



HUMAN
RIGHTS
WATCH

EXTREME MEASURES

Abuses against Children Detained as National Security Threats

SUMMARY



WANTED BOKO HARAM SUSPECTS BY NIGERIA

IGBO: NDI OTU OJOO BOKO HARAM NDI AGHA OBODO ANYI NA AGHA

BIKO KPOO EKWE NTI NDIA MA IFU HA:

IF SEEN CONTACT: 08181555888, 08160030300, 07053333123.



CHILDREN DETAINED AS NATIONAL SECURITY THREATS

The rise of extremist armed groups such as the Islamic State and Boko Haram has brought renewed attention to the plight of children—both as victims of abuses, and as fighters and militants. All too often, the concern and assistance governments offer abuse victims does not extend to those children caught up on the wrong side of the law or front line.

Human Rights Watch field research around the world increasingly finds that in countries embroiled in civil strife or armed conflict, state security forces arrest and detain children for reasons of “national security.” Often empowered by new counterterrorism legislation, they apprehend children who are linked to non-state armed groups or who pose other perceived security threats, and often hold them without charge or trial for months or even years. Their treatment and conditions of detention frequently violate international legal standards.

Since 2011, United Nations Secretary-General Ban Ki-moon has repeatedly raised concerns regarding the detention of children who are perceived to be a threat to national security, suspected of participating in violent activity, or alleged to belong to armed groups. In 2014, he reported that such detention took place in 17 of the 23 situations of armed conflict or concern covered by his annual report on children and armed conflict.¹ In countries including Afghanistan, Iraq, Israel, Nigeria, Somalia, and Syria, hundreds of children may be detained at any given time for alleged conflict-related offenses.

Many children are detained on the basis of groundless suspicion, flimsy evidence, or broad security sweeps. Some are detained because of alleged terrorist activities by family members. They are often denied access to lawyers and relatives, and the opportunity to challenge the basis of their detention before a judge. Many have been subjected to coercive interrogations and torture, and in places like Syria, an unknown number have died in custody.

NIGERIA

A poster displaying wanted Boko Haram suspects on a street in Yenagoa in Nigeria's delta region, May 19, 2016.

© 2016 Akintunde Akinleye / Reuters



Conditions of detention are frequently appalling, with grossly inadequate food or medical care. Children often share overcrowded cells with unrelated adults, putting them at additional risk of physical and sexual violence.

The UN Committee on the Rights of the Child has urged countries to avoid bringing criminal proceedings against children within the military justice system, but some countries allow for the detention of children by military authorities and prosecution of children before military courts even when civilian courts are functioning. Military courts typically do not have provisions for alleged juvenile offenders.

Security forces have carried out torture and other cruel, inhuman, and degrading treatment against children to elicit confessions, extract intelligence information, or as punishment. Former child detainees report being subject to beatings, electric shocks, prolonged stress positions, forced nudity, rape, and threats of execution. In some countries a significant proportion of detained children report such abuse. As discussed below, in some circumstances, security forces may be more likely to torture children than adults.

The impact of security-related detention on children can be profound. Children are separated from their families and communities, and typically denied access to education, leaving them further behind their peers once released. In cases of indefinite detention, with no knowledge of when they might be released, children may experience depression and despair. Detention with adults also offers more opportunities to learn criminal behavior from older detainees. Large-scale research studies in criminal justice have found that children detained with adults are significantly more likely to engage in future criminal activity than children held with their peers.² In general, juvenile justice research finds that children who have been subjected to detention end up with lower educational achievement, lower rates of employment, higher suicide rates, and higher re-arrest rates than peers who have committed offenses but are placed in community-based alternative programs.³

During armed conflict and situations of extremist violence, children who are ill-treated in detention may easily become alienated and seek retaliation by joining armed groups. The UN secretary-general has said that depriving children of their liberty because of their association with armed groups “is contrary not only to the best interests of the child, but also to the interests of society as a whole,” and notes that such detention can lead to the creation of community grievances.⁴ When children who have no association with armed groups perceive that they may be subject to detention based on mere suspicion of involvement, they may be more likely to join such groups, seeking protection. Rather than



DEMOCRATIC REPUBLIC OF CONGO

Angenga military prison in northwestern Democratic Republic of Congo, where alleged FDLR combatants were being held in late 2015, including at least 29 children. Nearly all of the children were removed in early 2016.

© 2016 Human Rights Watch





ISRAEL/PALESTINE

Israeli soldiers detain a Palestinian boy after he was accused of throwing stones in the town of Halhul in the occupied West Bank

© 2015 Mussa Qawasma / Reuters







reducing threats, the practice of detaining children may actually increase them.

International human rights and humanitarian law provide special protections for children during peacetime and situations of armed conflict. Children who have committed illegal acts need to be treated in accordance with international juvenile justice standards, which emphasize alternatives to detention, and prioritize the rehabilitation and social reintegration of the child. The Convention on the Rights of the Child (CRC) states that, regardless of the circumstances, the arrest, detention, or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time.⁵

International law recognizes the recruitment of anyone under 18 by armed groups as a violation of children's rights, and stress that child soldiers should be treated primarily as victims, with a focus on their rehabilitation and reintegration into civilian life, including those responsible for war crimes.⁶ The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict obligates countries to provide children who have been illegally recruited and used as child soldiers "all appropriate assistance for their physical and psychological recovery and their social reintegration."⁷

The United Nations has often played an important role in protecting children during armed conflict. In some situations it has advocated successfully for the release of children or negotiated protocols to ensure the transfer of children from detention centers to child protection agencies that can assist in their rehabilitation and reintegration into society. In far too many cases around the world, however, detention remains the norm.

The following country discussions highlight recent patterns in the detention and treatment of children for alleged conflict-related and other national security offenses. The cases cited are not exhaustive. Other countries also routinely detain children as perceived security threats. Somalia, for example, detained over 1,000 children in 2013, many suspected of belonging to the Islamist armed group Al-Shabaab.⁸ The UN secretary-general has also highlighted concerns regarding the detention of children in Mali, Pakistan, the Philippines, Sudan, Thailand, and Yemen.

AFGHANISTAN

Boys in a youth prison that may hold national security suspects, Feyzabad, Afghanistan.

© 2008 Agencja Fotograficzna Caro / Alamy Stock Photo



UNITED STATES

Omar Khadr was apprehended by US forces in Afghanistan after a firefight and detained when he was 16 at the Guantanamo Bay detention facility for 10 years. He was transferred to custody in Canada in 2012 and released in 2015.

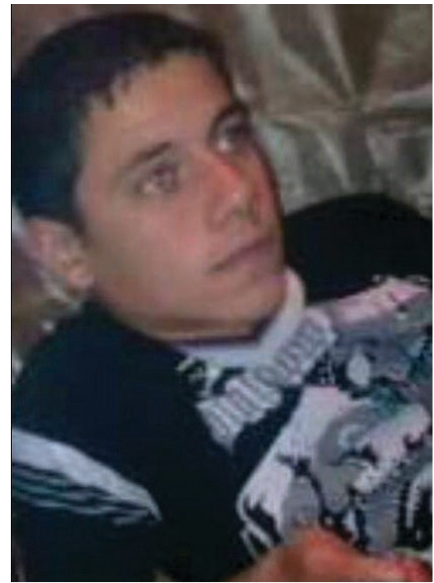
© 2007 Reuters



EGYPT

Seif al-Islam Osama, 15, was beaten and tortured by police in 2014, and sentenced by an Egyptian military court to three years in prison for allegedly violating a protest law.

© Private



SYRIA

Ahmad al-Musalmanni, 14, was arrested in 2012 when Syrian intelligence officers found an anti-Assad song on his cell phone. He died in detention.

© Private



¹ United Nations, Report of the Secretary-General on Children and Armed Conflict, U.N. Security Council, U.N. Doc. S/2014/339, May 15, 2014, para. 9.

² Richard Redding, “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?” *Juvenile Justice Bulletin*, US Department of Justice Office of Juvenile Justice and Delinquency Prevention, June 2010, <https://www.ncjrs.gov/pdffiles1/ojdp/220595.pdf> (accessed June 6, 2016).

³ Ibid.

⁴ United Nations, Report of the Secretary-General on Children and Armed Conflict, U.N. Security Council, U.N. Doc. S/2016/360, April 20, 2016, para 16.

⁵ Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 37(b).

⁶ UNICEF, “The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups” (Paris Principles), February 2007, paras. 3.6 and 3.11.

⁷ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002., art. 6.

⁸ United Nations, Report of the Secretary-General on Children and Armed Conflict, May 15, 2014, para. 9.

SYRIA

Inmates behind bars in Aleppo's main prison, May 2014. The Syrian government has detained children suspected of security-related offenses together with adults.

© 2014 George Ourfalian / Reuters

EXTREME MEASURES

Abuses against Children Detained as National Security Threats

Conflict-related violence and the rise of extremist armed groups such as the Islamic State and Boko Haram has also brought an increase in the detention of children perceived to be “security threats.” In countries embroiled in civil strife or armed conflict, children are apprehended and detained without charge for months or even years on suspicion of, or involvement in, violent activity, or due to links to non-state armed groups. Many are subjected to torture, and an unknown number have died in custody.

This multi-country report looks at the detention of children perceived as a threat to national security in Afghanistan, the Democratic Republic of Congo, Iraq, Israel/Palestine, Nigeria, Syria, and by the United States.

Human Rights Watch urges governments to immediately end all use of detention without charge for children, transfer children associated with armed groups to child protection authorities for rehabilitation, and ensure that children charged with a recognizable criminal offense are treated in accordance with international juvenile justice standards

Illustration © 2016 Yarek Waszul for Human Rights Watch