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Fråga-svar

Kurdiska Regionen i Irak. Om förhållandena på fängelser och om speciella ungdomsanstalter

Fråga

1. Hur är förhållandena på fängelserna i KRI (Kurdiska Regionen i Irak)? Hur behandlas fångarna? Hur är fängelseväsendet organiserat; vilka myndigheter ansvarar för häkten och anstalter?
2. Finns det fängelser/anstalter särskilt för minderåriga i KRI? Finns information om vilka förhållandena är?

Svar

1. Situationen på fängelserna m.m.

Förhållandena på fängelserna varierar beroende på vilket ministerium eller säkerhetsorgan som ansvarar för dem. Häktade hålls inte längre än lagstadgad tid och förhållandena i en del häkten hade förbättrats 2010. I häkten och fängelser underställda Inrikesministeriet såg UNAMI få förbättringar förra året och fängelser underställda Ministry of Labour and Social Affairs (MoLSA) var överbelagda. Olika källor uppger att tortyr eller tortyrliknande behandling kan förekomma, särskilt i säkerhetsorganens inrättningar.

US Department of State (2011):

The KRG's Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the KRG internal security forces, Asayish, and the party-affiliated intelligence services Parastin of the

Kurdistan Democratic Party (KDP) and Zaniyari of the Patriotic Union of Kurdistan (PUK). Allegations of abuse included stress positions, broken fingers, and application of electric shocks. A 2009 MOHR [Ministry of Human Rights] report on prison conditions in the Kurdistan region noted that inspectors had observed signs of "systemic torture" in Asayish detention facilities, although cases in prisons run by KRG Ministry of Labor and Social Affairs were limited to isolated instances.

[...]

KRG social welfare authorities operated prisons in the KRG, and KRG security authorities operated pretrial detention facilities. KRG internal security forces and KRG intelligence services operated separate detention facilities as well. Kurdish authorities operated eight detention facilities that combined pretrial and postconviction housing and eight additional internal security pretrial detention facilities.

[...]

Domestic and international human rights NGOs and intergovernmental organizations generally did not have access to national MOI [Ministry of Interior] detention and pretrial facilities, although the MOHR initiated a program in 2009 to train NGOs in how to conduct prison inspections. Some intergovernmental organizations had access to similar facilities of the KRG internal security and intelligence forces, which were separate from the national facilities.

[...]

The COR [Council of Representatives] committee advocated publicly for raising standards in government detention facilities and prisons, and credible human rights organizations considered that to be valuable. The KRG's legislature formed a special committee to deal with human rights and detainee issues, but did not issue any public reports.

UN Assistance Mission for Iraq (2010):

In the Kurdistan region, KRG MoLSA [Ministry of Labour and Social Affairs] and the MoI [Ministry of Interior] operate pre- and post-trial facilities. Several prisons in the KRG operate well and meet international standards. Furthermore, MoJ [Ministry of Justice] correction services meet international standards for the treatment of prisoners, yet improvements in the physical structure and maintenance of detention and prison facilities is required. While female prisoners in MoJ facilities are allowed to have their children (4 years and under) with them, the condition of women's facilities

meets only minimal standards and there is room for improvement.
(s.33)

UN Security Council (2010):

38. UNAMI has observed some improvement in the conditions of detention facilities in the Kurdistan Region over the past ten months, including better living conditions and access to medical services in the facilities run by Asayesh in Sulaymaniyah and Dahuk. There was also a marked improvement in the holding periods for detainees awaiting charges, with no reports of detainees being held beyond the legal limit in those facilities. However, there was little improvement in conditions inside prisons and detention centres under the authority of the Ministry of Interior. In prisons under the authority of the Ministry of Labour and Social Affairs in Erbil and Sulaymaniyah, UNAMI observed considerable overcrowding and detention in cells with no ventilation or natural light (s.9)

UN Assistance Mission for Iraq (2009):

Detention under the Authority of the KRG

70. The number of detainees in the custody of the KRG was 2,980 at the start of the reporting period and 2,689 at the end of December 2009. In comparison to the previous reporting period, the number of detainees has remained relatively constant from 2,671 at the beginning of the previous reporting period.

71. UNAMI remains concerned about abuse and ill-treatment of prisoners and detainees at prisons and places of detention in the Region of Kurdistan. (s.23)

Danish Immigration Service et al. publicerade 2009 en rapport där ett längre stycke beskriver situationen på fängelser i KRI. Nedan citeras inledningen; obs. viktigt att läsa resten av stycket (se länk i källförteckningen).

4.5 Detention and torture in Kurdistan Region of Iraq (KRI)

An international organisation (C) in Erbil explained that its office in KRI opened in 2005, one of their main tasks being to monitor detention facilities and the treatment of detainees. An accomplishment of the international organisation (C) in Erbil in cooperation with KRG is the closing of the Asayish detention facilities in Akre in 2007. The international organisation (C) also informed that the situation for the detainees has improved to the

extent where most detainees now are detained based on a court order. This is a major improvement compared to the situation before 2006, and is explained by frequent unannounced visits of the international organisation (C) to the different detention facilities. Allegations of the establishment of new secret detention facilities keep emerging, and in some instances the international organisation (C) has actually disclosed such new secret detention facilities. The international organisation (C) does in most cases succeed in finding the persons it searches for.

According to an international organisation (F) in Erbil torture occurs in detention centres, especially those run by the Asayish. In some cases detainees have been forced to sign statements against themselves and the victim will not get a chance in court to state that his or her confession was given under torture. (s.28)

2. Fängelser och häkten särskilt för minderåriga i KRI

Det finns särskilda fånganstalter för minderåriga i den kurdiska regionen. Brott begångna av ungdomar handläggs av särskilda polisavdelningar och ungdomsbrottslingar döms av ungdomsdomstolar. MoLSA administrerar ungdomsvård och d:o förvar.

US Department of State (2011) skriver om minderåriga och fängelser i Irak. Ett stycke handlar specifikt om KRI.

KRG security authorities operated male pretrial detention facilities, and KRG social welfare authorities operated male posttrial and female and juvenile pretrial and posttrial detention facilities in the Kurdistan region. The KRG internal security forces and the KRG intelligence services operated separate detention facilities. Domestic and international human rights NGOs and intergovernmental organizations generally had access to pretrial and posttrial facilities. Access by independent organizations to the facilities of the KRG internal security and intelligence services was limited to the MOHR, the International Committee of the Red Cross (ICRC), and the UN.

Storbritannien. Foreign and Commonwealth Office (2010):

Gaining unrestricted access to Iraqi prisons is often difficult. However, the Prime Minister's Special Envoy for Human Rights in Iraq, the Rt Hon Ann Clwyd MP visited a women's and juvenile prison in Erbil in March. Embassy officials also visited a prison in the Kurdish region of Iraq in November. Both visits revealed the Kurdish Regional Government's commitment to providing adequate facilities and focus on rehabilitation. We will continue to encourage acceptable access in other parts of the country. (s.122)

I en platsannonser hos UN Jobs (2010) beskrivs kort hur rättsväsendet för minderåriga i KRI är organiserat.

The juvenile justice system of Kurdistan today consists broadly of district and sub-district juvenile police departments, juvenile courts, and juvenile social reformatory and detention centres administered by the Ministry of Labour and Social Affairs, while juvenile courts administrated by the Ministry of Justice and Juvenile Police by the Ministry of Interior.

Danish Immigration Service et al. (2009)

Some orphans are sent to juvenile detention centres when the orphanages are full. (s.65)

[..]

8.3 Children in detention in Iraq

According to an international organisation (E) in Erbil there are reports about juveniles being detained by the ISF and MNF-I. Legally speaking, children between nine and 18 age years old are considered juvenile. According to UNICEF (ISCA) about 300 children under the age of 18 are currently under detention in GoI facilities. In addition, there are 38 children held in American custody, a reduction from 900 at the beginning of 2008. When asked if detention centres may be used as orphanages, an international organisation (G) in Erbil stated that it had no knowledge of this taking place. (s.66)

Center for Strategic and International Studies (2009) har publicerat en rapport som bland annat tar upp situationen i arresteringslokaler i KRI. Minderåriga uppges i vissa fall ha hotats och utsatts för sexuella övergrepp.

Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. UNAMI reported finding evidence that investigators disregarded instructions not to employ coercive methods with Asayish detainees in Erbil. Between April and June, 48 out of 66 detainees and prisoners UNAMI interviewed reported being tortured by officials. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police threatened and sexually abused detainees, including juveniles. (s.83)

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda av Migrationsverkets landinformationsenhet under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende.

Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden.

Refererade dokument bör läsas i sitt sammanhang.

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