

October 2017

Guilt by Association: Iraqi Women Detained and Subject to Sexual Exploitation and Abuse

Francisca Vigaud-Walsh

After the liberation of Mosul from Islamic State (ISIS) occupation in July 2017, Refugees International (RI) traveled to Iraq to examine the specific challenges faced by women and girls in the aftermath of the military operation.¹ Among the most urgent issues are the detention and sexual exploitation and abuse (SEA) of Iraqi women and girls perceived or alleged to be affiliated with ISIS by Iraqi Security Forces and other Iraqi authorities. For the security of the survivors and the humanitarians in whom they have confided, RI did not directly interview any of the affected women and girls. However, RI interviewed dozens of humanitarian actors with knowledge of violations occurring in camps in Ninewa, Salaheddin, and Anbar governorates. Based on the consistency of reporting and the experience and reputations of the actors involved, RI believes the information provided in this brief is credible and merits the concern of the government of Iraq and organizations with responsibility for humanitarian issues in the wake of military operations to defeat ISIS.

Perpetrator or Survivor?

From its inception in October 2016 through its official conclusion in July 2017, the coalition-backed operation to defeat ISIS in Mosul resulted in more than one million people displaced.² It is in the context of this ongoing displacement crisis that Iraqi Security Forces (ISF) – state security entities and government-affiliated militias – attempt to discern the perpetrators from the survivors of ISIS violence. In the case of Mosul alone – just one of multiple cities that ISF has retaken or plans to retake from ISIS – this is a mammoth undertaking. Throughout this process, the UN Refugee Agency (UNHCR) and its protection partners have observed high levels of detention³ of people perceived or alleged to be affiliated with ISIS on the basis of being sympathizers and/or as relatives (nuclear or extended family member) of an ISIS fighter or administrator.

ISF have forcibly relocated and encamped these individuals⁴ at multiple sites throughout the country.⁵ According to humanitarians RI interviewed, these sites are effectively detention camps. These displaced Iraqis, who are primarily

women and children, have their documentation seized and are disallowed freedom of movement. In some camps, Iraqi authorities have invited the humanitarian community to provide limited services, which has allowed humanitarians to witness inhumane conditions and other abuses against the detained women and children, including separated and unaccompanied minors. Actions and conditions reported to RI include verbal abuse, limited food aid, malnutrition, and denial of access to essential services such as healthcare. For example, in one (now-defunct) camp that was located in Ninewa, ten deaths were reported within the first few days of its establishment, deaths that humanitarians asserted could have been avoidable with timely and appropriate healthcare.

The humanitarian actors' knowledge about the purpose and scope of the detention camps is limited. Many humanitarians believe both the purpose and the effect of the camps is collective punishment of people who are perceived to be affiliated to ISIS. Meanwhile, some Iraqi authorities have communicated to humanitarians that the camps are a

protection measure; ISF officials assert that they are protecting individuals susceptible to attacks by other civilians who seek revenge for suffering and losses inflicted by ISIS.

Whatever the actual purpose of these camps, those held there do not appear to be benefiting from any process that might fairly determine whether they bear any criminal responsibility related to the actions of ISIS, whether they are simply

connected to ISIS members by familial links, or whether they themselves are simply survivors of ISIS-inflicted violence. Further, the confluence of the vulnerability of the women and girls detained in this manner, the limited food assistance, and control of food aid by abusive camp administrators and armed actors is a recipe for continuing human rights abuses and a humanitarian disaster.

Sexual Exploitation and Abuse in Detention

Multiple protection actors – national and international – described the exploitation of women and girls in exchange for food, non-food items (NFIs), and access to health services, as well as the operation of prostitution rings by camp authorities. These authorities include camp management, armed security guards, and military and militia personnel in and around the camps. RI cannot characterize the degree to which the SEA is systemic, but humanitarians categorized it as prevalent in known detention camps such as Al-Shahama I (Salahaddin) and the now-defunct Bartala (Ninewa).⁶ It is also known to occur in formal internally displaced persons (IDP) camps Hammam al-Alil and Jeddah (Ninewa), Kilo 18 and Habbaniya Tourist City (Anbar), all of which hold de facto detainees in addition to displaced persons, and in informal settlement sites in Al- Heet (Anbar).

- Camp management staff allegedly gave some women token amounts of Iraqi dinars after having raped them.
- A family in desperate need of medical assistance requested a pass to access an outside healthcare facility. Camp authorities allegedly told the family that clearance to leave the camp came at a price: sex with the women in the household.
- One woman was allegedly raped by several authorities in a camp, as well as by an individual brought into the camp by one of the authorities.
- At least six women allege that they have been impregnated by authorities in a camp.
- Women declined to request personal documentation they needed from camp authorities because they expected they would be asked for sex in return.

In summary, RI was told about numerous alleged cases that amount to rape, and the misuse of humanitarian assistance and access to services as tools to exploit women and girls. Ongoing SEA allegations were validated by an official with the IDP Information Centre, which is part of the United Nations Assistance Mission in Iraq. The Centre operates a call-in humanitarian helpline for IDPs who seek information and assistance. The official confirmed multiple SEA complaints have come through the helpline from many parts of Iraq and from a range of people: survivors, IDPs, International non-governmental organization (INGO) and non-governmental organization (NGO) staff members, among others.

RI was told about numerous alleged cases that amount to rape, and the misuse of humanitarian assistance and access to services as tools to exploit women and girls.

To protect the confidentiality of RI's sources and to prevent the identification of survivors, the following is only a short compilation of alleged cases of SEA reported to RI, representative of the different circumstances in which it is allegedly occurring in the aforementioned camps.

- Camp authorities forbade a humanitarian organization from distributing food aid directly and instead asserted control over the distribution process.⁷ Administrators of that same camp allegedly told a woman that if she did not 'give them' her daughter (for sex), she would not receive any food.

“It’s OK if they rape me daily, but please, I am desperate for some water.”

— *Alleged IS-affiliated woman in detention camp to an NGO staff member.*

Challenges to Reporting

The prevention of and response to SEA in these sites face significant challenges. While there is a UN Population Fund and a World Food Programme-led Prevention of Sexual Exploitation and Abuse Network in Iraq, its mandate is to focus on cases allegedly committed by aid workers. Further, women in these camps have expressed to humanitarian actors tremendous fear of formally reporting these violations. Their status as detained persons, their reliance on aid from the very perpetrators they would need to report, and worries such as public stigma, are enormous barriers. An NGO executive

director familiar with a specific case of SEA told RI that those issues could not be publicly raised because of the perception that any woman who has engaged in sex with her captors is somehow responsible for that action: “Society will think these women took a wrong way and even if it is only five people, they will think all IDPs are like this.” As for humanitarians, some fear that these cases present a ‘no-win situation’ – going public with this may lead to denial of their own access to the detention camps and could also expose them to – as one NGO put it to RI – “accusations that we are ISIS supporters.”

Efforts to Raise the Alarm

Despite these challenges, humanitarians have taken steps to raise alarm, with varying degrees of success. According to a UNHCR weekly protection update, protection actors received several reports of sexual exploitation by security officials at the Hammam Al-Alil screening site and reception center. Subsequently, “interventions were promptly made with senior military officials who took remedial action by removing one of the identified officials and imposed measures restricting officials’ access to the Reception Centre rub halls.”⁸

Similarly, after a prostitution ring in Hammam Al-Alil camp involving the army and local police was brought to the attention of the High-Level Advisory Team⁹, which is authorized to investigate violations of humanitarian principles, one camp security member was ‘rotated out’ and some authorities are reportedly in custody awaiting hearings.

“No political side has any vested interest in standing up for this community [alleged ISIS families].”

— *Iraq researcher*

RI is also aware of at least two NGOs that have submitted reports to the Iraqi Parliament’s Human Rights Committee and still await investigations to be carried out.

RI is aware of one very public example of an organization raising concerns. Incensed by the violence against women and



Al-Shahama I, Salahaddin governorate.

girls in Shahama camp specifically, the national NGO Bent Al-Rafedain Organization (BROB) released a press statement¹⁰ exhorting national and international stakeholders to be seized with this issue. Highlighting exploitation of women in food and NFI distribution processes, BROB specifically condemned the impunity with which camp administrators operate in these camps. It further stated that the absence of a confidential reporting and legal protection mechanism is directly responsible for women's silence on the matter. While the statement did receive a flurry of attention from other organizations, Iraqi authorities have yet to deliver a formal response to BROB.

Finally, on August 22, 2017, the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) released the report *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*⁹ in which they raised concern over acts amounting to collective punishment: "Women who were married to members of ISIL, with or without their consent, may be subject to discrimination and forms of collective punishment based on the suspicion of having cooperated

“In detention camps, sexual exploitation and abuse is [sic] hugely problematic as we have seen in Shahama. One can't report an incident there. They are already tarnished as ISIS families. If they tried to report, no one would bother; there is total impunity.”

— UN official

with ISIL.” While the report does not specifically cite sexual exploitation in detention camps, UNAMI and OHCHR do highlight that international human rights law requires states to exercise due diligence to prevent, investigate and prosecute such acts perpetrated by state or non-state actors, and calls for gender awareness training for Iraqi Security forces and Kurdistan Region Security forces as well as other law enforcement authorities.

Humanitarian Imperative, Humanitarian Principles

In light of both ongoing need and ongoing abuses, organizations concerned with the protection of Iraqi internally displaced people (IDPs) are currently debating whether humanitarian agencies should provide services in these de facto detention camps. This is proving to be a contentious issue: some organizations believe that no aid should be provided under any circumstances, and others prefer a case-by-case analysis approach. For its part, the Protection Cluster (a UN coordinating body in Iraq that focuses on rights protection) cautioned partners against providing services in Bartala while it was open.¹¹ At the same time, RI was told that the UN Office for the Coordination of Humanitarian Affairs (OCHA) queried some organizations on whether they

would be willing to provide services in another detention site in Ninewa. The debate reflects the inherent tension between providing life-sustaining support and signaling tacit endorsement of conditions that are abusive. Although the Protection Cluster is in the process of developing suggested parameters for humanitarian intervention, with contributions from its members, the humanitarian community in Iraq has not yet presented a unified position. If and when a guidance note is adopted, it will be a non-binding document. Finally, and perhaps most importantly, the leadership of the Humanitarian Country Team (HCT) and the Office of the Prime Minister are currently working on a protocol for “ISIS families” camps.

Recommendations

The right to humane treatment is at the core of International Humanitarian Law, and all civilians in Iraq, regardless of their perceived or alleged affiliations, are entitled to access to safety, security, and humanitarian assistance. It is first and foremost the responsibility of the Government of Iraq to provide adequate water, food, sanitation and protection to Iraqis displaced by ISIS and counter-offensive operations. Where the government is unwilling or unable to do so, the

humanitarian community has the responsibility to provide such assistance, but for it to engage, it must be certain that it is not contributing to the detention and/or exploitation of those in de facto detention camps.

With the support of the Protection Cluster, the HCT must lay out the conditions necessary for the delivery of any humanitarian support. As the HCT engages with the

Office of the Prime Minister during the development and implementation of the protocol, RI makes the following recommendations:

- The Government of Iraq must:
 - Ensure that all persons under its jurisdiction be treated humanely, enjoy access to basic goods and services, free from exploitation and abuse;
 - Hold perpetrators accountable for the sexual exploitation and abuse of displaced women and children;
 - Direct its Ministry of Displacement and Migration (MoDM) to provide organizations with protection, gender-based violence (GBV) expertise, and unfettered access to all camps immediately; the GBV Sub Cluster, the humanitarian GBV coordination body, must coordinate the provision of GBV prevention and response services across all sites; and
 - Ensure that all those in de facto detention are provided the substantive and procedural safeguards of international human rights and humanitarian law, so that they are not subject to indefinite and arbitrary detention.
 - The UN Assistance Mission in Iraq/UN Office of the High Commissioner for Human Rights, the

UN Women's Protection Advisor, and the Iraqi National Operations Center should jointly launch an investigation into the arbitrary detention and sexual exploitation of people perceived or alleged to be affiliated with ISIS in camps.

- The Protection Cluster, the UN-coordinated humanitarian protection coordination body, must address sexual exploitation prevention and response in all guidance notes it produces with regards to the protection of families perceived or alleged to be affiliated with ISIS.
- Under the leadership of the United Nations Population Fund (UNFPA), the Prevention of Sexual Exploitation and Abuse Network in Iraq should introduce a reporting mechanism for all displacement sites where humanitarians are providing services.
- Coalition partners, led by the United States, must press the Government of Iraq to adopt the recommendations above (directed at the Government of Iraq), and, in particular, urge the Government of Iraq to prioritize the accountability of SEA perpetrators amongst Iraqi Security Forces.

Francisca Vigaud-Walsh and Daryl Grisgraber traveled to Iraq in July 2017.

Endnotes

1. Refugees International conducted interviews with international and national humanitarian actors, local authorities, and displaced persons in Erbil, Dohuk, Salahaddin, Baghdad, and Anbar governorates.
2. According to the International Organization for Migration's Displacement Tracking Matrix, a total of 1,021,476 displaced. <http://iraqdtm.iom.int/>
3. Mosul Weekly Protection Update (6 - 12 May 2017), *United Nations High Commissioner for Refugees*, <http://reliefweb.int/report/iraq/mosul-weekly-protection-update-6-12-may-2017>.
4. These include individuals who were forcibly displaced from their homes, as reported by Human Rights Watch in March 2017 (<https://www.hrw.org/news/2017/03/05/iraq-displacement-detention-suspected-isis-families>) in addition to newly-displaced persons.
5. Humanitarians report that these individuals perceived or alleged to be affiliated with ISIS are either detained in camps erected exclusively to house them under ISF control, or, in some cases, in regular IDP camps, but are subject to the same conditions - document seizure and no freedom of movement - in contrast to the other IDPs.
6. Bartala became notorious within a few short days. Both humanitarian and human rights organizations expressed concerns over this camp privately and publicly. Within days of its establishment, the camp was closed. Some believe that this is a direct result of advocacy while others assert Iraqi authorities were under pressure from the host community who threatened violence against Bartala's inhabitants.
7. In multiple camps, authorities have assumed the responsibility of food and NFI distribution - items that are provided by Iraqi authorities, charitable foundations, and humanitarian organizations.
8. Mosul Weekly Protection Update (6 - 12 May 2017).
9. The High-Level Advisory Team is the most senior coordinating body for matters relating to the conflict and humanitarian response.
10. Al-Ansari, Alyaa, "Mechanisms for prevention and protection from sexual violence in Salah AL-Deen camps," *Bent Al-Rafedain Organization (BROB)*, April 28, 2017, <https://www.refugeesinternational.org/brob-press-release>.
11. Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq, *United Nations Assistance Mission for Iraq and Office of the United Nations High Commissioner for Human Rights*, http://www.ohchr.org/Documents/Countries/IQ/UNAMIRReport22Aug2017_EN.pdf.
12. It is unclear to RI why the Protection Cluster urged humanitarian organizations to be particularly cautious about Bartala.