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Kurdistan Regional Government (KRG) security forces are arbitrarily detaining men and boys ages 15 and over who are fleeing Mosul and Hawija during the offensive against the Islamic State (also known as ISIS) in a facility near the Debaga displaced persons camp.

The men and boys fleeing from ISIS-held territory into the KRG are being detained for indefinite periods even after they pass an initial security check for possible ties to ISIS by KRG security forces. They are denied access to lawyers and detained, sometimes for weeks, even if they are not individually suspected of a crime, while KRG authorities conduct further security screenings on them. The only legal basis for detention under national law is individualized suspicion of having committed a crime recognized in the penal code, and individuals should only be detained under criminal justice system rules.

"By categorically detaining men and boys 15 and over fleeing ISIS-held territory as possible terrorism suspects, KRG authorities are ignoring basic due process guarantees under [Iraqi](#) and international law," said [Lama Fakhri](#), deputy Middle East director. "No one should be detained unless there is reason to suspect them personally of criminal activity."

Human Rights Watch interviewed eight men and five women who had recently escaped from ISIS-held territory and are now in the Debaga camp for displaced people. All said that after initial screening at checkpoints, in which some men were detained, the rest of those fleeing were taken to the camp, where all men and boys aged 15 and over were separated from their families and held in a fenced area for a secondary screening, sometimes for weeks.

On October 17, 2016, the Iraqi central government and KRG authorities, with the support of an international coalition, [announced the start of military operations](#) to retake Mosul, Iraq's second largest city, which ISIS captured in June 2014. Anti-ISIS forces have also encircled the city of Hawija, 57 kilometers west of Kirkuk and 120 kilometers southeast of Mosul, which ISIS also captured in June 2014, and began operations to retake the city. An [estimated 1.2 million civilians](#) were in Mosul and an [estimated 115,000 in Hawija](#) at the start of the operations. Since the

operations began, [at least 8,940 people have fled](#) into northern Syria, the Kurdistan Region of Iraq, and elsewhere in Iraq.

Dr. Dindar Zebari, chairperson of the KRG's High Committee to Evaluate and Respond to International Reports, provided Human Rights Watch with [an explanation of KRG security force screening and detention processes](#) for displaced persons. His explanation corroborated statements from the displaced persons interviewed by Human Rights Watch regarding the extent of the secondary screening process and the delays in executing the screenings, but also emphasized the KRG's commitment to its human rights obligations.

Dr. Zebari said that all individuals migrating to the KRG are screened at checkpoints where their ID cards are checked against information compiled by intelligence and security agencies. He said that in addition to this, however, individuals coming from ISIS held territory are subjected to further screening. He explained that for these people, "further checks are conducted based on the intelligence agencies, national security agencies, and the local security agencies in the area."

With regard to the Debaga camp, based on interviews with displaced people, Human Rights Watch believes that this secondary screening is happening in the fenced facility a few meters from the camp, but only for men and boys aged 15 and over.

Dr. Zebari did not give a time frame for how long these secondary screenings last, but explained that only after men and boys have passed this second screening are they transported to a displaced persons camp. He acknowledged that, "Indeed, at times this process may be time consuming based on the large number of internally displaced individuals who wish to enter the Kurdistan Region and the comprehensive process of gathering intelligence on an individual," but emphasized "the Kurdistan Regional Government (KRG) and its Asayish security forces employ serious efforts to heed to international standards of human rights in the security screening process."

If individuals are found to represent a security risk, Dr. Zebari said, within 24 hours they should be transferred to special courts that determine guilt, but acknowledged that "in a few cases, legal procedures for those who are suspected IS-affiliates may become delayed due to the extremely large number of IDPs who have fled IS-held areas and wish to enter the Kurdistan Region. Another reason for the delay in detention facilities is the lack of security personnel who are available to carry out more comprehensive questioning due to a lack of financial resources."

The only legal basis for detention under national law is individualized suspicion of having committed a crime recognized in the penal code, not simply for potentially representing a security threat based on place of residence, and individuals should only be detained under criminal justice system rules.

KRG authorities should [promptly inform detainees](#) of any charges against them and allow them to quickly challenge their detention before an independent judicial body, as Iraqi law requires. They can only be held and tried for suspicion of having committed a crime.

Under international law, children may be detained only as a last resort and for the shortest appropriate period of time, and international standards state that children suspected of being recruited and used by ISIS should be treated primarily as victims, with a view to their recovery and reintegration, not punishment.

"We understand the practical need for security screening, but detaining all men and boys aged 15 and over simply because of where they are living is discriminatory, and these vulnerable people are being denied the protection they should be getting," Fakihi said. "Given what these men and boys have already endured, screening should be carried out quickly in a way that respects individual rights."

Interviews With Detainees, Families

Human Rights Watch interviewed eight men and five women who had recently escaped from ISIS-held territory and are now in the Debaga camp for displaced people, 40 kilometers south of Erbil. All said that they had been stopped at checkpoints run by Peshmerga, the KRG military, or Iraqi Security Forces on their way to the KRG. They said all the displaced persons were searched at the checkpoints, including women and children, with the help of women working there. The forces ordered men to remove their shirts and shoes. Peshmerga then took their identity cards and ran their names through a computer database.

Two men from Hawija said that after searching the database, Peshmerga forces arrested two men out of about 500 at the checkpoint with them on suspicion of affiliation with ISIS. Both men interviewed said they thought that the men detained may have worked with ISIS fighters in the city.

A woman from Mosul said that Iraqi forces arrested 10 men out of another large group that she arrived with. The rest of the group were taken to the Debaga camp, but the families of the 10 men, including children, stayed behind. She did not know whether these men were affiliated with ISIS or what happened to them or their families.

Once the displaced persons arrived at the Debaga camp, the Asayish, which are KRG security forces, separated all males aged 15 and older from the women and other children, who were allowed to enter the camp. The Asayish took the identity cards from the men and boys aged 15 and over and detained them in a separate area a few meters from the camp that was surrounded by tall metal fences with Asayish guards at the entrance.

Human Rights Watch visited the Debaga camp and observed the holding area from the other side of the fence where researchers interviewed three men inside through the fence. The detained men and boys could move around freely in the fenced area, were sleeping in tents, had access to electricity and showers, and wore regular clothes. They were also able to speak to their families through the fence. The three men Human Rights Watch interviewed did not complain about the conditions inside. However, there was no indication that unaccompanied children were separated from unrelated adults, as international standards require.

A person working at the camp told Human Rights Watch that the detained men and boys could be held anywhere from a couple of hours to weeks. The three men in the detention area who spoke to Human Rights Watch said they had been there for 15 to 20 days and did not know when they would be released. One said he knew two men in the facility who had been held for over 100 days. The detained man said at least 400 men and boys were being held there and said that none had been allowed access to lawyers. They all said that as far as they knew all men and boys aged 15 and over were being detained before being allowed into the Debaga camp if they were coming from ISIS held territory.

A member of the Barzani Charity Foundation's camp management team told Human Rights Watch that though they and UNHCR, the United Nations refugee agency, and other organizations had access to the detention area to provide food and other services, the facility was under Asayish control. The man said they did not know how many men and boys were held there.

All those interviewed said that Asayish interrogated the men and boys once or twice within two days after they arrived, asking for their personal details and any possible relationship to ISIS.

One young man from Mosul said that he had been an engineering student at Mosul University before ISIS took control of the city. He fled in early October 2016, because after missing two years of college, he wanted to enroll at the university in Kirkuk this year. After a harrowing journey out, he finally made it to a checkpoint, where Peshmerga forces took him to the detention

center near the Debaga camp. They wished him luck with his studies and assured him that he would be released within a day or two and would still be able to enroll.

When Human Rights Watch interviewed him however, he had been held for 18 days without being shown any evidence that he was affiliated with ISIS and without access to a lawyer. He said that he had shown his student ID to Asayish officers, and explained his desire to enroll in the university, but that they refused to release him.

According to the interviewees, most of the detained men and boys were eventually being released to rejoin their families inside the camp or at another camp. They said that after men and boys are released they can move around the Debaga camp, but that residents were not allowed to leave the camp unless authorities were transferring them elsewhere. On October 21, [Human Rights Watch issued a report](#) on unlawful restrictions on the freedom of movement of displaced people in Laylan and Nazrawa camps near Kirkuk.

In some cases, however, detainees were not released into the camp. One detainee said he saw the Asayish take two men from Hawija somewhere outside of the camp. He did not know what happened to them after that. One woman from the village of Karda Har in Makhmur District said that her 30-year-old son, a laborer who she said had no ties to ISIS, disappeared from the detention area after 18 days, over a month before. She had no idea why he was taken or where, and was afraid to ask the Asayish about his whereabouts.

Dr. Zebari said that KRG authorities are committed to informing the families of detainees of the process and status but, "once again, due to a lack of personnel and financial resources this task may at times be a difficult one."

Human Rights Watch urges KRG authorities to allow detainees to contact their families so that they know where detainees are being held and why. Detention should be on a clear legal basis, and detainees should be charged promptly with a criminal offense or released, and brought quickly before a judge. No restrictions should be placed on a detainees' access to a lawyer.

Recommendations

KRG authorities should allow independent human rights and protection monitors access to all screening and detention centers. KRG and Iraqi authorities should make public the number of people detained at checkpoints or screening centers, the legal grounds for their detention, and subsequently the number of people charged and convicted.

Authorities should make every effort to keep any child held for screening with a parent throughout their detention. In any case, the responsible officer should inform the parent of the child's detention, of any transfer of the child to another location, and how the parent can continue to obtain information on the child's whereabouts and situation. Officers should only question children in the presence of a parent.

Unaccompanied minors should be accommodated separately from single adults in the screening area and the camp and treated in an age-appropriate manner.

In the absence of *prima facie* evidence that a person has violated Iraqi law, authorities should release them immediately to a safe location and make every effort to reunite them with their family. In the case of children, authorities should inform parents of their release and should assist the child's reunification with his parents.

Special attention should be given to assisting reunification of families where women and children have been moved on from the Debaga camp to another location.

If authorities suspect that a child may have committed a crime, they should immediately transfer the child to a facility appropriate for the care and protection of children for further investigation, or preferably release them into the cognizance of a responsible adult during investigation and trial. If authorities determine that a child constitutes a threat to national security and arrest the child, the authorities should surrender the child to juvenile police, who should present the child to the examining judge or juvenile court, as the Iraqi criminal code requires. In all cases, children should be detained or imprisoned only as a last resort and for the shortest appropriate period of time, separately from adults, and allowed to correspond with and receive family visits.

Authorities should cooperate in the rehabilitation and social reintegration of children who were victims of military recruitment. The Paris Principles on Children Associated with Armed Forces or Armed Groups (2007) [states](#) that "children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation."

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