 15.

# 6. SUPPLIER STATES' RESPONSIBILITIES UNDER INTERNATIONAL LAW

All states have responsibilities to control the transfer<sup>128</sup> of arms and in certain circumstances are obligated to do so. States have legal obligations under the UN Charter, customary international law, treaty law and aspects of international criminal law. Often domestic law or other regulations prohibit transfers where there is a substantial risk that arms will be used to commit or facilitate serious violations of international human rights or humanitarian law.

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128 "Transfer" refers to international trade as per Arms Trade Treaty Art. 2.2 definition: "For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as "transfer"." Available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

## 6.1 THE ARMS TRADE TREATY

Under the recently adopted Arms Trade Treaty (ATT), States Parties must prohibit a transfer of conventional arms in certain circumstances. Such circumstances include situations in which an arms transfer would violate UN Security Council Chapter VII measures (including arms embargoes), or a State Party's existing relevant obligations under international agreements to which it is a party, or if a State has knowledge those arms would be used for genocide, crimes against humanity or war crimes. States Parties must not authorize the export of conventional arms if there is an overriding risk they could be used to commit or facilitate serious violations of international human rights or humanitarian law. These obligations are elaborated in Articles 6 and 7 of the treaty, respectively.

States which have signed, but not ratified or acceded to, the ATT must not take any action that would undermine the object and purpose of the treaty outlined in Article 1,<sup>129</sup> which include establishing “the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms”, eradicating “the illicit trade in conventional arms and prevent their diversion” for the purpose of “contributing to international and regional peace, security and stability”, “reducing human suffering” and “promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms...”<sup>130</sup>

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129 Arms Trade Treaty, Article 1, Object and Purpose, p. 3, available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>; Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969, Article 18, available at <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>

130 See Arms Trade Treaty, <http://www.un.org/disarmament/ATT/>. For a full interpretation of the ATT and for its application, see Amnesty International, “Applying the Arms Trade Treaty to ensure the protection of human rights (Index: ACT 30/003/2015), pp. 4-5, available at <https://www.amnesty.org/download/Documents/ACT3000032015ENGLISH.PDF>

## 6.2 NATIONAL AND REGIONAL LAWS AND REGULATIONS

Many states and regions have built legal restrictions or regulations on the transfer of conventional arms, prohibiting transfers of arms which risk being used to commit or facilitate serious human rights violations.

In the **USA**, for instance, provisions in the Leahy Law, first introduced in 1997 and subsequently incorporated into the Foreign Assistance Act, halt assistance - including weapons, funding and training - to military units credibly linked with gross human rights violations. The law is, however, subject to a waiver when required “by extraordinary circumstances”.<sup>131</sup> One of the goals of The United States Conventional Arms Transfer Policy is to ensure “that arms transfers do not contribute to human rights violations or violations of international humanitarian law.” Three of the criteria that must be taken into account are:

“The risk that significant change in the political or security situation of the recipient country could lead to inappropriate end-use or transfer of defense articles.

The human rights, democratization, counterterrorism, counterproliferation, and nonproliferation record of the recipient, and the potential for misuse of the export in question.

The likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law, retransfer the arms to those who would commit human rights abuses or serious violations of international humanitarian law, or identify the United States with human rights abuses or serious violations of international humanitarian law.”<sup>132</sup>

US law also prohibits sales of military equipment to governments whose armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, recruit and use child soldiers.<sup>133</sup> Iraq is included in the 2016 Child Soldiers Prevention Act List, which is published by the US Department of State.<sup>134</sup>

The **EU** Common Position 2008/944/CFSP stipulates that EU Member States will apply eight criteria to their licensing decisions, including “respect for human rights in the country of final destination as well as respect by that country of international humanitarian law”. Under Criterion 3, Member States should “deny an export licence for military technology or equipment which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination”.<sup>135</sup> Member States must incorporate these criteria into domestic legislation.

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131 For text of the law and an overview of the vetting process, see, US Department of State, <http://www.humanrights.gov/dyn/an-overview-of-the-leahy-vetting-process.html>

132 presidential policy directive, 15 July, 2014, United States conventional arms transfer policy, Goal 10, available at <https://www.whitehouse.gov/the-press-office/2014/01/15/presidential-policy-directive-united-states-conventional-arms-transfer-p>

133 The Child Soldier Prevention Act of 2008, Section 404 (a) <http://www.state.gov/documents/organization/135981.pdf>

134 Child Soldiers Prevention Act List, Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report 2016 <http://www.state.gov/j/tip/rls/tiprpt/2016/258691.htm>

135 EU Common Position 2008/944/CFSP, available at [http://eur-lex.europa.eu/lexuriserv/lexuriserv.do?](http://eur-lex.europa.eu/lexuriserv/lexuriserv.do?Uri=OJ:L:2008:335:0099:0103:en:PDF)

Uri=OJ:L:2008:335:0099:0103:en:PDF

## 6.3 STATES' RESPONSIBILITIES UNDER INTERNATIONAL LAW

All states have responsibilities under international law to regulate the transfer of arms in certain circumstances. Where there is a substantial risk that the arms would be used to violate human rights, the supplier state would be acting contrary to its positive obligation to co-operate towards universal respect for human rights set out in the UN Charter and enshrined in the Universal Declaration of Human Rights. All UN members are bound by an obligation in Article 56 of the UN Charter "to take joint and separate action in co-operation with the Organization [the UN] for the achievement of the purposes set forth in Article 55".<sup>136</sup> These purposes include "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".<sup>137</sup> In addition, Article 28 of the Universal Declaration of Human Rights states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".<sup>138</sup>

States have obligations not to render assistance towards the commission of genocide, war crimes and crimes against humanity. In fact, they should prevent such crimes, and, when they are in a position to do so, stop arms transfers which facilitate the commission of these crimes.<sup>139</sup> Based on principles of criminal responsibility under international criminal law, individuals can be held criminally responsible for providing necessary means (such as weapons, ammunition and financial support) for the commission of crimes under international law where their conduct amounts to aiding, assisting, abetting or otherwise facilitating those crimes.<sup>140</sup>

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136 Article 56 of the UN Charter, available at [www.un.org/en/sections/un-charter/chapter-ix/index.html](http://www.un.org/en/sections/un-charter/chapter-ix/index.html)

137 Article 55(c) of the UN Charter, available at [www.un.org/en/sections/un-charter/chapter-ix/index.html](http://www.un.org/en/sections/un-charter/chapter-ix/index.html)

138 Universal Declaration of Human Rights, available at [www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

139 International Law Commission, Articles on State Responsibility for Internationally Wrongful Acts, Article 16, available at [http://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf)

140 Article 25(3)(c) of the Rome Statute of the International Criminal Court; Prosecutor v Charles Taylor, Special Court for Sierra Leone, Judgment of 18 May 2012; Prosecutor v Momcilo Perisic, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 28 February 2013; Prosecutor v Mile Mrksic et al, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 5 May 2009.

## 6.4 THE PREVENTION OF DIVERSION

According to the UN Office for Disarmament Affairs (UNODA), “the prevention of diversion is one of the cornerstones of the ATT. The goal of preventing weapons from reaching illicit hands or those who systematically misuse them could not be achieved with trade regulation alone, without a serious effort to prevent and combat diversion.” Under Article 11 of the ATT States Parties are required to take preventive measures to combat diversion: “through its [their] national control system... by assessing the risk of diversion of the export and considering the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.” Other prevention measures may include, “examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures.” Article 11 of the ATT covers all states through which an arms transfer would take place, meaning that the obligation to take measures to prevent diversion applies to all States Parties involved in the import, export, transit, trans-shipment, and brokering activities of an arms transfer.

Under Criterion 8 of the EU Common Position 2008/944/CFSP, EU member states must take into account the “existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions”; one of the factors member states must take into account when applying criterion 8 is “the capability of the recipient country to apply effective export controls.”<sup>141</sup>

Most states do formally assess the risk of diversion through their national control systems; some states carry out limited post-shipment controls. The USA, for example, undertakes licencing restrictions and post-shipment verification through the Blue Lantern programme.<sup>142</sup> Other states carry out limited end-use monitoring in situ through diplomatic missions; Germany is setting up a post-delivery verification programme and Switzerland carries out some on-site inspections.<sup>143</sup>

On 26 September 2016 Amnesty International wrote to both the US Department of Defense and the State Department presenting its findings and seeking clarifications on specific measures on the monitoring end-user agreements in Iraq; measures put in place for the prevention of unauthorized diversion; and vetting procedures for units in receipt of US arms. At the time of writing, Amnesty International had not received a reply.

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<sup>141</sup> EU Common Position 2008/944/CFSP, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:en:PDF>, Criterion 7, 7 (c).

<sup>142</sup> For a summary of US arms control measures in place, see the ATT Baseline Survey, available at <http://www.armstrade.info/countryprofile/united-states/>

<sup>143</sup> See, GRIP, Containing Diversion: Arms end-use and post-delivery controls, April 2016, available at [http://www.grip.org/sites/grip.org/files/RAPPORTS/2016/Rapport\\_2016-4\\_EN.pdf](http://www.grip.org/sites/grip.org/files/RAPPORTS/2016/Rapport_2016-4_EN.pdf)

# 7. CONCLUSIONS AND RECOMMENDATIONS

Iraq has become an emblematic case of the dangers of arms proliferation and irresponsible arms transfers. Successive attempts by Iraq and other states to solve security crises have flooded the country with small arms and light weapons, mortars, artillery systems, armoured fighting vehicles and larger conventional weapons. Mismanagement of weapons stockpiles, unauthorized arms transfers and direct Iraqi and Iranian state support have led to the growth of well-armed paramilitary militias, many of which are committing serious violations of international human rights and humanitarian law with complete impunity, exacerbating sectarian tensions and undermining the rule of law.

This report, based on extensive fieldwork and expert review of authenticated photographs and videos, has shown that paramilitary militias operating under the PMU have access to a broad range of small arms, munitions and armoured vehicles. While the inventory is eclectic, the existence of modern manufactured arms point towards the deployment of recently authorized transfers to the Iraqi army. Iran continues to directly supply PMU militias with arms and logistical support, facilitating a catalogue of serious human rights violations.

While Iraqi authorities have the right and duty to protect civilians in their territory, they must do so in a manner that respects the human rights of all without discrimination. Further proliferation of weapons to unaccountable armed militias will lead to yet more serious human rights violations and sectarian strife, and diminish the prospects for reconciliation and security in the longer term. Unless the Iraqi authorities and those states supplying and supporting the Iraqi military can control both the distribution and use of military supplies in line with established international law and standards, further serious violations and more instability are inevitable.

Given the gravity of violations carried out by the PMU militias, supplier states must adopt a “presumption of denial” rule on the transfer of arms and other military assistance to the Iraqi armed forces, including the

PMU militias, meaning that they should not transfer any arms except when strict criteria are met. In particular, the Iraqi military unit designated as the end-user of the arms in question must demonstrate that it can act consistently with full respect for international human rights and humanitarian law and that it is fully under the effective command and control of the Iraqi armed forces and subject to rigorous accountability mechanisms.

End user certificates must include explicit guarantees that no arms supplies to the Iraqi armed forces are passed on to PMU militias that are not fully integrated into the armed forces' command and control, and being adequately controlled and held accountable. Ultimately, if there remains a serious risk that arms or military assistance provided to Iraq could be diverted to any end user who is likely to use them to commit or facilitate war crimes or serious violations of human rights, the transfer should not be authorized.

The Iraqi authorities should immediately subject the PMU to a robust vetting process. Those units and individuals subject to credible allegations of serious human rights violations should not take part in military operations until thorough, impartial and independent investigations into all allegations have been concluded. The Iraqi authorities must rein in militias and bring them under the effective control and oversight of civilian bodies, subject to a transparent and effective command structure and clearly defined operational guidelines on the use force in line with international law and standards. Any units not subject to effective command, control and accountability mechanisms must be disarmed, demobilized and reintegrated in line with international standards.

The Iraqi authorities must invest significantly more resources in the management of military stocks, including carrying out a complete inventory of existing stocks, upgrading systems of marking, registering, cataloguing, distribution and authorisation; and investing in stockpile security to prevent theft or unauthorized use. Any pooling of military equipment must be strictly monitored for compliance with end user and end use certification to ensure it is not diverted to unauthorized end users or for unauthorized end uses.

Given its backing and support to the PMU since its inception and its official designation as part of the Iraqi armed forces since February 2016, the Iraqi government bears direct responsibility for failing to prevent and put an end to abuses committed by paramilitary groups. At the highest level of the state, they must unequivocally condemn violations carried-out by PMU, acknowledging their scale and seriousness, and send a signal that such violations will no longer be tolerated.

Amnesty International is making the following recommendations:

## **7.1 TO STATES THAT HAVE BEEN SUPPLYING ARMS TO IRAQ:**

Adopt a “presumption of denial” rule on the transfer of arms and other military assistance to the Iraqi armed forces, including the PMU militias, meaning that they should not transfer any arms except when strict criteria are met. In particular, the Iraqi military unit designated as the end-user of the arms in question must demonstrate that it can act consistently with full respect for international human rights and humanitarian law and that it is fully under the effective command and control of the Iraqi armed forces and subject to rigorous accountability mechanisms.

Carry out rigorous risk assessments, unit vetting and post-delivery monitoring to verify all recipients are operating consistently with full respect for international human rights and humanitarian law, and end user certificate restrictions are being honoured.

Cease all transfers of arms, munitions and other military equipment, technology or assistance to PMU militias while they remain outside the effective command and control of the Iraqi armed forces, and to other units implicated in the commission of serious human rights violations and violations of international humanitarian law.

Insist that the PMU militias are brought under the effective command and control of the Iraqi armed forces and are subject to rigorous accountability mechanisms, or are disarmed, demobilized and reintegrated in line with international standards.

Work with the Iraqi authorities to strengthen stockpile security management and security, including secure storage, registration, marking and inventorying all military materiel and thoroughly cataloguing the substantial backlog of unaccounted for military stocks.

Iran must abide by UN Security Council resolution 2231, Annex B: Statement, 6 (b), and prevent “the supply, sale, or transfer of arms or related materiel from Iran” unless the transfer receives prior approval from the UN Security Council.<sup>144</sup>

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144 UN Security Council Resolution 2231 (2015) Adopted by the Security Council at its 7488th meeting, on 20 July 2015, Annex B: Statement, 6 (b), p. 101 in force for five years following the adoption of the Joint Comprehensive Plan of Action on 18 October 2015 available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2231\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2231(2015))

## **7.2 TO THE IRAQI AUTHORITIES:**

Immediately implement effective command and control over paramilitary militias by Iraqi armed forces, and establish effective oversight and accountability mechanisms by civilian bodies. Any units not subject to effective command, control and accountability mechanisms – including the PMU – must be disarmed, demobilized and reintegrated (DDR) in line with international standards.

Establish an independent vetting mechanism to screen out militia members or other individuals who are reasonably suspected of having committed or participated in crimes under international law or other serious human rights abuses, pending investigation and prosecution.

PMU militias subject to credible allegations of serious human rights violations should not take part in military operations or control or have access to checkpoints or detention facilities until thorough, impartial and independent investigations into all allegations have been concluded.

Exercise greater due diligence for monitoring, managing, distributing and using conventional arms imported for the Iraqi armed forces and police.

Provide detailed public information on the relationship between the Iraqi army and civilian authorities and the PMU in terms of day to day chain of command responsibilities, weapons distribution, arrangements for pooling equipment, training and logistical support as well statistics on the number of individuals fighters and militias forming part of the PMU and its state allocated budgets, to ensure all arms and military assistance are managed and used lawfully.

Conduct prompt, thorough, impartial and independent investigations into allegations of torture, enforced disappearances, abduction, extrajudicial executions and other unlawful killings, including by members of the PMU, with a view to establishing the fate and whereabouts of the disappeared, granting victims and survivors adequate reparation and bringing those suspected of criminal responsibility to justice in fair trials without recourse to the death penalty. Pending the outcome of investigations and prosecutions, all those reasonably suspected of committing abuses should be suspended from duty.

At the highest level of the state, publicly acknowledge the scale and gravity of war crimes and other human rights violations committed by militias, condemning them unequivocally and making clear that all those responsible for murder, torture, enforced disappearance and other crimes under international law will be prosecuted, regardless of rank and affiliation.

## **7.2.1 THE MANAGEMENT OF ARMS SUPPLIES**

Invest more resources to ensure arms stockpiles and holdings are secure, including for the marking, registration, authorisation and distribution of arms and ammunition.

Take measures to combat corruption and the illicit trade and diversion of weapons and ammunition from within the military and police forces.

Promote and invest in measures for arms collection and destruction, stabilisation, disarmament, demobilization and reintegration relating to militias, armed groups and unauthorized end users in Iraq.

Accede to the Arms Trade Treaty and take concrete steps to effectively implement the Treaty as soon as possible.

# **ANNEX 1: THE ARSENALS OF SPECIFIC PMU MILITIAS**

# THE BADR ORGANIZATION

## DOCUMENTED EQUIPMENT OF NOTE

**Light Weapons:** Notable examples include the Nasir automatic grenade launcher (AGL), which was most recently documented in use with Badr Organization's 10th Brigade around Samara.

**Artillery:** Assessing Badr Organization's artillery strength is difficult given that their equipment makes up much of the joint forces. Nonetheless, it is likely that most of these examples remain under ultimate Badr Organization's control, even if they're being used in support of other groups.

**Armoured Fighting Vehicles (AFVs):** Assessing Badr Organization's armour strength is difficult due to joint operations and the promiscuous use of flags and other insignia by Iraqi army battalions. However, independently of joint operations, the Badr Organization still operate their own armour, including an unknown number of M113 Armoured Personnel Carriers (APCs). Some examples even employ tactical insignia. While some have been repainted, many still bear their tan paint and even tactical insignia from IA-use. Additional armour includes an unknown number of BMP-1 Infantry Fighting Vehicles (IFVs), and Caiman Mine-Resistant Ambush Protected vehicles (MRAPs).

# 'ASA'IB AHL AL-HAQ (LEAGUE OF THE RIGHTEOUS)

## DOCUMENTED EQUIPMENT OF NOTE

**Artillery:** 'Asa'ib Ahl al-Haq operates a mix of rocket and improvised rocket-assisted munition (IRAM)-type artillery. Rocket artillery includes: 107 mm Multi-Barrel Rocket Launchers (MBRL) (12-round), two 122 mm MBRL (10 & 12-round). 107 mm-based IRAM delivery systems include 2 and 4-round MBRL fitted to pickup trucks. 122 mm-based IRAM deliver systems include 2 and 6-round MBRL known as the Saeer. These have also been observed in use with conventional 122 mm munitions. 'Asa'ib Ahl al-Haq also operates a 4-round improvised MBRL known as the Karrar. It has been observed in use with both shortened and regular-sized munitions. 333 mm rocket-based IRAMs include at least one 1-round launcher known as the Zulfiqar, and a rail-based launching system.

**AFVs:** Armor includes at least one T-72M1 Main Battle Tank (MBT), six M113 Armoured Personnel Carriers (APCs), two BTR-50PK APCs, one BTR-80UP APC, and a handful of ex-police MRAPs like the International Light Armoured Vehicle (ILAV) and Reva. 'Asa'ib Ahl al-Haq's sole T-72M1 MBT can be recognised by its drab-tan colour, irregular number of turret smoke dischargers (five right, seven left). Several distinctive hand-painted markings in red and white are found on the rear hull.

Most of 'Asa'ib Ahl al-Haq's documented M113 APCs have been up-armoured in a distinct fashion, illustrating the variation encountered with workshop-level production, even among seemingly identical modifications. Examples are armed with light weapons including DShKM and M2 type heavy machine guns, Nasir AGLs, and 2A14 autocannon. One M113 is even fitted with a remote weapons station (RWS) of unknown origin. Ex-IA M113 APCs are known to have been in 'Asa'ib Ahl al-Haq service since at least November 2014.

'Asa'ib Ahl al-Haq operates at least two BTR-50PK APCs provided by Iran's IRGC, which can be recognised by their distinctive two-tone tiger-stripe camouflage. Examples are armed with 2A14 cannon in flying-saucer shaped turrets.

# KATA'IB HIZBULLAH (HIZBULLAH BATTALIONS)

## DOCUMENTED EQUIPMENT OF NOTE

**Light Weapons:** Notable light weapons include 40 mm AGLs, both the US-made Mk. 19 and Iranian Nasir.

**Artillery:** Artillery guns include four 155 mm M198 and two 130 mm Type 59-1. IRAMs include Ashtar and Karrar rockets.

**Armoured Fighting Vehicles:** Kata'ib Hizbullah is lightly armoured. Only a handful of ex-IA M113 APCs are known to be in service. Examples are not generally up-armoured, but some are up-armed with one or more KPV or 2A14 type guns. At least one M113 ambulance, still emblazoned with a red crescent, has been armed with a ZU-23-2 AAA gun enclosed by an armoured turret.

# SARAYA AL-KHORASANI (KHORASAN COMPANY)

## DOCUMENTED EQUIPMENT OF NOTE

**SALW:** Notable light weapons include M40-armed Safir light tactical vehicles, and a rare confirmation of Iranian origin for Mk.2-style hand grenades.

**Artillery:** Saraya al-Khorasani employs far less artillery than other PMU militias examined by this report, reflecting their small size. They operate no known artillery guns, and only possess 107 mm rocket artillery. They employ limited numbers of 82 and 120 mm mortars.

IRAM systems include several pickup-based TELs in 122 mm calibre. Several of the specific design markers – like bolted rather than welded nosecone – are shared with Kata'ib Seyyed al-Shohada's Arkan-series, and a handful of others. At least three of these participated in the May/June 2016 assault on Falluja.

**Armoured Fighting Vehicles:** Saraya al-Khorasani employs far less armour than some of the other PMU militias examined, reflecting – again – their small size. In addition to a large number of HMMWVs, armour includes ex-Police MRAPs and at least one Type 69 tank. Possession of at least one BMP-1 is suspected, but unconfirmed.

**Other:** The group also operates several examples of one of the more popular commercial UAVs in the region, the DJI Phantom series.

# **ANNEX 2: SUMMARY OF ARMS OBSERVED BEING DEPLOYED BY IRAQI PMU MILITIAS**

The following annex is a baseline assessment of conventional arms that have been positively identified in service with PMU militia armed groups during the ongoing conflict in Iraq and Syria. The assessment was carried out by Armament Research Services (ARES) for Amnesty International. It should be noted that other conventional arms are likely to be in service with these forces, but have not yet been identified in photographs or video, or other evidence assessed by analysts. The nature of the conflict suggests that almost all arms and munitions within the region are susceptible to battlefield capture and redeployment by all sides.

# **SMALL ARMS:**

# **SELF-LOADING RIFLES**

## **AK TYPE RIFLES<sup>145</sup>**

AKM / AKMS

M70AB1 / M70AB2

Type 56 / Type 56-1 / Type 56-2

Iranian KL-7 models, a licensed copy of China's Type 56

Tabuk type (inc. Tabuk short)

PM md. 65

Wz.88

## **AR-15 TYPE RIFLES**

M16 / M4

Sig Sauer M400

Heckler & Koch G3 type rifles

FN Herstal FAL type rifles

Beretta AR70

VHS-1 series rifles

vz. 58

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<sup>145</sup> This list of AK type rifles is necessarily incomplete as many variants are in service with all parties.

## **SNIPER RIFLES & BOLT-ACTION RIFLES**

Tabuk sniper rifle

SVD type rifles

PSL

Orsis T-5000

M24

Lee-Enfield models

## **ANTI-MATERIEL RIFLES**

Craft-produced AMRs

AM50 (Sayyad-2)

Steyr HS.50

Type 99

## **MACHINE GUNS**

PK type machine guns: PKM/Type 80

RPK type machine guns: RPK, M72 and Al Quds

Type 67

Type 73

M249

MQ-1M

Rheinmetall MG3

Beretta MG 42/59

## **SUB-MACHINE GUNS**

Heckler & Koch MP5

Sa vz. 25

Sa vz. 61

## **HANDGUNS**

M9 (Beretta 92FS)

Glock types (9 x 19 mm calibre)

HS Produkt types (9 x 19 & .45 mm calibre)

1951 Beretta "Tariq"

PM

## **SHOTGUNS**

Civilian break-action, pump-action, and semi-automatic types

Derya Anakon

# **LIGHT WEAPONS:**

7.2.2

## **HEAVY MACHINE GUNS**

DShK

DShKM

KPV/KPVT

M2

M2HB

## **AUTOMATIC CANNON/ANTI-AIRCRAFT GUNS**

2A14

Type 69

ZU-23-2

M1939 (61-K; Soviet)

Chinese Type 65

## **GRENADE LAUNCHERS**

UBGL-M7

Nasir

Mk.19

B&T GL06

AGS-17

M203

GP-25

## **UNGUIDED ANTI-TANK WEAPONS**

SPG-9

Saab AT4 (Swedish-licensed US-made)

M40-type

RPG-7 type recoilless weapons

RPG-7 munitions including:

Various PG-7 copies

PG-7-AT (aka Nader)

PG-7-AT-1 (Fath)

Nader Tandem

OG-7V and copies (including Saeqeh)

DZGI-40

TBG-7

Improvised projectiles (including those based upon 82 mm mortar projectiles)

## **ANTI-TANK GUIDED WEAPONS**

Toophan<sup>146</sup>

9K135 Kornet

Dehlavieh (9M133 type)

Saeqeh (M47 type)

9M14 Malyutka

9M113 Konkurs

## **MORTARS**<sup>147</sup>

HM-12/14/15/16

M-72

82-PM-41

82-BM-37

2B11

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<sup>146</sup> PMU militias may also have access to TOW missile systems.

<sup>147</sup> Note mortars are often difficult to identify from available footage. Each militia assessed had several types in service.

Type 89

Improvised mortars

## **MAN-PORTABLE AIR DEFENCE SYSTEMS (MANPADS)**

QW-1M

QW-1/Misagh

Strela-2 series

HT-16PG (North Korea)

## **ARTILLERY SYSTEMS**

Various heavy mortars

## **ARTILLERY GUNS**

M198

D-20 type guns

GHN-45 (Austria/South Africa)

Type 83 (China)

M198 Howitzer

M109A5 Howitzer

D-30

Type 59-1

## **ROCKET ARTILLERY**

Type 63 MLRL

Improvised 107 mm launchers

BM-21 type MLRS

APR-40 (Romanian)

Improvised 122 mm launchers

HM-20

Falaq-1

Falaq-2

Various Improvised rocket-assisted munitions (IRAMs)



**AMNESTY  
INTERNATIONAL  
IS A GLOBAL  
MOVEMENT  
FOR HUMAN  
RIGHTS.  
WHEN INJUSTICE  
HAPPENS  
TO ONE PERSON,  
IT  
MATTERS TO US  
ALL.**

