



UNITED NATIONS
**HUMAN RIGHTS
COUNCIL**

Delegates,

It is indeed a great honor to welcome you to the United Nations Human Rights Council of PICT Model United Nations 2018. To the veterans of MUN, we promise you a very enriching debate that you've never experienced before and to the newcomers, we are really excited to be a part of your maiden voyage.

The following pages intend to guide you through the nuances of the agenda as well as the council. The guide chronologically touches upon all the different aspects that are relevant and will lead to fruitful debate in the council. It will provide you with a bird's eye view of the gist of the issue. However, it has to be noted that the background guide only contains certain basic information which may form the basis for the debate and your research.

You are the representative of your allotted country and it is our hope that you put in wholehearted efforts to research and comprehensively grasp all important facets of the diverse agenda. All the delegates should be prepared well in order to make the council's direction and debate productive. After all, only then will you truly be able to represent your country in the best possible way.

Our aim in the council would be to urge you, the delegates to put your best foot forward and take back an unforgettable experience. We encourage you to go beyond this background guide and delve into the extremities of the agenda to further enhance your knowledge of a burning global issue. This may be a fairly technical council for the ones with no background on current policies. We have tried our best to make the complicated terms very simple to understand.

Thank you.

Yours sincerely,
Aaditya Singh
Chairperson

Dear Delegates,

It is an honour to be serving as the Vice Chairperson of UNHRC at PICT Pune MUN '18. UNHRC is one of the most vital organs of the United Nations. I hope you will all agree that this year's agenda is one of critical importance and one that has plagued us for many years now. Blatant violations of human rights are seen every day and with each passing hour the severity of the crisis further escalates.

Your research must include but shouldn't be limited to the study guide being provided. Keep in mind that the study guide is only to provide an outline of the agenda and the basic structure of the committee. Be sure to delve deeper. Take special care to know the mandate, foreign and domestic policies.

By working together, I hope to see some trenchant insight and eloquent debate on the days of the conference. Most of all, don't forget to have a great time.

Good Luck!

Soham Ray
Vice-Chairperson

UNITED NATIONS HUMAN RIGHTS COUNCIL

INTRODUCTION

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

The Council was created by the United Nations General Assembly on 15 March 2006 by resolution **60/251**. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms.

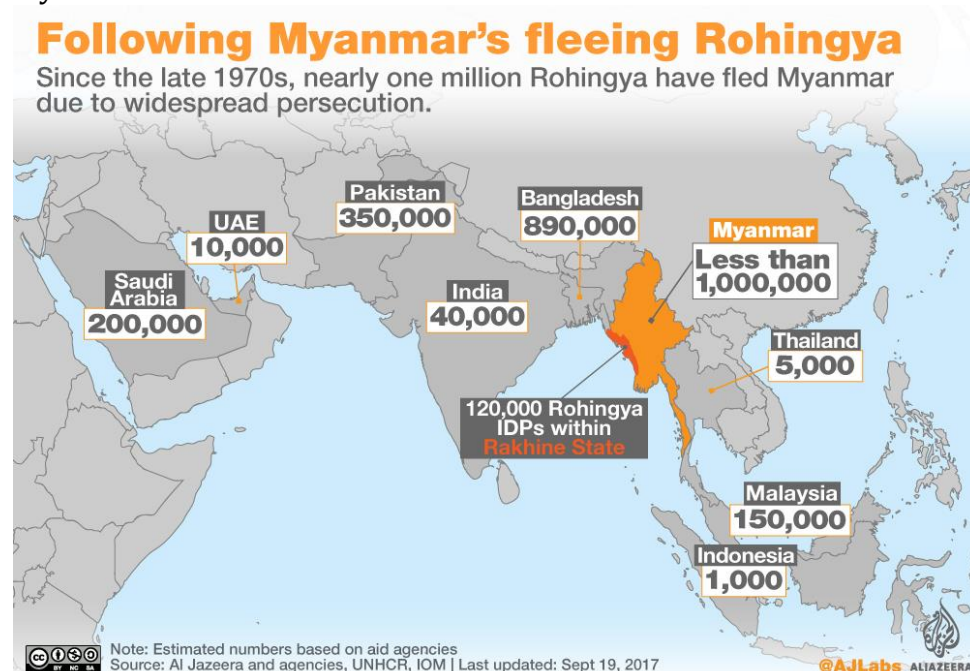
Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, and independent experts and working groups that monitor, examine, advice and publicly report on thematic issues or human rights situations in specific countries.

AGENDA 1: The Rohingya Crisis

Who are the Rohingyas?

The Rohingyas primarily represent the small Muslim minority of Myanmar (Burma)- a little under 4 percent of the total population of Muslims- in the western part of the country regarded as the Rakhine State. However, these people were not exempt from the increasingly prominent cultural and racial criteria identifying one's identity during the nineteenth and twentieth century. The exact origins of the Rohingyas as an ethnic representative group residing in the Rakhine State, remains a statement of disagreement and consequently, this disagreement gave rise to the ongoing battle quest for identity and recognition of the Rohingya people in and around the Rakhine State and larger areas or Myanmar.



Finding safe haven in Bangladesh

Hundreds of thousands of Rohingya have left their ethnic homeland of Rakhine State for the district of Cox's Bazar in Chittagong, Bangladesh.



History

Myanmar is one of the most ethnically diverse countries of Asia, with 135 recognized “national ethnic groups” as per the 1982 “Citizenship Law”. Here, Rohingya Muslims represent the largest percentage of Muslims in this country, with the majority living in Rakhine State. They self-identify as a distinct ethnic group who have their own language and culture and claim a longstanding connection to Rakhine State. However, the successive governments have rejected these claims and Rohingya were not included in the list of recognized ethnic groups. *As a result, most Rohingya are stateless.*

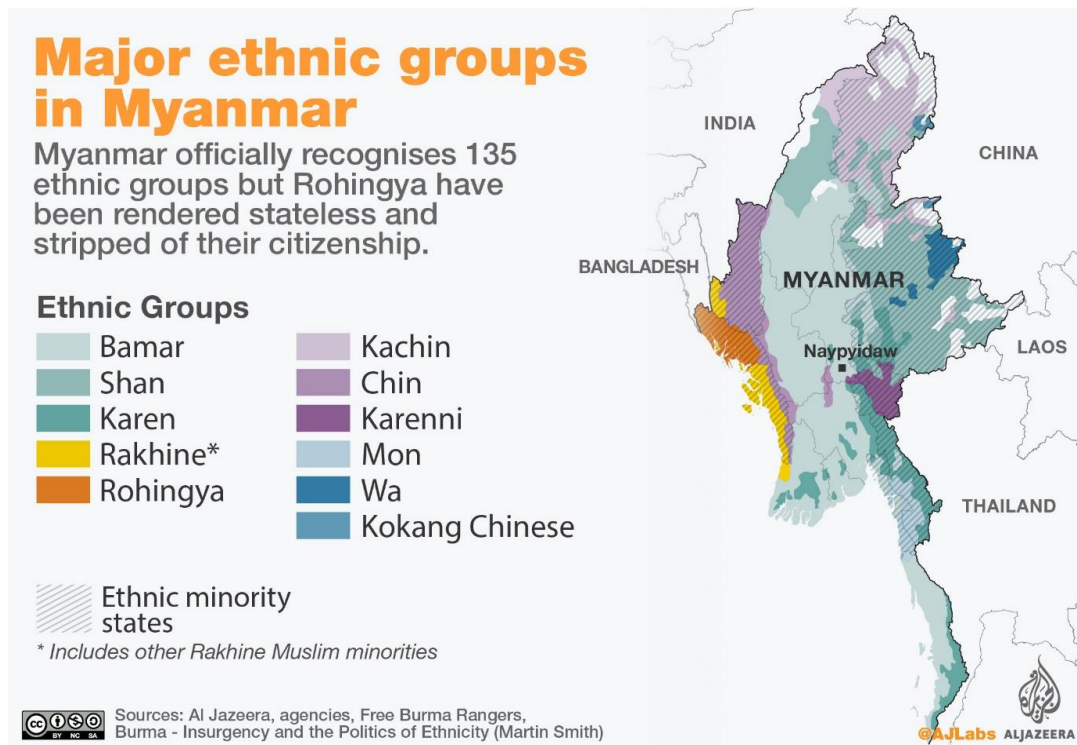
The Rohingya trace their origins in this particular region to the fifteenth century when thousands of Muslims came to the former Arakan Kingdom. Many others arrived during the nineteenth as well as early twentieth centuries when Bengal and the Rakhine territory were governed as the part of British India. Since independence in 1948, successive governments of Myanmar have refuted the Rohingya’s claims and denied the group recognition. These Rohingya people are largely identified as illegal Bengali immigrants, even though many Rohingya have resided in Myanmar for centuries.

Government policies, which include restrictions on marriage, family planning, employment, education, religious choice, as well as the freedom of movement have clearly institutionalized systemic discrimination against this ethnic group. Besides, widespread poverty, weak infrastructure, and a lack of employment opportunities exacerbate the cleavage between Buddhists and Muslim Rohingya. This tension has also been deepened by religious differences that have at times erupted into conflict. *Violence broke out in 2012, when a group of Rohingya men were accused of abducting and killing a Buddhist woman. In return, groups of Buddhist nationalists burned Rohingya homes and took lives of more than 280 people, displacing tens of thousands of people.* Since then, the region’s displaced population has been forced to take shelter in number of refugee camps in the neighbouring countries. Being the victim of the “campaign of ethnic cleansing”, more than 120,000 Muslims, mostly Rohingya, are still housed in more than forty internment camps.

The plight of the Rohingya is perhaps the least addressed regional refugee crisis today despite the fact that they remain the most persecuted minority in the world. The international community has portrayed this form of communal conflict as “merely in terms of violations of human rights, so-called Rakhine racism and xenophobia, Muslim victimhood and dysfunctional state organs.” The Rohingya people regard themselves as indigenous to the Rakhine State yet the Burmese government regarded them as having migrated from the bordering eastern Muslim state of present day Bangladesh; yet due to lack of confirmation of such a claim by the current Bangladesh community and government, the Rohingyas are “considered stateless entities” within the Rakhine state.

In October 2016, a series of attacks on security posts along the Myanmar-Bangladesh border has revived ethnic violence in Rakhine state once again. For the attacks, local government and authorities blamed Rohingya militants, prompting an inflow of military and police forces in order to support a manhunt for those responsible and to tighten security. In this case, numbers of people were killed in raids, led tens of thousands to be displaced internally, and at least sixty-five thousand Rohingya people crossed into Bangladesh between October 2016 and early January 2017.

To date, the United States and other global powers have urged the central government of Myanmar to act more to protect ethnic minority groups from persecution. Still, the world believes that there are more must be done to address the fragile state of the Muslim minority to prevent it becoming “a flashpoint for further social and religious destabilization.” UNHRC believes that the Government of Myanmar should take the necessary measures to address the spread of discrimination and violence against Muslims and members of national, ethnic, religious minorities across the country, and to put an end to the incitement of hatred against certain groups by publicly condemning such acts. It also calls upon the Government of Myanmar, in conjunction with the international community and also accordingly with international law, to ensure the return of all refugees and persons displaced from their homes, including Muslims. Besides, it urges the Government of Myanmar to grant full citizenship rights, through a transparent due process, to Rohingya Muslims in Rakhine State to put an end to such sensitive issue.



Humanitarian Situation and Needs:

Rakhine State in Western Myanmar/Burma is home to at least 800 000 Muslims, most of whom self-identify as Rohingya. For decades they have suffered legal and social discrimination. While there are historical economic relations with the Buddhist Rakhine community, there are also long-standing tensions between the two groups. The 1982 Citizenship Law stripped Rohingyas of their citizenship and even the right to self-identify.

They were effectively barred from voting in the last general elections in November 2015 and

are left without political representation. The Rohingya are also subject to many restrictions

in day to day life: banned from travelling without authorization and prohibited from working

outside their villages, they cannot marry without permission and, due to movement restrictions; they lack sufficient access to livelihood opportunities, medical care and education. Due to restrictions to the number of children per couple, thousands of children

are left with no birth registration documents, further restricting their access to basic services and decreasing the chance for a decent life. In 2012 widespread violence in Rakhine

left some 140 000 people, mostly Rohingya, displaced. While the authorities have initiated a

limited return process, over 120 000 people remain displaced more than four years after the

events, living in squalid camps with fast dilapidating shelter with only limited access to health care, education and livelihood opportunities.

As for those who have returned, the movement restriction they are subjected to implies they continue to be aid dependent.

Tensions and mistrust between the two communities continue. Some Rakhine groups

erroneously perceive that humanitarian aid, which is allocated strictly according to needs, is distributed unevenly and benefits only the Rohingya. In March 2014 this triggered organized attacks against international community offices, residences and warehouses, resulting in millions of euros of losses. In 2015 the flood and cyclone relief interventions, supporting affected people from both communities, allowed to mitigate this perception to some extent. This perception however remains active, partly due to limited development opportunities in Rakhine. Due to the deplorable living conditions, tens of thousands of people – including many women and children – have fled on precarious boat journeys to neighbouring countries. Many do not survive these journeys while others fall prey to human trafficking networks. A deadly assault on three border guard posts in northern Rakhine State on 9 October 2016 triggered a series of violent incidents and military operations resulting in the suspension of humanitarian activities. As a result, more than 150 000 people in Rakhine State are currently deprived of much needed regular assistance with further tens of thousands displaced. These events have re-ignited simmering tensions between Buddhist and Muslim communities and some 25 000 Rohingya are believed to have fled across the Naaf River into Bangladesh in search for protection and assistance.

The initial influx of Rohingyas to Bangladesh dates back to 1978, with a large arrival in 1991- 1992. Presently, 32 958 are living in two official camps managed by the UN Refugee Agency (UNHCR source) in Nayapara and Kutupalong. While these are recognized by the Government of Bangladesh as refugees, the others are labelled “Undocumented Myanmar nationals” and have no legal status in Bangladesh. The refusal of the authorities to register Rohingya at birth or provide marriage certificates and other civil documentation makes it difficult to assess the scale of the humanitarian needs of these people in Bangladesh, many of whom live in difficult conditions with inadequate food intake and diet diversification, or access to health care. Without legal status they are also unable to pursue education and formal employment opportunities and remain vulnerable to exploitation and serious protection risks.

Conditions in the official refugee camps are better than those of the estimated 300 000 to 500 000 Rohingya living in the Kutupalong makeshift camp, Leda site and Shamlapur village and the surrounding areas. In 2014, the Government of Bangladesh recognized the humanitarian needs of people living in these sites by launching a National Strategy for Undocumented Myanmar Nationals - a broad roadmap outlining the authorities’ general approach to the crisis. Sections of this Strategy are being rolled out by the International Organization for Migration (IOM), which has been mandated by the Government to coordinate implementation. With the Strategy, services to undocumented refugees have somewhat improved, but serious concerns over safety and security remain as the process so far has failed to provide the unregistered refugees with any kind of legal status, nor have they been informed about the Strategy, its process and potential implications. Many households are female headed, which increases exposure to exploitation and gender-based violence. The situation of Rohingya refugees in Bangladesh is defined as a “forgotten crisis” by ECHO. In the last few years, Thailand became a major transit point for refugees and migrants, many trying to reach Malaysia. Since 2013 Thai authorities have arrested and detained over 2000 Rohingya in Immigration Detention Centres, police stations or social welfare facilities. However, a crackdown on human smugglers and traffickers in 2015 has reduced the flow of refugees transiting through the country. As of November 2016, 316 Rohingyas remained

in detention throughout Thailand, according to the International Organization for Migration (IOM).

Satellite images show destroyed Rohingya village



Source: Human Rights Watch, Satellite image 21 September 2017

BBC

Myanmar's Response to the Rohingya crisis

At the time of current writing, Myanmar has not ratified the *1951 Refugee Convention and its 1967 Protocol*. On the 2015 Southeast Asian boat crisis in 2015, the Myanmar government describes the fleeing Rohingya as Bangladeshis who are fleeing poverty. Former Myanmar Foreign Minister WunnaMaungLwin completely rejects the claim that the maltreatment of the Rohingya in Myanmar is the leading cause of the crisis. His successor, the Nobel Prize Winner Aung San Suu Kyi remains extremely reticent about on the Rohingya issue, torn between the need to maintain legitimacy with the Rakhine Buddhist majority and the pressing need to deliver a humanitarian solution to the Rohingya. The June 2012 clashes between Buddhists and Muslims in Rakhine state created a new wave of Rohingya refugees fleeing to neighbouring countries.

While a government statement released on 30 July 2012 stated that it “exercised maximum restraint in order to restore law and order”. Myanmar military forces tasked to re-establish order have been accused of ignoring atrocities, committing acts of rape and ethnic cleansing. Evidence suggests that political and religious leaders “planned, organized and incited attacks against the Rohingya with the intent to drive them from the state or at least relocate them from areas in which they have been sharing with the majority Buddhist population” (Human Rights Watch, 2013). Some Buddhist monk organizations called for the deportation of all Rohingya and attempted to block the delivery of humanitarian assistance to displacement camps (Global Centre for the Responsibility to Protect, 2015).

Furthermore, at the All-Arakanese Monks' Solidarity Conference in 2012, calls were made to denounce those advocating for the protection of the Rohingya's human rights as “national traitors”. In response to the events in Rakhine State,

the former President of Myanmar Thein Sein remarked in July 2012 that the “only solution” (May, 2012) to the troubles in Rakhine were to send stateless Rohingya to third countries or contain them within United Nations High Commissioner for Refugees (UNHCR) - administered camps.

Subsequently, the Rakhine Investigation Commission was established to investigate the communal violence. Upon conclusion of the Commission’s findings in 2013, the government developed the *Rakhine State Action Plan* that promised a path towards development and post-conflict reconstruction. However, this plan continued to refer to the 1982 Citizenship Law as a basis for citizenship

assessment. At a speech at the United Nations (UN) General Assembly in 2013, Former

Myanmar Foreign Minister Wunna Maung Lwin stated that the population in Rakhine would

be divided into three categories: Those previously recorded or registered, the unrecorded

who are willing to undergo registration in accordance with Burmese national laws, and

those who refuse to be categorized as ‘Bengali’; the third category would be denied the

right to be considered for citizenship (Human Rights Watch, 2014). As Myanmar continues

to refer to the Rohingya as Bengalis, Robertson argues that those who agree to be called

Bengali are basically admitting to being undocumented immigrants and could be denied

naturalized citizenship and subject to future deportation (Human Rights Watch, 2014). This

proposal would reinforce efforts to discriminate against Rohingya by forcing them to

repudiate their ethnic identity, and accept the label of a Bengali that does not offer them

any guarantees at statehood. As for those who continue to assert their status as Rohingya,

the possibility of being trapped in detention camps awaits them.

Myanmar’s response to the problem has generally revolved around the denial of citizenship to the Rohingya people. Such acts have often put it in violation of the *ASEAN Charter*, where issues such as well-being, equitable access to opportunities for human development, human rights and justice have not been given them

due consideration when it comes to the Rohingya. The denial of the Rohingya as a problem

also complicates and undermines any attempt for an effective regional solution in Southeast

Asia.

Outcome

The constant clashes between the Rakhine Buddhists and the Rohingya since June 2012 had led to the mass exodus of the Rohingya via boat from Myanmar in 2015. The ensuing refugee crisis led to a deeper examination of the treatment of the Rohingya by the state. On the 9th of October 2016, armed militants attacked a number of border police posts in the district of Rakhine, leading to the death of a number of policemen. In response to this, the military began a concerted effort to convict those responsible. The degree of arbitrary violence, extrajudicial killings and brutality against civilians by the military led to the death of hundreds of Rohingya. The Myanmar military is accused of an organized and condoned effort to drive the Rohingya out of the district of Rakhine. The reported brutality and scale of violence against the Rohingya led to the resurgence of the allegations of ethnic cleansing and genocide perpetrated by the government. Reports of massive and systemic acts of violence, by intergovernmental organizations such as the Human Rights Watch (HRW), have given credence to these claims of genocide.

The Exodus of Refugees: The scale of the refugee exodus escaping persecution in Myanmar reached a high of almost 65,000 fleeing to Bangladesh between October 2016 and January 2017. Malaysia, Thailand and Indonesia are also home to several tens of thousands of refugees, with only a tenth of Bangladesh's refugees being registered. The condition of the refugee camps further leads to many refugees using more dangerous means of travel to escape the violence.

A Responsibility to Protect?

The *Responsibility to Protect (R2P)* is a concept that the United Nations has adopted following the adoption of the *United Nations World Summit Outcome Document* in 2005. Whilst the United Nations Charter protects the sovereignty of states and preserves the fundamental right of non-intervention in the domestic affairs of states, the R2P provides a means of legitimacy for intervention. The global principle of the obligation of states to protect their citizens from the risk of genocide, war crimes, crimes against humanity and ethnic cleansing is thus extended to protect all citizens from such atrocities. The R2P has three pillars which stipulates the responsibilities states have towards the citizenry. *These pillars were founded in a 2001 report by the International Commission on Intervention and State Sovereignty (ICISS)*. The question of whether the ongoing crisis in Myanmar constitutes a Responsibility to Protect, initiated by the international community in defence of the Rohingya, is a deeply introspective one. On the one hand, the systemic discrimination and organized violence perpetrated against the Rohingya is reminiscent of precursors to genocide as happened in Rwanda in 1994 and in Germany in the inter-war period of the late 1930s. On the other hand, the scale of the violence initiated in Myanmar is far less than that of the above examples. Legitimacy in action must also be tempered by the need to safeguard the principles of non-intervention, and not establish a precedent of intervention for even the smallest degree of violence against the citizens.

Questions to be considered

1. How far does the 1982 Citizenship Law adhere to accepted norms of human rights law? Is there a need for review?
2. What should be the legal status of the Rohingya? Are there other states with a stronger obligation to provide security and constitutional rights to the Rohingya?
3. Is the right to national self-determination absent to the Rohingya? Why?
4. What are the means of quelling dissent and the rise of extremist nationalism within Myanmar?
5. How far does the ethnic divide have a socio-political dynamic to it? Is there purely an ethnic interpretation for the violence?
6. Is a solution sustainable, within the political economy of the state of Rakhine?
7. Is intervention a necessity to alleviate the suffering of the Rohingya? Where does the criterion for intervention arise from?
8. Is intervention a clear solution given the regional dynamics of Southeast Asia?
9. What is the role of ASEAN in the provision of a solution to the crisis? How much of the responsibility in enforcement of a resolution is theirs?
10. Does the Responsibility to Protect arise in this instance? Do the conditions in Myanmar's Rakhine state satisfy the three pillars under the ICISS report?
11. What of the aftermath? Does the suppression of religious extremism in Myanmar pave way for the stoking of tensions in other parts of the region?
12. What role can intervention satisfy, that the civil society within Myanmar cannot already?

Resources:

1. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Home.aspx>
2. http://reporting.unhcr.org/node/2541#_ga=2.37051232.1110565384.1520434371-1937890353.1497347519
3. <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>
4. <https://www.hrw.org/reports/2000/burma/burm005-01.htm>
5. <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>
6. http://ap.ohchr.org/documents/dpage_e.aspx?b=10&c=125&t=11
7. http://ap.ohchr.org/documents/dpage_e.aspx?b=3&c=125&t=11

AGENDA 2: The extraction of victims from ISIL occupied areas

Origin

The Islamic State of Iraq and the Levant (ISIL) also known by its Arabic language acronym Daesh, started as an al Qaeda splinter group. Also known as Islamic State in Iraq and the Levant (ISIL) and Islamic State (IS), ISIS aims to create an Islamic state called a caliphate across Iraq, Syria and beyond. The group is implementing heterodox Sharia Law, rooted in eighth century Islam, to establish a society that mirrors the region's ancient past. ISIS is known for killing dozens of people at a time and carrying out public executions, crucifixions and other acts. This group has been designated a terrorist organisation by the United Nations and many individual countries. ISIL is widely known for its videos of beheadings and other types of executions of both soldiers and civilians, including journalists and aid workers, and its destruction of cultural heritage sites. The United Nations holds ISIL responsible for human rights abuses and war crimes. ISIL also committed ethnic cleansing on a historic scale in northern Iraq.

In 2015, ISIS was believed to be holding 3,500 people as slaves, according to a United Nations report. Most of the enslaved were women and children from the Yazidi community, but some were from other ethnic and religious minority communities.

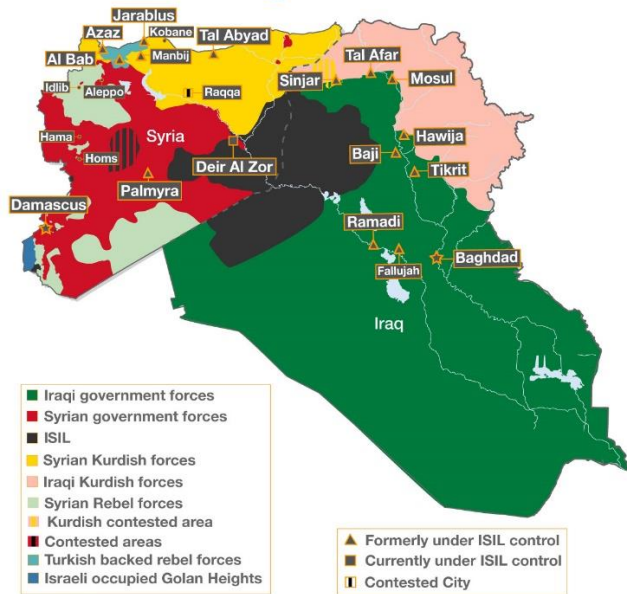
ISIS's revenue comes from oil production and smuggling, taxes, ransoms from kidnappings, selling stolen artefacts, extortion and controlling crops.

February 3, 2014 - Al Qaeda renounces ties to ISIS after months of infighting between al-Nusra Front and ISIS.

June 29, 2014 - ISIS announces the creation of a caliphate (Islamic state) that erases all state borders, making al-Baghdadi the self-declared authority over the world's estimated 1.5 billion Muslims. The group also announces a name change to the Islamic State (IS). November 14, 2014 The UN Independent International Commission of Inquiry on Syria concludes that ISIS has committed war crimes and crimes against humanity.



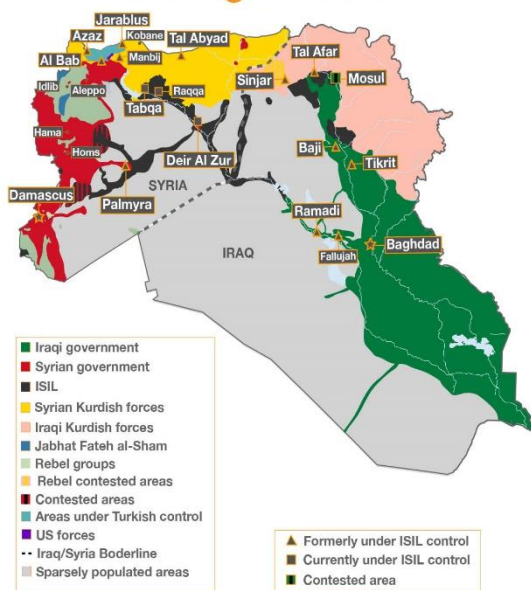
The battle against ISIL



Source: Institute for the Study of War, LiveUAMap, FSA Platform
Updated: October 2017



The battle against ISIL



Source: Institute for the Study of War, LiveUAMap, FSA Platform
Updated: April 2017



ISIL held territories: 15 Oct 2017 versus 17 Apr 2017 [Al Jazeera]

The United Nations Assistance Mission for Iraq (UNAMI) and the Office of the High Commissioner for Human Rights (OHCHR) monitored the human rights situation throughout the operations, with an emphasis on the impact of conduct of hostilities on civilians and civilian objects and investigated over 650 incidents involving allegations of civilian casualties. This report depicts categories of violations and abuses of human rights law and violations of international

humanitarian law by parties to the conflict during the three phases of the operations.

Information gathered by UNAMI/OHCHR strongly suggests that international crimes may have been perpetrated in Iraq by ISIL. UNAMI/OHCHR investigators received an overwhelming number of reports indicating serious and systematic violations of international humanitarian law and gross violations and abuses of human rights law that have been perpetrated by ISIL. Reports include mass abductions of civilians and using thousands as human shields, killings of civilians, intentional shelling of civilians and civilians' residences in what appears to be a deliberate policy to punish civilians in reclaimed areas, and indiscriminate targeting of civilians trying to flee areas under its control

HUMAN RIGHTS VIOLATIONS

Warnings by ISIL

In early November 2016, in areas of Mosul under ISIL control, ISIL announced through loud speakers that residents of areas retaken by ISF were considered as "legitimate targets" because they were not fighting against ISF. This so-called 'fatwa' was accompanied by a sustained campaign of ISIL attacks on eastern Mosul that directly targeted civilians. Tactics included shelling, use of improvised explosive devices (IEDs) and shooting fleeing civilians. Additionally, ISIL introduced the weaponization of airborne drones by equipping them with explosives to carry out attacks from a distance.

Oversight

With regard to ISF and associated forces, UNAMI/OHCHR recorded instances of alleged violations and abuses of human rights. In some cases, the information available suggested the involvement of ISF members, but conclusive information could not be obtained. In other cases, alleged incidents were filmed on videos that were posted on social media. UNAMI/OHCHR advocated with Iraqi authorities for prompt and thorough investigations to be carried out and for those responsible to be brought to justice. For example, on 24 May, the Ministry of Interior announced the opening of an investigation on allegations of violations committed by its forces fighting ISIL in Ninewa. The allegations were first reported by the German magazine Der Spiegel. Four Emergency Response Division members were reportedly arrested for investigation. On 17 August, Iraqi authorities announced on social media that, after completing the investigations, they could determine that some of the alleged violations occurred and those accused have been referred to the judiciary.

Airstrikes and Accountability

Airstrikes also claimed civilian lives and damaged civilian property and infrastructure in areas under the control of ISIL during the period covered by this report. In many investigations UNAMI/OHCHR was not able to determine responsibility due to insufficient information or contradictory statements regarding the incidents. UNAMI/OHCHR also documented instances of threats to families alleged to have ISIL-affiliated members and forced evictions. In some cases, unidentified groups made the threats through so-called night letters

ordering people to leave or face dire consequences. In other cases, local authorities took the lead or have followed the wave of resentment amongst certain segments of the population; and disregarding respect of rule of law. UNAMI/OHCHR continued to record several cases of airstrikes carried out by ISF and States participating in Operation Inherent Resolve causing civilian casualties. UNAMI/OHCHR was not able to determine the exact nationality of the aircraft involved.

Ensuring accountability for the abuses and violations of international human rights law and international humanitarian law, including those constituting international crimes, allegedly committed in the context of the ongoing armed conflict, no matter when, where or by whom such crimes, violations or abuses were committed, remains a significant challenge. Presently, the Iraqi courts do not have jurisdiction over international crimes committed in Iraq. Additionally, Iraq is not a *Party to the Statute of the International Criminal Court* and has not accepted the jurisdiction of the Court under *article 12(3) of its Statute*. The Government is currently examining national and international mechanisms to address international crimes committed by ISIL.

With respect to airstrikes, *Operation Inherent Resolve*, when reviewing incidents involving claims of civilian casualties, assessed a number of reports as credible that involved in the deaths of 295 civilians, 66 wounded and 36 remaining unaccounted for. Responsibility for the remaining casualties could not be attributed.

Causality

The actual number of civilian casualties from the incidents described above could be much higher than recorded. Additionally, the number of civilians who have died from the secondary effects of violence, such as lack of access to food, water or medicine or whose remains are yet to be recovered is unknown. Children, pregnant women, persons with disabilities, and elderly people remained particularly vulnerable but owing to restrictions on accessing information, the impact of violence on these groups remains currently unquantifiable.

Abductions

UNAMI/OHCHR documented instances involving the abduction of thousands of civilians carried out by ISIL. ISIL also abducted former ISF personnel to hold them in captivity for fear of retaliation or of possible collaboration with ISF or to punish them or kill them for their former functions. Reports were received that many abductees were subsequently killed by ISIL. Abductions started on the very first day of the offensive to retake Mosul.

Ill-treatment / intimidation

With the start of Mosul operations, and in an attempt to terrorize the population under its control and contain any possibility of the local populace rising up against them, ISIL launched a campaign of intimidation against the residents of Ninewa Governorate, in particular of those in Mosul district through the distribution of threatening pamphlets and public announcement and speeches at mosques. ISIL launched a threatening call to all residents of Mosul to hand over subscriber identity module (SIM) cards for mobile phones otherwise they would

be severely punished. Pamphlets included threats to kill anyone who collaborates with ISF or who tries to flee towards ISF areas. In other cases, people were killed for not having followed the rules or orders issued by the group or for refusing that ISIL use their houses for military purposes. In many instances, ISIL left the bodies on public display as a warning to the population to abide by their commands or face the same punishment.

Mass displacement

In the early hours of 31 October, ISIL brought dozens of trucks and mini-buses to Hamam al-Alil City, south of Mosul, in an attempt to forcibly displace some 25,000 civilians towards locations in and around Mosul. The civilians had reportedly been abducted from villages in al-Qayyarah, Hamam al-Alil and Shura subdistricts of Mosul. The trucks were reportedly prevented from proceeding towards Mosul by air strikes by planes that were allegedly surveilling the area and the trucks were forced to return to Hamam al-Alil. However, some buses reportedly reached Abusaif, 15 kilometres north of Hamam Al-Alil city, and others Tilkaif district. At midnight on 31 October and 1 November, ISIL reportedly transported an unknown number of families allegedly using 32 trucks and minibuses to Talafar district. One source reported that before dawn on 2 November, ISIL took 150 families to Mosul.

Use of alleged chemical agents

On 20 October 2016, ISIL set fire to sulphur fields and a factory in Mishraq village, 25 kilometres from AL Qayyarah, and 45 km from Mosul, before withdrawing from the area. Local fire brigades reportedly doused the fire. The fields are located in Shura subdistrict and surrounded by villages with thousands of inhabitants. On 21 October, a rocket fired by ISIL hit the same fields and factory resulting in gas dissipating towards dozens of surrounding villages. By 22 October, ISF reported that they had contained the fire caused by the rocket at the sulphur gas factory and fields. However, plumes of sulphur gas continued to be seen rising from the sulphur fields. By 23 October, the World Health Organization (WHO) 30 and the Ninewa Directorate of Health had treated 1000 suffocation patients as a result of the sulphur plumes. As of 23 October, four people (two civilians and two Iraqi Army personnel) had died after inhaling fumes from the burning sulphur. Two of the victims (Iraqi Army personnel) died on 21 October in Safina village in al-Qayyarah subdistrict of Mosul. The other civilian victims died on 21 or 22 October. On 27 October, ISF reportedly contained the dissipation of the gas.

Recruitment and use of children

UNAMI/OHCHR received several reports concerning recruitment and use of children by ISIL. On 19 October 2016, it was reported to UNAMI/OHCHR that ISIL had reportedly been forcibly recruiting children from nine years old and above in Mosul since the start of the military operations. A witness reported to UNAMI/OHCHR that on 17 or 18 October, ISIL entered a house in al-Karama Quarter in Mosul and attempted to take by force a 12-year old boy to join the group. The father begged the group to leave the boy. ISIL took the father instead informing the family that he would be fighting ISF. On 19 October, ISIL child soldiers rigged with explosives were reportedly killed in Shaquli Village in

Hamdaniya subdistrict of Mosul when an operation by ISF was launched against ISIL in the area. On 25 October, ISIL allegedly ordered residents of Hamam al-Alil City, Hamam al-Alil subdistrict of Mosul, to surrender children aged at least 10 years of age to the group. A source reported that ISIL used loudspeakers mounted at the back of a vehicle to make the order threatening to kill families that did not obey. Another source reported that ISIL militants knocked at people's houses and ordered them to surrender their sons to the group. ISIL reportedly took the children surrendered to the group to an unknown destination and with the intention of using them as fighters. Local media reported that on 9 November, ISIL deployed its "Cubs of the Caliphate" unit in the old town of Mosul, with its members wearing explosive belts.

Targeting civilians trying to flee areas controlled by ISIL

ISIL repeatedly targeted civilians trying to flee areas under its control. In most cases people were killed or wounded while trying to flee; in other cases, they were killed by ISIL after having been captured.

According to the *United Nations Mine Action Service (UNMAS)* Iraq, explosive hazards in Mosul consist of extensive contamination with IEDs, some containing multiple explosive charges, that have been placed to target returnees. In addition to IEDs there is also contamination with other conventional as well as improvised ammunition that has been fired but has failed to function, so called unexploded ordnance (UXOs). For example, UNMAS reports that, in the al-Shifa hospital complex in western Mosul, approximately 1,500 explosive items have been rendered safe as of 2 October 2017. The items included spent ammunition, IEDs, explosive vests and hand grenades. Additionally, the High Court building in the same area contained approximately 1,000 items rendered safe as of the same date, including 72 aerial-delivered IEDs and 44 explosive vests, including one that appeared to be too small for adult use

Shelling

UNAMI/OHCHR documented a large number of cases of shelling by both ISIL and security forces causing civilian casualties.

Discovery of mass graves

As ISF and associated forces progressively retook areas previously under the control of ISIL, mass graves continued to be discovered. The number of bodies contained in these locations varied greatly, from one place containing two partially buried bodies in a village in Shura subdistrict of Mosul to a sink hole, known as al-Khasfa, near Alathba village in southern Mosul, possibly containing several thousand bodies.

A series of media reports regarding alleged discoveries of mass graves were published in second half of November 2016, but UNAMI/OHCHR could not verify these reports:

- On 18 November, ISF discovered a mass grave outside the village of Tall Adh-Dhahab, in Hamam al-Alil subdistrict of Mosul. The mass grave reportedly contained the remains of 40 individuals.
- On 21 November a mass grave containing around 200 bodies was discovered in the Hammam Al-Alil area.
- On 27 November, two mass graves, 150 meters apart, were discovered near the village of Shababik, 30 km from Sinjar city. They

reportedly contained at least 18 bodies of members of the Yezidi community (mostly males).

Questions to be considered

1. Discuss the exercise of R2P and how states exercise the same
2. How can we avoid the factor of oversight considering how the victims become the casualties?
3. How can we better call for and implement the need of accountability?
4. Do the war-torn states have any role to play in committing crimes of war and crimes against humanity?
5. What can the participants do to provide better living conditions in refugee camps?
6. What measures can be taken to curb the organ trade of slain civilians?
7. What role, if any, can the already existing peacekeeping forces play to help?
8. How can NGOs and support groups be better encouraged in cooperating to help?

Resources

1. [http://www.uniraq.org/images/factsheets_reports/Mosul_report%2017Oct2016-10Jul201731%20October 2017.pdf](http://www.uniraq.org/images/factsheets_reports/Mosul_report%2017Oct2016-10Jul201731%20October%202017.pdf)
2. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16229&LangID=E>
3. <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>
4. http://www.ohchr.org/Documents/HRBodies/HRCouncil/SpecialSession/Session19/A-HRC-RES-S-19-1_en.pdf
5. <http://www.un.org/apps/news/infocusRel.asp?infocusID=146#>
6. Security Council resolutions 2042 (2012) and 2043 (2012)

List of most preferred sources:

1. UN.org
2. UNHRC, UNHCR and OHCHR websites
3. State and state agency websites
4. Reuters and Al Jazeera
5. Any relevant conventions, reports, treaties and agreements

NOTE: The council shall follow the UNA USA procedure.