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IRAQ: ENSURE FAIR TRIAL FOR TRANSFERRED DETAINEES, PROTECT CHILD RIGHTS

The opening of the trials for more than 5,700 detainees transferred from north-east Syria, including at least 157 children, underscores the urgent need to ensure full respect for fair trial and due process rights and uphold and protect child rights, Amnesty International said today. Trial proceedings for these individuals began on 20 September and will resume on 5 October.

Between 21 January 2026 and 12 February 2026, thousands of male individuals detained for alleged affiliation with the armed group calling itself the Islamic State (IS) were transferred from north-east Syria to Iraq. This operation was facilitated by United States Central Command (CENTCOM) in coordination with Iraqi authorities, following a period of significant instability in areas previously administered by the Syrian Democratic Forces (SDF).[1] On 25 January 2026, Iraq's Prime Minister Mohammed Shiaa' Al-Sudani stated that the decision to take on these transfers was to prevent IS regrouping and to protect the security of Iraq and the region from possible insurgency. He added that the detainees would be held in Iraq on a temporary basis and urged countries to repatriate their nationals.[2] Iraqi officials subsequently confirmed that 5,704 individuals, among them 157 "juveniles under the aged of 18"[3]individuals were moved, adding that among them were nationals of 61 different countries, of whom 3,543 were Syrian nationals, 467 Iraqi nationals and 983 third country nationals.[4] On 1 September 2026, the Supreme Judicial Council (SJC) announced that it had completed the interrogation of the 5,704 individual allegedly affiliated with the IS and detailed that they included people of 67 nationalities, including 16 Arab countries, 19 from European Union countries, and 32 other foreign nationalities, while the final number of Iraqis was of 474 persons and of Syrians 3,497. The SJC also confirmed that six Iraqi nationals were released and two foreign nationals, one Finnish and one American, were handed over to their national authorities as the evidence against them could not be substantiated. The SJC also announced that procedures are underway for the transfer to Syria of 457 Syrians who will be released as no evidence was found to justify the continuation of the proceedings against them.[5]

Amnesty International acknowledges the volatile security environment in north-east Syria that prompted these transfers and the challenges this situation poses for Iraq as well as the difficulties in handling such a large investigation file. . The scale of these transfers has placed an immense strain on Iraq's already endemic prison overcrowding, which in recent years had reached up to 300% capacity across the country, according to the Ministry of Justice, excluding the Kurdistan Region of Iraq. As the transfers began, reports indicated that existing prisoners were being relocated to make space at Al-Karkh Central Prison in Baghdad, further deteriorating conditions in prisons that Amnesty International has long characterized as inhumane.[6]

As extensively documented in Amnesty International's 2024 report, *Aftermath: Injustice, Torture and Death in Detention in North-east Syria*, the prolonged failure of the international community to create sustainable solutions for those detained in the region has led to the current precarious and legally fraught circumstances of this situation, which should have been addressed years ago.

[1] http://centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/4406293/us-forces-complete-mission-in-syria-to-transfer-isis-detainees-to-iraq/
[2] https://www.aa.com.tr/en/middle-east/iraq-urges-eu-states-to-repatriate-isis-linked-detainees/3809332
[3] https://www.sjc.iq/view.79140/
[4] The statement noted that "the most prominent foreign nationalities were from Germany, the Netherlands, Belgium, France, Austria, Spain, Switzerland, Denmark, Poland, Russia, and Ukraine, in addition to Australia, Canada, the United States, South Africa, New Zealand, Poland, and the United Kingdom." https://www.sjc.iq/view.79112/
[5] https://www.sjc.iq/view.80490/
[6] Amnesty International, "Iraq: People held in Al-Jed'ah Centre subjected to torture and enforced disappearance after arrests – new investigation", 29 October 2024, www.amnesty.org/en/latest/news/2024/10/iraq-people-held-in-al-jedah-centre-subjected-to-torture-and-enforced-disappearance-after-arrests-new-investigation/

It now falls on the Iraqi authorities to ensure that all detainees are either released or prosecuted for internationally recognizable criminal offences, on the basis of individual responsibility, in proceedings that guarantee their right to a fair trial. The US, who facilitated this transfer, and states whose nationals are among the transferred detainees must support the state of Iraq in delivering justice in line with international legal standards.

It is also imperative that all individuals detained as children in north-east Syria, and transferred to Iraq, are identified and treated in accordance with international child justice standards, regardless of their age at transfer. Iraqi authorities screening of detainees must determine their age at the time of alleged conduct and ensure this governs all subsequent proceedings. Prosecution of individuals detained as children should be limited to exceptional cases involving credible evidence of serious crimes involving violence or crimes under international law, with full regard to time already served and applicable sentencing limits; all others should be promptly released.

PRIOR SCREENING

It is not clear whether screening prior to these transfers has taken place nor whether evidence of crimes under international law committed by IS have been shared with the Iraqi authorities. Individuals who were transferred from north-east Syria to Iraq include people with widely varying degrees of involvement or no involvement with IS. While an unknown number of these individuals committed crimes under international law or held positions of power in the so-called caliphate, some of the people who were detained in north-east Syria have only tenuous or no connection to IS. Others may be victims of IS atrocity crimes or trafficking in persons, such as children who were forced to fight by the armed group.[7]On 21 January 2026, following repeated rounds of fighting between the Syrian authorities and the SDF, Amnesty International called on both parties to carry out a human-rights-compliant screening process in detention facilities and camps in their control. They should have accurately identified those who should be investigated and prosecuted for crimes under international law or serious crimes under domestic law, those who should be repatriated, if appropriate, and prosecuted in their countries of origin, and those who should be released.[8]

SAFEGUARDS DURING DETENTION AND INTERROGATIONS

Iraqi authorities, specifically Iraq's SJC have repeatedly stated that interrogations with all the transferred detainees would take place as required. On 2 February 2026, the SJC stated that interrogations had begun with 1,378 of the transferred individuals it referred to as "members of the Daesh [IS] terrorist organization".[9] Subsequently, on 16 February 2026, the SJC stated that "initial interrogations" with 500 of the detainees had taken place. The statement also clarified that 157 juveniles were separated from the detainees and placed in "juvenile rehabilitation centers to ensure that they are treated in accordance with legal and humanitarian standards pertaining to them" adding that "investigative files" of the minors were transferred to the Juvenile Investigation Court in Karkh. On 1 September, the SJC confirmed the completion of the interrogation phase to be followed by the opening of the trials.

TORTURE AND OTHER ILL-TREATMENT

Amnesty International has extensively documented consistent patterns of abuse in detention of individuals suspected of affiliation to IS or terrorism related offences. In the context of the armed conflict to regain control from the IS, Iraqi authorities have subjected countless men and boys to torture and other ill-treatment to extract confessions.[10]

In light of this, Amnesty International has previously raised serious concerns about transfers of detainees to Iraq due to the risk of torture and other serious human rights violations. In its 2024 report, the organization found that Iraqi detainees transferred from north-east Syria faced a substantial risk of torture and ill-treatment upon arrival in Iraqi custody, often in the context of interrogations aimed at extracting confessions in terrorism-related cases.

Iraq has a well-documented pattern of relying on confessions obtained under torture, particularly in cases involving individuals accused of affiliation with the armed group calling itself the Islamic State (IS). In its 2024 report, Amnesty International documented the cases of seven Iraqi nationals who had been transferred from north-east Syria to Iraq. According to their family members, six of the seven were tortured by Iraqi security forces following their transfer in order to

[7] For more details, see *Aftermath: Injustice, Torture and Death in Detention in North-east Syria* (Index: MDE 24/7752/2024), 17 April 2024, p. 49.
[8] https://www.amnesty.org/en/latest/news/2026/01/syria-human-rights-and-international-law-must-guide-nText-steps-in-north-east-syria/
[9] https://www.sjc.iq/view.79010/
[10] See, Punished for Daesh's Crime, Marked for Life.

force confessions, while the seventh confessed due to the threat of torture. The methods described included severe beatings, electric shocks and sexual violence.[11]In October 2024, Amnesty International also documented cases indicating that Iraqis transferred from al-Hol camp to Iraq remained at serious risk of torture. The organization examined the cases of eight individuals – seven men and one woman – who were arrested in 2023 and 2024 at al-Jed'ah Centre (also known as Jed'ah 1 Camp). Seven of them reported being subjected to torture or other ill-treatment. Interviewees described severe beatings, electric shocks, forced stress positions, and suffocation methods including forced submersion in water or having their heads covered with plastic bags to restrict air supply. Family members reported observing visible signs of abuse on their relatives, including broken fingers and dislocated shoulders.[12]

MEDICAL CARE

According to current and former detainees held in north-east Syria who were interviewed by Amnesty International, inhumane conditions and the deprivation of food and water led to an outbreak of disease and other health conditions in detention facilities, including skin diseases such as scabies; respiratory diseases; kidney problems; and tuberculosis. For instance, the detention facility holding the largest number of foreign nationals, Panorama detention facility (also referred to as "Al-Sina"), was affected by a severe outbreak of tuberculosis that went on for years. In August 2023, the SDF estimated that an extremely high percentage of men and boys were infected and said that one or two men or boys held in Panorama were dying from tuberculosis each week. In their written response to Amnesty International in March 2024, the autonomous authorities said that "nearly 600 male detainees" had died as a result of tuberculosis and other diseases since the detention facility was established.[13]

All detainees should have been subject to a comprehensive medical screening upon arrival and must receive adequate healthcare, particularly given the health risks associated with prior detention in north-eastern Syria, including potential untreated illnesses and communicable diseases.

INDEPENDENT MONITORING AND CONSULAR ASSISTANCE

Iraqi authorities must uphold their obligations under international human rights law by ensuring independent and unfettered monitoring of all places of detention, including by national and international human rights mechanisms or bodies, as a critical safeguard against torture and other ill-treatment.

Given that the Iraqi authorities have stated that all detainees will be subject to prosecution in Iraq prior to possible repatriation, it is imperative that states whose nationals are detained provide prompt and regular consular assistance in line with international standards. According to the SJC statement of 1 September 2026, the Iraqi authorities coordinated such visits with relevant diplomatic missions and the support of the National Center for International Judicial Cooperation. The concerned states have a duty to actively assist and protect their nationals detained abroad, including by seeking access, monitoring their conditions of detention, and ensuring that their fundamental rights are respected throughout the judicial process.

PROTECTION OF CHILDREN IN DETENTION

The confirmed presence of 157 children among the transferred detainees requires a child-rights-centered response consistent with international child justice standards.

As of December 2023, Amnesty International documented approximately 1,000 boys and young men detained as children in various detention facilities in north-east Syria for their alleged affiliation with IS.[14] Over 600 were held by the Syrian Democratic Forces (SDF), including in Panorama detention facility, and the remainder were detained by the autonomous authorities in youth "rehabilitation" centres and adult facilities. More than half were foreign nationals, excluding Iraqis, while the rest were Syrian.

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[11] Aftermath: https://www.amnesty.org/en/documents/mde24/7752/2024/en/, Chapter 9, "Transfers from North-east Syria to Torture and Death".

[12] https://www.amnesty.org/en/latest/news/2024/10/iraq-people-held-in-al-jedah-centre-subjected-to-torture-and-enforced-disappearance-after-arrests-new-investigation/

[13] For more details, see *Aftermath: Injustice, Torture and Death in Detention in North-east Syria* (previously cited), pp. 75-104.

[14] For more details on children detained by the autonomous authorities in North-east Syria, see *Aftermath: Injustice, Torture and Death in Detention in North-east Syria* (previously cited), pp. 109 – 131.

Many of these children were detained under broad and often indiscriminate circumstances. Some were captured during the final battle of Baghouz, including potentially many Yezidi boys, while others were detained while fleeing IS-controlled areas based on presumptions of association. Foreign boys were also systematically separated from their families in detention camps, from around age 11 or 12, and transferred into detention facilities. In recent years, Syrian boys have continued to be detained in ongoing military operations conducted by the SDF and affiliated forces, sometimes in partnership with the US-led coalition to defeat ISIS.

Crucially, the extent of these children's actual involvement with IS remains unclear. Under applicable law in north-east Syria, the maximum sentence for offences committed as a child is seven years, and many have already served that period, raising additional serious concerns about the legality of their continued detention.[15]

Following the final battles with IS, most states failed to repatriate boys, even where they have accepted the return of women and girls. The recent transfer of detainees to Iraq further exacerbates risks of prolonged detention, exposure to harsher legal systems, and permanent separation from families.

Iraqi authorities should urgently screen all transferred individuals to identify those who were detained as children and ensure that any alleged offences are treated accordingly. Prosecutions should only proceed where there is credible evidence that they committed serious crimes involving violence or crimes under international law. All others should be promptly released. Transferred individuals, especially those detained as children, should also be screened to identify possible trafficking victims. Anyone identified as a trafficking victim must also be protected by the non-punishment principle for trafficking victims, according to which a victim of trafficking should not be detained or prosecuted for crimes committed as a "direct result" of being trafficked.

Where prosecutions are pursued, proceedings must take place within a child justice framework and fully comply with international fair trial standards. Authorities should also account for time already spent in detention and applicable sentencing limits for offences committed as minors. In all cases Iraqi authorities should prioritise community-based and non-custodial measures, including restorative justice and reconciliation mechanisms. Deprivation of liberty should only be used as a measure of last resort and for the shortest appropriate period of time.

TRIALS IN IRAQ

While Iraqi authorities have insisted that foreign nationals among the those transferred must be repatriated and prosecuted in their own countries, in late February, a ministry of justice official stated to media that no individuals will be repatriated before being interrogated and prosecuted in Iraq.[16]

Earlier in mid-February, Iraq's Minister of Justice stated to media outlets that a special judicial body has been established to prosecute the transferred detainees, while parallel diplomatic efforts are under way to return foreign nationals to their countries of origin.[17] According to the SJC, Iraqi courts will prosecute the transferred detainees according to the Iraq Penal Code Penal Code No. 111 of 1969.[18] Under the Iraqi Penal Code, Iraqi courts may exercise jurisdiction over offences committed within the country regardless of the nationality or location of those involved. The law provides that an offence is considered to have been committed in Iraq if either the criminal act itself occurs in Iraq or if its consequences occur, or are intended to occur, within Iraqi territory. On this basis, Iraqi authorities may seek to prosecute foreign nationals where all or part of an alleged offence is deemed to have taken place in Iraq, including where individuals are accused of acting as principals or accessories, even if they were outside the country at the time.[19] Judiciary officials have also stated that the 2005 Anti-Terrorism Law (Law No. 13 of 2005) will be relied upon in these trials.

Prosecutions in Iraq for terrorism-related offences have primarily been conducted under the 2005 Anti-Terrorism Law (Law No. 13 of 2005), a framework that has long drawn criticism for its overly broad provisions and vague definitions of terrorist activity. The law provides for severe penalties, including the death penalty, for acts that may encompass mere membership, support or affiliation. In practice, prosecutions under this framework have frequently relied heavily on

[15] For more details on the prosecution of children in north-east Syria, see *Aftermath: Injustice, Torture and Death in Detention in North-east Syria* (previously cited), pp. 194 – 196.
[16] https://www.rudaw.net/english/middleeast/iraq/260220263
[17] https://x.com/KurdistanWatch/status/2021607016603513207?s=20
[18] https://www.sjc.iq/view.80490/
[19] Penal Code, Article 6.

confessions, including statements that human rights organizations have documented were extracted under torture or other ill-treatment.

Amnesty International reiterates that any proceedings against transferred detainees of all nationalities, including Iraqis, must ensure individualized criminal responsibility and uphold fair trial guarantees in full compliance with international human rights law including fair trial standards. In this regard, any period of detention already served in north-east Syria should be duly recognized and credited when determining any final sentence.

Authorities must ensure that evidence obtained through torture or other ill-treatment is excluded and that all allegations of torture and ill-treatment are investigated.

Victims of crimes committed by IS deserve meaningful and visible accountability that reflects the gravity of the harm they have endured. Accountability processes, whether conducted in Iraq or elsewhere, should focus on establishing individual criminal responsibility for serious international crimes, including war crimes and crimes against humanity. Such proceedings must be carried out in fair trials that meet international standards and must not involve recourse to the death penalty.

In addition to international human rights obligations, Iraq's Code of Criminal Procedure provides that defendants who do not understand the language used in court are provided with qualified interpreters in accordance with Article 61/C, and that all defendants have access to effective legal representation, including court-appointed counsel where they cannot afford a lawyer.

Authorities must also ensure that trials are conducted in a transparent manner consistent with Article 152 of the Code of Criminal Procedure, which requires that hearings be held in public for adult defendants, while for children they are to be held in close sessions as stated in Iraq's "Juvenile Welfare Law". Upholding these safeguards will be essential to ensuring that proceedings meet both domestic legal requirements and international standards for fair trial and due process

THE DEATH PENALTY

Iraq continues to rely extensively on the death penalty, particularly in prosecutions related to terrorism. According to available estimates, approximately 8,000 people are currently held on death row in the country. In 2024, more than 200 people were sentenced to death, mostly for terrorism or drug related offences. That year, the number of known executions were at least 63 and represented a four-fold increase in 2023 (at least 16) and was the highest recorded since 2019. All known executions involved people convicted of terrorism related offences.[20]

Amnesty International has consistently called on the Iraqi authorities to halt all executions with the view of repealing the death penalty. In April 2024, after at least 13 men were put to death on 22 April in Nasiriyah Central Prison, in the southern governorate of Thi Qar, following their conviction on overly broad and vague terrorism related charges, the organization made it clear that executions carried out after trials that don't meet international human rights standards may amount to arbitrary deprivation of life. [21]

In June 2024, a group of United Nations experts warned that Iraq's pattern of executions, often based on confessions alleged to have been obtained under torture and under the country's broadly defined counterterrorism legislation, may amount to the arbitrary deprivation of life under international law and could rise to the level of a crime against humanity. The experts expressed concern that systemic due process violations in such cases risk leading to irreversible miscarriages of justice.[22]

During 2025, Iraq's Minister of Justice announced that executions would largely be halted to allow for the application of a following the passage of a General Amnesty Law in January 2025. However, in February 2026 executions were reported once more.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The organization campaigns for total abolition of the death penalty

REPATRIATIONS

[20] https://www.amnesty.org/en/documents/act50/8976/2025/en/
[21] https://www.amnesty.org/en/latest/news/2024/04/iraq-at-least-13-people-executed-amid-alarming-lack-of-transparency/
[22] https://www.ohchr.org/en/press-releases/2024/06/scale-and-cycle-iraqs-arbitrary-executions-may-be-crime-against-humanity

As mentioned above, the Iraqi authorities have been adamant that these transferred detainees will only remain temporarily in Iraqi custody with the view of repatriating all foreign nationals to their home countries. At the time of writing, few states have signalled their willingness to repatriate their nationals. Among those, on 25 February 2026, Russian authorities expressed their willingness to repatriate all Russian nationals held on terrorism related charges in Iraq.[23] Similarly, on 26 February 2026, Türkiye expressed its readiness to repatriate its nationals held on terrorism related charges in Iraq.[24] On 12 March 2026, Moroccan authorities signalled intentions to the same effect.[25]

Any further repatriations or transfers must be carried out in full compliance with the principle of non-refoulement and with states' broader obligations under international human rights law. Authorities must ensure that individuals are not transferred to any country where they would face a real risk of torture, other ill-treatment, arbitrary detention, or other serious human rights violations.

Receiving states must also guarantee that anyone returned to their custody is afforded full fair trial protections and due process guarantees. This includes protection from arbitrary detention, access to legal counsel, and safeguards against torture or other ill-treatment throughout all stages of detention, interrogation and judicial proceedings.

In cases involving children, states should urgently repatriate boys and young men detained as children and take immediate steps to facilitate family reunification, including for victims of trafficking and other abuses. Any returns must comply with the principle of non-refoulement and be guided by the best interests of the child, ensuring that children are not exposed to risks of harm upon return.

States should ensure adequate referral pathways and provide comprehensive reintegration support, including access to pyscho-social care, education, and community-based services. Authorities should prioritize rehabilitation, recovery and reintegration measures, and ensure that any accountability processes involving children fully comply with international child justice standards.

In cases of individuals who may be victims of trafficking, states should facilitate the voluntary repatriation of nationals as well as individuals with the right of permanent residence, and ensure comprehensive reintegration support, including access to pyscho-social care, education, and community-based services. Receiving authorities should proactively search for and identify nationals and permanent residents who are potential trafficking victims through survivor-centred, trauma-informed, and human rights-compliant processes, and ensure adequate referral pathways to appropriate protection and support services.

[23] https://www.kurdistan24.net/en/story/896337/russia-agrees-to-repatriate-its-isis-detainees-from-iraq-pending-citizenship-verification
[24] https://en.964media.com/45530/
[25] https://thearabweekly.com/morocco-plans-repatriation-isis-linked-nationals-iraq