

# Dilemma of 'Children of Islamic State' in Iraq and Kurdistan Region

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We have seen chilling photographs of young boys holding up severed heads, carrying machine guns, being strapped with suicide vests or a 10-year-old boy grinning at a camera and saying “I will be the one who slaughters you, oh kuffar, I will be a mujahid if God wills it.”

Islamic State (IS), al-Qaeda or other radical jihadist organisations have long engaged children in their attacks since they are both "dispensable" and the essential part of their propaganda resembling the future generations pursuing the same path of those groups.

Child soldiers are the long-held reality of the Syrian Civil War. IS championed using children as militants and as messengers for their cause through propaganda videos.

Children hold a unique position in efforts of IS of shaping people's daily life. They were featured in many ways, from public executions and fighting to Qur'an memorisation fairs and proselytising work.

Soon, these children will be grown. Even sooner, some will begin having children of their own – children they will raise to know all that they've been taught, children born and raised empty of humanity or love. These children, and their children, become the most powerful, most lethal weapon of the Islamic State – not for what they do, but for who they are and are becoming: a force no bombs, no army, can defeat. Unless we find a way to save them.

Isolation, unjust punishment or torture would do nothing to solve the root causes of radicalisation.

Arab boys who serve prison time in Iraq's Kurdistan region for Islamic State connections risk re-arrest after their release if they try to reunite with their families in areas controlled by Baghdad, according to Human Rights Watch report. The problem stems from a lack of coordination between the separate judicial systems of the Kurdistan Regional Government (KRG) and the Iraqi government.

Boys who were rearrested said that they were then tortured by KRG and Iraqi prison authorities to confess IS affiliation.

Boys ranging from 15 to 18 were accused of IS-affiliation, receiving training within what so-called IS Caliphate cubs and participating in killings. Some of them were put on trial because their family members were well-known IS leaders.

The Region has talked to sources in Iraq who wished to remain anonymous on the issue. The government of KRG rejects the accusations of HRW report. The report includes some exaggerations in terms of transmitting the realities, the anonymous source said The Region.

Those children who are held are being firstly investigated by Iraqi security forces at their investigation centres to get confessions. And they are absolutely being tortured there," the source added.

But ill-treatment and torture happen only during the period of investigation in which "perpetrators" are in unknown fate, However, once the investigation is finished, they are usually taken into a juvenile prison in which they may have a chance to contact with their families and the humanitarian organization can reach them here. Especially ICRC (International Committee of the Red Cross), has a surprising extent of reach, and they don't need permission from authorities to do their work. There are some psychologists and case-workers appointed to help rehabilitation of prisoners, according to the source.

Asking for how those were incarcerated at the beginning, our source says they have surrendered themselves to KRG Peshmerga forces when the Mosul offensive started

since they trust Peshmerga more than the Popular Mobilization Forces (PMF), Hashd Al-Shaabi, an Iraqi state-sanctioned paramilitary force composed of some 150,000 militias.

## Legal Framework

Baghdad authorities are bringing charges against those suspected of ISIS affiliation under Iraq's counterterrorism law (no. 13/2005). The law punishes anyone who committed, incited, planned, financed, or assisted a terror act that led to death, and gives a life sentence to anyone who covers up such an act or harbors those who participated.

The KRG passed its own counter-terrorism law (no.3/2006), to replace law no. 13/2005. It calls for the death penalty for anyone who committed an act of terror or joined, founded, coordinated, or cooperated with a terrorist organization, incited, planned, financed, or assisted in a terror act. It gives a life sentence to a range of criminal acts including causing destruction to a building, hijacking, kidnapping or financing a terror attack. It further stipulates a sentence not exceeding 15 years for publishing terrorist propaganda and knowing of a terror act without notifying the authorities.

## International standards

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which Iraq acceded to on June 24, 2008, addresses the situation of children recruited into armed groups in the context of armed conflict, including terrorist and violent extremist groups. The protocol states that non-state armed groups shall not, under any circumstances recruit or use in hostilities children under 18 and calls on states parties to provide appropriate assistance for the physical and psychological recovery and social reintegration for children who have been recruited.

The Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context provides specific guidance to governments regarding the treatment of children involved in terrorism activities. It urges countries to consider alternatives to detention, including diversion from the criminal justice system, and to develop rehabilitation and reintegration processes to aid the child's successful reintegration into society.

Iraqi authorities should consider alternatives to detention and criminal prosecution for child detainees and develop rehabilitation and reintegration programs to aid their

return to society.

Article 14 of the International Covenant on Civil and Political Rights, ratified by Iraq, states that “No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.”