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Iraq/KRG: Displaced People Can't Move Freely

Access to Health Care, Family, Work Unlawfully Restricted

(Beirut) – Iraqi and Kurdistan Regional Government security authorities are unlawfully restricting the freedom of movement of displaced people in camps near Kirkuk. Despite the lack of hostilities in the area, people are not allowed to leave the camps freely.

Displaced people in the Nazrawa and Laylan camps told Human Rights Watch that they could only leave after obtaining a sponsor, that security forces are taking their identity cards before they can leave the camp, and that they must return the same day. The restrictions have limited residents' access to medical care, work, and relatives. International aid workers have told Human Rights Watch that authorities in Kirkuk say the restrictions are necessary for security reasons. The United Nations refugee agency (UNHCR), which operates the camps, has asked authorities to remove the restrictions.

“The blanket restrictions on the camps for displaced people are too far reaching and discriminatory,” said Lama Fakih, deputy Middle East director. “As thousands more people may be displaced from the Mosul military operation, Iraqi authorities should safeguard people’s rights, not penalize them by restricting their access to medical treatment, work, and family.”



A man sits on a chair at a camp for internally displaced persons on the outskirts of Kirkuk, December 17, 2014.

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Iraqi and Kurdistan Regional

Government (KRG) authorities should revoke unlawful restrictions on free movement of internally displaced people, including those displaced as a result of the ongoing fight in Mosul. Restrictions should only be imposed if “provided by law ... and necessary to protect national security, public

order, public health or morals, or the rights and freedoms of others,” as outlined in the International Covenant on Civil and Political Rights.

Since early 2014, when the Islamic State (also known as ISIS) opened its offensive in Iraq, fighting has displaced over 3 million Iraqis from their homes. In March 2016, KRG forces and forces mobilized by the Iraqi government in Baghdad began military operations aimed at defeating ISIS in Mosul, Iraq's second-largest city and the major remaining ISIS stronghold in Iraq. This offensive has already displaced 62,300 people.

In late November 2015, KRG forces relocated hundreds of civilians who had fled ISIS from an area close to the front line to Nazrawa camp, about 20 kilometers southeast of Kirkuk. The camp currently houses 1,655 Sunni Arab families, 90 percent of them from Kirkuk's Hawija area, and a small number from Diyala province.

36 Nazrawa residents and a Kirkuk governorate official from Hawija told Human Rights Watch that Asayish, the KRG police, and Iraqi federal police officers working at the camp do not allow residents to leave without a sponsor who is a Kirkuk native. All said security officials, and in a few instances military forces, had either taken their identification cards or required residents to leave the cards at a joint Asayish and federal police-controlled checkpoint near the camp, on the road into Kirkuk, and return the same day. But traveling without an ID card made it very difficult to go through government checkpoints and, as a result, to leave the camp. Having to return to the camp every night further restricted their movement.

These policies interfered with residents' ability to access health care, separated them from their relatives, had financial implications, and undermined their ability to find employment.

Forcing residents to obtain a Kirkuk sponsor has kept many residents from leaving the camp. A woman at the camp said that since arriving at the camp her family has not been able to pick up disability checks for her daughter's husband, who is blind, because they have no friends from Kirkuk who can sponsor them.

Another man said that he wanted to visit his brothers who live in Kirkuk, but had not been able to find a sponsor who was native to Kirkuk.

There were no exceptions, one resident said: “If someone doesn't know anyone who can sponsor him then he cannot go to Kirkuk, no matter how sick he is.”

In several cases, even when residents said they were able to locate a sponsor, they were blocked from traveling at checkpoints because they did not have their identity documents.

Laylan, another UNHCR-managed camp located about 20 kilometers southeast of Kirkuk, opened at the end of 2014. It houses 1,816 Sunni Arab families, from areas including Kirkuk, Salah al-Din,

Nineveh, Anbar, Diyala, and Baghdad. In October, Human Rights Watch interviewed three residents who confirmed that the procedures are slightly different, but also unlawfully restrictive there. When new arrivals get to the camp, they are issued a piece of paper that they take to the local police station, where the police act as their sponsor. After that, if they want to travel to Kirkuk during the day, they leave their ID card at the checkpoint controlled by the police and Asayish and must return to the camp the same day.

UNHCR, in a public statement asking the authorities to remove the restrictions, raised concerns over “a rising trend of newly displaced Iraqis being forcibly transferred to camps where restrictions on their freedom of movement are imposed in a manner disproportionate to any legitimate concern, including those related to security.” It cited Nazrawa camp, but also flagged concerns about restrictions on free movement at Garmawa camp in northern Iraq, and at camps in Salah al-Din and Anbar governorates.

While under international law the authorities may limit individuals’ movement in conflict areas for security reasons, any restrictions need to be in accordance with national law, well-tailored to achieving its legitimate aim, proportionate, and nondiscriminatory. Such restrictions should be focused on limiting all civilian access to particular areas during periods when strictly necessary, not restricting particular individuals to camps. Under the UN Guiding Principles on Internal Displacement, displaced people have the right to freely enter and leave camps where they are housed, including to return to their homes, to resettle in other areas outside the areas of hostilities, or to move to other camps.

“Residents of Nazrawa and Laylan camps, a long distance from the front line, should have freedom of movement and residence,” Fakih said. “No restrictions should be placed on them, other than those strictly necessary, such as to protect them and keep them away from the fighting.”

Accounts From Residents

Nazrawa and Laylan are in Kirkuk governorate, one of Iraq’s so-called “disputed territories” between the Iraqi government and the Kurdistan Regional Government (KRG) under constitutional article 140. Kirkuk technically falls under the control of Prime Minister Haider al-Abadi’s government, but in mid-2014, KRG military forces, also known as the Peshmerga, took de facto control of the area. Both the Iraqi central government and KRG security forces are in the camps for internally displaced people and are imposing the movement restrictions there.

Residents at Nazrawa camp said that various security agencies had taken their identity cards at various times after they arrived at the camp, limiting their ability to travel outside. Three people said that Asayish forces had confiscated their cards before or as they arrived. In an interview on September 11, 2016, a man from Hawija said that Asayish forces at another camp where he was first sent confiscated his card on August 9, before he arrived at Nazrawa.

In three cases, women whose cards had been retained by the Peshmerga, said that they could not leave Nazrawa camp as a result and that it kept them from getting adequate medical care. One pregnant woman who wanted to go to Kirkuk for an ultrasound exam said she was turned back at a checkpoint staffed by Kirkuk governorate police because she did not have her identity documents.

In another instance, Asayish took a woman whose card had been confiscated at Nazrawa camp to the nearby Laylan clinic first rather than directly to Kirkuk hospital, as she had requested. She died 10 minutes before reaching the hospital, her husband said. Human Rights Watch was unable to establish whether she could have been saved if she had been taken directly to the hospital.

Financial impediments resulting from having to return to the camp every night also restricted residents' movement and access to medical treatment and employment. One Nazrawa camp resident said that in late August, after obtaining a Kirkuk sponsor, he tried to take both of his children, ages 3 and 7, to a hospital in Kirkuk for medical treatment. One had burns on an arm and shoulder because of an accident at home, and the other had gonarthrosis (osteoarthritis of the knee). An officer at the checkpoint on the way to Kirkuk ordered him to return to the camp that evening:

I quarreled with the officer because I was not sure if my kids would need to stay for more than a day in the hospital. I demanded that he pay for my taxi if I needed to go back to Kirkuk the following day, which he refused. So I told him that we needed to return to the camp, but that if anything happened to my kids, the responsibility would be his.

Two other men said they could not work in Kirkuk to support their families because the cost of taking a taxi into Kirkuk and back every day would be more than their pay.

One man said that even though he was from Kirkuk, Asayish officers forcibly relocated him and his family to the camp, and that he now he needs a sponsor to return to Kirkuk and needs to leave his ID card at the checkpoint.

Region / Country

- Middle East/North Africa
- Iraq

Topic

- Internally Displaced People

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