

PRO-GOVERNMENT MILITIAS IN IRAQ: A THREAT TO HUMAN RIGHTS AND STABILITY

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Introduction

The presence of militias in a country is generally associated with state failure or protracted violence.¹ Certain studies have shown that militias can have an extreme impact on human rights in particular countries.² Governments in failing states may also make use of militias. In their 2013 analysis of the global Pro-Government Militias Database, Carey et al. found that in 61 countries, an informal armed group had links with the governments within their own country.³ The literature also shows that governments have used armed groups in a wide number of contingencies, such as state failure,⁴ counter-insurgencies,⁵ coups,⁶ trans-border security policies,⁷ genocide,⁸ as well as democratisation and elections.⁹

This can be seen in the situation of Iraq. In 2014, the Iraqi army nearly collapsed fighting the Islamic state in Iraq and Syria (ISIS), unable to withstand their aggressive attacks. As a result, ISIS came to control about one-third of Iraq's territory, including the city of Mosul. The weak performance of Iraqi security forces provided an opportunity for the militia groups outside state-control to play their part in the fight against ISIS. Around the same time, a fatwa issued by the Grand Ayatollah Ali Al-Sistani, in which he called people to fight ISIS, strengthened these armed groups. They organised themselves under the umbrella of the Popular Mobilisation Forces (PMF, in Arabic "Hashd al-Shaabi"). There is no doubt that these armed groups had a very positive role in defeating the ISIS in various places and cities in Iraq, to the extent that

the Iraqi officials including prime minister praised these groups and incorporated them legally into the Iraqi security forces with the same structures.

Following the defeat of ISIS, the role of PMF groups needs to be re-evaluated, particularly given their perceived contribution to sectarian tensions and violence. Some of these groups even fought against the Iraqi government and U.S.-led coalition forces between 2003–2011. Since these pro-government militias are formally part of the Iraqi security forces, it is particularly worrisome that some are openly aligned to Iran. This allegiance makes them a proxy of neighbouring states and less committed to Iraqi national interests. Another problem with the presence of these armed groups is their track record of human rights violations and continued attacks on U.S. personnel, embassy, and military bases.

These pro-government militias will present a serious threat to state stability because of the support they receive from political and religious elites, which allows them to act with impunity on behalf of these elites. They also give priority to their private interests in dealing with security issues, which makes state oversight and control difficult.

This article attempts to address the following questions: Who are the pro-government militias in Iraq? Do they pose a threat to stability and human rights? How are they influencing the state institutions? Can be they controlled by the government?

In order to define the militias in Iraq, this study will adopt Carey et al.'s definition of a pro-government militia (PGM): "a group that is identified as pro-government or sponsored by the government (national or subnational) ..."¹⁰ This definition will help to classify these security forces in Iraq into pro-government militias, particularly the Popular Mobilisation Forces. The members of the PMF receive pensions from the Iraqi government, while benefitting from greater autonomy than regular Iraqi security forces.

Historical Background of the Militias in Iraq

The origins of many of these militias in Iraq dates back to the 1980s and 1990s, when the rivalry between Iraq and Iran was particularly intense. Shia opposition leaders and politicians left Iraq and spent years in exile in Tehran during Saddam Hussein's rule. Iran helped these dissenters establish their militias and political parties. One of them was the Badr

Organization, the most powerful armed group in Iraq, established in 1982 by Iraqis in exile with the help of the Iranians to fight Saddam Hussein. After the US invasion of Iraq in 2003, Tehran seized the opportunity to benefit from its longstanding military, political, and financial connections with the Militia groups.¹¹

Since then, several militia groups linked to Iran emerged in Iraq, advocating for Tehran's interests in Iraq. Article 9 of Iraq's 2005 constitution made clear that existing militia forces in Iraq were illegal, stating, "The formation of military militias outside the framework of the armed forces is prohibited."¹² The illegal status of these militias did not prevent some from engaging in activities against the U.S.-led coalition and the Iraqi government. Among the Shia, Jaish al-Mahdi (Mahdi Army), led by Muqtada al Sadr, continued to operate outside the framework of the Iraqi security forces. In 2004, Muqtada al-Sadr's followers launched a multi-province uprising, proclaiming "the occupation is over!" and "we are now controlled by Sadr. The Americans should stay out."¹³ As a result, from 2004 to 2007, Jaish al-Mahdi played a major role in deepening the sectarian conflict, fighting against both the Iraqi government and the US-led coalition in Iraq.¹⁴ During that time, the Islamic Revolutionary Guards Corps (IRGC) Quds Force provided Jaish al-Mahdi and other militia groups with funding, training, and weapons.¹⁵ In 2006, Asaib Ahl al-Haq (League of the Righteous, or AAH) was established with the support and guidance of the IRGC Quds Force. They emerged due to a split within the Jaish al-Mahdi, between Qais al-Khazali and Muqtada al-Sadr, the leader of Jaish al-Mahdi. AAH became an Iranian-backed Shi'a militant group, receiving up to \$2 million a month from Iran, according to Iraqi intelligence, and conducting several attacks against U.S. and Iraqi forces.¹⁶ Other militias, including the Badr Organization integrated into the federal security forces en masse. This amalgamation process allowed the Badr organisation to increase and solidify its influence among the security forces, federal ministries and, intelligence agencies.

By 2007, Basra was a haven for militias and their criminal activities. The Iraqi government had no control in the city. As a result, the Iraqi government, with U.S. support, launched major security campaigns in Basra such as Operation Saulat al-Fursan (Charge of the Knights). Jaish al-Mahdi and AAH were defeated in the operation and a large portion of AAH's core leadership was arrested by U.S. and coalition forces, including their leader Qais al-Khazali. To avoid arrest by U.S. and Iraqi forces, Muqtada al-Sadr fled to Iran. Following Jaish al-Mahdi's defeat in 2008, Sadr ordered his followers to suspend violent operations against the U.S.

and Iraqi forces.¹⁷ During this period, the Iraqi government and the U.S. were dealing with al-Qaeda in Iraq and other extremist groups, particularly in Sunni areas. To facilitate this, U.S. forces launched a campaign to mobilise local Sunni tribal forces to fight against al-Qaeda. This action was called al-Sahwah al-Sunniyah (the Sunni Awakening) or Abna al-Iraq (Sons of Iraq). By 2008, the Sons of Iraq movement included some 30 tribes, with an estimated 80,000 members.¹⁸ This counter-insurgency was successful in containing al-Qaeda, and as compensation, the movement's leaders expected to be integrated into security forces and gain political power in their areas. However, former Prime Minister Nouri al-Maliki failed to meet the movement's demands and stopped paying them regularly.¹⁹ Thus, the disgruntled leaders of the movement became easy targets for the remnants of al-Qaeda and the fore-runners of the Islamic State.

The outbreak of the Syrian civil war in 2011, the withdrawal of U.S. forces in Iraq, and the rise of ISIS in 2014, provided an opportunity for some militia groups to regain power. The context also created the ideal conditions for new militia groups to form. These groups include: Harakat Hezbollah al Nujaba, the Imam Ali Brigades, Kataib Sayyad al Shuhada, and Saraya al Salam.

ISIS: An Opportunity for Militias in Iraq

As stated above, in 2014 the Iraqi army came close to being defeated in its fight against the Islamic State, and found it difficult to withstand its attacks. Consequently, ISIS controlled about one-third of Iraq's territory, including the city of Mosul. The weak performance of the Iraqi security forces provided an opportunity for the militia groups outside state-control to play their part. Until the rise of the ISIS in Iraq in 2014, all the militias were illegal according to the Iraqi constitution; but their status and identity changed when the Grand Ayatollah Ali Al-Sistani, the leading Ayatollah in Iraq, issued a Fatwa (mentioned above) calling on all able-bodied Iraqis to defend their country from ISIS. Existing militias were very quick to seize this opportunity to reorganise and recruit new members under the umbrella of the "Hashd al-Shaabi," or Popular Mobilisation Forces (PMF).²⁰

The PMF includes almost every Shia militia in Iraq, but their allegiances are split among three main individuals: Ayatollah Ali Khamenei in Iran, Ayatollah Ali al-Sistani, and Muqtada al-Sadr. The most powerful groups within the PMF are aligned to Iran, like Asaib Ahl al-Haq, Kataib Sayyid al-Shuhada,

Kataib Hezbollah, and the Badr Brigade. Many openly pledged their loyalties to Iranian supreme leader Ali Khamenei. The second faction in the PMF includes several apolitical militias – for example Saraya al-Ataba al-Hussainiya, Saraya al-Ataba al-Alawiya, Saraya al Ataba al-Abbasiya, and Liwa' Ali al-Akbar – that pledged their spiritual allegiance to Ayatollah Ali al-Sistani. Finally, there is Saraya al-Salam, another strong militia, that is under Muqtada al-Sadr's command.²¹ Their varying allegiances and ties to non-Iraqi leaders affected state security. While formally under state control they at times have separate agendas from the Baghdad leadership. According to certain media outlets, among the 66 armed groups who constitute the PMF, 44 of them take their orders directly from Iran. Historical relations between Iran and these militias have provided an opportunity for the Iranians to involve themselves in the organisation and training of these groups.

Following the PMF's establishment in 2014, the Iraqi policy toward the militias drastically shifted. Iraqi prime minister Nuri-Al Maliki began to work with the armed forces inside the PMF and allowed them to operate in Iraq. This was considered an approval, even if unofficial, of these armed groups by Maliki, despite his earlier efforts to counter their growing influence. Furthermore, when the Iraqi army came close to collapse in June 2014, Maliki issued an official decree to establish the Commission for the PMF. This decision was in direct violation of Article 9 of the Iraqi constitution which forbids the establishment of "militias outside the framework of the Armed Forces."²² However, it was the first effort toward integrating the PMF into the state institution. The PMF Commission became a government body whose role it is to administer and manage the PMF.²³ In November 2016, the Iraqi Council of Representatives passed a special law on the legal status of the PMF, defining them as "an independent military formation as part of the Iraqi armed forces and linked to the Commander-in-Chief" (the prime minister).²⁴ The law recognised the PMF as a legal government entity. In March 2018, in order to control these armed forces, former Iraqi prime minister Haider al-Abadi issued a decree to integrate them into Iraq's traditional security forces and officially place them under the discipline of Iraq's Ministry of Defence or Ministry of Interior. PMF leaders refused the decree and proposed a counter-offer to maintain their independence from these ministries. At the time of writing, the PMF is officially an independent armed body and enjoys legal status under the National Security Council, which reports to the Prime Minister.²⁵

These legal provisions have helped empower the PMF, facilitating their ability to operate with relative impunity in Iraq. Arguably, the PMF, in

cooperation with the Iraqi Security forces, Kurdish Peshmerga forces and the international coalition, played a large role in defeating ISIS.²⁶ Following the defeat of the ISIS, questions were raised about the role of the remaining PMF in the post-ISIS Iraq, given that these armed forces had been permitted to operate in Iraq for the sake of defeating ISIS. On 22nd October 2017, former U.S. Secretary of State Rex Tillerson stated in a news conference that

Iranian militias that are in Iraq, now that the fight against Daesh and ISIS is coming to a close, those militias need to go home. The foreign fighters in Iraq need to go home and allow the Iraqi people to regain control.

The statement was a clear message that Iranian-linked armed forces, such as the Badr Organization, Asaib ahl al-Haq and Kata'ib Hezbollah, were no longer needed in Iraq.²⁷

Yet, the Iraqi government ignored Tillerson's call to disband Iranian-linked paramilitary units. At that time, Iraqi Prime Minister Haider al-Abadi announced that pro-government armed groups were Iraqi and were not Iranian proxies. Another statement by his office emphasised that the PMF "should be encouraged because they will be the hope of country and the region" and they "defended their country and sacrificed themselves to defeat the Islamic State group".²⁸ Nonetheless, since their establishment in 2014, all Iraqi prime ministers, Nuri al-Maliki, Haider al-Abadi, Adil Abdul-Mahdi and now Mustafa Al-Kadhimi, have attempted to control the PMF, placing them under the command of the Prime Minister's Office. However, these efforts have failed to rein them in because the dominant groups within the PMF, such as the Badr Organization, Asaib Ahl al-Haq and Kata'ib Hezbollah, have more symbolic and social power than the prime minister.²⁹ The Iraqi government and Iraqi leaders played a pivotal role in empowering and institutionalising the pro-government forces, but retained limited authority over them.

Pro-Government Militias and Human Rights Violations

The PMF's violations of human rights began during the first year of their operations against the ISIS. Amnesty International documented several cases of kidnapping, abductions, and unlawful killings by Shia militias in Baghdad, Kirkuk, Samara and other places. The report stated that

Shia militias ... have been taking advantage of the atmosphere of lawlessness and impunity to abduct and kill Sunni men, seemingly in reprisal or revenge for

[ISIS] attacks and at times also to extort money from the families of those they have abducted.³⁰

In 2015, Human Rights Watch published a report in which they listed the Badr Brigades, Asaib Ahl al-Haq, Kataib Hezbollah, Saraya Talia al-Khurasani, and Kataib Jund al-Imam as the worst militias in terms of brutality and criminality. The report noted that these militia forces torched, looted and destroyed hundreds of civilian houses and buildings in Tikrit and the nearby areas of Al-Bu Ajil, al-Alam and al Dur across the Tigris River, in violation of the laws of war.³¹ In May 2016, serious abuses took place during the liberation of Fallujah and Saqlawiyah, resulting in the killing of 49 Sunni men at the PMF's detainee centre in Saqlawiyah and the disappearance of 643 other Sunni men. Amnesty International reported further mass disappearances of Sunni men. Kataib Hezbollah was largely considered responsible, having an illegal detention facility in Jurf al-Sakhar, east of Razzaza.³²

Fanar Hadad argued in his 2018 study of the PMF that: “[w]hen it comes to the question of human rights violations and the [PMF], there is little room for debate: the [PMF] have undoubtedly and repeatedly committed gross human rights violations”.³³ Unfortunately, these human rights violations are rarely investigated properly by the Iraqi government. According to the 2016 legal declaration, members of these armed forces are subject to the same military justice as all other security services. Yet, this system is rarely applied to the PMF, and the Iraqi government omits to carry out proper oversight of them.³⁴ These violations are not only limited to wartime; they occurred during the 2019 and 2020 protests. Shooters from Asaib Ahl al-Haq, Kataib Sayyid al-Shuhada, Saraya Talia al-Khurasani and Badr were involved in the mass killing of unarmed protestors.³⁵ A report by Reuters noted evidence that “the snipers were elements of militias reporting directly to their commander instead of the chief commander of the armed forces ... They belong to a group that is very close to the Iranians.”³⁶ According to the Iraqi Commission for Human Rights, at least 536 people were killed and 23,545 were wounded others in those protests.³⁷

In January 2021, the US Department of the Treasury placed sanctions on the chairman of the PMF and former Iraqi National Security Advisor Falih al-Fayadh, for his connection to serious human rights abuses and involvement in suppressing the Iraqi protests that began in October 2019.³⁸ The Fatah Coalition, which represents the political front of the Shia militia groups in the Iraqi parliament, said that the designation of a government

official represented an attack on the Iraqi state itself.³⁹ Similarly the Iraqi foreign minister said the U.S. Treasury decision was “unacceptable”.⁴⁰ At the time of writing, it is not clear what the Iraqi government intends to do about al-Fayyadh’s designation. It is not the first time that the U.S. Treasury department has targeted Shia militia leaders, particularly those with close ties to Iran. Likewise, at the start of the 2019 protests, the U.S. Treasury department gave similar treatment to Qais al-Khazali, Laith al-Khazali, Husayn Falih Aziz al-Lami, all of Asaib Ahl al-Haq, for their roles in serious human rights abuse in Iraq.⁴¹

Pro-Government Militias and State Security

Militia groups pose a threat “[i]f they fill a functional hole left by the state” as this “further challenges the legitimacy of the state”. This can therefore lead to conflict, as “militias do not support state institutions” because “loyalties lie within the militia organisation”.⁴² In addition,

[a]lthough the militias in Iraq have links across the region, especially with Iran, they are essentially sub-national organisations that came into existence to protect certain groups. Yet they use violence not only for defensive or protective purposes but also in offensive ways against rivals and sectarian enemies.⁴³

By looking at the history of the militias in Iraq, it becomes evident that some of the pre-existing militias such as Asaib Ahl al-Haq and Kataib Hezbollah fought against the U.S. and Iraqi governments. For example, Asaib Ahl al-Haq claimed responsibility for over 6,000 attacks against U.S. and Iraqi forces from 2006 to 2010.⁴⁴ Generally, Iranian-aligned militias are the most powerful groups within the PMF, and in conjunction with Iran, engage in continued efforts to thwart the U.S. presence in Iraq.

Since late 2019, tensions have been high between the U.S. and Iranian-backed militias after a U.S. contractor was killed in a rocket attack on a coalition base in northern Kirkuk. U.S. Secretary of State Mike Pompeo accused Iranian-backed militias of conducting the attacks and alerted Tehran that any strikes by Iran, or proxies, that harmed Americans or allies would be “answered with a decisive U.S. response.”⁴⁵ A few days later, the U.S. conducted air strikes in Iraq and Syria against the Kataib Hezbollah – an Iran-backed Iraqi militia, resulting in the death of 25 fighters and wounding another 51 armed men. Kataib Hezbollah’s leader Abu Mahdi al-Muhandis, warned that “the blood of the martyrs will not be in vain”, and that “our response will be very tough on the American forces in Iraq.”⁴⁶ Following his statement, hundreds of members and supporters of

pro-Iranian militias, particularly Kataib Hezbollah, gathered to chant “death to America”, breaching the outer wall of the U.S. embassy in Baghdad and setting it on fire. In response, U.S. president Donald Trump angrily blamed Iran for organising the attack and said he expected Baghdad to use its security forces to protect the American compound.⁴⁷ This incident proved that Iraqi security forces were unable to stand against the militia forces, or perhaps had no intention of stopping them from attacking the U.S. embassy.

In the early hours of 3rd January 2020, the U.S. killed top Iranian military official General Qassim Soleimani – commander of IRGC’s Quds Force, along with Abu Mahdi al-Muhandis, the deputy commander of the PMF and leader of Kataib Hezbollah, in a drone strike near the Baghdad airport.⁴⁸ Following the strike, U.S. President Donald Trump stated that Soleimani was planning imminent attacks on American diplomats and military forces, but that he had been killed before such attacks could take place. He also said that Soleimani was behind recent attacks on U.S. targets in Iraq and the violent assault on the U.S. embassy in Baghdad.⁴⁹ The death of Soleimani shocked the international community, including the Iranians. This was the first time, since 2003, that the U.S. directly targeted a top Iranian commander on Iraq’s territory. For Iran, the loss of Soleimani was a major setback for its foreign policy. He was one of the most powerful and influential officials in Iran, perhaps second only to Supreme Leader Ali Khamenei. Iranian leaders, including Supreme Leader Khamenei and President Hassan Rouhani, vowed revenge for the killing. Three days of public mourning were declared in Iran, and hundreds of thousands attended Soleimani’s funeral across Iran.⁵⁰ Five days after Soleimani’s death, Iran targeted two Iraqi military bases where U.S. military forces were located. Several ballistic missiles were fired but the attack resulted in no casualties according to U.S. and Iraqi militaries.⁵¹ President Trump downplayed the attack by tweeting that “All is well!” and “So far, so good!”.⁵²

Within Iraq, popular sentiment was clear: thousands of people gathered in Baghdad and other cities to mourn the deaths of Soleimani and Al-Muhandis. Two days later, the Iraqi Council of Representatives voted to remove U.S. troops from the country, although the decision did not change the status of U.S. military forces in Iraq as it was a non-binding resolution.⁵³ Some Iraqi officials, including Iraqi prime minister Adil Abdul-Mahdi, complained that the U.S. strike on Soleimani violated Iraqi sovereignty.⁵⁴ Since then, pro-Iranian militias repeatedly fired rockets at the U.S. embassy in the Baghdad. The attacks were so frequent

that U.S. officials considered closing the U.S. embassy if the Iraqi government did not intervene and ensure the security of foreign diplomats. Attacks by the pro-Iranian militias appeared to be in retaliation for the deaths of Soleimani and Al-Muhandis, as well as an effort to expel U.S. armed forces from the country. Thus, since 2020, Iraq has become a battleground for U.S.–Iran rivalry and their proxies in Iraq.

These armed forces have become a mechanism for instability in Iraq, violating human rights on many occasions. Remaining groups of this type will pose substantial threats to Iraq's future, as these militias are not under the control of the Iraqi government nor do they take orders solely from the state. Moreover, many of the powerful armed groups within the PMF have proved that their loyalty lies with Iran, becoming a proxy for Iran's interests and strategy in Iraq.⁵⁵ Tehran is also actively working with these groups to undermine U.S. political and military interests in Iraq. Iranian-aligned militias openly demanded the full withdrawal of U.S. troops in Iraq following the assassination of Soleimani in early 2020. Iraq's Parliament issued a nonbinding resolution for withdrawing U.S. forces in Iraq.⁵⁶ At that time, the former Iraqi prime minister Adel Abdul Mahdi asked U.S. secretary of state Mike Pompeo to arrange the withdrawal of American forces, but the U.S. disregarded the Iraqi government's demand.⁵⁷ This shows that these forces not only have military leverage in Iraq, but are also engaged in the political process. It was argued that some of the PMF such as *Harakat Hezbollah al-Nujaba* and *Asaib Ahl al-Haq* are spreading their influence into Iraqi politics and the Iraqi economy, in addition to their influence in the military and security sectors.⁵⁸ Following the defeat of ISIS, pro-Iranian militias successfully transferred their military gains into political victory when they formed the "Fatah" alliance and participated in the Iraqi general elections on 12th May 2018. They won 47 seats out of the 329 seats, becoming the second largest majority in the parliament.⁵⁹ Since then, the political wing of these armed groups has participated in the political process, gaining greater access to state resources and weapons. If these militia forces are not disarmed and demobilised, they will continue to threaten human rights and stability in Iraq.

Conclusion

This article argues that pre-existing militias and new militias in Iraq were very quick to exploit the weak performance of Iraqi security forces against ISIS in 2014, and organise themselves under the umbrella of the

PMF, supported by Grand Ayatollah Al-Sistani's Fatwa. During that time, the Iraqi government welcomed any assistance, even from a militia like Asaib Ahl al-Haq which had previously fought against the Iraqi government and the coalition forces. Integrating these forces was a violation of Iraq's constitution which prohibits the existence of any armed groups outside of the state security apparatus. Some of these militias were established based on sectarian factors and followed orders from Iran. Their role in defeating ISIS not only made them popular amongst local populations, but resulted in the political support of Iraqi political leaders. This allowed them to integrate into the Iraqi security apparatus and participate in the political process. Since their creation, these forces have violated human rights by killing and torturing many innocent and unarmed people in predominantly Sunni areas, destroying many villages, homes, and buildings, according to Human Rights Watch and Amnesty International. They were also involved in killing and injury of several protesters in 2019–2020. Moreover, the most influential groups in the PMF continue to take orders from Tehran, having sworn their allegiance to Iran's supreme leader Ali Khamenei, and fight as proxies to secure Iran's interest in Iraq. The pro-Iranian militias' rocket attacks against the U.S. embassy, personnel, and military bases in 2020, further destabilised Iraq and endangered Iraqi-U.S relations. Despite the defeat of ISIS, these pro-government militias will continue pose a grave threat to the state stability and human rights because of their ability to act with impunity, outside of state control.

NOTES

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