

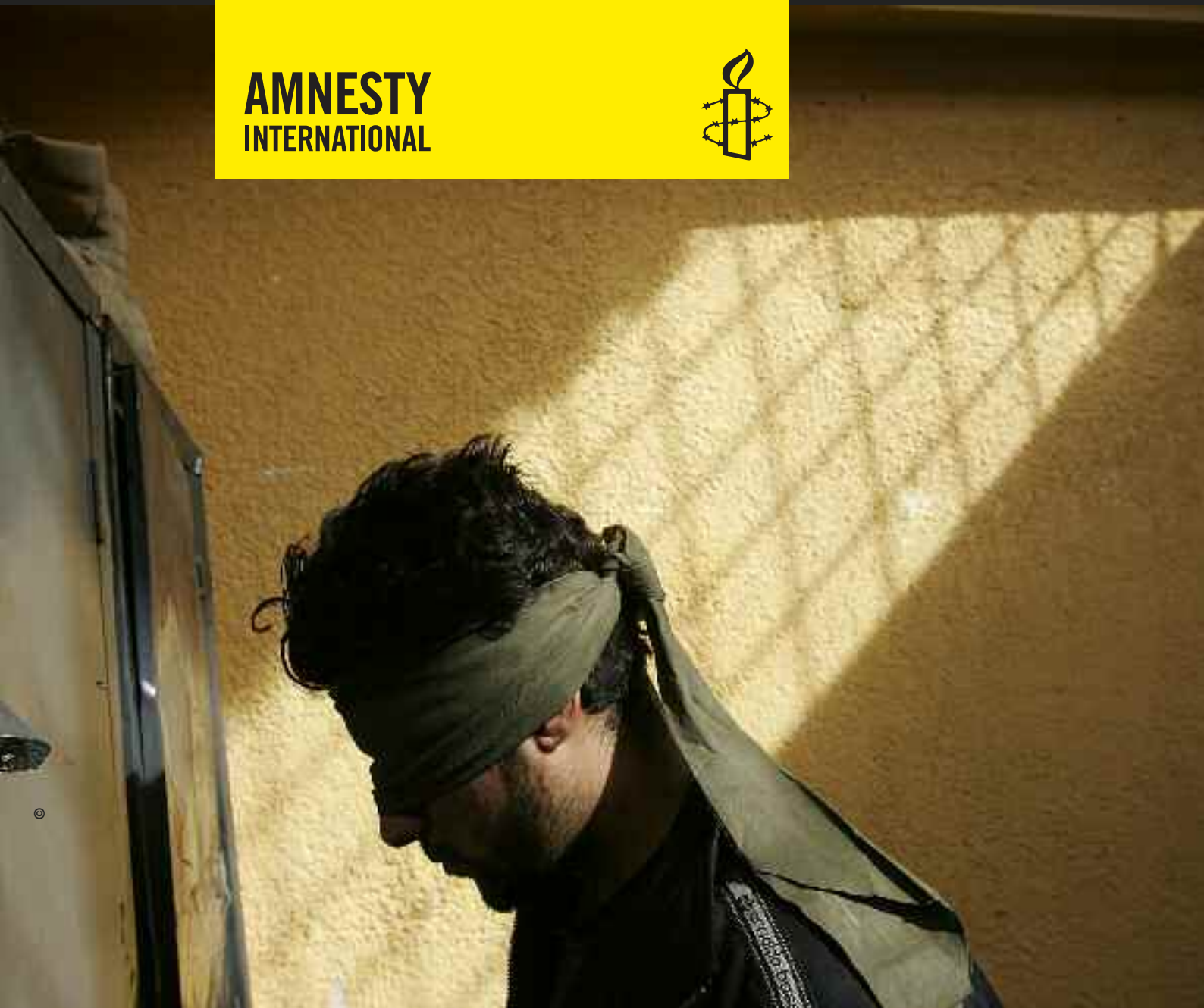
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BROKEN BODIES, TORTURED MINDS

ABUSE AND NEGLECT OF
DETAINEES IN IRAQ

AMNESTY
INTERNATIONAL



Torture and other ill-treatment were widespread in Iraq before the US-led invasion in 2003 and continued in prisons and detention facilities controlled by coalition forces and the new Iraqi governments. Since 2004, suspects held in Iraqi custody have been systematically tortured and dozens of detainees have died as a result. After US forces handed over tens of thousands of prisoners to Iraqi custody between early 2009 and July 2010 without any guarantees that they will be protected, there is every likelihood that torture and ill-treatment will remain widespread. Such abuses have a devastating impact on the victims not just when they are being tortured or ill-treated, but often for years afterwards or even for the rest of their lives. Urgent action is needed to end the pattern of abuse and to help the victims and their families.



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Samar Sa'ad 'Abdullah, aged 27, says she was beaten on the soles of her feet – a form of torture known as *falaqa* – and given electric shocks to force her to “confess” to killing her uncle and his family for money. Based on her “confession”, she was sentenced to death in 2005 and her sentence was confirmed in 2007. The judge failed to order an investigation into her torture allegations. She says that her fiancé carried out the killings; he is still being sought by the authorities. She is now in al-Kadhimiya Prison and, according to her father, suffering from depression, diabetes and high blood pressure.

Torture and other ill-treatment have been systematic in Iraq since 1979 when Saddam Hussain became President. After the US-led invasion in 2003, which toppled him and his government, and in response to violence by armed groups, coalition and Iraqi forces detained tens of thousands of

people arbitrarily, without charge or trial, for months or even years. Many were held incommunicado and without access to lawyers, leaving them vulnerable to torture and other ill-treatment. Some were held in secret detention centres – unacknowledged places of detention outside the prison system – where torture and other ill-treatment were rife. One such facility was at the old Muthanna airport in Baghdad, from which 95 traumatized detainees were released in April 2010 by the Iraqi authorities, while the rest were moved to al-Rusafa prison.

Amnesty International has collected numerous testimonies about torture and other abuses from detainees, former detainees and relatives of detainees. Since 2008 it has visited the Kurdistan region of Iraq several times to carry out research on human rights, but has been unable to visit other parts of the country because of the perilous security situation.



“We [father and son] were tortured in the same manner: suspension from a bed upside-down, suffocation by putting plastic bags on our heads, beatings, use of electric shocks on various parts of the body. The suspension is for about 30 minutes... I was tortured three times. They used electric shocks on me twice. I was beaten several times. After that I confessed. I confessed to things I never knew what they were.”

An Iraqi detainee, speaking to Amnesty International in April 2010

BACKGROUND

Almost eight years since the March 2003 US-led invasion, Iraq remains one of the most dangerous countries in the world. Violence has continued unabated and serious human rights abuses have been committed by all sides, some amounting to war crimes.

Armed groups have killed thousands of civilians, including members of ethnic and religious minorities, in suicide bomb and other attacks. They have also kidnapped, tortured and then killed many others.

Iraqi and US forces have detained tens of thousands of people without charge or trial, some for up to seven years, often without

access to lawyers and with no opportunity to challenge the legality of their detention before an independent tribunal. They have tortured detainees to force them to “confess” and subjected them to grossly unfair trials. The death penalty has been used extensively; up to 1,300 prisoners are on death row.

The new Iraqi government, finally formed in December 2010 after elections nine months earlier, faces enormous challenges in the face of continuing violence, a ruined infrastructure, widespread poverty and an ailing economy. Among those challenges is ensuring that prisoners are kept safe and well.

Cover: A blindfolded detainee at a joint US-Iraqi military base in western Baghdad, 25 November 2006 © Chris Hondros/Getty Images

Above: Suse prison in the Kurdistan region of Iraq, June 2010

“[The detainees were] blindfolded and bound, and beaten with industrial cable and pieces of wood in order to extract a confession.”

Extract from a US military document released by Wikileaks, describing an incident of torture by the Iraqi security forces

Amnesty International has built up a grim picture of widespread abuse of detainees committed with impunity – a picture reinforced by the thousands of previously unavailable US government documents released in October 2010 by the organization Wikileaks.

In early 2009, as US forces began transferring detainees they had arrested and held to the custody of Iraqi authorities, Amnesty International and other human rights organizations warned that these prisoners would be at grave risk of torture in Iraqi-run prisons if rigorous safeguards were not implemented. The US government ignored these warnings and no effective human rights guarantees were put in place.

An estimated 30,000 men and women remain in custody despite the release of hundreds of detainees and a 2008 amnesty law that provides for the release, in most cases, of detainees held without trial after

The Iraqi Council of Representatives (parliament) passed a law in 2008 ratifying the UN Convention against Torture, but to date the Iraqi government has yet to deposit the relevant papers with the UN. There is no indication that the government intends to ratify the Optional Protocol to the Convention against Torture, which calls for the establishment of a national preventive mechanism and openness to regular visits by national and international bodies to detention centres.

six or 12 months, depending on the alleged

offence. All these detainees are at grave risk of enforced disappearance, torture or other ill-treatment.

In recent years, the Iraqi authorities have announced investigations into some high-profile cases of alleged torture, but the outcomes of these investigations, if they took place, have not been disclosed and the perpetrators have not been brought to justice. This has served only to deepen the culture of impunity.

USE OF TORTURE

Iraqi security forces use torture and other ill-treatment to extract “confessions” when detainees are held incommunicado, especially in detention facilities – some secret – controlled by the Ministries of Interior and Defence. The Central Criminal Court of Iraq (CCCI), which sits in Baghdad and other provinces, often convicts defendants on the basis of these “confessions”, despite clear evidence of torture in many cases.

The Iraqi Human Rights Ministry stated in its 2009 annual report that it had recorded 509 allegations of torture by Iraqi security forces. Amnesty International believes that this disturbingly high number is actually a gross underestimate of the scale of the abuse.

Accounts of torture reported to Amnesty International over the years include rape and threat of rape, beatings with cables and hosepipes, electric shocks, suspension by the limbs, piercing the body with drills,

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“...That night [the sergeant] heard whipping noises walking through the hallway and opened a door to find [one lieutenant] with a 4 gauge electrical cable, whipping the bottom of a detainee's feet. Later that night, [a sergeant] caught [one] lieutenant whipping a detainee across his back with an electrical cable....”

Extract from a 2006 US military document released by Wikileaks, describing an incident of torture by the Iraqi police

asphyxiation with plastic bags, removal of toenails with pliers, and breaking of limbs. Children, women and men have all suffered these abuses.



Left: Inside a prison in Dohuk in the Kurdistan region of Iraq, June 2010

Centre spread: Overcrowding remains common in Iraq's prisons. This picture, taken on 23 July 2007, shows the detention facility at the US-controlled Forward Operating Base Justice in Baghdad's Khadimiya neighbourhood
© Marko Georgiev / The New York Times / Redux / eyevine

“The most horrible method is asphyxiation by plastic bag. You don’t last for more than 5 or 10 seconds and you start running out of breath. Then you are basically forced to say I will confess and sign anything you want me to sign. The guards called the method ‘oxygen’.”

Former Iraq detainee, speaking to Amnesty International in May 2010

In June 2009, a human rights body affiliated to al-Diwaniya governorate in southern Iraq accused the security forces of torturing detainees to extract “confessions”. Ministry of Interior investigators subsequently reported that 10 of the 170 prisoners at al-Diwaniya prison had bruising that could have been caused by torture or other ill-treatment. Video footage apparently taken by a prison guard and later circulated on the internet showed a prisoner lying with his hands tied behind his back being whipped by guards and given electric shocks until he passed out. One guard is heard to say, “He is done”.

US government documents made available by Wikileaks describe how detainees were forced to “confess” under torture to “terrorism”, killings, assault or even selling drugs. One document describes how Iraqi forces beat and kicked two detainees for allegedly drinking wine and trying to steal bananas.

IMPACT ON VICTIMS AND THEIR FAMILIES

The impact of torture on the health of victims extends beyond the immediate feeling of pain or fear. Longer-term consequences include chronic infections, psychological problems, disfigurement, scarring, damage to internal organs, broken bones, and nerve damage.

Among former Iraqi detainees who described to Amnesty International how torture had ravaged his life permanently was Riyadh. The abuses he suffered seriously damaged his liver, so he needs costly and specialized medical care, probably including a liver transplant and life-long medications and monitoring.

Most torture victims have long-term psychological issues to deal with. A common consequence of torture is post-traumatic stress disorder (PTSD), including flashbacks, nightmares,

depression, anxiety and memory loss. Many of the detainees interviewed by Amnesty International are not receiving psychological support for the torture they endured.

Torture also affects families of detainees. According to the International Rehabilitation Council for Torture Victims, children are particularly vulnerable. They can suffer feelings of guilt and personal responsibility for what has happened to their tortured parent. Family members also experience anxiety and a sense of loss. Many psychologists believe that family members would benefit from therapy along with the survivor of torture.





SEXUAL VIOLENCE

In Iraq, rape or threat of rape of detainees or their loved ones has been widely alleged. Sexual assault shares with other forms of torture the objective of inflicting suffering, humiliation and degradation. It is also used to force “confessions”, extract information or punish detainees.

A member of Iraq’s parliament who met four male inmates at al-Rusafa prison in Baghdad in June 2009 said they told him that they had been raped and otherwise tortured, and that he had seen marks on their bodies that supported their allegations. Hundreds of inmates at the prison went on hunger strike in May and June 2009 to demand an end to torture and other ill-treatment.

Other Iraqi members of parliament have raised serious concerns about sexual violence in prisons. In mid-June 2009, for example, one said that security forces had sexually assaulted at least 21 male detainees at al-Rusafa and al-Diwanya prisons in southern Iraq since the beginning of the year. In May 2009, a delegation from the Council of Representatives’ Human Rights Committee visiting al-Kadhimiya women’s prison in Baghdad heard testimony from two female prisoners who said they had been raped repeatedly after their arrest.

Ramze Shihab Ahmed, a 68-year-old man with dual Iraqi-UK citizenship, was held incommunicado and tortured, including by being raped with a stick, after he travelled to Iraq to secure the release of his son Omar. Both men were beaten, suffocated, given electric shocks to the genitals, and suspended by the ankles. Interrogators also threatened to rape Ramze’s first wife, who lives in Mosul, in front of him, and threatened Omar that he would be forced to rape his father if he did not confess to killings. Both men signed “confessions”.

Rape or threat of rape has serious psychological and physical effects on survivors. The physical consequences for men and women can include sexually transmitted infections, such as HIV; sexual dysfunction; tears or lacerations to the anus



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Above: Rahiba al-Qassab holds a picture of herself and her husband, Ramze Shihab Ahmed, in their home in London, the UK. Ramze Shihab Ahmed was raped and otherwise tortured in Iraq after he travelled there to secure the release of his son Omar. **Right:** The courtyard of a prison in the Kurdistan region of Iraq, June 2010

and vagina that cause long-term pain; and bruising. Women can also suffer from unwanted pregnancy and gynaecological problems resulting in infertility.

The long-term mental effects on both sexes can include depression, anxiety, substance abuse, phobias, eating and sleep disorders, PTSD and suicidal behaviour.

Governments are obliged to address the harm caused by torture. Article 14 of the UN Convention against Torture requires the state to compensate and rehabilitate victims of sexual abuse and other torture.

“He said they raped him with a stick in ‘the back’ and all the time they put the plastic bag on his head until he lost all feelings. Then they would wake him up with the electric shocks. And many things, very bad things. Every time they raped him from ‘the back’ all the blood would come from inside. And he would lose his feelings all the time.”

Rabiha Al-Qassab, wife of Ramze Shihab Ahmed, speaking to Amnesty International in October 2010





OVERCROWDING AND POOR PRISON CONDITIONS

Overcrowding is a serious problem in most Iraqi prisons and many detainees suffer health problems as a result. According to the UN Assistance Mission for Iraq (UNAMI), one prison was so overcrowded in 2008 that detainees had to sleep in shifts and hang their belongings from a wall to save space.

Overcrowding in detention centres facilitates the spread of diseases and stretches the ability of staff to meet the needs of detainees. Shortages of clean water and adequate sanitation facilities can lead to diarrhoeal diseases. Cramped spaces and poor ventilation can lead to the spread of respiratory infections and skin diseases. In addition, the anxiety, sleep deprivation

“If someone is eight years in prison without a trial and then another 15 years after the trial, what type of psychological condition do you expect that person to be in?”

Wife of a detainee, speaking to Amnesty International in June 2010

and humiliation experienced by prisoners who are forced to use the toilet and bathroom in public can cause great distress. Many detainees in Iraq have been kept in such conditions for many years without charge or trial, adding to their torment.

On 12 May 2010, nearly 100 detainees were crammed into two vans designed to

carry only 20 people each. They were transferred from Camp Taji to al-Rusafa Prison, at least an hour away by vehicle. The vans had no windows or ventilation. When they arrived at the prison, 22 detainees had collapsed. Seven died in hospital as a result of asphyxiation.

The problems for Iraq's detainees caused by poor prison conditions are compounded

The UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment require states to provide medical services, hygienic facilities, room for exercise and acceptable accommodation and nutrition for those in their custody.



Left: A prisoner washes in the dilapidated bathroom in the detention facility at the US-run Forward Operating Base Justice in Baghdad's Khadimiya neighbourhood, 23 July 2007
Above: Marks apparently caused by torture on the body of 'Adnan 'Awad al-Jumaili, who died in Iraqi custody in May 2007

DEATHS IN CUSTODY

Dozens of detainees have died as a result of torture or other ill-treatment since 2004. Death certificates often fail to mention the medical evidence of torture and frequently attribute deaths to "heart failure" or "heart attack" without any pathological finding to justify this diagnosis. Human rights organizations have reported that evidence of torture, such as marks of beatings and burns, have been found on detainees' bodies.

Some detainees have died because of the lack of health care. For example, Ibrahim 'Abdel-Sattar, a former senior army officer in the previous Ba'ath administration, died in al-Kadimiya prison on 29 October 2010. He had allegedly been denied treatment for stomach cancer until he was taken to al-Karkh hospital the day before he died.

Often, families are not informed until weeks after their loved one had died, in some cases after the body has been buried.

'Adnan 'Awad al-Jumaili died in Iraqi custody in May 2007 apparently after he had been beaten. Three Iraqi physicians who carried out an autopsy found extensive bruising; internal bleeding in the brain, neck and abdomen; and damage to his lungs. Photographs obtained by Amnesty International show extensive bruising on the back and lacerations around the wrists. The body was not returned to his family; it was reported to have been buried by the authorities in the city of Najaf.

"They took two of us to a stadium of the army in Mosul where underneath one of the stands was a secret detention facility. It was a small room and they put us in there. All in all we were 69 detainees in that room. [After they moved us to another prison] they put us in small rooms; 25 detainees per room. The rooms did not have windows. The rooms were 5 x 4 metres."

An Iraqi detainee, speaking to Amnesty International in May 2010

by a lack of adequate medical care, treatment and medicines. Often, families of detainees feel they must buy medicine they can ill afford and take it to the prison. Some have complained that prison guards take the medicine from families, promising that they will pass it on to detainees, and sometimes then confiscate it.

Pressure on the government to provide medical care has produced results. From at least mid-2010, Amnesty International and the Belgian Embassy in Jordan appealed to the Iraqi authorities to provide urgently needed medical care to Oussama 'Attar, a Belgian national. Within months he was reported to be receiving the treatment he needed.

Principle 24 of the UN Body of Principles makes clear that a proper medical examination must be offered as soon as possible after someone has been detained or imprisoned, and afterwards medical care and treatment must be provided whenever necessary. This care and treatment should be provided free of charge.



A recently released Iraqi detainee greets his mother outside a US military detention facility in the Dora neighbourhood of Baghdad, 13 April 2009

TAKE ACTION NOW

Please write to the Iraqi and Kurdish authorities, asking them to:

- Investigate alleged cases of torture and ensure perpetrators are brought to justice and the results of investigations made public.
- Ensure that conditions of detention comply with international standards for the treatment of prisoners. This includes reducing overcrowding by immediately releasing all detainees held without charge unless they are to be charged with a recognizable crime and tried, promptly and fairly, and without recourse to the death penalty.
- Implement the UN Istanbul Protocol as a basis for the documentation of torture and ensure that medical and legal professionals responsible for forensic investigation are allowed to promptly document abuses without fear of reprisals.
- Provide compensation, including the option of rehabilitation, to torture survivors in accordance with Article 14 of the UN

Convention against Torture. In cases of death by torture, families are also entitled to reparation, including compensation.

Please write to US authorities asking them to:

- Use all possible influence with the Iraqi Government and the Kurdistan Regional Government to ensure that all detainees are fully protected against torture or other ill-treatment, that all allegations of torture and other serious abuse are investigated promptly and independently, and that anyone found responsible for abuses is brought to justice.

PLEASE WRITE TO:

IRAQI AND KURDISTAN REGIONAL GOVERNMENT AUTHORITIES

We recommend that letters and appeals addressed to the Iraqi and Kurdish Prime Ministers are sent to the Iraqi and Kurdish representatives in your country and addressed to:

IRAQI AUTHORITIES

Nouri al-Maliki

Prime Minister

Convention Centre (Qasr al-Ma'aridh)

Baghdad, Iraq

Salutation: Your Excellency

KURDISTAN REGIONAL GOVERNMENT

Dr Barham Salih

Prime Minister

Kurdistan Regional Government

Erbil, Republic of Iraq

Salutation: Your Excellency

US GOVERNMENT

The Honorable Hillary R. Clinton

Secretary of State, U.S. Department of State

2201 C Street, N.W.

Washington DC 20520, USA

Fax: + 1 202 261 8577

E-mail: Secretary@state.gov

Salutation: Dear Secretary of State

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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