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IRAQ

Systematic torture of political prisoners

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SUMMARY

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Political prisoners and detainees are systematically tortured in Iraq. The scale and severity of torture in Iraq can only result from the acceptance of its use at the highest level. There are no attempts to curtail or prevent such violations or punish those responsible. Victims of torture in Iraq have been subjected to a wide range of forms of torture. The bodies of many of those executed had evident signs of torture, including the gouging out of the eyes, marks of severe beatings and electric shocks to various parts of the body, when returned to their families. Some detainees died as a result of torture. Many torture victims now live with permanent physical or psychological damage.

Victims of torture have included suspected government opponents who range from army, security and intelligence officers suspected of having contacts with the Iraqi opposition abroad or accused of plotting against the government, to followers of leading Shi'a Muslim religious personalities. Torture has also been used against women suspected of having links with Shi'a Islamist groups in the country or simply because of family links. In many cases relatives of those active in the Iraqi opposition abroad have been tortured or ill-treated as a way of putting pressure on those opposition leaders to cease their activities.

In the mid-1990s Iraq introduced judicial punishments such as amputation of hand and foot, branding of forehead and cutting off of the ears, and many people have been left with permanently mutilated bodies as a result of such punishments. Such punishments have been described as cruel, inhuman and degrading by international human rights bodies. The Iraqi Government justified the introduction of these punishments by the increase in the crime rate which it attributed to the impact of economic sanctions imposed on the country since 1990.

Amnesty International is once again calling on the Iraqi authorities to implement concrete measures to end the systematic torture and ill-treatment of political prisoners and detainees and to introduce legislative and practical steps to improve the human rights

situation in the country in general, including the amendment of the relevant legislation and the ratification of vital international human rights treaties.

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TORTURE TECHNIQUES / EXTRAJUDICIAL EXECUTIONS / EXECUTION /
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AMPUTATION

This report summarizes a 16-page document (7182 words), : IRAQ Systematic torture of political prisoners (AI Index: MDE 14/008/2001) issued by Amnesty International in August 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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IRAQ

Systematic torture of political prisoners

1 INTRODUCTION

Torture is used systematically against political detainees in Iraqi prisons and detention centres. The scale and severity of torture in Iraq can only result from the acceptance of its use at the highest level. There are no attempts to curtail or prevent such violations or punish those responsible. This total disregard for a basic human right, the right not to be tortured or ill-treated, grossly violates international human rights law which prohibits torture in all circumstances. The International Covenant on Civil and Political Rights (ICCPR), which Iraq ratified in 1971, states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 7).

Amnesty International has over the years received numerous reports of torture and interviewed hundreds of torture victims. The organization has also published many reports documenting a wide range of human rights violations in the country, including torture and ill-treatment. Victims of torture in Iraq have been subjected to a wide range of forms of torture. The bodies of many of those executed had evident signs of torture, including the gouging out of the eyes, marks of severe beatings and electric shocks to various parts of the body, when returned to their families. Some detainees died as a result of torture. Many torture victims now live with permanent physical or psychological damage.

Torture is used both to extract information or confessions from detainees and as a punishment. Political detainees are tortured immediately following arrest and their torture generally takes place in the headquarters of the General Security Directorate in Baghdad or in its branches in Baghdad and in the governorates. Torture also takes place in the headquarters of the General Intelligence (*al-Mukhabarat al-'Amma*) in al-Hakimiya in Baghdad, its branches elsewhere, as well as in police stations and detention centres such as al-Radhvaniya. Detainees in these places are held incommunicado for months or even years without access to any lawyers or family visits.

Victims of torture have included suspected government opponents who range from army, security and intelligence officers suspected of having contacts with the Iraqi opposition abroad or accused of plotting against the government, to followers of leading Shi'a Muslim religious personalities. Torture has also been used against women suspected of having links with Shi'a Islamist groups in the country or simply because of family links. In many cases relatives of those active in the Iraqi opposition abroad have been tortured or ill-treated as a way of putting pressure on those opposition leaders to cease their activities.

Iraq's legislation prohibits the use of torture. Article 22(a) of Iraq's Interim Constitution states that "the dignity of the person is safeguarded. It is inadmissible to cause any physical or psychological harm". Article 127 of the Code of Criminal Procedure states that "it is not permissible to use any illegal means to influence the accused to secure his statement.

Mistreatment, threatening to harm, inducement, threats, menace, psychological influence, and the use of narcotics, intoxicants and drugs are all considered illegal means.” In fact the Iraqi Penal Code criminalizes the use of torture by any public servant. Article 333 states that “any employee or public servant who tortures, or orders the torture of an accused, witness, or expert in order to compel that person to confess to committing a crime, to give a statement or information, to hide certain matters, or to give a specific opinion will be punished by imprisonment or detention. The use of force or threats is considered to be torture”. Amnesty International is not aware of any instances where officials suspected of torture of detainees have been brought to justice.

In the mid-1990s Iraq introduced judicial punishments such as amputation of hand and foot, branding of forehead and cutting off of the ears, and many people have been left with permanently mutilated bodies as a result of such punishments. Such punishments have been described as cruel, inhuman and degrading by international human rights bodies. The Iraqi Government justified the introduction of these punishments by the increase in the crime rate which it attributed to the impact of economic sanctions imposed on the country since 1990.

Iraq continues to be subjected to comprehensive trading sanctions imposed by UN Security Council resolutions since 1990 in the aftermath of its occupation of Kuwait. The sanctions have, according to many international experts, journalists, non-governmental organizations and UN agencies, crippled Iraq’s economic infrastructure and have resulted in the breakdown of the socio-cultural fabric of the society, acute poverty, malnutrition, wide-spread corruption and crime, and the reported deaths of over half a million children under the age of five.¹ It is, however, the responsibility of the Iraqi Government to uphold the rule of law and respect of human rights.

The international community has been concerned about the human rights situation in Iraq for many years and therefore decided in 1991 to appoint a Special Rapporteur in order to report regularly to the UN Commission on Human Rights on the situation of human rights in Iraq.

2 METHODS OF TORTURE

Torture victims in Iraq have been blindfolded, stripped of their clothes and suspended from their wrists for long hours. Electric shocks have been used on various parts of their bodies, including the genitals, ears, the tongue and fingers. Victims have described to Amnesty International how

¹In July 1999 Amnesty International issued a public statement explaining the organization’s position on sanctions, as well as calling on the UN Security Council to give urgent attention to the humanitarian situation in Iraq and taking all necessary measures to protect the rights of the civilian population. For more information see the public statement entitled *Iraq: UN Security Council Considers the Humanitarian Panel’s Report on Sanctions*, AI Index: MDE 14/06/99, issued on 28 July 1999.

they have been beaten with canes, whips, hosepipe or metal rods and how they have been suspended for hours from either a rotating fan in the ceiling or from a horizontal pole often in contorted positions as electric shocks were applied repeatedly on their bodies. Some victims had been forced to watch others, including their own relatives or family members, being tortured in front of them.

Other methods of physical torture described by former victims include the use of *Falaqa* (beating on the soles of the feet), extinguishing of cigarettes on various parts of the body, extraction of finger nails and toenails and piercing of the hands with an electric drill. Some have been sexually abused and others have had objects, including broken bottles, forced into their anus. In addition to physical torture, detainees have been threatened with rape and subjected to mock execution. They have been placed in cells where they could hear the screams of others being tortured and have been deprived of sleep. Some have stayed in solitary confinement for long periods of time. Detainees have also been threatened with bringing in a female relative, especially the wife or the mother, and raping her in front of the detainee. Some of these threats have been carried out.

3 VICTIMS OF TORTURE

3.1 Followers of Shi'a Clerics

Over the years many victims of torture have been Shi'a Muslims from Baghdad or from southern Iraq. They were arrested and tortured because they were suspected of anti-government activities. Many of them were students at *al-Hawza al-'Ilmiya* in al-Najaf in the south, which is considered to be one of the most prestigious theological teaching institutions in Shi'a Islam. Mass arrests and torture often took place during the periods of unrest which southern Iraq has witnessed intermittently over the last few years. The murder in al-Najaf of Ayatollah Mohammad Sadeq al-Sadr, a prominent leading Shi'a cleric, and his two sons on 19 February 1999² sparked off riots in predominantly Shi'a districts in Baghdad, especially in Saddam City (also known as al-Thawra City), and in southern towns of al-Hilla, Karbala', al-Nassiriya and al-Najaf. Protests in Saddam City resulted in the killings of dozens of protesters by the security forces and the arrest of hundreds of people. The riots lasted for three days and according to press reports at least 100 people were killed in Baghdad alone.³

²Ayatollah Mohammad Sadeq al-Sadr and two of his sons, Hojjatu al-Islam al-Sayyid Mostafa al-Sadr and al-Sayyid Mu'ammal al-Sadr, were shot dead by armed men in al-Najaf. Their family were said to have been denied a funeral ceremony. Iraqi opposition groups blamed the government for their killing. Amnesty International condemned the killings and urged the government to set up an immediate, thorough and independent investigation.

³AFP report, 22 February 1999.

A month later riots erupted in Basra for three days between 17 and 20 March 1999 during which the local headquarters of the ruling Ba'ath Party was attacked and several government officials were killed by armed Iraqi Shi'a Islamists, some of whom were reportedly sent by Iraqi Shi'a opposition groups based in Iran. As soon as government forces regained control of Basra on 20 March the repression started with dozens of people executed following torture and hundreds of others were arrested and tortured.

On 16 April 1999 violent clashes were reported between protesters and security forces when the latter attempted to prevent Shi'a Muslims from taking part in Friday prayers at the al-Hikma Mosque in Saddam City in Baghdad. These clashes reportedly left scores of protesters dead. An eye witness told Amnesty International that "when people were prevented from prayers they started shouting slogans against the authorities. Some protesters were armed and started shooting at the security forces but the latter were using tanks against the population and many people, including children, were killed. Initially the security forces did not remove the dead bodies. They waited for families and relatives to come and collect them so that they could arrest them. However, the families were too frightened to do so and in the end the security forces had to collect the bodies to clean the streets." As a retaliation, armed Islamist activists killed the director of Abu Ghraib Prison, Major Hassan al-'Amiri, and several other security officers the following day in an attack on a house close to the mosque, which was used as a temporary headquarters for the security forces.

The Iraqi government denied all reports of unrest which followed the assassination of Ayatollah al-Sadr. However in mid-May 1999 a government official admitted for the first time that disturbances had taken place in Basra claiming that "some agents who came from behind the border, from Iran, carried out sabotage acts in the city of Basra on March 17 in order to harm Iraq and its people".⁴

Among those arrested in Basra were several university lecturers. One person A (name withheld) told Amnesty International that he was arrested on 7 June 1999 at night from his home in Basra. He was taken to the General Intelligence prison in Basra and was tortured during interrogation. Methods of torture included extinguishing cigarettes on his feet and beating. He was also made to lie naked on the floor of the prison's concrete courtyard which was unshaded from the heat of the sun. He was then dragged by his arms from one side of the courtyard to another. This left his back, buttocks and thighs bleeding. A was taken to a special courtroom in Basra. There was a judge and several security men in the court. The judge told him that he was guilty of six charges, including criticising the government in his lectures and collecting money to help families of those executed in Basra. A stated that he was innocent. He was then hit by a security officer on the back of his head with a weapon which left his head bleeding. He was taken back to the prison. He was then released on 19 July 1999 after his family had bribed local military and security officials. A few other lecturers remain detained until now after they had

⁴Reuters report, 15 May 1999.

been tortured. They include **Khaled al-'Adeli** and **'Abd al-Hussain Hanin**, lecturers in Chemistry and Computing, respectively, at Basra University. They are reported to be still detained at the General Intelligence prison in Basra.

During and following these events hundreds of followers of Ayatollah al-Sadr were arrested and were subjected to torture. Dozens were later summarily tried and executed. Among them were **Al-Shaikh Salim Jassem Sadkhan al-'Abboudi** and **al-Shaikh 'Ala' Hussain al-Shuwaili** who were reportedly arrested in around June 1999 and were sentenced to death in May 2000 and executed a month later. Both were from Saddam City and their family homes were demolished by the security forces. Others executed during the same period after they had been tortured included **al-Sayyid Sa'ad Mohammad 'Ali al-Nouri**, **Qassim Ghazi al-Shuwaili** and **al-Sayyid 'Amr al-Mussawi**. **Al-Shaikh Nazzar Kadhim al-Bahadli**, a 29-year-old theology student from Saddam City, was arrested in June 1999 and was tortured for long periods in the building of Saddam Security Directorate. His wife, father and mother were reportedly brought to the building in August 1999 and were tortured in front of him to force him to confess to being one of those responsible for the disturbances in Saddam City. He was said to have confessed in order to spare his parents and his wife any further torture. They were released following his confession but he was sentenced to death later and was executed at the beginning of 2001.

Al-Shaikh Yahya Muhsin Ja'far al-Zeini, from Saddam City, is a 29-year-old former theology student in *al-Hawza al-'Ilmiya* in al-Najaf. On 2 July 1999 he was arrested in his parents' house following his arrival from al-Najaf. His father and two brothers had been detained as substitute prisoners until his arrest. Security men blindfolded him and took him to the building of Saddam Security Directorate. Once there, he was taken to a room and his blindfold was removed. He told Amnesty International:

"... I saw a friend of mine, **al-Shaikh Nasser Taresh al-Sa'idi**, naked. He was handcuffed and a piece of wood was placed between his elbows and his knees. The two ends of the wood were placed on two high chairs and **al-Shaikh Nasser** was being suspended like a chicken. This method of torture is known as *al-Khaygania* (a reference to a former security director known as **al-Khaygani**). An electric wire was attached to **al-Shaikh Nasser's** penis and another one attached to one of his toes. He was asked if he could identify me and he said "this is **al-Shaikh Yahya**". They took me to another room and then after about 10 minutes they stripped me of my clothes and a security officer said "the person you saw has confessed against you". He said to me "You followers of [Ayatollah] **al-Sadr** have carried out acts harmful to the security of the country and have been distributing anti-government statements coming from abroad. He asked if I have any contact with an Iraqi religious scholar based in Iran who has been signing these statements. I said "I do not have any contacts with him"... I was then left suspended in the same manner as **al-Shaikh al-Sa'idi**. My face was looking upward. They attached an electric wire on my penis and the

other end of the wire is attached to an electric motor. One security man was hitting my feet with a cable. Electric shocks were applied every few minutes and were increased. I must have been suspended for more than an hour. I lost consciousness. They took me to another room and made me walk even though my feet were swollen from beating.... They repeated this method a few times”.

Al-Shaikh Yahya was regularly subjected to electric shocks followed by beating on the feet. For two months he had to sleep on the floor with his hands tied behind his back and his face on the floor. He stated that this was more unbearable than being subjected to electric shocks. On one occasion Shaikh Yahya was suspended from a window for three days. Another method of torture that he described was that while suspended a heavy weight was attached to his genitals and was left hanging for some time. After five months of detention in the building of the Saddam Security Directorate al-Shaikh Yahya and 21 other detainees arrested at the same time were transferred to the Security Directorate of al-Rassafa district, also in Baghdad. He remained held without charge or trial until 14 April 2000 when he was released.

Al-Shaikh Mohammad ‘Aziz Rahif al-‘Aqqabi, a 27-year-old man married with children, was arrested in the early hours of 14 May 2000 in his house in Saddam City. He was accused of involvement in the murder of the head of Saddam Security Directorate which took place during the disturbances. He was held in Saddam Security Directorate during which he was tortured. In the first 15 days he was held in solitary confinement blindfolded and his hands tied behind his back. The blindfold was removed only during prayers. He stated to Amnesty International:

“...on the second day of my arrival I was taken to a room for interrogation. The blindfold was removed. The interrogator asked me a lot of questions about people I knew but I said I did not know them. Then he asked the guard to take me to *al-Gannara* [butcher’s] room. Once inside the room the blindfold was removed again and the room was empty. I then had my hands tied with a telephone cable behind my back. I was made to stand on a barrel and then the guards encircled each of my upper arms with a tight belt. The belts had a knob. The knobs were tied to a rope and onto a horizontal rod. The guards then pushed the barrel I was standing on and I was left suspended. One guard then held me from the waist and started to pull me down. This was very painful. The interrogator asked the guard to tie my penis and one of my toes to an electric wire and onto an electric motor. He would then turn the electricity on and would increase it. The interrogator was also beating me with a stick on my back...”.

Al-Shaikh al-‘Aqqabi was regularly tortured during the first 15 days of detention. He was made to confront one of his friends who under torture had told the interrogators that

Shaikh al-'Aqqabi was involved in the killing of the head of Saddam Security Directorate. Al-Shaikh al-'Aqqabi "confessed" to the killing under torture. However the details he gave about the circumstances surrounding the killing convinced the security officers interrogating him that he was not involved. Nevertheless he was kept detained without trial and was tortured further in order to extract from him information about activities of other followers of Ayatollah al-Sadr. He was released on 7 November 2000.

Iyyad Taresh Sajet al-Sa'idi, a 25-year-old former student at Baghdad's Institute of Fine Arts, was arrested together with three of his brothers, **Salem, Hamid, Fahd**, on 26 June 1999. They were arrested and held in Saddam Security Directorate as substitute prisoners because another brother, al-Shaikh Nasser Taresh Sajet al-Sa'idi was sought by the security authorities. When al-Shaikh Nasser, aged 31 and married with two children, was arrested on 30 June 1999 in al-Najaf where he had been studying theology, and was transferred to Saddam Security Directorate the brothers were not released. They were interrogated in connection with the activities of al-Shaikh Nasser who was a follower of Ayatollah al-Sadr. Each one of them was made to attend the torture of al-Shaikh Nasser. They themselves were tortured separately in front of their brother. Methods of torture included being left suspended and electric shocks being applied on their bodies including their genitals. They were tortured every two or three days during the first three weeks. The three brothers stayed in Saddam Security Directorate until 7 August 1999 when they were transferred to al-Rassafa Security Directorate. On 15 November 1999 they were taken back to Saddam Security Directorate and were released five days later. Following his release Iyyad al-Sa'idi discovered that he had been dismissed from the Institute of Fine Arts. His brother al-Shaikh Nasser was sentenced to death on 13 May 2000. At the beginning of 2001 he was transferred to al-Radhawaniya detention centre where he is reported to be still on death row. No information relating to the exact charges against him or his trial is available to Amnesty International.

3.2 Other suspected political opponents

B (name withheld), a Kurdish businessman from Baghdad, married with children, was arrested in December 1996 outside his house by plainclothes security men. Initially his family did not know his whereabouts and went from one police station to another enquiring about him. Then through friends they found out that he was being held in the headquarters of the General Security Directorate in Baghdad. The family was not allowed to visit him. Eleven months later in November 1997 the family was told by the authorities that he had been executed and that they should go and collect his body. His body reportedly bore evident signs of torture. His eyes were gouged out and the empty eye sockets were filled with paper. His right wrist and left leg were broken. The family was not given any reason for his arrest and subsequent execution. However, they suspected that he was executed because of his friendship with a retired army general who had links with the Iraqi opposition outside the country and who was arrested just before **B**'s arrest and was also executed.

Salah Mahdi, a 35-year-old traffic warden in al-Mansur district in Baghdad, married with three children, was arrested together with scores of people following the attempted assassination of 'Uday Saddam Hussain, the eldest son of the President, in December 1996. He was accused of neglect because he did not notice the car the assailants used. He was held in the Special Security building and was severely tortured. He died, reportedly as a result of torture, in around June 1997. His family was told that he had died but the body was never returned to them for burial despite their repeated requests and to date his burial place reportedly remains unknown to the family.

'**Abd al-Wahad al-Rifa'i**, a 58-year retired teacher, who was executed by hanging after he had been held in prison without charge or trial for more than two years. On 26 March 2001 his family in Baghdad collected his body from the Baghdad Security Headquarters. The body reportedly bore clear marks of torture including the pulling out of toe-nails and swelling on his right eye. 'Abd Wahad al-Rifa'i, married with nine children, was arrested on 8 March 1999. Initially he was held in the headquarters of the General Security Directorate in Baghdad then transferred to the Baghdad Security Headquarters. He was believed to have been arrested because the authorities suspected that he was in contact with the Iraqi opposition abroad through his brother, 'Abd al-Rahim al-Rifa'i, an active anti-government opponent living in Europe. 'Abd al-Wahad al-Rifa'i's wife and children have reportedly had their food ration card withdrawn from them as a punishment and the authorities also stopped pension payments which 'Abd al-Wahad was receiving before his execution.

Hundreds of army and security officers have been arrested in recent years and many have been executed. Charges against them have included plotting to overthrow the government or having contacts with the opposition abroad. Many were subjected to torture. A former Iraqi General Intelligence officer C (name withheld) told Amnesty International that he was arrested in mid-1990s on suspicion of having contacts with the opposition. He was held in solitary confinement for two years at the headquarters of the General Intelligence in al-Hakimiya in Baghdad. During the two years of detention he endured prolonged and repeated torture in the interrogation room. He was left suspended for long hours from a horizontal rod. His hands and feet were tied behind his back and was suspended from the upper arms. He was also beaten with a cable on different parts of the body, especially on the back of his head. Electric shocks were applied to various parts of the body and a wooden stick was inserted into his anus. He was held in solitary confinement all this time. The cell he was held in was painted entirely in red, including the ceiling, the floor and the doors. The light was red too. It is often referred to as the "red room" by former torture victims. He was released at the end of 1997. However he was rearrested again two years later also on suspicion of establishing contacts with the opposition and was held in the same detention centre. He was subjected to the same forms of torture as described above. C has now been left with permanent physical damage.

A number of former Iraqi political detainees were forced to undergo surgery to have a leg or arm amputated because they had been tortured for long periods of time and had developed gangrene for which they did not receive medical treatment. They had no choice but to sign statements in hospitals to the effect that it was solely their decision to have the amputation carried out.

4 TORTURE, ILL-TREATMENT AND EXTRAJUDICIAL EXECUTION OF WOMEN

Women too have been tortured, ill-treated and in some cases extrajudicially executed in Iraq. Su'ad Jihad Shams al-Din, a 61-year-old medical doctor, was arrested at her clinic in Baghdad on 29 June 1999 on suspicion that she had contacts with Shi'a Islamist groups. She was detained without charge or trial and was released on 25 July 1999. She was initially held in Baghdad Security Directorate and then was transferred to al-Ambar Security Directorate (also in Baghdad) on 5 July. Su'ad Jihad Shams al-Din was tortured frequently during interrogation by security men. Methods of torture included mostly beatings on the sole (*falaqa*) with a cable.

Some women have been raped in custody. They were detained and tortured because they were relatives of well known Iraqi opposition activists living abroad. The security authorities use this method to put pressure on Iraqi nationals abroad to cease their activities. For example, on 7 June 2000 Najib al-Salihi, a former army general who fled Iraq in 1995 and joined the Iraqi opposition, was sent a videotape showing the rape of a female relative. Shortly afterwards he reportedly received a telephone call from the Iraqi intelligence service, asking him whether he had received the "gift" and informing him that his relative was in their custody.

In October 2000 dozens of women suspected of prostitution were beheaded without any judicial process in Baghdad and other cities after they had been arrested and ill-treated. Men suspected of procurement were also beheaded. The killings were reportedly carried out in the presence of representatives of the Ba'ath Party and the Iraqi Women's General Union. Members of *Feda'iyye Saddam*, a militia created in 1994 by 'Uday Saddam Hussain, used swords to execute the victims in front of their homes. Some victims were reportedly killed in this manner for political reasons.

Najat Mohammad Haydar, an obstetrician in Baghdad, was beheaded in October 2000 apparently on suspicion of prostitution. However, she was reportedly arrested before the introduction of the policy to behead prostitutes and was said to have been critical of corruption within the health services.

A woman known as "Um Haydar" was beheaded reportedly without charge or trial at the end of December 2000. She was 25 years' old and married with three children. Her husband was sought by the security authorities reportedly because of his involvement in Islamist armed

activities against the state. He managed to flee the country. Men belonging to *Feda'iyye Saddam* came to the house in al-Karrada district and found his wife, children and his mother. Um Haydar was taken to the street and two men held her by the arms and a third pulled her head from behind and beheaded her in front of the residents. The beheading was also witnessed by members of the Ba'ath Party in the area. The security men took the body and the head in a plastic bag, and took away the children and the mother-in-law. The body of Um Haydar was later buried in al-Najaf. The fate of the children and the mother-in-law remains unknown.

5 JUDICIAL PUNISHMENTS AMOUNTING TO TORTURE

In 1994 Iraq, through a series of decrees issued by the Revolutionary Command Council (RCC), the highest legislative body in the country, introduced judicial punishments amounting to torture or to cruel, inhuman or degrading punishments for at least 30 criminal offences, including theft in certain circumstances, monopolizing rationed goods, defaulting or deserting from military service and performing plastic surgery on an amputated arm or leg. The punishments consisted of the amputation of the right hand for a first offence, and of the left foot for a second offence, or the severance of one or both ears. People convicted under these decrees were also branded with an "X" mark on the forehead.⁵ The Iraqi Government argued that the introduction of these severe punishments were in response to the rising crime rate resulting from worsening economic conditions as a result of the UN imposed sanctions. The punishment of amputation of the auricle of the ears and the branding of the foreheads were suspended in 1996 by the Iraqi Government, through RCC Decree 81/96.

A number of former soldiers who suffered amputation or had their ears cut off have fled the country and now live with permanent physical damage as a result of such punishments. They include:

Ahmad Dakhel Kadhim, aged 30, from al-Samawa in al-Muthanna governorate in southern Iraq, was arrested on 1 September 1994. He had been serving in the army and then deserted following the invasion of Kuwait. He was in hiding until his arrest. He was taken to al-Samawa prison where he was detained for three days and then he was blindfolded and taken to an unknown location. He later found himself in al-Samawa hospital. He was made to lie on a bed and his hands were tied to each side of the bed. He was given an anaesthetic and when he recovered consciousness his right ear had been cut off as a punishment. He was taken back to the same prison and then transferred to other prisons until 23 December 1994, when he managed to escape from prison, and at the beginning of 1995 he fled the country. Ahmad Dakhel Kadhim has been sentenced to death *in absentia*.

⁵For more details on these punishments see Amnesty International's report *Iraq: State cruelty - branding, amputation and the death penalty*, AI Index: MDE 14/03/96, published in April 1996

Majed 'Abd al-Wahed al-Sarraji, aged 30 from Baghdad, was arrested on 15 September 1994 because he failed to join the army when he was called to service. He told Amnesty International:

"I was taken to al-Rashidiya al-Hussainiya Prison in Baghdad. I stayed there for three days without being interrogated. Then on the fourth day they called my name and took me to al-Nu'man Hospital in Baghdad. I was given anaesthetic by injection on my right arm and when I woke up I discovered that they had cut off a small part of my right ear... I was taken back to the same prison where I stayed for 40 days. I found out later that all my family had been forcibly transferred by the security forces to a camp in al-Nahrawan, just outside Baghdad. The camp was surrounded by armed guards. My family was held for three months and were then allowed back to the house. I was transferred to al-Fudhaylia detention centre in Baghdad and six weeks later I was taken to al-Diwaniya Prison, south of Baghdad. I was held in this prison for two years. I was in a room where there were around 50 detainees. All of us in the room had one or both ears cut off partially or completely..."

Majed 'Abd al-Wahed al-Sarraji managed to escape with a few inmates from al-Diwaniya Prison. He was living in hiding until the beginning of 1999 when he managed to flee the country.

Amputations were very often publicized in Iraqi media, including television and newspapers. However, since the end of 1996, following international condemnation of these punishments, reports of amputations being carried out have rarely been publicized in Iraq. In August 1998 six members of *Feda'iyye Saddam* reportedly had their hands amputated by order of 'Uday Saddam Hussain. They were said to have been accused of theft and extortion from travellers in the southern city of Basra.

Amputation of the tongue was reportedly approved by the authorities in mid-2000 as a new penalty for slander or abusive remarks about the President or his family. In September 2000 a man reportedly had his tongue amputated by members of *Feda'iyye Saddam* in Baghdad for slandering the President. He was said to have been driven around after the punishment while information about his alleged offence was broadcast through a loudspeaker.

Amnesty International had publicly called on the Iraqi Government to abolish the penalties of amputation and branding and to provide reparation for all victims, or for families of victims. In November 1997 the UN Human Rights Committee, the international body of experts responsible for supervising the implementation of the ICCPR, examining Iraq's fourth periodic report expressed deep concern that Iraq "has resorted to the imposition of cruel, inhuman and degrading punishments, such as amputation and branding, which are incompatible with Article 7 of the Covenant [ICCPR]" and urged that such punishments be ceased

immediately.⁶ The Committee recommended that “a thorough review of existing temporary laws and decrees be undertaken with a view to ensuring their compliance with the provisions of the Covenant”.⁷

6 CONCLUSION AND RECOMMENDATIONS

Suspected government opponents and occasionally others are systematically and routinely tortured in Iraq. Some of the victims have died and many have been left with permanent physical and psychological damage. Others have been left with mutilated bodies resulting from the application of certain judicial punishments introduced by the government in the 1990s. Amnesty International’s concerns about the systematic use of torture and about other gross human rights violations in the country are shared by the UN Commission on Human Rights which, in its 2001 session, condemned the “widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences”. The Commission called on the government to “abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur”.⁸

Amnesty International is now urging the Iraqi Government to:

- 1 Ratify and implement fully in domestic law and practice the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- 2 Repeal all decrees introduced in the 1990s which amount to torture or to cruel, inhuman or degrading punishments;
- 3 Set up an independent body to undertake prompt, thorough and impartial investigations into all allegations of torture and ill-treatment, including cases of death in custody, and ensure that the methods and findings of such investigations are made public;
- 4 Bring to justice anyone responsible for committing acts of torture and other serious human rights violations;

⁶UN Doc. CCPR/C/79/Add.84, para 12

⁷Ibid

⁸E/CN.4/RES/2001/14. 18 April 2001. Situation of human rights in Iraq.

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- 5 Issue a public declaration that torture, including rape, will not be tolerated under any circumstances;
 - 6 Ensure that women prisoners are kept separately from men and supervised only by female prison officials;
 - 7 Prohibit by law all extrajudicial executions;
 - 8 Condemn publicly the practice of extrajudicial executions, and make clear to all authorities that such killings will not be tolerated;
 - 9 Demonstrate respect for the inherent right to life by putting an immediate end to executions;
 - 10 Pending the abolition of the death penalty in law for all offences, commute all outstanding death sentences and ensure that it is never applied in violation of Article 6(2)⁹ of the ICCPR;
 - 11 Declare a moratorium on executions as called for by the United Nations Commission on Human Rights in April 1999;¹⁰

⁹Article 6(2) of the ICCPR states that "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

¹⁰In its Resolution 1999/61, adopted on 28 April the Commission called on all states which maintain the death penalty to "establish a moratorium on executions, with a view to completely abolishing the death penalty".

Appendix

Amnesty International's 12-Point Program for the Prevention of Torture by Agents of the State

Torture is a fundamental violation of human rights, condemned by the international community as an offence to human dignity and prohibited in all circumstances under international law.

Yet torture persists, daily and across the globe. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally. Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture by Agents of the State. It invites concerned individuals and organizations to ensure that they do so. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to end torture and to work for its eradication worldwide.

1. Condemn torture

The highest authorities of every country should demonstrate their total opposition to torture. They should condemn torture unreservedly whenever it occurs. They should make clear to all members of the police, military and other security forces that torture will never be tolerated.

2. Ensure access to prisoners

Torture often takes place while prisoners are held incommunicado — unable to contact people outside who could help them or find out what is happening to them. The practice of incommunicado detention should be ended. Governments should ensure that all prisoners are brought before an independent judicial authority without delay after being taken into custody. Prisoners should have access to relatives, lawyers and doctors without delay and regularly thereafter.

3. No secret detention

In some countries torture takes place in secret locations, often after the victims are made to "disappear". Governments should ensure that prisoners are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made available immediately to relatives, lawyers and the courts. Effective judicial remedies should be available at all times to enable relatives and lawyers to find out immediately where a prisoner is held and under what authority and to ensure the prisoner's safety.

4. Provide safeguards during detention and interrogation

All prisoners should be immediately informed of their rights. These include the right to lodge complaints about their treatment and to have a judge rule without delay on the lawfulness of their detention. Judges should investigate any evidence of torture and order release if the detention is unlawful. A lawyer should be present during interrogations. Governments should ensure that conditions of detention conform to international standards

for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups. The authorities responsible for detention should be separate from those in charge of interrogation. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

5. Prohibit torture in law

Governments should adopt laws for the prohibition and prevention of torture incorporating the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other relevant international standards. All judicial and administrative corporal punishments should be abolished. The prohibition of torture and the essential safeguards for its prevention must not be suspended under any circumstances, including states of war or other public emergency.

6. Investigate

All complaints and reports of torture should be promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The methods and findings of such investigations should be made public. Officials suspected of committing torture should be suspended from active duty during the investigation. Complainants, witnesses and others at risk should be protected from intimidation and reprisals.

7. Prosecute

Those responsible for torture must be brought to justice. This principle should apply wherever alleged torturers happen to be, whatever their nationality or position, regardless of where the crime was committed and the nationality of the victims, and no matter how much time has elapsed since the commission of the crime. Governments must exercise universal jurisdiction over alleged torturers or extradite them, and cooperate with each other in such criminal proceedings. Trials must be fair. An order from a superior officer must never be accepted as a justification for torture.

8. No use of statements extracted under torture

Governments should ensure that statements and other evidence obtained through torture may not be invoked in any proceedings, except against a person accused of torture.

9. Provide effective training

It should be made clear during the training of all officials involved in the custody, interrogation or medical care of prisoners that torture is a criminal act. Officials should be instructed that they have the right and duty to refuse to obey any order to torture.

10. Provide reparation

Victims of torture and their dependants should be entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

11. Ratify international treaties

All governments should ratify without reservations international treaties containing safeguards against torture, including the UN Convention against Torture with declarations providing for individual and inter-state complaints. Governments should comply with the recommendations of international bodies and experts on the prevention of torture.

12. Exercise international responsibility

Governments should use all available channels to intercede with the governments of countries where torture is reported. They should ensure that transfers of training and equipment for military, security or police use do not facilitate torture. Governments must not forcibly return a person to a country where he or she risks being tortured.

This 12-Point Program was adopted by Amnesty International in October 2000 as a program of measures to prevent the torture and ill-treatment of people who are in governmental custody or otherwise in the hands of agents of the state. Amnesty International holds governments to their international obligations to prevent and punish torture, whether committed by agents of the state or by other individuals. Amnesty International also opposes torture by armed political groups.