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Iraq: Displacement, Detention of Suspected “ISIS Families” - Troops Force Residents Out, Demolish Homes

(Erbil) – [Iraqi](#) forces have forcibly displaced at least 125 families said to have familial ties to affiliates of the Islamic State (also known as ISIS), Human Rights Watch said today.

Sunni tribal groups (known as the *Hashad al-Asha'ri*), within the Popular Mobilization Forces (known as the PMF or Hashd al-Sha'abi), which are under the control of Prime Minister Haider al-Abadi, and Iraqi soldiers forced the families out of their homes following the passage of a decree issued by local authorities. The families, all from Salah al-Din governorate, are being held against their will in a camp functioning as an open-air prison near Tikrit. The PMF also destroyed some of the families' homes.

“While politicians in Baghdad are discussing reconciliation efforts in Iraq, the state’s own forces are undermining those efforts by destroying homes and forcing families into a detention camp,” said [Lama Fakih](#), deputy Middle East director at Human Rights Watch. “These families, accused of wrongdoing by association, are in many cases themselves victims of ISIS abuses and should be protected by government forces, not targeted for retribution.”

In August 2016, the [Salah al-Din governorate council passed a decree](#) stating that anyone proven to have been complicit or affiliated with ISIS has no right to return to the governorate. The decree also orders the expulsion of immediate relatives of ISIS-members from Salah al-Din for 10 years to life, and says that they are only allowed to return if they are deemed “safe.” The decree establishes a committee to seize ISIS-affiliates’ property and suspend their, and their families,’ provision cards. Families that kill their ISIS-affiliated relatives, or hand them over to the Iraqi authorities, are exempted.

One woman from al-Shakrah village, three kilometers south of al-Shirqat, said that PMF fighters forced her and her relatives from their home on January 7, 2017, because her husband’s brother had joined ISIS. She said that the fighters “forced our whole family of 14 people out and onto the truck. They didn’t let us grab even a change of clothing.”

Two women from the village of al-Aithah said that local PMF forces destroyed hundreds of homes with explosives after they retook the area on September 21, targeting not only some of the families they thought to be affiliated with ISIS, but also some families that had fled because of the fighting. Satellite imagery reviewed by Human Rights Watch showed that between September 23 and October 23, 220 homes in the village were destroyed by explosives and fire.

Under the laws of war, parties to a conflict may only attack military objectives. The intentional or wanton destruction of civilian property is unlawful unless the property is being used for a military purpose. Destroying property merely to punish the population is always prohibited.

Iraqi federal authorities should investigate any intentional destruction or looting of civilian property, punish those responsible – including those in command control at the time of such acts who failed to prevent the crimes – if abuses are found, and compensate victims, Human Rights Watch said.

Human Rights Watch visited the Shahama camp for displaced people, 13 kilometres north of Tikrit, on February 3, to interview families affected by the decree. Hussein Ahmed Khalaf, the camp manager, said that 362 families were there, of whom 237 had fled Hawija, a city 50 kilometers west of Kirkuk that is still under ISIS control. Those families had arrived when the camp opened at the beginning of January.

He said that over the next month, 125 families from the al-Shirqat area were brought to the camp. Human Rights Watch interviewed 14 people forcibly displaced with their families to the camp. They all said that PMF fighters, in the presence of the Iraqi Security Forces (ISF) with army vehicles, had forced them out of their homes. They said that they were prohibited from leaving the camp and from having mobile phones.

In a Salah al-Din news broadcast in January, Brigadier General Juma Enad Sadoon, the Salah al-Din operational commander for the ISF, said that [he ordered](#) the forced displacements of immediate relatives of ISIS members following the passage of the decree by the Salah al-Din governorate council. He said “ISIS families” were identified by other residents and through intelligence gathered by the security forces. He said he gave the order because of concerns about family members communicating with their ISIS relatives fighting in Mosul and other fronts and because of complaints from the relatives of victims of ISIS abuses. He said he would not stop displacing these families.

But most families who spoke to Human Rights Watch either denied they had a relative in ISIS or said that if they did, this family member was as distant as a cousin or brother-in-law.

On January 26, [two videos](#) were [posted](#) on a [Facebook page](#) covering news from Salah al-Din showing local PMF forces in al-Shirqat displacing families of ISIS suspects using army vehicles.

Both videos feature a female commander known as Um Hanadi of the local PMF of al-Shirqat known as the Group of Um Hanadi for Special Tasks (*Tashkeel Um Hanadi La Mohmat al-Khasah*). In one video, she and a group of armed forces are loading families they refer to as “ISIS families” onto at least two Iraqi army trucks with military license plates. The video shows at least two Iraqi military commanders, recognizable because of their red berets. One fighter and the cameraman identify themselves as members of the Iraqi military’s Division 17, Brigade 60. In the other video, Um Hanadi says to the camera, “It is an honor for me to clean and cleanse al-Shirqat with these elite forces.”

A *New York Times* [article](#) from January 29 about the camp quotes Salah al-Din’s deputy governor, Amar Hekmat, as saying that the aim behind the forcible displacement is, “to defy the terrorists and send a stern message to the families.” Salah al-Din’s First Deputy Governor Khazhal Hamad is quoted in the same article saying that displacing the families was a way of protecting them from retaliatory attacks by neighbors who lost family members to ISIS. “There are hostile feelings towards these people, and these feelings can affect the civil peace we are trying to achieve,” he said.

A February 28 [response from the Ministry of Foreign Affairs’ human rights office](#) to Human Rights Watch’s findings stated that the displacement was carried out by the Salah al-Din operational command in order to protect the families from revenge attacks; for security reasons linked to continued suicide attacks; and because some of these families may be sharing information about ISF positions with ISIS. It stated that the operational command was mandated with holding and protecting the families in the camp. Representatives of the PMF did not respond to questions sent by Human Rights Watch.

The article goes on to say that Prime Minister Haider al-Abadi sent a [letter](#) in late January to the local governor criticizing the displacement and ordered governorate and federal government officials to resolve the issue. There was no indication he had called for the punishment of armed forces under his command that participated in it. Iraqi federal authorities including al-Abadi should continue to condemn the forcible displacement of these families and censure any state forces that participate in the practice, Human Rights Watch said.

Two of those interviewed by Human Rights Watch said that Salah al-Din’s Governor Ahmad Abdullah al-Jabouri came to the camp in late January and told them that he was working on a solution to secure their release, but that nothing had happened since.

It is a basic international standard that punishment for crimes should only be imposed on people responsible for the crimes, after a fair trial to determine individual guilt. Imposing collective punishments on families, villages, or entire communities is strictly forbidden and can itself be a crime, especially if it results in forced displacement.

Under the laws of war, forced displacement of civilians is strictly prohibited except in the limited cases when displacement is necessary to protect civilians or for imperative military necessity, and then only for as long as it is needed. Under the Rome Statute of the International Criminal Court, it is a war crime to order such unlawful displacements of civilians during a conflict. Widespread or systematic unlawful forced displacement imposed as a policy of the state or organized group can amount to a crime against humanity.

Local [governorate councils should reverse any decrees targeting](#) the families of alleged ISIS affiliates in violation of international standards. Iraq's parliament should issue a decree calling on the local governorate councils to rescind the decrees and on armed forces to cease the forced displacements, reiterating the unlawfulness of these displacements and stipulating that any armed forces who participate in the displacements should be censured.

"There is growing concern among parliamentarians and ministers about the forcible displacement of so-called ISIS families and what this will mean for reconciliation efforts in areas recently taken back from ISIS," Fakhri said. "That concern needs to translate into action before these destructive policies are mimicked across the country."

Local Justifications for Displacement

Local leaders from Salah al-Din told Human Rights Watch that the forcible displacement of families of alleged ISIS affiliates was in line with *jalwa*, an Arabic term for eviction and a [principle](#) that entails the forced relocation of a clan to avoid friction if one of its members murders someone from another clan living in the same area.

Other local officials are taking similar measures to expel so-called "ISIS families." In July, the [Babylon governorate council passed a decree](#) calling on authorities to demolish the homes of anyone proven to have participated in terrorist activities, deport their families from the governorate, and to authorize legal procedures against the families proven to have "concealed" their ISIS-affiliated relatives. Families from Anbar face similar [difficulties](#). In July, local leaders issued a covenant saying that people who "promoted" ISIS are not allowed to return until their charges are reviewed. Individuals who did not renounce relatives who supported ISIS are only allowed to return home "when this situation stabilizes," they said.

Identified with ISIS

Four of the 14 people Human Rights Watch interviewed were from al-Shakrah village and were brought to the Shahama camp on January 7 and January 26. Three were from al-Aithah village, 11 kilometers north of al-Shirqat, and were brought to the camp in early January. The rest were from three neighborhoods of the town of al-Shirqat and were brought to the camp on January 26, 28, and 29. Some were brought alone, while others said they were loaded into approximately 30 vehicles, some with up to 11 other families. Several said they had only the most tangential connections, or no connections at all, to people who had joined ISIS.

One couple said that their cousin, a member of Um Hanadi's PMF group with whom they had a running land dispute for years, was the one that brought forces to their home and made them leave. They said they had no links to ISIS. Another woman said she was a nurse, and had continued her work at the local hospital under ISIS because she was the only female nurse and felt it was her duty to provide health care for women. Fighters brought her and her family to the camp, saying it was because she had been affiliated with ISIS, she said.

One widowed woman said that ISIS fighters forced her to marry off her 14-year-old daughter to one of their fighters after they took her village in 2014. According to the mother, the daughter married the fighter, who was subsequently killed, and gave birth weeks before she and the rest of her family were forcibly displaced. The woman said PMF and Iraqi soldiers displaced her and her family, including her daughter and grandchild, to the camp because of the forced marriage.

"They [the PMF] told me: 'You gave your daughter to ISIS,'" she said. "But they do not understand our situation with ISIS and the pressure they put on us. We couldn't say anything to them...I had no choice. I couldn't say anything...ISIS became the government ruling over everyone. They've gone to war with every country. What could I do as a woman to oppose them?"

"As they drove us from al-Shirqat they were celebrating, it was like a victory for them," said a man from the Jamia neighborhood. He said PMF and ISF jointly rounded up 28 people from his area and brought them to the camp on a convoy of dozens of cars, blaring celebratory music from their loudspeakers:

We saw all these cars and trucks suddenly pull up in our village, and I saw several Hashd fighters [PMF] knock on the door of my neighbors. Their son had been with ISIS. They forced them out immediately and into one of the trucks. Then came the knock at our door, and my mother-in-law opened and told the fighters that her son's family, my husband's brother, who had joined ISIS, lived down the road. They said to her, "But you are also related to him."

Shahama Camp Conditions

Human Rights Watch observed that the families from Hawija and al-Shirqat in the Shahama camp are housed

in tents in separate areas of the camp. The camp manager said that this was because of concerns over possible tensions between people who left Hawija voluntarily and those forcibly displaced from al-Shirqat over suspected family ties to ISIS suspects.

Shahama camp residents are not allowed to leave or to have mobile phones, and visitors are restricted. Residents at the camp from the initial wave of families from Hawija told Human Rights Watch that until the al-Shirqat families arrived they had been allowed to have phones, and leave the camp at will.

The camp receives assistance and support from four international aid organizations, but two aid workers said that most aid groups would not support a camp that is functioning as a holding site for forcibly displaced people, rather than a camp to which displaced people have gone voluntarily. Having visited about a dozen camps in Iraq and the Kurdistan Region of Iraq, Human Rights Watch researchers observed significantly worse conditions in the Shahama camp than in the other camps it had visited. According to a senior aid worker and the camp manager, the camp has no clinic, no school, and lacks adequate sanitation services and food, water, and heating oil.

Destruction and Looting

A local sheikh from the village of al-Aithah interviewed in the Shahama camp said the PMF arrived three days after the Iraqi military retook the village from ISIS on September 19. Two women from the village said that the PMF forces destroyed hundreds of homes. One said her home was included and the other that she witnessed the destruction:

I saw them destroying the houses. They would destroy around 15 homes a day. For about 15 days the destruction didn't stop in the village. My house was not destroyed when the army came, but...lots of neighbors' homes were destroyed by the PMF. It was the local PMF destroying the homes. I saw them and know them personally as being from the local PMF.

She said the PMF targeted the homes not only of some families thought to have links to ISIS, but also some of those who had simply fled the area out of fear.

Local residents said that as far as they were aware, there were no airstrikes on the village after it was retaken, so the destruction could not have been a result of aerial attacks, and there was seemingly no military necessity for the destruction, meaning it most likely constituted a war crime. "We want the Iraqi government to show mercy on these women and children," one of the women said. "Don't act like ISIS, by destroying homes and displacing families."

Several members of the displaced families also said PMF members looted their property. One woman from Tal al-Jumaila neighborhood in al-Shirqat said that the morning before she was displaced, PMF confiscated her cow without giving any reason. A man from Tal al-Jumaila neighborhood and another from al-Shakrah village both said fighters took their cars. The rest of the interviewees said that because they did not have access to their phones, they did not know what had happened to their property since they left.

Detention

Seven people interviewed said that ISF had arrested one or more of their family members, in one case a 15-year-old boy, on suspicion of ISIS affiliation either at their homes or at a checkpoint in the area, some as early as August. Six had not heard from their relatives since and all of them said that because of the ban on phones, they were unable to make any calls to see if they were still in detention or had access to a lawyer.

One man from al-Shakrah said he had been detained by ISF at a checkpoint near Tikrit because his brother had been an ISIS member, and was beaten for a day with electric cables while guards asked him how he could have shared a home with an ISIS fighter. That night, he said, they transferred him to the Salah al-Din operations room, and then to a prison in Tikrit. A few weeks later he was taken before a judge and ordered released, after which he returned to al-Shakrah, he said. On January 7, he and his family were forced to relocate to the camp.

Another al-Shakrah villager said that on September 24, 2016, more than 15 Iraqi soldiers and PMF members who were in the village told all the men and boys ages 15 and over to gather at the local school to be screened:

I gathered there with my 15-year-old son, as we were told. A soldier called out three names of men from the village and detained them. Then about 20 fighters wearing PMF patches brought 10 more men with masked faces to us, and started pointing at people at random, while the ISF stood by and watched. The PMF took away the 14 men and one boy, my own son, whom they pointed at, loading them onto military trucks. One PMF fighter was filming the group of detainees on his phone as they waited to load the trucks, and ordered them to bark like dogs.

They brought his son back after 28 days. The family confirmed with Iraqi army officers that his son was not on a wanted list, but five days later, PMF came to the home with a masked man who said the boy was affiliated with ISIS and detained him again, the father said. The father said he has heard nothing from him since and that on

January 7, local PMF members in the village came to their home and said they were an “ISIS family” and had to get onto the PMF trucks and go to the camp.

Iraqi federal authorities should make efforts to inform family members about the location of all detainees. Iraqi federal authorities should make public the number of fighters and civilians detained, including at checkpoints, screening sites, and camps during the conflict with ISIS, and the legal basis for their detention, including the charges against them. They should ensure prompt independent judicial review of detention and allow detainees access to lawyers and medical care and to communicate with their families, Human Rights Watch said.

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