

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1006
Land:	Irak
Kilde:	Human Rights Watch
Titel:	KRG: Children Allege Torture by Security Forces
Udgivet:	29. januar 2017
Optaget på baggrundsmaterialet:	6. februar 2017



KRG: Children Allege Torture by Security Forces

Publisher [Human Rights Watch](#)

Publication Date 29 January 2017

Cite as Human Rights Watch, *KRG: Children Allege Torture by Security Forces*, 29 January 2017, available at: <http://www.refworld.org/docid/588f34d04.html> [accessed 6 February 2017]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Seventeen children detained since July 2016 by the [Kurdistan Regional Government](#) (KRG) on suspicion of involvement with the Islamic State, also known as ISIS, say that government security forces tortured or otherwise abused them in detention, Human Rights Watch said today. They are among at least 183 boys the KRG has been holding on ISIS-related accusations, most, if not all, apparently without charge or access to a lawyer.

The children, ages 11 to 17, alleged that Asayish, the KRG's security forces, held them in stress positions, burned them with cigarettes, punched and kicked them, beat them with plastic pipes and cables, and shocked them with electricity. None of the children had access to a lawyer during interrogation, and most had not been permitted to contact family members since their detention, in some cases for months. The legal basis for the detention of the children remained at best unclear, suggesting they were being detained arbitrarily.

"Legitimate security concerns do not give security forces license to beat, manhandle, or use electric shocks on children," said [Lama Fakhri](#), deputy Middle East director at Human Rights Watch. "Many children escaping from ISIS are victims who need help, yet face further abuse by Asayish forces."

The KRG should thoroughly investigate the allegations that children are being tortured and prosecute all security officials responsible.

Human Rights Watch researchers visited the Women and Children's Reformatory in Erbil in early December and conducted private interviews with 19 terrorism suspects, all boys ages 11 to 17. Human Rights Watch asked to interview some of the children based on previous interviews with family members, and social workers brought others for interviews at random. Human Rights Watch researchers also interviewed family members of 17 detained children, including relatives of six of the children interviewed, and staff at the facility and independent experts on the KRG's legal process and court procedures. Human Rights Watch has changed the names of the children and omitted certain details to protect them from potential retaliation.

Except for one Kurdish boy, all the children interviewed were Sunni Arabs from areas of Nineveh, Salah al-Din, or Kirkuk governorates that remain or were under ISIS control until late 2016. All said they were apprehended by Asayish or the KRG's Peshmerga military forces between July and November, most from the Debaga camp for internally displaced people, 40 kilometers south of Erbil. All were held in Asayish custody in various locations for days or weeks before being transferred to the Erbil detention center, which is administered by the Labor and Social Affairs Ministry.

The 17 boys who alleged mistreatment said that it usually took place during interrogation sessions with Asayish before authorities transferred them to the detention center, or when Asayish members recalled them from the detention center for further interrogation.

Nine said they were given electric shocks. One of the younger boys said he "felt that my eyes were popping out" when an interrogator tortured him with "an electricity machine."

A 14-year-old said that an Asayish officer at the General Security Directorate (also known as Asayish Gishti) started to pull his pants down and threatened to rape him if he did not confess an ISIS affiliation. Five children still had visible marks when Human Rights Watch researchers spoke with them, which they said were caused by cigarette burns or electric shocks during interrogation.

Two children told Human Rights Watch that they had contemplated suicide and heard other child detainees say they had as well. Some expressed fear that Asayish members would return to the detention center at any time to take them away.

Nearly all the children who alleged that Asayish members tortured them said that they ultimately made and fingerprinted confessions to stop the torture. Some said they freely admitted that they had worked with ISIS or received religious or weapons training from them, but they said the interrogators continued to press them to falsely confess to greater involvement, such as participation in battles or killing KRG Peshmerga forces. None knew the content of the confessions they fingerprinted – some were illiterate or blindfolded, and others said that they were not allowed to read them and could not have because they were written in Kurdish.

None of the children interviewed by Human Rights Watch said they were provided with lawyers, or permitted to have their parents or an adult guardian present during interrogation sessions or appearances before authorities whom they thought were judges. Nearly all said they had not seen anyone they thought was a judge within 24 hours of their initial detention by Asayish, as required by KRG law, though most said they appeared before someone they thought may have been a judge in the following days or weeks. All of the children interviewed by Human Rights Watch said they did not receive health screening or medical treatment in Asayish detention, including following the alleged torture or ill-treatment during interrogation.

Human Rights Watch [wrote](#) to the KRG president, Masoud Barzani, on December 27, requesting comment on these allegations. In a [response](#) on January 10, Dr. Dindar Zebari, chairperson of the KRG's High Committee to Evaluate and Respond to International Reports, wrote Human Rights Watch laying out relevant laws and criminal procedures the government follows, but not addressing any of the specific allegations.

He said that the KRG is "dedicated to following up on the allegations," but added that "no cases have been reported against the arrest procedure or misconduct at arrest by Asayish against a civilian." Given the language barrier, their ages, lack of legal assistance, and fears of retaliation, it is unlikely that any child at the detention center could make an official torture complaint, Human Rights Watch said.

KRG authorities should ensure that all child detainees have access to legal counsel and are in detention centers accessible to government inspection, independent monitors, relatives, and lawyers, with regular and unimpeded access, Human Rights Watch said. Children transferred from Labor and Social Affairs Ministry custody into Asayish custody for questioning or interrogation should be accompanied by lawyers and legal guardians or independent monitors.

The authorities should also ensure that there is a clear legal basis for detaining any child. The children, their family members, and their legal representative should be informed of the expiration date of the authority to detain them, and they should be taken promptly before a judge to rule on the legality of their detention.

The Convention on the Rights of the Child, to which Iraq acceded in 1994, stipulates a number of important rights for children accused of committing crimes. It prohibits torture and ill-treatment (article 37(a)), provides that children should only be detained as a last resort and for the shortest appropriate period of time (article 37(b)), and generally be allowed to maintain contact with his or her family through correspondence and visits (37(c)).

Children have the right to prepare an appropriate defense with "legal or other appropriate assistance" (article 40(2)(b)(ii)), the right "to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance" including the child's parents or legal guardian (article 40(2)(b)(iii)), and the right to "not to be compelled to give testimony or to confess guilt" (article 40(2)(b)(iv)). KRG authorities appear to have violated all of these obligations in the case of most of the child terrorism suspects who spoke to Human Rights Watch. The UN Convention against Torture, which Iraq ratified in 2011, obliges states parties to investigate and prosecute torture (article 7) and to provide compensation to victims (article 14).

"KRG authorities should ensure the well-being of children captured after living under ISIS and not mistreat them," Fakih said. "The brutal abuse of children produces false confessions, can cause lifelong suffering, and blurs the moral line between ISIS and its foes."

Detention by KRG Authorities

As of December 27, the KRG was holding 183 boys on ISIS-related accusations at two juvenile detention centers, an official with the region's Labor and Social Affairs Ministry, which runs the facilities, told Human Rights Watch. Of those, 158 were held at the Erbil detention center Human Rights Watch visited and the rest were in Dohuk. Another 10 boys who were at the two detention centers were convicted by KRG courts on ISIS-related cases that date to 2014 and 2015, he said. All children held and convicted on ISIS-related accusations were boys.

All 19 children Human Rights Watch interviewed said that they fled from areas of Nineveh, Salah al-Din, or Kirkuk governorates that remain or were under ISIS control until late 2016. The Peshmerga then transported them to camps for Iraqis displaced by the fighting, located in areas under KRG control.

Some of the children described dangerous journeys. "Karim," 16, said: "My brother and I crossed [into KRG territory] with nine families to [an area near Qayyara]. We didn't know the way and I was telling them to slow down. One man from Hawija stepped on a landmine and was cut into pieces – he died along with his son, and his wife and relatives were injured. There were six or seven injured."

Asayish detained most of the children after they arrived, usually accompanied by family members, at the Debaga or Hasansham camps, south and west of Erbil respectively.

Though most denied any links to ISIS, a few readily admitted they joined the group, usually to work as checkpoint guards or cooks. Some said they had enlisted to earn money for their families. Others said ISIS pressured them to join or attend Qur'an studies and weapons training.

"Mahmoud," 15, said that his father joined ISIS in 2014 and was later killed in an airstrike. He said that 15 days after his father's death in August 2015, ISIS members came to his house in northern Salah al-Din governorate and forced him to come with them to "avenge" his father's death. He said he worked at ISIS checkpoints for several months, then fled back to his family. Mahmoud said he admitted that he had worked for ISIS when he arrived at the screening area of a displaced-persons camp, and KRG security forces detained him.

"Maher," 16, said that two ISIS members took him at gunpoint and forced him to undergo 40 days of ISIS training in Mosul in February 2016. "We had some Qur'an lectures," he said. "Then they took us to Mosul and gave us military training. We learned shooting and how to take the gun apart, and how to aim." Maher said that after the 40 days he escaped and went home and in September fled with his family to Peshmerga forces, who took them to a displaced-persons camp. KRG security forces detained him there.

Other children said that they thought people from their areas or villages had made false allegations of involvement with ISIS against them because of conflicts or feuds between individuals or families. One mother in a displaced people's camp said she believed that KRG authorities detained her 16-year old son in the summer of 2016 after their former neighbors, who had fled to the same camp, falsely accused him of ISIS membership. She said that her family and the neighbors had a long-running dispute in the years before ISIS captured their area in 2014, and believes they informed on her son as an act of revenge. Human Rights Watch later interviewed her son in the Erbil detention center, and he gave the same account.

Another boy, "Hussein," 17, said he suspected that an estranged relative, who works for a Popular Mobilization Force (PMF) militia, allied with the Iraqi government, informed on him. "They accused me of being ISIS, someone must have informed on me and gave them my name," he said. "I think it was [a relative] It's a personal issue and I don't want to talk about it."

"Yassir," 14, said that his father sent him from the family's home town in the Nineveh governorate to work in the KRG in the fall of 2016, but that after he arrived in a displaced people's camp, KRG security forces detained him. He said he believed that someone from his village who had also fled to the camp told the Asayish that Yassir's relative was an ISIS member. He said this alleged informer was present and insulted his family when Asayish questioned Yassir in the camp. "My [relative] is ISIS," he explained. "But we have no relationship. ... I swear I only crossed over [to KRG-controlled territory] to come and make money."

Torture, Ill-Treatment

The children Human Rights Watch interviewed said that most of the torture and mistreatment took place at the General Security Directorate in Erbil. But some said that Asayish members also beat and otherwise mistreated them within the fenced-in screening center, known as the reception center, at the entrance of Debaga camp as well as at Hashansham camp and Asayish stations in Debaga town, Makhmur, and Kirkuk.

"Mostafa," 14, said:

I spent one month in Gishti [the General Security Directorate in Erbil]. Three times I was interrogated and each time I was beaten, they were kicking me on my head and back... Six days before I was transferred [to the detention center] they told me to sign a confession. They told me, "You have to sign a confession that you are with ISIS" ...

I did not see what they wrote. I was blindfolded and he was holding my hand to sign. He did not tell me what it said.

"Yahya," 15, said he admitted to involvement with ISIS to make the torture stop:

I told them that I attended 15 days of Sharia [Islamic law] training, and I worked for 30 days at the kitchen in the military base of an Islamic State facility ... and I was manning a checkpoint one week at one checkpoint and one week at another checkpoint. I just told them that is what I did because of the beatings. It was all fake testimony.

"Sami," described one of his interrogation sessions:

[The interrogator] brought an electricity machine with him – it had levels of 10, 14, and up to 20. He set it on 14 and put wires on my left and right big toes and turned on the electricity. I felt it in my legs and he asked me if I would admit [to involvement with ISIS] and I said no. He then left me for 30 minutes and then he returned and asked me to confess again, then he poured water on me until all my body was wet. He turned the electricity on 16 – I couldn't stand it. I felt that my eyes were popping out. He asked if I would confess and I said yes and he said I had to admit to one month [of working with ISIS]. I said no and he turned it on again. After that I said just turn it off and I'll admit to [working with ISIS for] 11 days, then I signed a statement with my fingerprint.

"Wassim," 16, said that Asayish members beat him and gave him electric shocks after strapping him to a bed:

It was really, really, hard for me. I would have told them anything. I told them, "I am not ISIS." I said, "I swear to God I am not ISIS." They would take turns where one would beat me and once he got tired he would leave and another person would come and resume the beating. Every day for five days in a row they used to take me out and beat me and torture me and send me back. I told them, "Give me relief by executing me.

Yassir said an Asayish officer at the General Security Directorate threatened to rape him if he did not confess an ISIS affiliation:

I was handcuffed so tightly I couldn't feel my hands. I went to the second floor [of the Asayish station in Gishti], where they covered my face with a towel and tied it with tape. I couldn't breathe and asked them to open it a little. Then he took a plastic pipe and beat me with it... From 9 a.m. to 5 p.m. he was hitting me on and off and asking me to confess. He said I would stay in the room for five days if I did not confess. He started to take off my pants and said 'I will f--- you if you don't say you are ISIS.' When he said this I told him I only went with them for one day.

Some children said that they were sent to the MLSA detention center in Erbil, only to be recalled later to the General Security Directorate for further interrogation and ill-treatment. They said they were terrified of the return visits. "I'm only afraid of one thing," said Yassir, "that Asayish will come back. [Last time] I told them to kill me but don't beat me again."

Wassim said: "Sometimes ... a piece of paper comes with a list of people to be taken out [to the General Security Directorate]. Every time they start calling the names our heartbeats increase and we all feel so scared, thinking, 'I hope it's not me, I hope it's not me.'"

Access to Family Members

Of the 19 children interviewed, only seven said that Asayish had permitted them to contact family members since their detention, despite repeated requests by all of them.

"If you have a letter from Asayish you have the right to make calls for 10 minutes every Tuesday," Hussein said. "My friend has the right to make calls and I gave him my uncle's number to pass a message to my family." Hussein said he did not know how to get Asayish permission to make phone calls.

Yahya said he was detained by KRG security forces in August, but had not been permitted to make phone calls since his arrest:

I have not seen or spoken to any family members since I got here. I have been detained for three months and 20 days and I have not heard their voice. I do not know where they are. The Asayish gave some detainees the opportunity to make a call but some of us were not given the opportunity. I don't know why they did not let me.

One detention center employee said that an Asayish officer comes to the detention center every day with a list stating which detainees have permission to receive family visits or make phone calls, but none of the children or detention center staff interviewed knew how Asayish made these decisions. Some detainees said they had to wait two or more months to make calls that were monitored by Asayish and lasted only two or three minutes.

Some of the children who had not been permitted to call family members said they feared their families had no idea where they were or what happened to them. "I just want to see my family," said "Ahmed," one of the boys interviewed. "I have had no contact with them and they don't know where I am," he said. Yahya, said, "I don't know whether my family members are alive or dead because of all the battles."

Two children said they had been in detention for more than five months without any verbal or physical contact with family. Thirteen children said their family members had not been allowed to visit them at the detention center. Several children and their family members told Human Rights Watch that even after Asayish officers said they had permission for family visits, the relatives could not get past KRG checkpoints into Erbil to reach the detention center.

Two children said they had received visits from family members living in a displaced-persons camp only after an international organization organized the trips with KRG authorities.

Unclear Legal Process

None of the children, legal experts, or social workers interviewed were certain of the legal basis on which KRG authorities were holding them. Legal experts said that the KRG's counterterrorism law, Law No. 15 of 2006, lapsed in July, making it unclear under what law KRG the authorities are holding or could charge these children.

In its [response](#) to Human Rights Watch's [December letter](#), Dr. Zebari did not answer requests for clarification on the legal status of the child terrorism suspects, whether any of the boys had been criminally charged, and how many other child ISIS suspects were being held in places other than the juvenile detention centers, such as Asayish stations and the General Security Directorate.

Most of the children said that they had been questioned by a man they thought was a judge at the General Security Directorate in Erbil, but almost always days after they had been picked up, not within 24 hours of arrest as KRG law requires. All of the children interviewed said they had not been provided with a lawyer during interrogation, a right guaranteed under KRG law. Likewise,

two Erbil-based children's rights advocates with knowledge of the cases, who spoke on condition of anonymity, said they believed most or none of the children had not yet been charged.

Most of the children said that social workers at the detention center told them they might remain there for about six months before going to court to face charges or for trial.

Detention Center Conditions

Most of the children said that detention center officials at the Women and Children's Reformatory in Erbil treated them well. However, several children, as well as detention center staff, described an acute shortage of psychosocial – or mental health – support, even though virtually all of the child detainees had experienced severe psychological trauma and two told Human Rights Watch they wanted to kill themselves.

A detention center staff member said that one psychiatrist comes to the detention center one day per week, to offer counseling to the 158 boys held there on ISIS-related accusations. Some children said the psychiatrist primarily provides medication – one said he was given medication and did not know what it was. The psychosocial team at the detention center is also understaffed, and some children said they were uncomfortable speaking with the detention center's psychosocial workers because they were Kurdish.

Because of the influx of child detainees, the detention center is filled to six times its intended capacity, with up to 22 children in a room, according to detention center staff. Human Rights Watch researchers observed that detention center staff have had to house the children in all common areas except the library, which is not open during afternoons or evenings. Sleeping areas now include the music room, which has no windows. This overcrowding and shortage of rooms has severely curtailed recreational activity for the children.

Human Rights Watch researchers also observed that despite cold winter temperatures almost none of the children had socks, and many had to share blankets or borrow clothes from other detainees. They said that family members were allowed to bring clothes and money to buy food and clothes during visits, but that children who could not receive visits had to rely on handouts from non-governmental organizations or fellow detainees.

Copyright notice: © Copyright, Human Rights Watch

Search Refworld

by keyword
and / or country 

[Advanced Search](#) | [Search Tips](#)

Countries

- [Iraq](#)

Topics

- [Children's rights](#)
- [Children-at-risk](#)
- [Freedom from torture, inhuman and degrading treatment](#)

- [Kurd](#)
- [Security forces](#)
- [Terrorism](#)