

**Flygtningenævnets baggrundsmateriale**

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|---------------------------------|----------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>1235</b>                                              |
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HUMAN  
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WATCH**MAY 7, 2019 12:00AM EDT**

## Iraq: Confining Families With Alleged ISIS Ties Unlawful

### Reject Plan to 'Intern' Up to 280,000 Women, Children

(Baghdad) – The Iraqi government should reject a plan that would unlawfully detain families with perceived Islamic State (also known as ISIS) affiliation, Human Rights Watch said today. In early 2019, Iraq's Implementation and Follow Up National Reconciliation Committee presented to Prime Minister Adil Abdul-Mahdi a proposal calling for the internment of up to 280,000 people, primarily women and their children.

“The Iraqi government proposal to confine alleged families of ISIS members not only violates international law but is also contrary to the government’s stated aim of reconciling populations post-ISIS,” said Lama Fakih, deputy Middle East director at Human Rights Watch. “Detaining families not accused of any crimes is a form of collective punishment that will fuel resentment and put the lives of thousands of people on endless hold.”



Graffiti that reads "Daesh (ISIS)," marks the home of relatives of an ISIS member in a west Mosul neighborhood, Iraq.

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In a meeting on April 7, the committee’s president, Dr. Mohammed Salman al-Saadi, shared an outline of the plan with Human Rights Watch. He said that it would affect all spouses, children, siblings, and parents of alleged ISIS members, whether the member is dead, disappeared, or in detention. Human Rights Watch raised its concerns with the proposal in letters to Abdul-Mahdi and President Barham Salih in late April.

Interior Ministry officials have told Human Rights Watch that the plan would affect an estimated 250,000 people. Humanitarian agencies believe that there are another 31,000 Iraqis in refugee and displacement camps in northeast Syria that the Iraqi government is returning home. Government officials have said they suspect that many of these returning families might be ISIS-affiliated.

Once numbers are ascertained, the Migration and Displacement Ministry is to build or repurpose residential compounds outside of cities to house the families, al-Saadi said. Families would be provided with either fixed housing or shipping container homes, but not tents. He said that people living there would only be allowed to leave in limited circumstances, including to go to the hospital or to a courthouse.

Under the proposal, the Sunni Endowment, a government religion body, would provide for compulsory deradicalization programming. The Labor and Social Affairs Ministry would give adults vocational training, but with no employment opportunities inside the compound. The Education Ministry would provide schools, and the Health Ministry would set up clinics inside. Al-Saadi said he foresaw a role for local groups to support programming for the families.

Iraqi security forces would guard the compounds but would not be allowed to enter, al-Saadi said, addressing a consistent problem in Iraq's camps for the displaced. Inside the compound, the Interior Ministry's community policing department would provide law enforcement, primarily through its female staff. However, the head of the community policing department in Baghdad, Khalid Lamuhana, told Human Rights Watch that his unit currently has just 752 staff members across the whole country, including only about 20 women.

The Implementation and Follow Up National Reconciliation Committee would negotiate returns of interned families to their areas of origin. Only after an agreement is secured with local communities and the interned families have completed deradicalization would the authorities allow them to return home. Al-Saadi did not specify a time frame. He said the families would only receive permanent documentation once they are approved to leave the compound.

The government's proposal, if implemented, would violate Iraq's obligations under international law, Human Rights Watch said. In the context of a non-international armed conflict, such as in Iraq, international human rights law continues to apply. International human rights law prohibits arbitrary detention and requires promptly taking people in custody before a judge and charging them with a criminal offense or releasing them. Any deprivation of liberty must be according to law that is "accessible, understandable, non-retroactive and applied in a consistent and predictable way," and allows individuals being detained to have their detention judicially reviewed. Any detention that lacks such legal basis is both unlawful and arbitrary.

International human rights law and humanitarian law allow punishment for people found responsible for crimes only after a fair trial to determine individual guilt. Imposing collective punishment on families, villages, or communities violates the laws of war and amounts to a war crime. Similarly, ordering the forced displacement of civilians for reasons connected with the conflict, apart from imperative military reasons or for their protection, is also a war crime. Under international human rights law, children may be detained only as a measure of last resort and for the shortest appropriate period of time.

The plan could also violate Iraqi law, Human Rights Watch said. Iraq's Constitution enshrines the right of every Iraqi to free movement, travel, and residence inside and outside of Iraq. Human Rights Watch knows of no laws passed that would allow the government to rescind those rights and to confine people not accused of committing a crime. Two senior judges in Baghdad told Human Rights Watch that the proposal could easily be challenged in court.

"The Iraqi government is seeking to provide safety for all Iraqi citizens," Fakihi said. "But the government needs to find a way to do that without unjustly burdening women and children who have committed no crimes."

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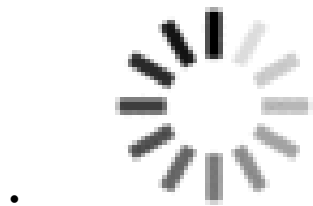
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