

Irak (26)

Im. Fln.sekr. 19 J.nr. 97/71511-31

26 NOV. 1999 Nki

[EMBARGOED FOR: 24 November 1999]

Antsbilag

Aktnr. 38

Public

amnesty international

183

IRAQ Victims of Systematic Repression

November 1999

SUMMARY

AI INDEX: MDE 14/10/99

DISTR: SC/CO/GR

Gross human rights violations are taking place systematically in Iraq. They range from arbitrary arrest and detention, to torture, extrajudicial and judicial executions after unfair summary trials, "disappearances", and forcible expulsions on the basis of ethnic origin. While the Iraqi Government has used every opportunity to publicize the suffering of the population under the sanctions regime, including by allowing foreign journalists, politicians and others to visit the country, it has exercised a complete news blackout on the atrocities that its security forces have been committing against suspected opponents of the government.

Arbitrary arrest and detention of suspected government opponents continue to take place on a large scale. The vast majority of political detainees are held incommunicado and their families do not even know where they are held. Political detainees are routinely tortured physically and psychologically during interrogation and Iraq has in recent years enacted and implemented decrees prescribing judicial punishment amounting to torture or to cruel, inhuman or degrading punishments.

The death penalty is used on a massive scale in Iraq and covers a wide range of criminal and political offences. Hundreds of executions are reported every year. The government rarely announces executions or makes public any official statistics in relation to the death penalty. The majority of the victims of human rights violations have been Shi'a Muslims in Southern Iraq and in some districts of Baghdad, as well as Kurds in the north.

In the last 18 months a number of prominent Shi'a Muslim clerics have been killed in Southern Iraq in circumstances suggesting that they may have been extrajudicially executed possibly by government forces or forces acting on government orders. Thousands of Kurdish families have been forcibly expelled by the security forces from their homes in the north to areas controlled by the two Kurdish political parties in Iraqi Kurdistan on the basis of their ethnic origin.

Amnesty International has on many occasions written to the government about specific cases of human rights violations and has made recommendations to improve the human rights situation in general but no practical measures have been taken by the authorities to stop human rights violations. Amnesty International has now decided to put its grave human rights concerns in Iraq on public record.

In this report, Amnesty International makes a set of 13 recommendations to the Iraqi Government. If implemented, these measures could help improve the human rights situation in the country and would demonstrate a genuine commitment to the promotion of international human rights standards and their effective implementation.

KEYWORDS: ARBITRARY ARREST1 / TORTURE/ILL-TREATMENT1 /
RELIGIOUS OFFICIALS - ISLAMIC1 / DEATH PENALTY / DISPLACED PEOPLE /
POSSIBLE EXTRAJUDICIAL EXECUTION / CONDITIONALITY / UN /
AMPUTATION / PHOTOGRAPHS

This report summarizes a 20 page document (9830 words), : IRAQ Victims of Systematic Repression (AI Index: MDE 14/10/99) issued by Amnesty International in November 1999. 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.amnesty.org/news/emailnws.htm>

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IRAQ

Victims of Systematic Repression

1 INTRODUCTION

Gross human rights violations are systematically taking place in Iraq. They range from arbitrary arrest and detention, to torture, extrajudicial and judicial executions after unfair summary trials, "disappearances", and forcible expulsions on the basis of ethnic origin. While the Iraqi Government has used every opportunity to publicize the suffering of the population under the sanctions regime, such as by allowing foreign journalists, politicians and others to visit the country, it has exercised a complete news blackout on the atrocities that its security forces have been committing against suspected opponents of the government. This report addresses the range of Amnesty International concerns about human rights violations committed in Iraq in recent years, including arbitrary arrest and detention, torture, the death penalty, possible extrajudicial executions and forcible expulsion of non-Arabs.

Since the beginning of this year there have been many clashes between the security forces and armed Islamist opposition groups in the pre-dominantly Shi'a Muslim Southern Iraq, especially in Basra, which have reportedly left dozens dead on both sides and have been followed by arbitrary mass arrests and summary executions. It was not until May that the government acknowledged that unrest had broken out in Basra in mid-March. It accused Iran of instigating the troubles since one of the biggest opposition groups is based in Iran. The unrest was sparked off by the killing in suspicious circumstances of Ayatollah Mohammad Sadeq al-Sadr, a prominent Shi'a cleric, in February 1999.

Arbitrary arrest and detention of suspected government opponents continue to take place on a large scale with those targeted for arrest not being given any explanation as to why they are wanted, and they are not shown any arrest warrant. The vast majority of political detainees are held incommunicado and their families do not even know where they are held.

Detainees are routinely physically and psychologically tortured during interrogation. Torture takes place immediately following arrest and methods can be as extreme as gouging out of the eyes. No investigation into torture has ever been reported. Besides, Iraq has in recent years enacted and implemented decrees prescribing judicial punishment amounting to torture or to cruel, inhuman or degrading punishments.

The death penalty is used on a massive scale in Iraq and covers a wide range of criminal and political offences. Hundreds of executions are reported every year. The government rarely announces executions or makes public any official statistics in relation to the death penalty. Given the secrecy surrounding them in many cases it is impossible to determine whether the reported executions are judicial punishments or carried out extrajudicially.

The majority of the victims of human rights violations have been Shi'a Muslims in Southern Iraq and in some districts of Baghdad, as well as Kurds in the north. Since the beginning of the 1980s

hundreds of thousands of Kurds and Shi'a Muslims have "disappeared" and their cases remain unresolved.¹ In the last 18 months a number of prominent Shi'a Muslim clerics have been killed in Southern Iraq in circumstances suggesting that they may have been extrajudicially executed possibly by government forces or forces acting on government orders. The Government's repression of Shi'a dissent has continued unabated since the failed Shi'a uprising of 1991 following the Gulf War. Those killed recently were popular religious figures viewed with suspicion by the government. One of them had reportedly publicly criticized the government's repression.

Thousands of Kurdish families have been forcibly expelled by the security forces from their homes in the north to areas controlled by the two Kurdish political parties in Iraqi Kurdistan on the basis of their ethnic origin.

These mass human rights violations and the climate of terror inside the country have forced thousands of Iraqi nationals to flee the country illegally and seek asylum in neighbouring countries, but also in many other countries worldwide.²

The Iraqi Government continues to refuse permission to UN human rights experts, including the Special Rapporteur on Iraq, to visit the country to investigate human rights violations. No international human rights organization has visited the country in recent years. While the United Nations has implemented resolutions taken by the Security Council on Iraq since 1991, Resolution 688 passed on 5 April 1991 which called on Iraq to end "the repression of the Iraqi civilian population" and to grant "immediate access by international humanitarian organizations to all those in need in all parts of Iraq" remains unimplemented.

Amnesty International has on many occasions written to the government about specific cases of human rights violations and has made recommendations to improve the human rights situation in general but no practical measures have been taken by the authorities to stop human rights violations. Amnesty International has now decided to put its grave human rights concerns in Iraq on public record.

In April 1999 the UN Commission on Human Rights strongly condemned the "systematic, widespread and extremely grave violations of human rights and of international law by the Government of Iraq, resulting in all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror", the "summary and arbitrary executions" and the "widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences".³

¹Amnesty International has published several reports on "disappearances" in Iraq, including *Iraq: "Disappearances" - Unresolved cases since the early 1980s*, AI Index: MDE 14/05/97, and *Iraq: "Disappearance" of Shi'a clerics and students*, AI Index MDE 14/02/93, published in October 1997 and April 1993, respectively.

²According to UNHCR information there were more than 539, 880 Iraqi refugees in Iran at the beginning of 1999. It is also estimated that between 100,000 and 200,000 Iraqi nationals reside in Jordan alone.

³Commission on Human Rights resolution 1999/14: Situation of human rights in Iraq.

2 BACKGROUND

Iraq continues to be subjected to stringent 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 and UN agencies, including the World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and the Food and Agricultural Organization (FAO), 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.

In July 1999 UNICEF issued a report on child and maternal mortality in Iraq.⁴ Based on a survey of 24,000 households in the Centre and South of the country which are under government control, UNICEF findings indicate that mortality rates for children under the age of 5 have more than doubled in a decade: from 56 deaths per 1000 live births for the period 1984-89 to 131 deaths per 1000 live births for the period 1994-99. Eighteen months earlier, UNICEF, in a report published on 30 April 1998, concluded that "the situation throughout Iraq remains to be one in which child's right to survival and the health care decreed by the Convention on the Rights of the Child remains subject to overwhelming risks to life and health generated by the economic hardship".⁵

Under the "oil-for-food" programme as represented by the Memorandum of Understanding signed by Iraq and the UN on 30 May 1996, Iraq is allowed to sell up to 5.2 billion dollars worth of its oil every six months to buy humanitarian goods. The sales, imports and distribution of goods are monitored by the UN. Although over the last two years the humanitarian situation has reportedly improved slightly, the "oil-for-food" programme has, according to UNICEF, not yet resulted in adequate protection of Iraq's children from malnutrition and disease. UNICEF Executive Director, Carol Bellamy, placed the blame for the rising mortality rate in the south and centre on both the sanctions regime and the Iraqi government's policy. The government was blamed for the slow distribution of goods in several sectors, particularly medical supplies, and its refusal to order special nutritional items.⁶

On 30 January 1999 the Security Council decided to establish three separate panels on Iraq: the first to examine disarmament and verification issues; the second to assess the humanitarian situation; and the third to investigate the issue of Kuwaiti prisoners of war and Kuwaiti property. All three panels were asked to submit recommendations by 15 April. In its report and recommendations the humanitarian panel stated that the under-five child mortality rate increased from 30.2/1000 live births in 1989 to 97.2/1000 in 1997 and that maternal mortality rate increased from 50/100.000 live births to 117/100.000 during the same period. According to the report, hospitals and health centres have remained without repairs and maintenance since 1991 and the "functional capacity of the health care system has degraded further by shortages of water and power supply, lack of transportation and the collapse of the telecommunications

⁴Child And Maternal Mortality survey 1999 - Preliminary Report, Iraq July 1999 (UNICEF, Ministry of Health).

⁵UNICEF Report, 30 April 1998 "Situation Analysis of Children and Women in Iraq".

⁶Agence France Presse (AFP) report, 25/08/99; Sarah Graham-Brown: "UNICEF Establishes Blame in Iraq" "e-mail publication": MERIP Press Information Note (PIN)#7, 21/9/99.

system". The report also noted an increase in "juvenile delinquency, begging and prostitution, anxiety about the future and lack of motivation...the development of a parallel economy replete with profiteering and criminality, cultural and scientific impoverishment, disruption of family life". The panel concluded that additional revenue, more humanitarian assistance and better distribution are required to meet pressing humanitarian needs. To the Iraqi Government, the panel recommended that it should facilitate the timely distribution of humanitarian goods, address the needs of vulnerable groups, especially street children, the disabled, the elderly and the mentally ill, and ensure that those involuntarily displaced receive adequate humanitarian assistance.⁷

Amnesty International does not take a position on the issue of sanctions as tools for influencing governmental behaviour. However, the organization believes that the Security Council, as the body that has imposed sanctions on Iraq, has a responsibility to carry out periodic reviews of the impact of sanctions on the human rights of the Iraqi population. In July 1999 Amnesty International issued a statement calling on the Security Council to take urgent appropriate action on the recommendations made by the panel it had commissioned on the humanitarian situation in Iraq with a view to ensuring that human rights considerations are fully taken into account.⁸

Amnesty International strongly supports the position of the UN Committee on Economic, Social and Cultural Rights, elaborated in General Comment No. 8 (E/C.12/1997/8), adopted on 8 December 1997, that "inhabitants of a given country do not forfeit basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms relating to international peace and security." For this reason, the Committee stated, "In considering sanctions, it is essential to distinguish between the basic objective of applying political and economic pressure upon the governing elite of the country to persuade them to conform to international law, and the collateral infliction of suffering upon the most vulnerable groups within the targeted country."

On 26 August 1999 during its 51st session, the UN Sub-Commission on the Promotion and Protection of Human Rights decided to "appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted." The Sub-Commission also decided to "urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs."⁹

As of October 1999 the five permanent members of the Security Council were still divided over the question of whether to lift sanctions on Iraq in exchange for a new system of controls on the country's

⁷Annex II S/1999/356: Report of the Panel on Humanitarian situation in Iraq, 30th March 1999.

⁸ See News Service 144/99 *Iraq: UN Security Council considers the Humanitarian Panel's Report on Sanctions - A Summary of Amnesty International's position and concerns*, AI Index: MDE 14/06/99.

⁹E/CN.4/Sub.2/Dec/1999/110

suspected weapons of mass destruction programme, which is the key aspect of the sanctions regime.¹⁰ The arms inspections system, introduced after the end of the Gulf War, collapsed in December 1998. On 15 December 1998 the chairman of the UN Special Commission (UNSCOM), weapons inspectors in charge of destroying Iraq's chemical and biological weapons and capabilities, presented a report to the Security Council in which he concluded that Iraq had not fully cooperated with the UN inspectors. UN staff, including UN humanitarian workers, were immediately evacuated from Iraq. On 16 December US and UK forces launched a series of air strikes which lasted for four days, in an operation code-named "Desert Fox".¹¹

Since the end of December 1998 US and UK forces have been carrying out regular strikes on Iraqi targets inside the two air exclusion zones in northern and southern Iraq. These zones, north of the 36th parallel and south of the 33rd parallel, were imposed by allied forces at the end of the Gulf War in 1991 and were intended to protect Iraq's Kurdish and Shi'a Muslim population. These strikes have reportedly resulted in the deaths of dozens of civilians and the destruction of civilian property and left many more injured. For example, on 29 April 1999, 20 civilians, including children and women, were reportedly injured and several houses were destroyed when a laser-guided bomb hit the al-Wahda district in Mosul, north of Baghdad. In another strike, the next day, a shepherd and six members of his family were killed in their tent near Mosul. A UN humanitarian official who visited the area confirmed the killing of the shepherd and his family. US military officials have often stated that their forces attacked in self-defence and accused Iraq of stationing military equipment near civilian population.

Amnesty International issued worldwide appeals expressing concern about the continuing loss of civilian lives as a result of these strikes and calling on the US and the UK to urge their forces to refrain from attacks expected to cause incidental loss of civilian life "which would be excessive in relation to the concrete and direct military advantage anticipated".¹² The organization has received responses from government officials of both countries saying that US and UK forces had been acting in self-defence and were making great efforts to avoid civilian casualties, but the responses did not give any indication as to what steps were being taken to avoid civilian loss of life. On 7 October 1999 US military officials publicly stated that US warplanes were using concrete-filled bombs instead of explosives in attacks on

¹⁰France, China and Russia are said to favour a lifting of import sanctions on non-military goods if Iraq cooperates with a new disarmament programme, whereas the United States are reportedly backing a British-Dutch proposal which would suspend export sanctions and allow foreign investment in Iraq's oil and gas sector provided Iraq complied for a test period with arms inspections.

¹¹Amnesty International issued several news releases and urgent worldwide appeals to the US and UK governments expressing serious concerns for the safety of the civilian population in Iraq and reminding them of the general prohibition contained in international humanitarian law standards. See for example, News Service 247/98: *Amnesty International appeals to the US and UK governments over fear of indiscriminate killings in Iraq*, AI Index: MDE 14/06/98, issued on 16 December 1998.

¹²Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Part IV Civilian Population, Article 51(5b).

Northern Iraq to "minimise the chances of damage to people and property around military targets."¹³

3 ARBITRARY ARREST AND DETENTION

Thousands of people have been arbitrarily arrested in Iraq in recent years because of their suspected opposition political activities, or because they are relatives of people sought by the authorities. Generally it is not possible to obtain further information on the detainees' fate and whereabouts both because of the government's control of information and the very real fear of reprisals. Many detainees were executed. Mass arrests have often taken place following attempts on the lives of senior figures in the regime, such as the attempt on the life of 'Uday Saddam Hussain, the President's eldest son, in Baghdad in December 1996 and the reported attempt on 'Ezzat Ibrahim al-Duri,¹⁴ the vice-chairman of Iraq's *Revolutionary Command Council (RCC)*, the highest executive body in the country, in Karbala in November 1998, or following increased armed opposition activities or reported military coup attempts.

Arrests are carried out by security men, very often wearing plainclothes, belonging to a number of security and intelligence agencies in Iraq, including, the General Security Directorate, the Special Security, the Military Intelligence, the Military Security, Feda'yi Saddam (Saddam's Fighters), the ruling Ba'ath Party's own militia and the police.¹⁵ Those arrested are not shown any arrest warrant and no reason for their arrest is given to them or their families. They are generally held incommunicado in prisons such as Abu Ghraib in Baghdad and detention centres such as al-Radhawaniya, just outside Baghdad, and other detention centres belonging to the security agencies mentioned above. They have no access to lawyers and family members. In most cases families do not know about their whereabouts and do not dare make inquiries.

These practices violate provisions of international law including the International Covenant on Civil and Political Rights (ICCPR), to which Iraq is a state party, and also violate Iraq's 1990 Interim Constitution.¹⁶ Article 9(2) of the ICCPR states that "anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him".

¹³Reuters report, 7 October 1999. According to this report US and UK aircraft have since December 1999 made nearly 16,000 sorties over Southern Iraq dropping 550 bombs over 135 targets, and more than 11,000 sorties over Northern Iraq, with more than 1,100 bombs against more than 250 targets.

¹⁴In August 1999 a Vienna city councillor Peter Pilz filed a complaint with the Vienna courts against 'Ezzat Ibrahim al-Duri who was having medical treatment in Austria. He argued that al-Duri was responsible for the 1990 Iraqi invasion of Kuwait and personally took part in attacks on Kurds and was responsible for other atrocities, including torture. Amnesty International issued a statement on 17 August stressing that under international law all states including Austria, must conduct an inquiry when a person alleged to have participated in torture is present in the territory of that state. However, 'Ezzat Ibrahim al-Duri left Austria on 19 August.

¹⁵Most of these security agencies are headed by Qusay Saddam Hussain, the younger son of President Saddam Hussain. 'Uday Saddam Hussain is responsible for Feda'yi Saddam. The latter were set up in the mid-1990s. Their primary role is to quash any popular uprising.

¹⁶Article 22(b) of the Interim Constitution states that "It is inadmissible to arrest a person, to stop him, to imprison him or to search him, except in accordance with the rules of the law".

Principle 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that "Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively, with information and an explanation of his rights and how to avail himself of such rights".

Following the attempt on the life of 'Uday Saddam Hussain in December 1996 in the Baghdad district of al-Mansur, when armed men driving a car shot at him in his car, hundreds of people were arrested and detained for months without charge. Security forces belonging to the Special Security surrounded the whole district and started arresting shopkeepers and people living in the district under the pretext that they must have seen the assailants. Among those arrested were A¹⁷, a 36-year-old artist, married with two children, who was in his office when the incident took place. He told Amnesty International he had spent nine months in detention without charge or trial and was tortured. He was whipped with a cable, especially on the back and shoulders for long periods of time. Marks of torture are still visible on his body (see photos below). Initially he was held in al-Radhwaniya detention centre and then was transferred to Abu Ghraib Prison. He managed to escape by bribing a prison official and eventually fled the country in secret.

In the weeks preceding the assassination of Ayatollah Sadeq al-Sadr on 19 February 1999 (see Chapter 6) a number of al-Sadr's closest aids were arrested in Southern Iraq and in Baghdad and as of October 1999 their whereabouts remained unknown. Among them were al-Shaikh Awus al-Khaffaji, an Imam in al-Nassirya, al-Shaikh As'ad al-Nassiri, a religious scholar in al-Najaf, al-Shaikh Ahmad al-Nassiri, a religious student in al-Najaf, al-Sayyid 'Adnan al-Safi, an Imam in the town of al-Nu'maniya, al-Shaikh 'Ala' al-Baghdadi an Imam in the town of al-Medaina, al-Shaikh 'Aqil al-Mussawi, a religious student in al-Najaf, al-Shaikh Tahsin al-'Abbudi, Imam in the district of Abu Ghraib in Baghdad and al-Sayyid Hazem al-A'raji, Imam in Baghdad.



Victim of torture 'A'

© private

¹⁷Name withheld at his request.

Since the assassination of Ayatollah Sadeq al-Sadr, the region of Southern Iraq, especially Basra, has seen wide-scale armed opposition activities led by members of or sympathizers with Islamist opposition groups, such as the Iran-based Supreme Council of the Islamic Revolution in Iraq (SCIRI) or al-Da'wa al-Islamiya (Islamic Call) Party. A number of people from both sides have been killed during these clashes. Hundreds of people have reportedly been arrested and houses of some of them are said to have been demolished. Initially the government kept a news blackout on the troubles, but in May it admitted for the first time that clashes had taken place in March this year and blamed Iran for instigating the troubles. On 2 September 1999 Qusay Saddam Hussain was reported to have ordered the release of "all security detainees" in the southern prisons. Amnesty International wrote to the Iraqi Government on 16 September 1999 requesting confirmation of the reported releases and seeking further information, including the exact number of those released, their names, the nature of any charges against them, the places of detention in which they were held, and whether the releases were conditional. No reply has been received by the organization.

Many people have been detained simply because members of their families or relatives are active in the Iraqi opposition outside the country.¹⁸ This has been used by the authorities to put pressure on Iraqis outside the country to cease their opposition activities or even to return to the country. 'Abd al-Wahid al-Rifa'i, married with nine children, was arrested without a warrant on 8 March 1999 at 2 a.m. and taken from his house in Baghdad by plain clothes security men. Initially he was held in the headquarters of the General Security Directorate. He was then taken to hospital because of ill-health and then returned to the Baghdad Security Headquarters where he is currently held without charge or trial. Since his arrest his family has reportedly not been allowed to visit him. He is believed to have been arrested because the authorities suspected that he was in contact with the opposition through his brother, 'Abd al-Rahim al-Rifa'i, an active anti-government opponent who lives in Europe. 'Abd al-Rahim al-Rifa'i, a businessman while in Iraq, fled with his wife and children to Jordan in March 1995. The previous month he had been detained in Iraq, accused of having contacts with the opposition abroad, and was tortured. This included beatings, suspension by his feet, and electric shocks to his lips and genitals. He escaped by bribing a prison official and in August 1995 a criminal court sentenced him to death *in absentia*. Another brother, 'Abd al-Hussain, was sought by the authorities after they had arrested 'Abd al-Wahid but he also managed to flee the country.

Ibrahim Amin al-'Azzawi, a 70-year-old lawyer, was arrested early in the morning of 23 March 1999 when four plain clothes security men took him away from his house in Baghdad. He was reportedly not involved in any opposition activities. The previous evening his daughter, Bushra, married with two children, came with her children to her parents' house in a state of shock. She told her family, who are Sunni Muslims, that her husband, Riyadh Baqer al-Hilli, a businessman in his late thirties, had been arrested at his house and taken away by security men. The whole family could not sleep that night. When the four security men came to the house at around 6 a.m. they knocked at the door and it was Ibrahim Amin al-'Azzawi who opened the door. They searched the house, confiscated some documents and arrested Ibrahim without giving him any reason for the arrest. The family then feared that the security

¹⁸ Amnesty International has also received reports that following increased armed opposition activities at the beginning of 1999 some families of former Iraqi army officers who joined the opposition were evicted from their houses in February 1999 and sent to camps set up near Kirkuk. These families were reportedly forced to undergo training as punishment. Houses belonging to former government or army officials who fled the country and joined the opposition were either confiscated or bulldozed.

men would return and arrest them. Bushra, her two children and two unmarried sisters, Maryam and Nour, and their 61-year-old mother, 'Aliya 'Abdallah al-'Azzawi, collected some of their valuables and ran away from the house. A few weeks later they managed to flee the country. They believe that the reason behind their father's arrest was that his son-in-law Riyadh, a Shi'a Muslim, was suspected of involvement in underground anti-government activities. On 11 July 1999 Ibrahim Amin al-'Azzawi was executed and his body was buried by the authorities. No information on any charge, trial or sentencing is available. No information is available to Amnesty International as to the fate of Riyadh Baqer al-Hilli.

Ahlam Khadom Rammahi, a housewife and mother of six children, left Iraq with her husband in 1982. On 28 July 1999 she travelled from London using her British passport to visit her sick mother whom she had not seen since 1982 in al-Najaf in Iraq. A week later, on 5 August, two security men went to Ahlam's mother house in al-Najaf to arrest her. However, Ahlam had already left for Baghdad to see relatives. The security men then arrested one of her brothers and took him in their car to Baghdad to show them the relatives' house where she was staying. When they arrived at the house they arrested her and released the brother. No reason was given as to why she was arrested and her whereabouts remained unknown despite all the efforts made by her family to locate her. On 1 September 1999 Amnesty International issued a public urgent appeal on behalf of Ahlam calling for her immediate release if she was not to be charged with any recognizable criminal offence. Following international pressure Ahlam was released on 7 September and managed to rejoin her family in Britain.

The cases mentioned above illustrate a widespread pattern of arbitrary arrest and detention practised in Iraq. They are a small sample representative of thousands of others and represent the lengths to which the authorities in Iraq will go to identify any opposition views and silence them.

4 TORTURE AND ILL-TREATMENT

Although torture is prohibited by the Iraqi legislation (Article 22(a) of the Interim Constitution¹⁹ and Article 127 of the Code of Criminal Procedure) in practice it is used systematically against detainees in Iraqi prisons and detention centres. Iraq has legal obligations under the ICCPR to take measures to prevent torture and to bring perpetrators of torture to justice. The Iraqi Government has the obligation under the Convention on the Rights of the Child to afford special protection to children under the age of 18 against torture.

Political detainees in Iraq are subjected to the most brutal forms of torture. The bodies of many of those executed had evident signs of torture, including the gouging out of the eyes, when returned to their families. The most common methods of physical torture include electric shocks to various parts of the body, pulling out of fingernails, long periods of suspension by the limbs, beating with cables, *falaqa* (beating on the soles of the feet), cigarette burns on various parts of the body, and piercing of hands with an electric drill. Psychological torture includes threats of bringing in a female relative of the detainee, especially the wife or the mother, and raping her in front of the detainee, threats of arresting and harming other members of the family, mock executions and being kept in solitary confinement for long periods of time.

¹⁹Article 22(a) of Iraq's Interim Constitution states that "The dignity of man is safeguarded. It is inadmissible to cause any physical or psychological harm".

N.²⁰, 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 about his whereabouts and started going 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 were 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 gauged out and were filled with paper, and 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 N.'s arrest and was also executed.

Soon after the attempted assassination of 'Uday Saddam Hussain in December 1996 and the mass arrests that ensued, Salah Mahdi, a 35-year-old traffic warden in al-Mansur married with three children, was arrested. 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 were 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.

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 (see photos on page 11). They had no choice but to sign statements in hospitals to the effect that it was their sole decision to have the amputation carried out.

In 1994 Iraq, through a series of decrees issued by the RCC, introduced judicial punishment 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.²¹ The Iraqi Government argued that the introduction of these severe punishments were in response to the rising crime rate resulting from worsening economic conditions. The punishment of amputation of the auricle of the ears and the branding of the foreheads of army deserters, draft evaders or persons providing them with shelter or protection were suspended in 1996 by the Iraqi Government, through RCC Decree 81/96.

Until 1996 Amnesty International had received reports of hundreds of individuals who had been subjected to such punishments. For example, at the end of 1996 'Abd al-Nafi' Mohammad (family name not known), single and originally from Tal 'Afar town, north of Baghdad, a member of the security staff at the headquarters of Iraq's National Olympic Committee, headed by 'Uday Saddam Hussain, had his

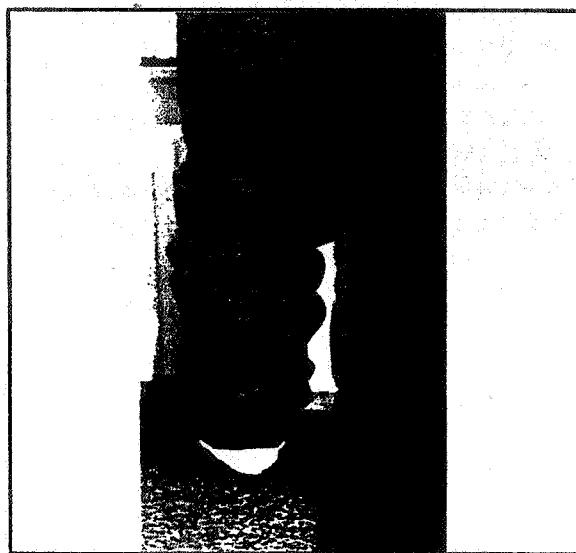
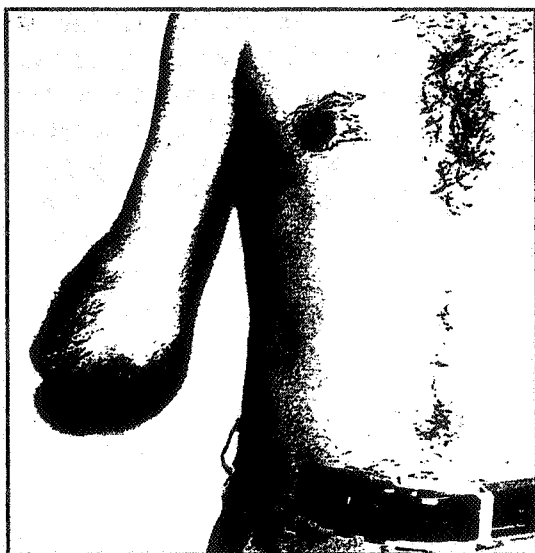
²⁰Name withheld at the request of one of his relatives.

²¹For 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

right hand amputated in front of many staff members following an order from 'Uday Saddam Hussain. The reason was that some sports equipments were stolen from a warehouse and he was accused of being responsible since he was on duty as security guard outside the building. Despite his repeated plea of innocence the amputation was carried out without trial. Three weeks later it turned out that the equipment had not been stolen and was found in another warehouse. 'Uday Saddam Hussain reportedly ordered a compensation of 500,000 Iraqi Dinars (around \$ 300) for 'Abd al-Nafi' Mohammad.

Amputations were very often publicized in Iraqi media outlets. However, since the end of 1996 following international condemnation of these punishments, reports of amputations being carried out in Iraq have rarely been publicized in Iraq. In August 1998 six members of the Feda'yi Saddam (Saddam's Fighters) 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.

Amnesty International had publically called on the Iraqi Government to abolish the penalties of amputation and branding and to provide compensation for all victims, or for families of victims. In November 1997 the UN Human Rights Committee 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.²² 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".²³



Victims of torture

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²²CCPR/C/79/Add.84, p.3.

²³Ibid

5 THE DEATH PENALTY

Despite worldwide trends towards the abolition of the death penalty, since the end of the Gulf War in 1991 Iraq has substantially increased its use through decrees passed by the RCC, which is empowered by the 1990 Interim Constitution (Article 42) to promulgate "laws and decrees having the force of law" and "decisions indispensable for applying the rules of the enacted laws" at any time without any judicial review. The death penalty in Iraq today covers a wide range of criminal and political offences. Many of the decrees promulgated in recent years prescribe the death penalty for offences that do not appear to have lethal or other extremely grave consequences, including for example car theft (RCC Decree 13/92), counterfeiting (RCC Decree 9/93), the smuggling of cars, lorries or any machine used for drilling or construction out of Iraq (RCC Decree 95/94), organizing a group of two or more persons for procurement purposes (RCC Decree 95/94), falsification of military service documents (RCC Decree 179/94), and theft committed by a member of the armed forces or internal security forces, or by a government employee (RCC Decree 114/94). RCC Decree 39/94 prescribes the death penalty for a number of offences thought to constitute "sabotage of the national economy and to be dishonourable offences".²⁴

Again the Iraqi Government has argued that the increase in the use of the death penalty as a punishment in the country is due to the rising crime attributed to the poverty and hardship brought about by the economic sanctions imposed on the country.

Thousands of people, including prisoners of conscience and political prisoners, have been executed in Iraq over the last few years. Amnesty International has received the names of hundreds of people executed. The Iraqi Government rarely announces executions or makes public any official statistics in relation to the death penalty. In many cases it is impossible to determine whether the reported executions are judicial or extrajudicial given the secrecy surrounding them. Many of those judicially executed had reportedly been charged with offences punishable by death according to the Iraqi penal code, including Articles 156 relating to membership of a party or organization whose aim is to change the system of government, or Article 175 relating to plotting against the state, both of which have been used in the past to execute prisoners of conscience. In some cases those executed were buried in mass graves in the vicinity of the prison they had been held in. Families of those executed are often not allowed to hold public mourning.

The biggest wave of recent executions was reported in November 1997 when the authorities allegedly ordered the execution of hundreds, most of whom were members of opposition groups, who had been sentenced to death or life imprisonment after grossly unfair trials before special courts. Mass executions also were carried out in 1998 in Abu Ghraib Prison. At least 93 people, mostly Shi'a Muslim political prisoners arrested following the 1991 uprising in the south, were reportedly executed in

²⁴These include 1) removing medicines and medical equipment illegally from health institutions and other public facilities; 2) forging official documents pertaining to medicines and medical equipment with the intention of concealing any illegal disposal of such items; 3) possession of medicines and medical equipment with intent to trade in these items, if these have been obtained from non-official sources; 4) possession of medicines and medical equipment by non-governmental health institutions, if these items have been obtained from non-official sources. The penalty stipulated in this decree, for committing, facilitating or participating in the commission of these crimes, is death or life imprisonment, with a fine ranging between 10,000 and 100,000 Iraqi Dinars.

November 1998 in al-Radhwaniya detention centre and their bodies buried in mass graves in the al-Mashtal region of Baghdad. These mass executions were reportedly carried out in an operation known as "the cleaning up of prisons". It was reported at that time that prisons were overcrowded with political prisoners who had been sentenced to death.

In their response to Amnesty International's 1999 Annual Report (Iraq entry) the Iraqi authorities stated that the reported mass executions that had taken place in Abu Ghraib Prison in 1998 and which were referred to in the Amnesty International report were a repeat of allegations made by anti-Iraq foreign quarters. However, the response acknowledges that executions had taken place and those executed had been found guilty of crimes punishable by death as stipulated for by the law such as premeditated murder, armed robbery and crimes relating to the security of the population. The victims, according to the Government, were afforded all legal safeguards, including their right to be defended by lawyers.

Reports of executions have continued to reach Amnesty International. Those executed in recent months include a number of senior army officers suspected of having links with the Iraqi opposition outside the country or plotting to overthrow the government. For example, seven high-ranking officers, including Lieutenant General Kamel Sajit, who commanded Iraqi forces in Kuwait during the Gulf War, were reportedly executed at the beginning of March 1999 following an alleged failed coup. In March and April 1999 the Iraqi authorities announced the executions of 12 people said to have been responsible for the murders of leading Shi'a Muslim clerics killed in suspicious circumstances in 1998 and the beginning of 1999 (See Chapter 6). Also in April 58 people were reportedly executed in Abu Ghraib Prison. Most of those executed were from the southern provinces, including al-Najaf, Babel and Karbala. On 10 August 26 people were reportedly executed in Abu Ghraib Prison after they had been charged with undertaking "terrorist acts" and "killing members of the security and police forces" in the southern provinces of Babel, al-Qadisiya and Basra. They had been sentenced to death on 23 June 1999 by the "specialized court" and President Saddam Hussein reportedly approved the death sentences on 7 August.

Amnesty International has repeatedly called on the Iraqi Government to abolish, and in the short term to reduce, the scope of the death penalty which it considers as a violation of the right to life and the most cruel form of punishment. In November 1997, after considering Iraq's fourth periodic report, the UN Human Rights Committee recommended that "Iraq should abolish the death penalty for crimes which are not among the most serious crimes, in accordance with article 6, paragraph 2, of the Covenant ([ICCPR], and that abolition of the death penalty should be considered...".

In a resolution adopted on 3 April 1998 the UN Commission on Human Rights urged all states that still maintained the death penalty to "comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence".²⁵ Iraq is not known to have acted on the these recommendations.

²⁵UN Commission on Human Rights resolution 1998.8: Question of the death penalty

6. PROMINENT SHI'A CLERICS VICTIMS OF POSSIBLE EXTRA-JUDICIAL EXECUTIONS

Several prominent Shi'a Muslim leaders were killed in the last 18 months in circumstances suggesting that they may have been extrajudicially executed and at least one escaped assassination. These killings continue a pattern that started in the 1970s and accelerated especially after the end of the Gulf War in 1991 and the Shi'a uprising in southern Iraq that ensued.²⁶ They also took place in or near two of Shi'a Islam's holiest cities, where there is a very heavy Iraqi military and security presence.

Ayatollah al-Shaikh Murtadha al-Burujerdi, 67, married with four grown up children, was shot dead by armed men on the night of 22 April 1998 as he walked back home from the shrine of Imam 'Ali in al-Najaf²⁷, one of the Shi'a Muslims' holiest cities, where he had led congregational dawn prayers. His two companions were also shot and sustained injuries. Ayatollah al-Burujerdi had reportedly been harassed in the past by the Iraqi security services and there had been at least one attempt on his life. In 1991 and following the Shi'a uprising in the south he was arrested with scores of other Shi'a scholars. He was detained for three days and then released. A few weeks before his murder he had been visited by a delegation from the Ministry of Awqaf (Religious Endowments) and Religious Affairs urging him to stop leading the prayers. He was reported to have stated to the delegation that he would only agree if he received in writing an order from the Iraqi Government. Following the assassination an official statement released by the Government blamed the intelligence services of a foreign country for the killing without naming the country.



Ayatollah al-Shaikh Murtadha al-Burujerdi
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Two months later, during the night of 18 June, Ayatollah Mirza 'Ali al-Gharawi, another prominent Shi'a cleric, aged 70, his son-in-law Mohammad 'Ali al-Faqih, his driver Abu Khalil and his companion al-Sayyid Faraj, were shot dead on their way from Karbala to al-Najaf after they had

²⁶For more information on the persecution of Shi'a Muslims in Iraq see Amnesty International's report entitled *Iraq: Disappearance of Shi'a clerics and students*, published in April 1993.

²⁷This is the shrine where Imam 'Ali, the cousin and son-in-law of the Prophet Mohammad, is buried.



visited the Shrine of Imam Hussain in Karbala. The car they were in was reportedly forced to stop by another car and two armed men sprayed Ayatollah al-Gharawi's car with gunfire before they drove away. Immediately after the incident the Iraqi Ministry of Awqaf stated that "hateful foreign parties perpetrated this crime to harm the faithful in search of virtue and justice, and who refuse to turn away from Islam".

Ayatollah Mirza 'Ali Al-Gharawi
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On the night of 19 February 1999 Ayatollah Mohammad Sadeq al-Sadr, another leading Shi'a cleric aged 56, his two sons **Hojjatu al-Islam al-Sayyid Mostafa al-Sadr**, aged 34, and **al-Sayyid Mu'ammal al-Sadr** were shot dead in al-Najaf. They had just left his office by car on their way to their house when two armed men in a car forced them to stop and shot at them. The two sons died instantly, but the father died in hospital immediately after arrival. Ayatollah Mohammad Sadeq al-Sadr had in his last sermon, shortly before he was killed, spoken against government restrictions in the field of religious freedom and had called for the release of Shi'a clerics detained in Iraq. He had also been subjected to harassment and had been interrogated by the security services on several occasions. The killings sparked off protests in predominantly Shi'a Muslim districts in Baghdad and in southern towns of al-Hilla, Karbala', al-Nassiriya and al-Najaf, during which dozens of protesters were reportedly killed by the security services and several hundred arrested.



Ayatollah Mohammad Sadeq al-Sadr
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Among those who escaped assassination attempts was Ayatollah al-Shaikh **Bashir Hussain al-Najafi**. On 6 January 1999 his office was attacked by armed men, three of whom were reportedly killed when a hand-grenade exploded prematurely. He and at least 10 of his followers were injured.

Families of the murdered Shi'a clerics mentioned above were reportedly denied proper funeral ceremonies, the bodies were buried in haste by security officers and only selected members of the families were allowed to be present. In addition, no autopsies are known to have been carried out.

Amnesty International wrote to the Iraqi Government following the killings of the three Shi'a clerics mentioned above urging immediate, thorough and independent investigations into the circumstances surrounding these killings, and that the methods and conclusions of the investigations be made public, as required by the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. However, no independent investigations are known to have been conducted.

On 26 September 1998 the authorities announced the arrest of eight people presumed to be behind the assassination of Ayatollah al-Burujerdi and Ayatollah al-Gharawi and on 2 November 1998 the Iraqi television announced that robbery was the motive behind the murders, but no evidence is known to have been produced to support this allegation. On 14 March 1999 the Iraqi Government announced that eight people had been executed the previous day after they had been found guilty of the murders of Ayatollah al-Burujerdi and Ayatollah al-Gharawi.²⁸ The executed men had reportedly "confessed" to murdering the two clerics and attempting to assassinate Ayatollah 'Ali al-Sistani in November 1996. In its response to Amnesty International's 1999 Annual Report (Iraq entry) in which the assassinations of Ayatollah al-Burujerdi and Ayatollah al-Gharawi are highlighted, the Government of Iraq stated that a number of religious students at al-Hawza al-'Ilmiya (the Shi'a academic centre) in al-Najaf "because of personal problems concerning the distribution of funds gathered by the leadership of the [centre]" assassinated Ayatollah al-Gharawi after they had monitored his itinerary for some time. The response added that the students were arrested, the weapons and the car used were confiscated and that after the completion of the investigation they were referred to the "specialized court". The response did not give any further details nor did it mention the assassination of Ayatollah al-Burujerdi and the attempted assassination of Ayatollah al-Sistani.

On 17 March 1999, barely a month after the assassination of Ayatollah al-Sadr and his two sons, the Iraqi national television showed four people, al-Shaikh 'Abd al-Hassan 'Abbas al-Kufi, al-Shaikh 'Ali Kadhem Hajman, Ahmed Mostafa Hassan Ardabili and Haidar 'Ali Hussein, confessing to the killings. Three weeks later, on 6 April, the four men were executed. One of those executed, al-Shaikh 'Abd al-Hassan 'Abbas al-Kufi, had reportedly been in detention since the end of December 1998.

Amnesty International wrote to the Iraqi Government in March 1999 expressing serious concern about the televised statements and its fears that they had been extracted under duress. The organization stated that the televised confessions were contrary to fundamental principles of international law, including Iraq's obligation as a state party to the ICCPR. Article 14 (2) of the ICCPR states that "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law" and Article 14 (3) stipulates that "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees in full equality:... (g) Not to be compelled to testify against himself or confess guilt". This prohibition is in line with the presumption of innocence, which places the burden of proof beyond a reasonable doubt on the prosecution, and with the prohibition against torture, and other cruel,

²⁸Those executed were Mohammed Khudier 'Abbas, 'Abbas Khudier 'Abbas, Jasim Khudier 'Abbas, Haqi Isma'il 'Abd Radhi, Basim 'Abbas 'Abd al-'Abbas, 'Abd 'Ali Mehdi Hassoun, 'Abd al-Razaq Hassan and Faisel Na'mah Hussain.

inhuman or degrading punishment. Amnesty International also sought additional information about the date of their arrest and their place of detention, as well as details of the charges against them, the date and place of the trial, and whether they had been granted access to lawyers of their own choosing and their families. As of October 1999 no response had been received from the Iraqi authorities and the earlier responses received failed to allay Amnesty International's concerns.

7 FORCIBLE EXPULSIONS OF NON-ARABS

Since mid-1997 thousands of Kurds and a number of other non-Arabs, including Turkmen and Assyrians, who have lived all their lives in the Kirkuk region, which is about 260 kilometres north of Baghdad, have been expelled to the Kurdish provinces in the north controlled by the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) because of their ethnic origin and because of Kirkuk's strategic location as well as its oil fields. The authorities have given Kurdish families targeted the choice of either going to Southern Iraq or to the Kurdish provinces. If the families choose Southern Iraq then they are allowed to take some of their possessions with them. However, if they choose to go to the north their properties, as well as their food rationing cards are confiscated by the authorities. The majority of the families have reportedly chosen to go north. No information is available to Amnesty International regarding families that moved south. The head of the household of each targeted family was detained in preparation of the expulsion. They were held until the expulsion of their respective families and arrangements for their own expulsions were completed. They were also made to sign a statement in the local police station stating that they were willing by their own choice to move to the north.

The Kirkuk Governorate was renamed "Al-Ta'mim" which means in arabic "nationalization". On 12 January 1998 a decree was issued by the Governorate of al-Ta'mim ordering the expulsion of 1468 families from the governorate because of its "very important security status and geographical location". The decree was based on directives issued by the office of the President of Iraq. It sets a date, between 15 April 1998 and 15 June 1998, for the deportation of the 1468 families. The decree gives details of the number of families to be expelled from different neighbourhoods in the Kirkuk governorate. It also includes details of the procedure to be followed by the security forces, it states:

1. One member of each Kurdish family expelled to the northern provinces should be detained;
2. Confiscation of property belonging to the expelled;
3. Confiscation of ration cards;
4. Confiscation of membership cards to government agencies;
5. Notification of the decree to: the head of security of each district; the Ba'ath party official of each district, the chief of each village.

Once in Northern Iraq some of the families expelled tried to live with relatives. The majority, however, have been resettled in camps such as the al-Salam camp near Chamchamal and Benislawa camp near Erbil. The KDP, PUK and UN agencies have provided them with basic food, tents, blankets and other items. Their empty properties in the Kirkuk region and in Khanaqeen are given by the authorities to pro-government Arabs brought from other regions in Iraq. Thus far thousands of Arabs from other regions in Iraq have been resettled in the Kirkuk governorate.

The expulsion of Kurdish families and other non-Arabs continued throughout 1998 and 1999. The same procedure described above is followed on each occasion. As of May 1999 at least 15,000

families comprising at least 91,000 people have reportedly been deported to the northern provinces by the Iraqi authorities in recent years. In February of this year 25 families were forcibly expelled from Khanaqeen, southeast of Kirkuk, to al-Ramadi. According to the PUK, 50 families comprising 278 members were expelled in September 1999.

Amnesty International wrote to the Iraqi Government on 30 March 1998 expressing serious concern about the forcible mass expulsions of Kurdish and other non-Arab families on the basis of their ethnic origin. The organization stated that the action taken by the Iraqi authorities is considered a grave violation of the rights to freedom of conscience, freedom from discrimination and the right to physical and mental integrity. Amnesty International urged the government to halt the expulsions and to allow all those families already expelled to return to their homes in the Kirkuk area. The organization also made its concerns public in a statement issued on 29 April 1998²⁹. As of August 1999 no response from the Iraqi Government on these forcible expulsions had been received by Amnesty International.

The practice of forcible expulsions of thousands of families on the basis of their ethnic origin violates Iraq's obligation under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which it acceded in 1970. Article 2(1a) of CERD states that "Each State Party undertakes to engage in no act or practice of racial discrimination against person, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this legislation". In its 14th periodic report to the Committee on the Elimination of Racial Discrimination in February 1999 Iraq denied that it had expelled non-Arab families. It stated that "The Government of Iraq categorically refutes the allegation that it has forcibly expelled non-Arab ethnic groups and requests the Committee to provide it with the factual evidence substantiating that allegation..."³⁰

8 RECOMMENDATIONS

Over the years Amnesty International has repeatedly urged the Iraqi Government to end widespread human rights violations by adopting the necessary legal and practical measures to ensure effective implementation of all the provisions contained in international human rights treaties ratified by Iraq. No practical steps have been introduced to stop such violations. The organization is again calling on the Iraq Government to:

1. immediately and unconditionally release all prisoners of conscience, those held solely on account of their conscientiously-held beliefs, their identity or relationship to suspected government opponents, and who have not used or advocated violence;
2. release all political detainees held for many years without charge or trial if they are not to be promptly charged with any recognizably criminal offence and brought before courts capable of offering guarantees for fair trials in accordance with international standards;

²⁹ See Public Statement, *Iraq: Expulsions of Kurdish families must stop*, AI Index: MDE 14/02/98

³⁰ CERD/C/320/Add. 3 - Periodic Report of Iraq, page 9.

3. ensure that detainees are brought before a judge immediately after arrest, that they are humanely treated in accordance with international standards, and have access to lawyers of their own choosing, their families and medical care if necessary;
4. set up prompt, thorough and impartial investigations into all allegations of torture, and ensure that any members of the security or other forces implicated in torture and ill-treatment of detainees and prisoners be brought to justice;
5. ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
6. repeal all decrees prescribing corporal judicial punishments;
7. 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)³¹ of the ICCPR;
8. declare a moratorium on executions as called for by the United Nations Commission on Human Rights in April 1999;³²
9. ensure that cases of "disappearances" and extrajudicial executions are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of such investigations should be made public and those responsible should be brought to justice.
10. demonstrate total opposition to the practices of "disappearances" and extrajudicial executions and inform all members of the police, military and other security forces that "disappearances" and extrajudicial executions will not be tolerated under any circumstances;

³¹Article 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.

³²In 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".

11. stop the policy of forcible expulsions of non-Arab families;
12. allow all people expelled on the basis of their ethnic origin to return to their homes and ensure that they are compensated;
13. allow the UN Special Rapporteur on Iraq, UN thematic rapporteurs and international human rights organizations, including Amnesty International, to visit the country without restrictions.