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Iraqi Kurdistan: Arabs Displaced, Cordoned Off, Detained ^[1]

Harsh Restrictions in Northern Iraq While Kurds Move Freely

February 25, 2015

Iraqi Kurdish forces have confined thousands of Arabs in “security zones” in areas of northern [Iraq](#) ^[2] that they have captured since August 2014 from the extremist group Islamic State, also known as ISIS. Kurdish forces for months barred Arabs displaced by fighting from returning to their homes in portions of Ninewa and Erbil provinces, while permitting Kurds to return to those areas and even to move into homes of Arabs who fled. Some restrictions were eased in January 2015, after Human Rights Watch communicated with the Kurdish regional government about the issue, but others remain.

Local Kurds told Human Rights Watch that Iraqi Kurdish citizens or forces of the Kurdistan Regional Government (KRG) have destroyed dozens of Arab homes in the areas, which the KRG appears to be seeking to incorporate into Kurdish autonomous territory. Arab residents in one cordoned-off zone said that KRG forces detained 70 local Arab men for long periods without charge.

“Cordoning off Arab residents and refusing to let them return home appears to go well beyond a reasonable security response to the ISIS threat,” said [Letta Tayler](#) ^[3], senior terrorism and counterterrorism researcher at Human Rights Watch. “The US and other countries arming the Iraqi Kurdish forces should make clear that they won’t stand for discrimination under the guise of countering terrorism.”



Human Rights Watch found no evidence of Kurdish forces imposing similar restrictions on movements of Kurds. The regional government is a key ally of the United States-led coalition fighting ISIS. The US has pledged ^[4] \$350 million to create three new brigades of the Kurdish military force, the Peshmerga. Germany, ^[5] the UK ^[6], Italy, ^[6] France ^[7], the Czech Republic ^[8], and Albania ^[8] also are arming or training Peshmerga forces.

Human Rights Watch raised its concerns about ethnic discrimination with KRG authorities in December and in a January 20 letter. In a statement to Human Rights Watch, the regional government denied any ethnic discrimination but pledged to investigate the Human Rights Watch findings. In January, Kurdish military and intelligence forces eased several of the restrictions.

Human Rights Watch documented the apparently discriminatory acts in communities in Sheikhan and Tilkaif districts and Zumar subdistrict, all in Ninewa province, and Makhmur district in Erbil province, while visiting these areas in December and January. The areas are part of the so-called disputed territories that both the regional government and Iraq's central government in Baghdad claim.

With the exception of Sheikhan, which is governed by the KRG, the districts had been under the central Iraqi government's authority until ISIS captured portions of them in mid-2014. Many of the districts' residents – an ethnically diverse population of 600,000 – fled before ISIS captured their areas. Others stayed put because the fighting did not reach their towns, while others, primarily Sunni Arabs, were trapped or chose to stay inside ISIS-held territory.

Backed by US airstrikes, Kurdish forces wrested several communities in or near the districts from ISIS between August and October. Other parts of the districts remain under ISIS control and sporadic fighting has continued between ISIS and Peshmerga forces. Most of the towns and villages where Human Rights Watch found apparently unlawful conduct by Kurdish forces were directly behind or near the front line with ISIS.

Human Rights Watch has extensively documented crimes against humanity ^[9] and other atrocities ^[10] by ISIS in Syria and Iraq, as well as violations by the Syrian ^[11] and Iraqi forces ^[12] and allied militia ^[13].

In December Human Rights Watch saw Peshmerga and members of the KRG's Asayish intelligence service turning away all civilians – including Arabs and Kurds – from some parts of these districts that they had captured, saying they were still too dangerous to resettle or visit because of the proximity of ISIS, ongoing fighting, and unexploded ordnance including booby-traps in homes. However Human Rights Watch found that Peshmerga and Asayish forces were allowing Kurdish residents who had fled the fighting to return to other towns and villages in these same districts that they deemed relatively safe, while denying displaced Arab residents re-entry to these same areas.

Local Asayish officials confirmed the bans at the time, telling Human Rights Watch at checkpoints into the four districts that “No Arabs are allowed.”

In its February 5 response to Human Rights Watch, which included comments from the Ministries of Interior, Peshmerga, and Asayish, the KRG said upholding human rights was a “main priority.” The statement said that regional government authorities have repeatedly instructed security forces, including immediately after receiving the Human Rights Watch letter, that “no one is above the law” and that all violators “will be held accountable.” In December, however, some Kurdish officials in meetings with Human Rights Watch defended restrictions singling out Arab residents, saying that many Arabs had assisted the ISIS advance and might again collaborate with the armed group, which is predominantly Sunni Arab.

International law allows forced displacement of civilians during an armed conflict only as a temporary measure to protect local populations or for imperative military needs.

International law prohibits discrimination on the grounds of ethnicity or race at all times, including in states of emergency and armed conflict. In addition, international law forbids collective punishment or discriminatory detention.

The Kurdish regional government should lift all restrictions on movement that are not clearly justified by military necessity or civilian protection, or that were imposed on the

basis of ethnicity, and immediately investigate alleged abuse of captives, Human Rights Watch said. The Kurdish authorities should also follow through on their commitment to carry out a prompt, impartial, and transparent investigation into all other potentially unlawful conduct in areas it controls and appropriately prosecute or discipline any officials, forces or individuals responsible.

The United Nations Human Rights Council should extend the investigation mandate of the Office of the High Commissioner for Human Rights on abuses by ISIS, and broaden it to include serious violations by all sides, including the Iraqi military and allied Shia militias, as well any committed by Kurdish military and security forces. The US, Germany, the UK, and other countries providing security assistance to Iraqi Kurdish troops should make clear ethnic discrimination by the regional government or its forces is unacceptable and offer technical and financial support for an investigation. All countries providing security assistance to Iraqi Kurdish forces should make clear that the KRG could risk losing such aid if it does not investigate, end, and punish seriously abusive conduct.

“While the KRG did the right thing in starting to ease these restrictions, it has further to go to curtail discrimination against Arabs,” Tayler said. “The atrocities committed by ISIS, no matter how unconscionable, can’t justify collective punishment of entire Arab communities.”

Displaced Arabs Barred from Returning

Tens of thousands of Arabs, Kurds, Christians, Yezidis, and other residents fled areas of Makhmur, Zumar, Sheikhan, and Tilkaif just before ISIS seized their communities in mid-2014. Residents as well as Kurdish authorities have accused ISIS of looting and destroying homes and other properties in many of the areas during the takeover.

According to several dozen displaced Arab and returning Kurdish residents who spoke to Human Rights Watch in December and January, after routing ISIS, Kurdish Peshmerga, and Asayish forces for months barred all Arabs who fled those districts from returning, even to check briefly on their property, while allowing Kurds to resettle in the districts that they considered relatively safe.

Asayish checkpoint officials also are refusing to let Iraqi Arabs, including those displaced from the four districts, into much of Iraqi Kurdistan and other areas the regional government now controls, unless they have Kurdish sponsors.

Human Rights Watch found many displaced Iraqi Arabs who lacked sponsorship to enter Iraqi Kurdistan living in abandoned industrial buildings outside the borders of Iraqi Kurdistan. Most were receiving none of the food or other emergency assistance that is

available to displaced Iraqis – Kurds, Yazidis, and Christians as well as Arabs – who reached shelters inside Iraqi Kurdistan.

In its statement, the KRG told Human Rights Watch the same checkpoint procedures applied “to everybody, including Arabs, Kurds, Turkomans, [and] Christians.” However in December, Human Rights Watch witnessed Asayish intelligence officials allowing Iraqi Kurds into the Kurdish autonomous areas while denying Iraqi Arabs entry. In two instances in September, Human Rights Watch saw Asayish officials physically push Arab families away from checkpoints leading into Erbil – the Iraqi Kurdistan capital – and the KRG-controlled city of Kirkuk.

“Kurds can return home but Arabs cannot; Kurds can enter Erbil but Arabs cannot,” said one displaced Arab from Makhmur, who was living with 15 relatives, including 11 children, in two rooms of a drafty, unfinished building in one of the industrial zones. “Is this fair, that families such as ours are living with no fuel and no winter clothes? Even if we return to nothing but bread and water, we just want to go home.” The man asked not to be named, fearing reprisal from the Kurdish authorities.

The KRG began lifting restrictions on Arabs returning to several areas in 2015, but many displaced Arabs had failed to go home by early February, telling Human Rights Watch they feared being detained or harassed by Kurdish residents or security forces. “I don’t want to have to leave with my family in the middle of the night,” one displaced Arab merchant from Makhmur told Human Rights Watch. “I want to be back in my house but even more I want my peace of mind.”

In its written reply to Human Rights Watch, the KRG did not directly acknowledge having barred Arabs from returning home, saying instead that the areas in question “are not safe. They are still under the threat of ISIS war. We do not encourage residents, whether they are Arab or Kurd, to return.”

Arabs Confined to Villages, Districts

Local Kurdish and Arab residents told Human Rights Watch that Kurdish forces have permitted Arab residents of the four districts who did not flee to remain in their homes but they cordoned off their villages, which are either predominantly or exclusively Arab, into designated security zones under Kurdish guard. Until early 2015 they did not allow Arab residents to leave these zones. In contrast, the Peshmerga and Asayish forces guarding these villages allowed Kurdish residents to move in and out of the security zones except during nighttime curfews, generally from about 8 p.m. to 6 a.m.

Human Rights Watch identified 40 predominantly Arab villages in the districts that the

regional government had grouped into security zones and spoke with dozens of residents during visits to eight of them. At least 20,000 people, the majority Sunni Arabs, live in the 40 villages, according to figures provided by local officials and residents. Most of these villages were never held by ISIS but were – and in some cases remain – near the front line.

Although the Peshmerga and Asayish began allowing Arabs greater freedom of movement in many of the security zones in early 2015, until then, local residents told Human Rights Watch, local Peshmerga and Asayish authorized only a few Arab residents to leave and return to their villages to fetch food, medicine, and other supplies, and provided some special permits to leave for medical or other emergencies. Many Arab residents said such permits generally were impossible to obtain unless those seeking them had “*wasta*” – special connections with government officials.

Residents told Human Rights Watch that in the security zone in the Makhmur district, where the restrictions remained in place as of early February, only one Asayish office issued permits for the 10 villages in the zone--all part of the Gwer subdistrict--and it closed for the day at 2 or 3 p.m. The Asayish closed its office altogether for a few weeks after ISIS killed dozens of Peshmerga fighters in an unsuccessful bid to recapture the nearby town of Gwer in early January, residents said, temporarily leaving them with no access to emergency permits.

According to several residents of another village in the cordoned-off area in Makhmur, an Arab woman gave birth to twins at the roadside during the ISIS advance in August, when Kurdish checkpoint officials refused to let her leave a security zone to reach a hospital in Erbil. One of the infants was stillborn, they said. The woman’s family confirmed the incident but declined interview requests.

In its statement to Human Rights Watch, the Asayish said it was “familiar” with the case. That day, “hundreds of thousands of people were trying to get into Kurdistan,” and “the high numbers of people at the checkpoints made for a very difficult situation,” the statement said. “The KRG had ambulances and medical teams at the checkpoint, and she could not get to them.” The statement did not confirm or deny that Asayish forces had prevented the woman from leaving the security zone.

Many Arab residents of the cordoned-off villages used to work outside the security zones and had no way to work and support their families while the restrictions were in place, trapped residents told Human Rights Watch. Their comments contradicted a statement by Asayish officials to Human Rights Watch that Arabs could enter Iraqi Kurdistan for work if their place of employment was “known.”

“At the checkpoint he says, ‘This guy Arabic, this [guy] Kurdish,’” said Abd al-Rahman Shaker, 18, an Arab resident of al-Hwera, one of 10 cordoned-off villages in Makhmur district. Shaker, who spoke in English, said that checkpoint officials had barred him from entering Erbil to reach his job as a cleaner for an oil company. “If he’s Kurdish no problem, go inside [through the checkpoint]. If he’s Arabic, big problem, no working. You see these guys standing here?” he asked, gesturing toward several Arab villagers gathered near him. “No work. This big problem.”

Some of the 10 villages that Kurdish forces have cordoned off in Makhmur are also sheltering scores of internally displaced Arab families who fled from other parts of the district when ISIS entered their communities in August. In the village of al-Hwera, Human Rights Watch found displaced Arab families living in unfinished, unheated buildings, and sleeping on foam pallets on dirt floors. Some shelters had only plastic sheeting covering the windows.

“When it rains, the water pours in,” said Khaled Ibrahim Bashir al-Nuami, who in August fled fighting in Gwer, 20 kilometers south of al-Hwera, with his family of seven.

Arab village leaders and dozens of Arabs inside the cordoned-off security zones told Human Rights Watch that for months they received no emergency assistance from Iraq’s government in Baghdad, the Kurdish government, or aid organizations. They said that with no food aid and no way to earn money outside the zone, they often did not have enough to eat.

“We are living under siege,” said Alia Sulieman Ali, a mother of five and resident of Sheif Shireen, one of the cordoned-off Arab villages in the Sheikhan security zone. Ali said in December that KRG security forces sometimes allowed two of her adult sons to pass through the checkpoint to work if an uncle, who had Iraqi Kurdistan residency, accompanied them. But usually, she said, officials turned them back because their identity cards listed them as Muslims from Mosul. “When they can leave we have a way to eat,” she said. “When they cannot leave we have nothing.”

By early 2015 in Zumar, residents of Arab villages were allowed to travel within the district, but not to areas of Iraqi Kurdistan such as the city of Duhok unless they obtained special permission from local Kurdish authorities, nongovernmental sources told Human Rights Watch.

In the KRG’s written statement to Human Rights Watch, the Asayish said no areas were “cordoned off completely” but that some were under “strict control” because they were near the front line. The Peshmerga Ministry said restrictions in the zones were necessary “to

protect security forces and residents” because both ISIS members and supporters still lived in “a lot” of the villages and intermittently fought Peshmerga forces.

The ministry spokesman, Helgurd Hikmet, said in December that allowing Arabs to return to mixed Arab-Kurdish communities might also inflame ethnic tensions. “You have to be patient with this issue,” he said in an interview, adding that, “It won’t be easy to persuade Kurds who have been victimized to coexist” with Arabs whom they suspect of collaborating with ISIS.

The Interior and Peshmerga Ministries said the residents were the responsibility of the Iraqi central government, that it had complained to Baghdad about a lack of humanitarian aid, and that the KRG was assisting the area as best it could.

Destroying Arab Homes, Moving in Kurds

Scores of Arab homes have been destroyed in villages, towns, and cities under Peshmerga control in Makhmur district and Zumar sub-district. During visits to eight of these communities in December, some of which had not been resettled, Human Rights Watch saw homes that had been torched, bulldozed, or demolished with explosives, as well as others that appeared to have been destroyed by shelling. Walls near some destroyed homes were spray-painted with anti-Arab and pro-Kurdish slogans.

Human Rights Watch received conflicting accounts of how the Arab homes in Makhmur and Zumar were destroyed. Local authorities, as well as Asayish and the Peshmerga Ministry, said that ISIS demolished the homes as it retreated or that homes were damaged during armed clashes or coalition airstrikes, or booby-trapped by ISIS and destroyed when Peshmerga, civilians, or de-mining teams entered them. ISIS destroyed even more Kurdish properties than Arab properties, they said.

But Human Rights Watch also heard credible statements from several Kurdish and Arab residents that Iraqi Kurds – civilians, troops, or both – destroyed at least dozens of the homes of Arabs they suspected of collaborating with ISIS, soon after ISIS retreated.

ISIS seized and held southwestern areas of Makhmur district, including the city of Makhmur, for 15 days in August before Peshmerga, assisted by US-led air strikes, drove them back.

In Rwala, an Arab village some 20 kilometers south of Makhmur, Human Rights Watch found in December that a majority of the approximately 90 homes had been destroyed. Most appeared to have been torched or demolished with explosives. At the time of the Human Rights Watch visit, Rwala was only a few kilometers from the front line and only

Peshmerga forces were allowed in.

Peshmerga commanders in Rwala said some homes were hit during clashes between ISIS and Peshmerga in August but that ISIS blew up most of them. "ISIS destroyed these houses because most of the people living in them worked for the Iraqi government," said Maj. Salih Hama Gharib. He spoke from a home the Peshmerga were using as a base that had the phrase "Arabs all are terrorists" spray-painted in Arabic on an exterior wall.

ISIS also destroyed homes in nearby Kurdish villages, Gharib said. Human Rights Watch was not able to visit those villages because of their proximity to ISIS forces, but local Kurds said they had received similar reports. Local residents confirmed that several Arab residents of Rwala worked for the central government in Baghdad.

In Qaraj, a town of both Arabs and Kurds that remained abandoned when Human Rights Watch visited in December, several dozen homes that appeared to have belonged to Arabs were torched from the inside, suggesting they had been set on fire rather than damaged in fighting, while Kurdish homes appeared untouched. Human Rights Watch found similar damage to several Arab homes and pro-Kurdish graffiti in Gwer, which had been partially resettled by Kurds.

In the city of Makhmur, which by December had been partially resettled by Kurdish residents while the Peshmerga and Asayish were still barring Arabs from returning, Human Rights Watch found three Arab homes destroyed by fire and ransacked. The houses were in Hay al-Askari, a neighborhood that was home to most of the city's Arabs, about 10 percent of the local population before residents fled. Several Kurdish residents told Human Rights Watch that after the Peshmerga liberated Makhmur, returning Kurdish civilians had torched the Arab homes because they believed their owners were ISIS members or collaborators who had helped ISIS take over their city.

Comments from some Kurdish residents underscored the continuing tension. "I don't want any Arabs to come back – the Arabs helped kill my brother," said one resident whose brother, a Peshmerga officer, was blown up in December trying to clear local fields of improvised explosive devices that ISIS had planted during its retreat.

"Ninety percent of the Arabs believe in terrorism," said another Kurdish resident.

Some Kurdish residents said they believed many local Arabs were ISIS sympathizers or members because when they fled Makhmur, they headed to ISIS-controlled areas rather than toward Erbil. But many Arabs said they and thousands of other Arabs fled to ISIS-controlled areas because they had family members there and had been turned away at KRG

checkpoints into Iraqi Kurdistan.

Other Kurdish residents deplored the property attacks and said the inhabitants of the three destroyed homes were not linked to ISIS. Human Rights Watch spoke with two of the Arabs whose homes were destroyed. Both denied any connection to ISIS and described their living conditions as desperate.

Human Rights Watch visited one of the men, a teacher named Tha`er Hamdi, in a drafty, two-room shack where he was living with a dozen relatives in a village outside the checkpoint into Iraqi Kurdistan. The only furnishings were foam mattresses, a few pots and pans, and a kerosene heater that emitted toxic fumes and almost no heat. Hamdi, who asked that his location remain secret because he feared for his family's safety, looked gaunt and traumatized:

All my savings, all my life's work went into my house. Why are we being blamed for what happened in Makhmur? My son doesn't even speak Arabic. He speaks Kurdish. He sings Kurdish songs. As a teacher in Makhmur I taught in Kurdish. We are not extremists. We are poor, decent people who want to live peacefully with others.

The second man, Majid Hamid, spoke with Human Rights Watch by telephone from a village under ISIS control where he had family. Hamid said he had started to flee northeast to Erbil but went the opposite direction after other Arabs on the road told him KRG authorities were turning away all Arabs at the Iraqi Kurdistan border.

"We have no water, no power," Hamid said. "We are living in primitive conditions, cooking on wood." Even if ISIS were to let him out, he said, with his home in Makhmur destroyed "we have nowhere to go."

ISIS captured areas of Zumar including the town of Zumar, a nearby oil field and surrounding villages, in early August. Peshmerga forces briefly pushed ISIS out later that month and recaptured the area in October with the assistance of coalition airstrikes. Local officials told Human Rights Watch during a visit to the subdistrict in December that 500 homes had been destroyed. In February, power and water remained cut.

In the town, which had a mixed Kurdish-Arab population before the ISIS advance, Human Rights Watch saw scores of buildings reduced to rubble, apparently by air strikes and shelling. Several homes had been torched, or had collapsed walls and blown-out windows indicating they had been blown up from the inside, though whether by ISIS or Kurdish forces or civilians was unclear. Kurdish residents said the homes belonged to Arabs.

Several other homes that residents identified as belonging to Arabs remained intact and were marked "*Mahjus Kurdi*" ("Reserved for Kurds") with "Reserved" in Arabic and "Kurds" in Kurdish. One home's wall was spray-painted "Reserved, Asayish," and another "Belongs to the Party," an apparent reference to the KRG's ruling Kurdish Democratic Party, whose acronym appeared on other walls.

Three Kurdish residents of Zumar told Human Rights Watch that Peshmerga forces had torched or dynamited homes when they drove ISIS from the town, in some cases fearing that ISIS had booby-trapped them or because they suspected their owners of belonging to or supporting ISIS. They said ISIS had planted explosives in many Kurdish homes in the city before retreating.

Three other Kurds, who fled to the town from villages still held by ISIS, told Human Rights Watch that local Kurds had helped them move into Arab homes such as those marked "Reserved for Kurds." They said they were only staying in the homes temporarily until the Peshmerga liberated their villages. One of the men told Human Rights Watch that the Peshmerga found him an Arab home to occupy.

"The Peshmerga brought me to a house that belonged to an Arab family and said, 'You can stay here,'" said the man, Mahmoud Sheikho, 61.

About 20 kilometers north of the town, Human Rights Watch found the Arab villages of Barzan and Shikhan (not to be confused with the city and district of Sheikhan to the east) abandoned and reduced to ashes and rubble. While some of the properties appeared to have been damaged during fighting, many others appeared to have been torched or had flattened walls and blown-out windows, suggesting they had been dynamited.

A nearby village, Bardiya, had previously been a mixed Arab-Kurdish village, residents and local authorities told Human Rights Watch. Human Rights Watch found that only Kurds had resettled there since the Peshmerga routed ISIS, and that many homes in the Arab quarter bore signs of having been torched. Graffiti on one wall read "Endowment of Islamic State" in Arabic, with the words "Islamic State" crossed out and replaced with "Kurds." Several residents pointed to the ruins of one home and said it had been bulldozed because it had belonged to an Arab ISIS collaborator.

Some Kurdish residents said that local Kurds destroyed Arab homes in Bardiya, Shikhan, and Barzan upon their return, while others said the Peshmerga had done so. The Dutch television program *Nieuwsuur* ^[14] in October reported that two local Kurdish commanders said they had blown up the homes in revenge for local Arabs supporting ISIS. One of the commanders also said that Kurdish militia killed captive Arabs. Kurdish officials have

denied ^[15] the allegations.

As in Zumar, displaced Kurds who had fled ISIS-controlled villages further south were occupying Arab homes still standing in Bardiya. Local residents said displaced Kurds also were occupying Arab homes in Garbir, a village about 10 kilometers further north.

When Human Rights Watch asked a group of displaced Kurds in Bardiya why they were occupying the homes of Arabs, one woman replied: "Because the Kurds will come back and the Arabs won't."

Zumar's mayor, Muzahim Suleiman, as well as a sub-district security official who spoke on condition of anonymity, denied that local Kurds or KRG security forces were targeting and destroying Arab homes. The two officials said both Arab and Kurdish homes were in many cases destroyed during fighting or blown up by ISIS as the group retreated. Assisted by local Sunni Arab collaborators, ISIS booby-trapped scores of Kurdish homes, killing some civilians and Peshmerga when they entered, they said.

Suleiman denied any coordinated effort by the Kurdish regional government to displace Arabs with Kurds. "These houses are reserved on a temporary basis until the situation returns to normal," he said. Residents, not the authorities, are writing "reserved" on the homes and in some cases are marking their own properties, he said.

Displacement of a civilian population unless the civilians' security or imperative military reasons so demand can amount to a war crime. A systematic or widespread policy of forced deportation or transfer of a population can be a crime against humanity. So can the persecution of members of a group because of their religion or ethnicity through acts including forced deportation or other intentional and severe deprivation of rights.

Both the KRG and the central Iraqi government have a history ^[16] of displacing each other's ethnic group from the disputed territories. Baghdad has carried out "Arabization ^[17]" drives at various times in the territories from the 1930s until the US-led invasion of Iraq in 2003, most infamously the Anfal ^[18] genocide campaign of 1987-89 against the Kurds, as well as against Chaldo-Assyrian Christians and other religious minorities. Iraqi Kurdish authorities have moved in Kurds and displaced Arabs ^[16] since the 1990s, including in 2003.

Detaining Arab Men Without Charge

Human Rights Watch heard from local residents that Peshmerga and Asayish had detained at least 70 Sunni Arab men from the villages of Sharaya'a, Owejga, Um-Rigaiba, Abu Shita, and al-Hwera, all in the cordoned-off security zone in Makhmur district, between August 2014 and January 2015. Residents also said that Peshmerga and Asayish had detained a

small number of Arab men near the city of Makhmur. At the end of January, at least 63 of those men were still detained without charge or access to family or counsel, the residents said.

Human Rights Watch interviewed two Arab men, who said they were held without charge in Asayish detention facilities, for nearly three weeks and eight weeks respectively. The men, who spoke on condition of anonymity, said they were picked up on suspicion of links to ISIS but never formally charged or taken before a judge. The men said they were given regular meals and not beaten or threatened.

However, both men said they and other prisoners detained with them had no access to lawyers or to family members, since their relatives were cordoned off in security zones. One man said he was among 55 prisoners crammed into one 7-by-5-meter cell. The prisoners had to sleep three to a single mattress, pillow and blanket, he said.

Human Watch is concerned that the Kurdish authorities may be mistreating some Arab detainees. One former detainee said two other detainees told him that they had been beaten in Asayish custody.

In December, Human Rights Watch overheard a Kurdish official at a checkpoint outside of Erbil, who from his uniform appeared to be an Asayish member, say that KRG forces were rounding up and questioning about five men a night in cordoned-off villages in the Gwer subdistrict of Makhmur. "We beat them until they confess," the official said. The official did not appear aware that a representative of Human Rights Watch was present.

In its written response, the regional government said its security and military forces were under strict orders to never mistreat detainees and that any unlawful conduct would be investigated and prosecuted. The statement said that Asayish had detained 322 people suspected of terrorism since June, of whom 239 remained in detention in Erbil. The KRG has not provided the number of detainees not yet transferred to Erbil – which some sources said could number in the hundreds.

All the detainees are "awaiting trial" and can receive lawyers and family members, the statement said, but did not say how many had gone before a court – as required by law – or had access to counsel, or at what stage in their detention. The statement acknowledged that few family members had visited and blamed that on the danger of travel through conflict areas, not on the regional government's travel restrictions.

The International Covenant on Civil and Political Rights (ICCPR), applicable in Iraq, states that anyone facing criminal charges has the right "to be informed promptly and in detail in

a language which he understands of the nature and cause of the charge against him,” and must be brought promptly before a judge or equivalent. The right to judicial review is applicable at all times, including during emergencies.

Videos: Electric Shock, Threats of Death, Rape

Human Rights Watch reviewed seven videos posted on the Internet from June to December that appear to show men in Peshmerga or other security uniforms verbally abusing or physically mistreating captives – or in one case a corpse – while accusing them of being ISIS members. Most of the captives appear to be Arabs – some speak in Arabic or wear traditional Arabic garb, or their captors address them in Arabic – and one is Kurdish. In some videos, the uniformed men threaten to kill or rape the captives or their relatives. Most of the videos end abruptly in the midst of the abuse.

The videos bear titles such as: “Da’esh [an Arabic acronym for ISIS] prisoners at the hands of brave Peshmerga forces.” Human Rights Watch did not detect any signs that the videos were staged – the background noise, conversations, and gestures of all those filmed appeared to be genuine – but was unable to confirm that the uniformed men were indeed KRG forces. KRG authorities should investigate whether their forces carried out the verbal and physical abuse shown in the videos, which appear to violate international laws protecting all detainees from torture and cruel, inhuman, or degrading treatment.

In the KRG’s response to Human Rights Watch, the Ministry of Peshmerga said there is “a chance” that “some” of the videos may have been fabricated by ISIS. The Ministry of Peshmerga and Asayish did not say whether they considered any of the other videos authentic, but said that if they were, anyone who mistreated detainees “will be held accountable to the law.”

In one video ^[19], a blindfolded captive screams in pain as a man in a dark green shirt such as those worn by Asayish officers applies an electric shock with a Taser-like device to his thigh. The man applying the shock is surrounded by men in Peshmerga uniforms. “You deserve this,” one man is overhead telling the captive in Arabic. One uniformed man’s vest and one truck bear the Kurdish flag.

In a second video ^[20], an interrogator in a Peshmerga uniform threatens in broken Arabic to kill a captive, sexually abuse his mother, and rape his sister, while holding a knife to his throat and pretending to jab the knife into his stomach.

In a third video ^[21], titled “Peshmerga forces shoot the body of a Da’esh member who was killed by their hands to make his Hell twice as bad,” a man in a Peshmerga uniform fires two shots from a military assault rifle into the bullet-riddled corpse of a bearded man

wearing a dark *dish-dasha* tunic and trousers. Another man in a Peshmerga uniform kicks the corpse's head. One of the men calls the act "an honor to the Kurds" and says he wants to rape the slain man's sister and wife. Committing "outrages" on the bodies of enemy forces is a war crime.

In a fourth [video](#) [22], men in Peshmerga uniforms interrogate a wounded captive who has fresh blood splattered down his robe. The captive is speaking Arabic. The caption says the captive is an ISIS leader and is "steps away" from being killed. The captions and interrogation suggest the incident took place on the Syrian border.

In a fifth [video](#) [23], an interrogator, who is off-camera except for the bottoms of his camouflage trousers and boots but refers to himself as part of the Peshmerga, questions two captives who are lying handcuffed and blindfolded on a shiny surface. The interrogator threatens to rape one of the two captives and calls him a "pimp." That captive is seen on-camera saying he is from Abu Jarda, one of the 10 villages in Makhmur where the Kurdish authorities have cordoned Arabs into a security zone and according to residents have detained Arab men. The other captive has blood stains that appear to be fresh on his back and head.

In a sixth [video](#) [24], men in Peshmerga uniforms surround a captive in a pickup truck and take photos of him while calling him "animal" and "pimp" and telling other Peshmerga in Kurdish, "Come and take a photo with him, guys." The captive speaks Iraqi Arabic.

A seventh [video](#) [25], shows a blindfolded captive being verbally threatened by men speaking Kurdish in the back of a pickup truck. The captors accuse the captive of being a Kurdish member of ISIS. One of his captors is carrying an assault rifle and wearing camouflage. The other men are not seen but the title of the video refers to them as Peshmerga.

Human Rights Watch has kept copies of all seven videos.

Looting of Christian Homes

Human Rights Watch also received complaints from more than two dozen displaced residents of the Chaldo-Assyrian Christian town of Tal Usqof that members of the Peshmerga had repeatedly looted their homes since capturing the town from ISIS on August 17. They said Peshmerga and Asayish controlling the town ignored their complaints about the theft. "Pillage," the forcible taking of private property by parties to a conflict, is a war crime.

The ministries of Peshmerga and Asayish denied looting. In written statements, they said ISIS, which held Tal Usqof for 10 days, had stolen belongings from civilians' homes and

most likely auctioned them off in the ISIS-held city of Mosul, 28 kilometers south. Human Rights Watch was unable to determine who was responsible for the looting.

The residents interviewed fled Tal Usqof before ISIS held the town for 10 days. The town was only a few kilometers from the front line when Human Rights Watch visited it in December and for security reasons, KRG security forces only allowed residents brief visits. Several residents who had been back dismissed the possibility that ISIS had been responsible for the looting because, they said, when they first visited after Peshmerga forces recaptured Tal Usqof, their homes were largely intact. In contrast, they said, almost every time they had returned since, they found more belongings missing, including stoves, blankets, fuel, jewelry, televisions, clothes, and electrical cables.

“The house was turned upside down,” one resident said of his second visit home, on August 28. “They took my laptop, my handgun, and broke the statue of Virgin Mary. When I visited again on September 7, I found the lock had been broken again and more valuables were missing. I’ve changed the lock 10 times, and every time I visit I find the lock is broken again.”

Three residents told Human Rights Watch they had seen Peshmerga leaving Tal Usqof homes with armloads of belongings.

Human Rights Watch spoke with most Tal Usqof residents in community centers and other buildings where they had found shelter in the city of Duhok and other nearby areas.

Tal Usqof was deserted when Human Right Watch visited, apart from Peshmerga and Asayish forces and a couple with a young child who were checking on their home. The couple walked through the ransacked rooms in shock. Drawers were pulled open, wardrobes were emptied, and dishes were scattered across the table and floor.

“Last time they took my wife’s gold and my daughter’s clothes and my clothes,” the husband said of the thieves. “Now we have nothing left.” His wife began to cry. “I was born in this house,” she said.

The husband, who said his family was sharing a small room with six other displaced families in Duhok, was careful to not blame the Peshmerga, noting he hadn’t been present when the looting took place. Human Rights Watch is not identifying the man to protect him from potential reprisal.

Several other residents accused the Peshmerga of looting their homes to discourage Christians from returning so the KRG could try to resettle the town with Iraqi Kurds. The

residents spoke on condition of anonymity, expressing fear of retaliation from the Peshmerga, and said they blamed the Kurdish forces reluctantly.

“If it weren’t for the Peshmerga, ISIS might still be occupying our town,” one elderly man said. “But I saw them breaking into a house and carrying things out with my own eyes.”

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