

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

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WATCH

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His Excellency Masoud Barzani
President
Kurdistan Regional Government

Farhad Ameen Kortê
Governor of Dohuk
Kurdistan Regional Government

Dear President Barzani and Governor Kortê:

In August 2016, Human Rights Watch conducted a visit to four IDP camps under the control of the Kurdistan Regional Government (KRG) in the Dohuk area, and also to northern Sinjar. We are writing to share some of our preliminary research findings and to request your responses to questions they raise.

Human Rights Watch appreciates the cooperation we received from Kurdish authorities during our mission, in particular the assistance of camp management teams. We recognize the humanitarian and military challenges that your government faces at this time.

The primary purpose of our visit in August was to follow up on allegations of child recruitment by the Kurdistan Worker's Party (PKK) and Sinjar Resistance Units (YBŞ). We identified specific cases of child recruitment by PKK forces in Dohuk and Halabja and by PKK and YBŞ in Sinjar; denial by both forces of requests by parents to communicate with their children who were recruited; alleged ill-treatment of children by these forces; and use of school facilities in Sinjar as military barracks. We will raise these serious issues with PKK officials.

As is our standard practice regarding armed conflicts, Human Rights Watch monitors the conduct of all parties to the fighting in Iraq, including the PKK, Islamic State (ISIS), Iraqi government forces and allied militias, and KRG forces.

While conducting our visit, residents of Sinjar and IDP camps in and around Dohuk also raised with us a separate concern: KRG security forces' limitation of goods, including food, medicine, clothes,

hygiene products, agricultural produce, livestock, cement, and car parts, from entering and exiting Sinjar.

We have laid out our preliminary findings on these topics in the attached memo, and kindly request that you provide us with responses to the questions included, and any other comments on specific policies by the Dohuk governorate, Peshmerga and Asayish forces regarding the limitation of goods in and out of Sinjar. We ask that you send us your responses by October 31, 2016, so that we will be able to reflect them in our public reporting. Please direct all responses to my colleague Belkis Wille at willeb@hrw.org. She is also reachable at +1-917-385-4146.

We look forward to continuing discussions with your government on ways to maintain security while upholding human rights.

Please do not hesitate to contact us should you have further questions.

Sincerely Yours,



Joe Stork
Deputy Director, Middle East and North Africa
Human Rights Watch

CC: Falah Mustafa
Head of the Department of Foreign Relations
Kurdish Regional Government

CC: Fuad Hussein
Chief of Staff to the President
Kurdish Regional Government

CC: Dr. Dindar Zubari
Deputy Head of DFR for International Organizations
Chairperson of the High Committee to Follow Up and Respond to International Reports
Kurdish Regional Government

Preliminary findings of Human Rights Watch mission to Dohuk and Sinjar in August 2016

Policies and Laws on Child Recruitment and Child Soldiers

According to KRG law-enforcement, judicial and legal officials we met with, and former child recruits, KRG authorities oppose recruitment of children by the armed wing of the PKK and the YBŞ, as well as armed groups including the Islamic State (ISIS). In practice, these officials told Human Rights Watch, Asayish officers have briefly detained and questioned children arrested on suspicion of having enlisted with the PKK's armed wing, then release them on condition that the child's father pledges to pay a fine up to \$25,000 and spend up to five years in jail if the child re-enlists. A lawyer who has represented multiple clients who were recruited as children told us that, by contrast, authorities prosecuted children arrested after ISIS recruited them under Law No. 3 of 2006, although lawmakers did not renew that law when it expired in July 2016. The lawyer was aware of three children who had previously been sentenced to jail terms of one to two years for their association with ISIS, but it was unclear if they were detained in facilities for children, or with adults.

Questions:

- Please enumerate and describe the laws that govern the arrest, detention, and release of people under 18 years old recruited by armed groups. Do the laws authorize differential treatment for children recruited by ISIS as opposed to those recruited by Kurdish or Yezidi armed groups?
- What is the minimum age of criminal responsibility according to these laws?
- Do these laws impose minimum or maximum jail sentences? If so, please describe the range of sentences, and whether shorter sentences are imposed for people under 18 years old as opposed to adults?
- How many children are currently in detention after having been sentenced for violating these laws? How many children are presently in pre-trial detention on suspicion of violating these laws?
- Do these laws provide for alternatives to detention and criminal sentencing for children? If so, please describe these provisions.
- Do these laws authorize capital punishment for children? If so, has any KRG court sentenced anyone to death for crimes committed when they were younger than 18 years old?
- Please describe any provisions in these laws or their implementing regulations that require detainees to be brought promptly before a judge.
- Please describe any provisions relating to conditions of detention, including inspections of places of detention by inspectors independent of prison authorities, visits to detainees by lawyers and family members, and detainees' access to medical care.
- Do KRG laws impose penalties on recruiters? How many recruiters are currently in detention for violating these laws.

- Please enumerate and describe the laws and practices regarding the conditions of detention for children. Do KRG authorities detain children separately from adults during pre-trial detention, and after sentencing?
- Do KRG authorities provide access to education for children in detention? If so, please describe any provisions to allow children to access learning while in detention.
- Does the KRG have laws or policies providing for the rehabilitation and reintegration of children recruited by armed groups? If so, please describe these laws or policies and the authorities responsible for their implementation.

Restricted Entry of Goods into Sinjar:

Staff from five KRG-based aid organizations told Human Rights Watch that since the end of 2014, KRG Peshmerga and Asayish security forces at Suhaila Bridge Crossing (37°02'35.0"N, 42°22'25.9"E) into Sinjar or the Dohuk governorate's office prevented them on at least ten occasions from bringing aid items from the KRG to Sinjar, including printers, paper, notebooks, tents, blankets, shoes, adults' and children's clothes, toys, hygiene and cleaning products, medicine, and foodstuffs, including rice, sugar, tea, flour, vegetable oil and tomato paste.

Three families described four incidents since December 2015, where KRG security officers at Suhaila crossing have stopped them because they were bringing foodstuffs and gasoil to family members who had moved back to Sinjar. They had not requested a permit from KRG authorities, the families told us, because these items were for personal consumption. Security officers told them they were forbidden from bringing these items in.

Businessmen in Snune, the main town in the liberated area of Sinjar, told Human Rights Watch that KRG authorities had denied or delayed or arbitrarily reduced their requests to import goods into Sinjar. A local shopkeeper said that officers at Suhaila crossing only allowed him to bring in 20 cigarette packets at a time despite demand of 10 cartons (of 50 packets each) per week, and only allowed him to bring in 15 packets of meat. They allowed him to bring in 50 kilograms of sugar, when he needs 300, and only 10 crates of Tide cleaning liquid, as opposed to the 100 crates he said he could sell. Currently, the shopkeeper said, he needs a special permit to bring in bottled water, a process that can take 20 days and must be issued by a judge. His business earnings used to reach up to IQD 10 million (USD 8583) a week, but have fallen to 1.5 million per week because of the shortages of products that KRG authorities disallowed.

A cement seller said that despite having permission from the mayor of Sinjar and local Asayish officers, security forces at stopped him at Suhaila crossing on January 2016 with 15 tons of cement and refused to allow him to bring it in. The same man

said that in June 2016 security forces barred him from bringing his own water truck back into Sinjar, having taken it out for repairs a few days prior, until several Peshmerga commanders intervened on his behalf.

Three mechanics in Snune showed Human Rights Watch their empty workshops- all of them said they had tried to get permits from the Security Council in Sinjar to bring in car parts. The Security Council, we were told, includes the sub-district manager of Sinjar, the local manager of Asayish, president of the local council, and the local head of police. One mechanic said he had gone to Dohuk seven times seeking permits, spending USD 500 in transportation costs, but only was able to bring in items to Sinjar once over a period of 6 months. On the occasion when he succeeded, the mechanic said, he had requested to bring in a shipment of items worth USD 2500, but security forces at Suhaila only allowed him to bring in USD 1300, even though he had a permit for the full amount. On one trip in July, he said he waited at Suhaila crossing for three hours to ask the captain what items are permitted import into Sinjar. When the captain arrived, he said, "I'll answer you in one word - nothing." A second mechanic said he has applied for permits with the Security Council, but they have only granted permission for him to bring in 5 items of each car part he requested, which is enough to last him only three days. At the crossing officers have prevented him from bringing in any motor oil.

While at Suhaila crossing Human Rights Watch witnessed KRG security officers pulling over cars and trucks containing personal and commercial items and searching at the crossing.

All individuals interviewed said that the security officers at the crossing did not give them any reason for preventing items from coming in.

Questions:

- **For each of the following three categories of importers: aid organizations, shopkeepers, and car mechanics:**
 - **What items is an importer allowed to bring into Sinjar, and how many, without permits?**
 - **What items is an importer allowed to bring in, and in what quantities, with permits?**
 - **What items are they not allowed to bring in at all?**
 - **How does an importer secure a permit to import needed items;**
 - **What are the reasons for barring or restricting persons from importing these items, (if applicable) for requiring permits to import them?**

Restricted Export of Goods from Sinjar:

Three farmers from Snune and Khanasoor told Human Rights Watch they are banned from bringing any agricultural produce from Sinjar to the KRG. All three harvested barley this year, after low rainfall led to a lack of water required to irrigate wheat. Two

said they requested but were denied permission from the Security Council in Sinjar in June and July to transport the produce through Suhaila crossing. The third farmer said he did not try to export his produce after learning that farmers were being refused. All three men said they were forced to find local buyers and sell it for less than a third of what they could have sold it for in Dohuk or elsewhere in the KRG. All three farmers said they did not know of any other farmers in Sinjar who had received a permit to bring their goods to the KRG.

Two families told Human Rights watch that officials at the crossing point had stopped them when they tried to drive sheep out of Sinjar. While at Suhaila crossing, Human Rights Watch saw officials stop a man driving a truck with one sheep and order him to turn back to Sinjar. The man said that the sheep had been intended for his relative's funeral in Sharya.

All of the individuals who KRG security officials prevented from transporting agricultural produce and livestock said that the security officers at the crossing did not give them any reason for preventing items from coming out.

Two families living in displaced persons (IDP) camps in the Dohuk area told Human Rights Watch that security officers at Suhaila stopped them when they tried to bring items from their homes with them when they left Sinjar, including a water tanker, a cabinet, a washing machine, a refrigerator, and blankets. Both families said that officers told them the reason was to stem widespread looting in Sinjar while families were displaced. When both families said that they could provide witnesses, and get a permit from local Asayish officers confirming their ownership of the goods in question, the officers refused.

Questions:

- **What are the regulations on bringing out cement, agricultural produce and livestock from Sinjar?**
- **What are the regulations on families bringing out their household items from Sinjar?**
- **What is the process for securing permits to bring such things out of Sinjar?**
- **Please provide the reasons for restricting the transport of such goods out of Sinjar?**