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## Iraq

### Killings of civilians in Basra and al-'Amara

May 2004

Summary

AI Index: MDE 14/007/2004

This report documents cases where UK soldiers have opened fire and killed civilians in southern Iraq in circumstances where there was apparently no imminent threat of death or serious injury to themselves or others. Such conduct is in breach of international human rights standards on the use of force and firearms.

All governments are under a duty to take action to secure the right to life. In the case of suspected killings, a government must launch a thorough, competent, independent and impartial investigation into the allegations and bring to justice persons who are reasonably suspected of responsibility. Despite this, in many cases where civilians have been killed by UK forces, the British Army has not even opened an investigation. Where investigations have been opened, the Royal Military Police (RMP), which is responsible for conducting the investigations, has been highly secretive. It has provided families with little or no information about the progress or conclusions of investigations.

The report also describes how armed groups and individuals have executed dozens, possibly hundreds, of civilians for political reasons. Those killed have included former government officials, middle-ranking members of the now outlawed Ba'ath party and individuals accused of perceived moral infractions, such as selling or buying alcohol. The violence is fuelled by the easy availability of small arms. No one claims responsibility for these killings. The fact that the perpetrators are anonymous and the motivation is unclear only adds to people's sense of fear and insecurity.

Governments must take action against individuals and armed groups in order to ensure the right to life. They must take steps to prevent abuses of this right. All killings must be investigated thoroughly and those suspected of responsibility must be put on trial. However, the Iraqi Police Service appears to be either unable or unwilling to launch serious investigations into these killings.

This report summarizes a 31-page document (12,849 words), *Iraq: Killings of civilians in Basra and al-'Amara* (AI Index: MDE 14/007/2004) issued by Amnesty International in May 2004. 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/email/email\\_updates.html](http://www.amnesty.org/email/email_updates.html)

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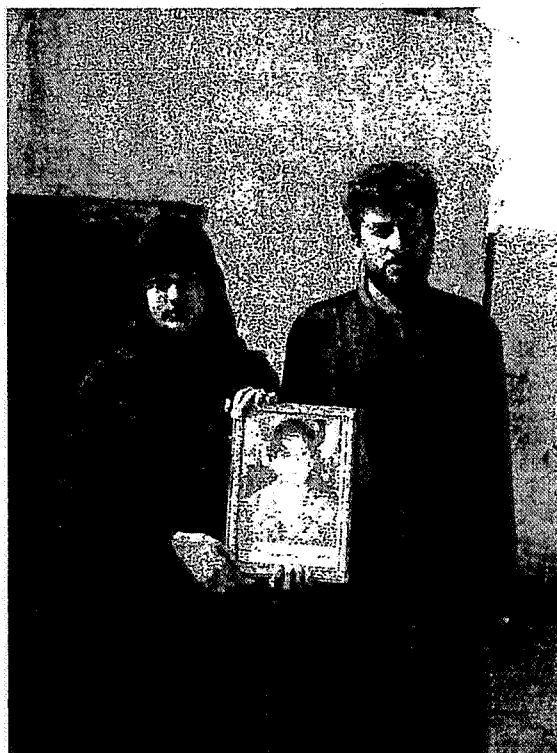
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## Iraq

### Killings of civilians in Basra and al-'Amara



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May 2004  
AI Index: MDE 14/007/2004



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## Introduction

More than a year after the occupation of Iraq, civilians are still being killed unlawfully every day by Coalition Forces, armed groups and individuals. In recent weeks hundreds of civilians have been killed as clashes between Coalition Forces and armed groups and individuals opposed to the occupation have intensified. In Falluja alone, at least 600 people, including many children, have been killed during clashes between Coalition Forces and insurgents.<sup>1</sup> On 4 April US forces launched major operations in Falluja following the killing, burning and mutilation of four US private security guards by insurgents on 31 March. Clashes have also erupted between Coalition Forces and supporters of the Shi'a leader Muqtada al-Sadr in parts of Baghdad and in several other cities and towns. These clashes were prompted by the closure at the end of March of *al-Hawza al-Natiqa* newspaper, mouthpiece of Muqtada al-Sadr's group, and the arrest of one of his closest aides, Mustafa al-Ya'qubi, on charges relating to the April 2003 assassination in al-Najaf of well-known Shi'a cleric 'Abd al-Majid al-Khoie. The newspaper was closed down by order of Ambassador Paul Bremer, head of the Coalition Provisional Authority, on the grounds that it was inciting violence.

In southern Iraq, dozens or possibly hundreds of civilians have been executed by armed groups and individuals since the start of the occupation. Killings often take place in the street in broad daylight. The violence is fuelled by the easy availability of small arms. Individuals, even the police, are reluctant to talk about these killings because they fear that speaking out will endanger their lives and those of their families. No one claims responsibility for these killings. The fact that the perpetrators are anonymous and the motivation often unclear only adds to people's sense of fear and insecurity. Iraqis appear to have no confidence that the British Army or the Iraqi police can protect them from such attacks or that the perpetrators will be held accountable before the law. It is therefore no surprise that in a recent poll conducted in Iraq by Oxford Research International, nearly 65 per cent of people interviewed said the restoration of public security in Iraq was their top priority.<sup>2</sup>

The United Kingdom (UK) Ministry of Defence has said that UK forces have been involved in the killing of 37 civilians since 1 May 2003. It acknowledges that this figure is not comprehensive as it is sometimes impossible for soldiers to confirm the number of casualties in a specific incident. In several cases documented by Amnesty International, UK soldiers opened fire and killed Iraqi civilians in circumstances where there was apparently no imminent threat of death or serious injury to themselves or others.

All governments are under a duty to take action to secure the right to life. In the case of suspected killings, such as those carried out by soldiers or police, a government must launch a thorough, competent, independent and impartial investigation into the allegations and bring to

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<sup>1</sup> On 4 April US forces launched major operations in Falluja following the killing, burning and mutilation of four US private security guards by insurgents on 31 March.

<sup>2</sup> Oxford Research International Ltd., "National Survey of Iraq, February 2004", p. 6.

justice anyone reasonably suspected of responsibility. Despite this, the British Army has not even opened an investigation into many cases where civilians have been killed by UK forces in Iraq. Where investigations have been opened, the British Royal Military Police (RMP), which is responsible for conducting the investigations, has been highly secretive and has provided families with little or no information about the progress or conclusions of investigations.

Governments must also take action to prevent abuses of the right to life by individuals and armed groups. All killings must be investigated thoroughly and anyone suspected of responsibility must be put on trial. However, the Iraqi Police Service appears to be unable or unwilling to launch serious investigations into the frequent killings of middle-ranking Ba'ath Party members or killings linked to moral or religious disputes.

Southern Iraq had until recently been spared the massive attacks that have targeted Iraqi civilians in northern and central Iraq. Amnesty International delegates were present in southern Iraq conducting research for this report when nine coordinated attacks took place in Karbala and Baghdad on 1 March 2004, killing over 150 people. Amnesty International called for such attacks to be stopped immediately and for those responsible to be brought to justice.<sup>3</sup> Since March 2004 the security situation in Basra and other southern cities and towns has deteriorated. For example, on 21 April, 73 people, including 17 children, were killed when several coordinated bombs exploded at three police stations in Basra and a police academy in Zubair area. Two school buses were travelling nearby when the bombs were detonated in central Basra.

This report focuses on killings of civilians in southern Iraq, whether perpetrated by state agents, individuals or armed groups, and is based on research carried out by Amnesty International delegates in southern Iraq between 9 February and 4 March 2004. Eyewitnesses and families of victims were interviewed, and sites of killings were visited. Amnesty International delegates also interviewed a large number of Iraqi police officers, including the heads of the Iraqi Police Service in Basra and in al-'Amara, capital of Maysan Province, as well as Iraqi judges and lawyers. Delegates also met Coalition Provisional Authority (CPA) officials responsible for law and order in southern Iraq.

Amnesty International requested meetings with the Commander Legal attached to UK forces stationed in Iraq and with the RMP. Both parties refused such meetings, referring Amnesty International's delegates back to the UK Ministry of Defence. The RMP told a delegate on the telephone: "We have nothing to say to you." Further information on the UK government's response to killings of Iraqi civilians by UK armed forces was obtained from UK parliamentary reports.

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<sup>3</sup> Amnesty International, "Iraq: Amnesty International condemns latest bombings," (News Service No. 51. (MDE 14/003/2004)).



## **Killings by UK forces**

In a number of cases UK soldiers have opened fire and killed Iraqi civilians in circumstances where there was apparently no imminent threat of death or serious injury to themselves or others. In most such cases documented by Amnesty International, soldiers resorted to lethal force even though the use of such force did not appear to be strictly necessary in order to protect life. The following cases are just some of those studied by Amnesty International.

### **Killings of individuals**

#### **Wa'el Rahim Jabar**

On 26 May 2003 a UK paratrooper shot and killed Wa'el Rahim Jabar, aged 20, in Hay Abu Romaneh district of al-'Amara. At that time, the security situation had not been stabilized in al-'Amara and it remained common for Iraqis to carry weapons in Hay Abu Romaneh. Wa'el Rahim Jabar was among the men assigned responsibility by the local community for protecting the area. On the day of his death, he was walking along the main street with a Kalashnikov rifle slung over his right shoulder, accompanied by two friends, Majed Jasem and Mu'taz 'Ati, who were unarmed. It was 9.10pm and dark, so they did not realize that there was a UK military foot patrol, consisting of four paratroopers with no interpreter, in the area. One of the paratroopers began shooting from a distance of about six metres, firing two rounds which struck Wa'el Rahim Jabar in the chest and neck, killing him immediately. The paratrooper reportedly fired without warning.

About 10 days later, a group of paratroopers visited the home of Daoud Salman Sajet, the victim's maternal uncle, and expressed their condolences about his nephew's death. They stressed, however, that the soldier had opened fire because the victim was carrying a weapon in public even though the British Army had warned Iraqis not to do this. In June 2003, the family's lawyer gave a CPA representative a complaint about the killing, including a request for compensation. By February 2004, the family had received no response. They were also unaware that an investigation into the killing had been initiated by the RMP.

As well as completing his education, Wa'el Rahim Jabar had been working as a baker to support his mother, wife and two children.

#### **Hassan Hameed Naser**

On 9 and 10 August 2003 there were violent demonstrations by Iraqis in Basra to protest against the lack of fuel in the city. On the second day, demonstrations were concentrated in northern Basra. In Karmat 'Ali, hundreds of youths gathered near the main transport garage in

the early morning and threw stones at vehicles passing on the main road and at a patrol of three UK military armoured vehicles attached to B Company of the First Battalion the King's Regiment. Soldiers opened fire. Hassan Hameed Naser, an unemployed single man, was shot dead, apparently by the UK soldiers.



Hassan  
Hameed Naser  
©Private

Qasem Hameed Naser, the victim's brother, told Amnesty International that he and his brother left home that morning to take public transport into central Basra. As they approached the garage, they saw young men nearby throwing stones at an armoured vehicle. Qasem Hameed Naser said that he could hear shots being fired from behind them. He thought that they came from an area close to a nearby school. Three armoured vehicles were positioned at intervals on the other side of the road. He said that suddenly a soldier positioned on the third vehicle, closest to the garage, began firing randomly. One of the rounds hit Hassan Hameed Naser's body. He was taken to Tahrir

Hospital but died after an operation.

A UK military spokesman commented on the events at the time: "There are four protests in northern Basra. They have turned into some small riots. There has been an instance where some UK soldiers came under fire, and they returned aimed shots."

Following the killing, an officer from B Company of the First Battalion the King's Regiment visited Hassan Hameed Naser's family. He reportedly expressed his sorrow for the death but pointed out that there had been shooting during the demonstration. Another meeting between the officer and the family and representatives of the family's Khalaf '*ashira* (clan) took place about 10 days later when the officer offered the family 2,000,000 Iraqi dinars (US\$1,405). The family refused the offer. Later, they decided to accept it but by then a new army company had been deployed in the area and the offer no longer stood.

On 1 December Qasem Hameed Naser submitted a claim for compensation to the Area Claims Office, which handles claims for compensation brought against UK forces in Iraq. The following day the Area Claims Officer (ACO) rejected it because it "revealed no evidence to substantiate... [the] claim". An Iraqi interpreter who worked with the UK military intervened on behalf of the family and as a result the ACO decided to reconsider the application for compensation.

Information provided by the UK Minister of State for the Armed Forces on 19 January 2004 indicated that no investigation had been launched by the UK military authorities into the killing of Hassan Hameed Naser.

### **Hazam Jumah Kati' and 'Abed 'Abd al-Karim Hassan**

On the evening of 4 August 2003, soldiers from the B Company of the First Battalion the King's Regiment opened fire in Hay al-Shuhada, al-Majdiyeh, killing Hazam Jumah Kati', an

unemployed man aged about 60, and 'Abed 'Abd al-Karim Hassan, an unemployed man aged about 25. According to both men's families, gunfire was heard in the area at about 11pm. Hazam Jumah Kati' and 'Abed 'Abd al-Karim Hassan left their houses, which are close to each other on the same street, to find out what was happening. It later emerged that Iraqis nearby had fired into the air to mark the death of a local sheikh.

It was very dark that evening as there was no electricity. Both men were reportedly unarmed. Jumah Kati', Hazam's father, also went outside to see what was happening and stood near 'Abed 'Abd al-Karim Hassan's home. About 15 minutes after the gunfire, a UK military patrol arrived and parked near where he was standing. By that stage Hazam Jumah Kati' and 'Abed 'Abd al-Karim Hassan were both walking back home along the narrow road. The patrol opened fire. Jumah Kati' told Amnesty International: "Then a man came and told me: 'There are people dead on the road. They killed two people'. A group of us went to the patrol. One of us spoke English a bit. He asked: 'Whom did you kill?' The soldier told him to accompany him [to the bodies]. I said to Captain Tai: 'Why did you kill?' He said: 'I am sorry. There was a mistake. I apologize.' I repeated the question: 'Why did you kill them?' He said: 'It was dark. One colleague was in a hurry. I am sorry. I don't accept such behaviour.'"

Hazam Jumah Kati' was hit by seven bullets in his chest and stomach. He died immediately. 'Abed 'Abd al-Karim Hassan was hit by five bullets in the right arm, the right leg, the chest and lower body and died later from his injuries.



The wife and four children of Hazam Jumah Kati'. ©AI, March 2004

Lieutenant Colonel Ciaran Griffin, Commander of the First Battalion the King's Regiment, accompanied by a group of officers, went to Hay al-Shuhada' on about 20 August to meet

representatives of the families' *'ashira*, the Beni Skein. He apologized for the deaths but made it clear that the army was not prepared to give compensation because it did not accept responsibility for the deaths. Instead he offered to make a "donation" to both families.

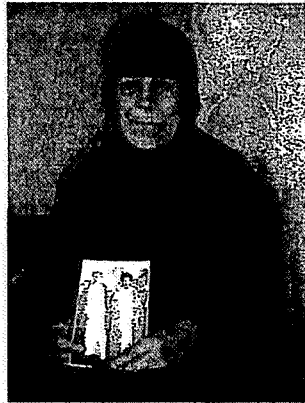
The British Army sent a letter to the Beni Skein *'ashira* on 17 August 2003 signed by Lieutenant Colonel Ciaran Griffin. It states:

*On the night of 4 August 2003 a patrol from the 1st Battalion The King's Regiment observed a lot of shooting from the area of Al Majdiyah and believed that there was a dangerous gun battle taking place. They drove to the edge of the village and went in on foot to investigate. The night was very dark, as there was no electricity for street lighting and the moon had set. The patrol encountered two men, who appeared to be armed and a direct threat to their lives, so they opened fire and killed them.*

*In retrospect it became clear that the heavy shooting in Al Majdiyah was in sympathy for the funeral of a local man and that the two men who were shot by the British patrol had not intended to attack anyone. We greatly regret the deaths of Hasim Jumah Gattah and Abed Abdul-Kareem Hassan and we hope to work with the Ben Skein and all other tribes to avoid this type of misunderstanding in the future.*

*Although all good people are allowed to keep 2 weapons at home and another at their place of work, weapons are forbidden on the streets to avoid these misunderstandings with the Army and Police. If these rules had been obeyed this tragic event would not have happened.*

*Although the British Government cannot agree to pay compensation for these deaths, I have made a small donation to help their families through this sad period. This donation of 2,000,000 Iraqi Dinars for the family of Abed Abdu-Kareem Hassan and 3,000,000 Iraqi Dinars for the family of Hasim Jumah Gattah, should not preclude any future Iraqi government from paying compensation, if this becomes their policy.*



Fawziya Ghasi holding a photo of her husband 'Abd 'Abd al-Karim Hassan. ©AI, March 2004



The sister of 'Abd 'Abd al-Karim Hassan holding his photo. ©AI, March 2004

Information provided by the UK Minister of State for the Armed Forces on 19 January 2004 indicates that no investigation was initiated by the UK military authorities into these killings.

### Hanan Saleh Matrud

On 21 August 2003 a soldier from B Company of the First Battalion the King's Regiment shot and killed Hanan Saleh Matrud, an eight-year-old girl, in Karmat 'Ali. There are distinct differences in the accounts of what happened between Iraqi witnesses and the victim's family on one hand and the First Battalion the King's Regiment on the other. The latter's position is set out in a letter provided to the family and dated 12 October 2003. The letter states:

*21AUG03. A patrol of two Warrior vehicles of B Company 1 KINGS was on task travelling on the western track of Qarmat Ali. The area of Qarmat Ali was at this time known to be hostile towards Coalition Forces. As the patrol moved north along the track it was engaged by heavy stone throwing from a number of mobs. A soldier concerned for his own safety and the safety of his patrol fired a warning shot into the air in an attempt to disperse the stone throwers. This had the desired effect, with the mob taking flight.*

*A number of minutes had passed with the patrol assessing the situation and calming the local people. The patrol then noticed a crowd of people running towards them from an area of buildings with a girl who had been cut across the abdominal area. The eight year old girl was Hanan Salih Matrood. She*



Hanan Saleh Matrud.  
©Private

*remained conscious but was obviously distressed and it was evident that the wound was serious. After being transferred to the Czech Hospital in Northern Basrah, Hanan died on the morning of 22AUG03.*

*The suggestion was that this wound sustained as a result of the warning shot, which has not been proven, but accepted as a possibility.*

The letter, which was given to the family in English, also stated that Saleh Matrud, Hanan's father, agreed with the letter. However, Hanan's family denies that there was any stonethrowing when the soldier opened fire. One eyewitness, Mizher Jabbar Yassin, said that an armoured vehicle stopped near the entrance to the alley which leads to Hanan's home, and three or four soldiers got out. A group of children, including Hanan, gathered about 60 or 70 metres from the vehicle inside the alley, attracted by the soldiers. Hanan was standing in the alley about 60 to 70 metres from the armoured vehicle. Suddenly a soldier aimed and fired a shot which hit Hanan in her lower torso. Hanan's uncle, Fellah Matrud, carried her to the armoured vehicle. At first the soldiers did not want to take her to hospital, but later did. She died the following day after an operation.

Shortly after Hanan's death, an officer from B Company, "Major Gary", stationed at the nearby al-Hartha checkpoint, visited the family and proposed a truce between their 'ashira, the Qatrani, and the British Army. The family and the 'ashira refused a truce without compensation. In October, Saleh Matrud went to al-Hartha checkpoint to follow up on the question of compensation. An officer from B Company told him that a future Iraqi government would decide whether to compensate him and for this reason the company provided him with the letter of 12 October. This information was clearly inaccurate as a procedure for submitting claims for compensation for personal injury through the Area Claims Office at the airport had already been established.



The parents of Hanan Saleh Matrud holding her picture. ©AI, March 2004

According to Hanan's family, the military police photographed the area and interviewed witnesses the day after the killing, and photographed Hanan's body in the hospital. However, information provided by the UK Minister of State for the Armed Forces on 19 January 2004 indicates that no investigation was initiated by the UK military authorities into this killing.

## Walid Fayay Mazban



Walid Fayay  
Mazban.  
©Private

Walid Fayay Mazban, a 42-year-old driver, was shot dead on 24 August 2003 at a temporary checkpoint in Sikek, Basra, by a soldier from the First Battalion the King's Regiment. He was the sole breadwinner for his wife, two children and two parents.

On the evening of 24 August UK soldiers were staffing a temporary checkpoint at the Suq al-Hattin crossroads on the edge of Sikek. According to an eyewitness, three soldiers stood across the northern side of the road, one was on the southwestern side and another was on the northeastern side. The area was very dark because there was no electricity. Saddam Hussein Danan, a neighbour of Walid Fayay Mazban who witnessed the killing, said:

*I was on a bicycle about 50 meters behind Walid's vehicle. It was about 8.30pm. He was driving normally and suddenly there was gunfire. It was dark. There was no light. I did not hear anything before the gunfire. There were maybe six or seven shots. When I heard the gunfire I ran away.*

Walid Fayay Mazban was fired on from behind after he had turned his minibus left at the junction. According to his family, he was apparently fired on by a soldier who was standing on the southwestern side of the crossroads. Walid Fayay Mazban sustained multiple bullet injuries in his lower back, according to medical reports. His family reported that there were three bullet holes in the back of the minibus, which remains impounded by the UK military. Following the shooting, Walid Fayay Mazban was transported by military ambulance to Fayha Hospital, where he died the following day.

Kadhem Finjan Hussein, formerly Chairman of the Local Councils in North Basra, who participated in negotiations between Walid Fayay Mazban's family and the British Army, told Amnesty International that the representatives from the British Army had told him that soldiers at the checkpoint had seen Walid Fayay Mazban's vehicle swerving in a suspicious manner. They had shouted "stop" in English at the vehicle. After it failed to stop, it had been fired upon. Walid Fayay Mazban did not understand English and it is possible that he did not even hear the order to stop. Nothing suspicious was found by the British Army when the vehicle was searched.

Later in August, an officer from the King's Regiment attended a meeting with representatives of the family's 'ashira, al-Bubsayri, the family and Hussein Kadhem Finjan Hussein. According to Hussein Kadhem Finjan Hussein, the UK officer offered to pay 2,000,000 Iraqi dinars (\$US1,405) to assist the family. The officer stressed that this did not amount to admission of any legal liability for the killing. After initial refusal, the family accepted the sum. The family has not been told of any investigation into the circumstances of Walid Fayay

Mazban's death. However, on 19 January 2004, the UK Minister of State for the Armed Forces stated that an investigation had been launched into the killing.

### **As'ad Kadhem Jasem**

On 4 September 2003 at least one soldier from the First Battalion the King's Regiment shot dead As'ad Kadhem Jasem, a taxi driver who was married with one son, at al-Hartha checkpoint, north of Basra.

As'ad Kadhem Jasem had approached al-Hartha checkpoint at speed in his taxi at around 11pm. Haidar Hisham Jasem, who was sitting next to him, told Amnesty International that As'ad Kadhem Jasem was driving at speed because he was worried that he might be stopped by thieves trying to steal his taxi. There was no electricity in the area, so everything was dark, and they failed to see the barrier blocking part of the lane as they approached the checkpoint. As'ad Kadhem Jasem swerved and managed to stop at the second barrier, which was by a building where UK troops were based. After the car stopped soldiers opened fire from the watchtower located behind the car near the first barrier. Two bullets penetrated the taxi and As'ad Kadhem Jasem was killed by one that hit him in the back of the head.

Haidar Hisham Jasem was held for questioning at the checkpoint. He only discovered later from UK soldiers that As'ad Kadhem Jasem had been killed. No one from the UK military has contacted him in connection with an investigation. He says that he was told by an officer through an interpreter that the soldiers involved would be put on trial.

'Ammar Kadhem Jasem, the brother of As'ad Kadhem Jasem, told Amnesty International that no one from the British Army contacted the family after the death. In October, he went to al-Hartha checkpoint and provided information about the killing and a request for compensation to an officer at the checkpoint. At the end of 2003, members of the family went to the Presidential Palace, where the CPA and Brigade Headquarters are located, to follow up on the claim, but got no response. On 22 February 2004, 'Ammar Kadhem Jasem contacted the Area Claims Office by telephone to inquire about lodging a compensation claim. He was discouraged because an Iraqi interpreter told him that he was required to submit the name and unit of the soldier who had killed his brother. An Amnesty International delegate called later that day to clarify the situation. The ACO stated that the information had been incorrect and explained that claimants were required to go to Basra International Airport and complete an application form.

Information provided by the UK Minister of State for the Armed Forces on 19 January 2004 indicates that no investigation was initiated by the UK military authorities into this killing.



### Hilal Finjan Salman

Hilal Finjan Salman, a father of nine, had worked for 35 years as a guard for al-Ma'qal Girls Junior High School, located across the road from Ma'qal port. He was licensed to carry a weapon, a 10-bore Seminov rifle, to protect the school. He was also required to wear a luminous orange jacket when he carried his gun to show that he was authorized to carry a weapon. However, neither the British Army nor the Iraqi authorities had issued him with such a jacket.

Early in the morning of 4 October 2003 thousands of former Iraqi soldiers started to gather near the port to try to collect their salaries. UK soldiers were deployed inside the port and on its perimeter wall, including the area facing the school. Rioting broke out from early morning and people started to throw stones at the soldiers. From about 9.15am, demonstrators started to force themselves into the school compound. Hundreds of men entered the compound. The school employees, concerned about the safety of the more than 200 girls attending the school, took the girls into the school hall. According to some present in the school, Hilal Finjan Salman fired twice into the air from one of the schoolyards to intimidate the men. He then went up onto the roof facing the port and started to patrol from there, holding his rifle in one hand. All witnesses interviewed by Amnesty International agree that he did not open fire from the roof. At about 10.15am a UK soldier, standing above the port wall, fired on Hilal Finjan Salman, hitting his right shoulder and chest, killing him. UK soldiers entered the school and took Hilal Finjan Salman's body to hospital.



Hilal Finjan Salman  
©Private

On 8 November Hassan Hilal Finjan Salman, the victim's son, submitted a claim for compensation. On 12 November the ACO responded in writing saying that he would contact the family when he had completed his investigation. The family had received no further information on the progress of their application by February 2004. No investigation has apparently been initiated by the UK military authorities into the death. On 6 January 2004, the UK Minister of State for the Armed Forces said: "On 4 October, on the periphery of a demonstration, UK soldiers killed an Iraqi gunman in self-defence. His automatic weapon and ammunition were recovered."

### Ghanem Kadhém Kati'



Ghanem Kadhém  
Kati'. ©Private

Following the overthrow of the Iraqi government, Ghanem Kadhém Kati', 22, returned home to Basra from exile in Iran. He started working with his father as a moneychanger. On the afternoon of 1 January 2004, a wedding celebration took place in Beit Asfar near his home during which bullets were fired in the air to celebrate the marriage. About 15 minutes later, two members of the UK armed forces took up positions by a low wall opposite the house of Ghanem Kadhém Kati'. They were apparently members of a

boat patrol which operates on the Shatt al-Arab Waterway. A neighbour reported seeing one of the soldiers crouching at the end of the wall and aiming his rifle towards Ghanem Kadhem Kati'. The neighbour reportedly tried to warn the soldiers not to fire and to explain that the earlier shooting had been related to a wedding. After about seven or eight minutes, the soldier fired at Ghanem Kadhem Kati' from a distance of about 50 metres. Ghanem Kadhem Kati' was unarmed and standing with his back to the soldiers near the door of his home. Two bullets went through his body, killing him. Another bullet grazed the edge of the house and two others went through the door.

The RMP apparently launched an investigation into the killing. In mid-January, five eyewitnesses were interviewed by the RMP and later that month soldiers photographed the house and surrounding area. In February, the body of Ghanem Kadhem Kati' was exhumed and flown to Basra by helicopter for examination at a military hospital. Soldiers also removed the front door of the house, which contained two bullet holes. The RMP distributed a leaflet in English and Arabic asking witnesses to come forward and testify. DNA samples were taken from close relatives. No one, however, advised the family of Ghanem Kadhem Kati' of the procedures for applying to the ACO for compensation.

### **Killings of demonstrators**

On 10 January 2004, at least three Iraqis, **Muhannad Jasem Jureid**, 23, **Rahim Hanoun 'Adiou**, 35, and **Maher 'Abd al-Wahid Muften**, 17, were killed during an unauthorized demonstration in al-'Amara. At least 11 others were injured.

In the early morning hundreds of Iraqis started to gather near the Governorate building on Dijleh Street, hoping to register their names for new jobs in the Iraqi Civil Defence Corps. It then became apparent that no jobs were available. A protest began and turned violent. Many demonstrators threw stones at the Iraqi police, and some threw explosive devices. The police and the British Army, as well as some eyewitnesses interviewed by Amnesty International delegates, said that there was also shooting from the crowd. Some of the demonstrators broke into the Governorate building and stole things. Some others burgled nearby shops.

At some time after 9am more than 100 members of the Emergency Brigade, which is part of the Iraqi Police Service, were deployed. This new force had been set up in mid-2003. Most if not all of its members had had no policing experience prior to their recruitment. They also had received no training in riot control and were equipped only with Kalashnikov rifles. Its members were almost exclusively drawn from the Muhammadiya '*ashira* and are perceived as being closely allied to the Governor of Maysan Province, who is from the same '*ashira*.

The Emergency Brigade began to fire randomly while advancing towards the Governorate building and the demonstrators. After a short time, UK soldiers from the First Battalion of the Light Infantry were deployed and placed themselves between the Emergency Force and the crowd. Muhannad Jasem Jureid and Maher 'Abd al-Wahid Muften were killed between 10am

and 11am in Baghdad Street. Rahim Hanoun 'Adiou was shot and killed at about 3pm in Dijleh Street, outside the Rafidin Bank, reportedly by UK soldiers.

On 26 February Amnesty International discussed the incident with the Chief of Police of Maysan Province. He stated that the Iraqi police "may have opened fire" but was not prepared to confirm that this had happened. He did not admit that the police had been responsible for killing or injuring any of the demonstrators. A British Army spokesman stated at the time of the demonstration that "one, maybe two [of the dead] were possibly killed by UK troops... Those troops were firing in self-defence. It was quite clear that a number of objects were thrown at the UK troops, possibly grenades. I can assure everybody that they only fired in self-defence." On 26 January the Minister of State for the Armed Forces stated that UK forces shot two Iraqis, one of whom subsequently died. He continued: "Both were preparing to throw grenades, having already thrown other grenades or explosive devices at UK vehicles, and were a threat to our forces and to local Iraqi civilians."

At the time, the media reported that five or six Iraqis had been killed. However, only three bodies were transferred to the Office of Forensic Medicine at al-Sadr General Hospital. A doctor at the hospital said that a family removed from the hospital the body of another person, who had been shot and injured in the demonstration and later died, before the body could be transferred to the Office of Forensic Medicine.

Maher 'Abd al-Wahid Muften and Rahim Hanoun 'Adiou both died of a single bullet wound in the back of the head. Muhannad Jasem Jureid died of a bullet wound to his body. The head of the Office of Forensic Medicine told Amnesty International delegates that no autopsies were carried out because the cause of death was obvious. He said there were no bullets left in the bodies but that, in any event, the office in al-'Amara would not have had the capacity to identify the type of ammunition used.

The Felonies Court of al-'Amara, responding to a request from the Public Safety Committee, the public body responsible for overseeing the work of the police in Maysan Province, opened an investigation into the events of 10 January. According to the three judges who are members of the investigation committee, the purpose of the investigation is to collect evidence and to bring charges against criminal suspects, who will be tried by the Felonies Court.

The committee is facing several difficulties. One is the absence of ballistic evidence and autopsy reports. The legal investigators, who are working under the supervision of the committee, were unable to inspect and gather material evidence, including spent rounds, from the area where the demonstration took place. Another difficulty is the reluctance of witnesses to come forward. The Coordinator of the CPA and the Commanding Officer of the Coalition Forces in Maysan Province wrote jointly to the head of the Court of Appeal in Maysan Province welcoming the creation of the investigation committee, urging everyone to cooperate with it and offering to provide assistance to the committee. As of 28 February, the committee had not requested any assistance from the CPA or the Coalition Forces. The court

would be unable to compel any members of the UK forces to testify before it because they are not subject to the jurisdiction of the Iraqi courts.

## Investigations

UK and other international military forces in Iraq enjoy immunity from Iraqi criminal and civil law; they are subject to the exclusive jurisdiction of their own states.<sup>4</sup> It is therefore crucial that the procedures established for investigating and prosecuting suspected unlawful killings of Iraqi civilians by UK forces are adequate and conform with international human rights standards, including Article 22 of the Basic Principles (see **International standards** below). These procedures are the only means by which UK forces can be held accountable for their actions.

In a series of statements in the UK parliament, defence ministers have outlined the circumstances in which investigations are conducted into the killings of Iraqi civilians. A minister stated on 7 January 2004: "The local commander reviews the circumstances to determine whether the UK forces involved acted within their rules of engagement. If he judges that they did - for example, they were returning fire against the deceased, having first been fired at themselves - no further action is taken other than a report of the incident being prepared and retained. If there is any doubt for whatever reason about the circumstances, the commanding officer must initiate an investigation by the RMP."

According to the UK Minister of State for the Armed Forces, as of 2 February 2004, 37 deaths of civilians involving UK troops had been recorded since 1 May 2003. Of these, only 18 had been investigated by the Special Investigations Branch (SIB) of the RMP.

UK defence ministers' statements in parliament indicate that as of 19 January 2004, the RMP had conducted investigations into five cases where civilians were allegedly killed as a result of being shot by UK forces: Ali Salim Aziz, Jabar Wa'el Rahim, Walid Fayay Mazban, Hassan Sabah Latif al-Batar and Athir Karim Khalif. In three of these cases it was found that troops had behaved in accordance with their rules of engagement and that there was no case to answer. In the case of Athir Karim Khalif, the investigation was ongoing. One case had been referred to the Army Prosecuting Authority to determine whether charges would be brought. It appeared from Amnesty International's research that the SIB was also investigating the killing of Ghanem Kadhem Kafi, although ministers have not mentioned this case.

After the RMP conducts an investigation, a report is submitted, together with supporting evidence, to the appropriate commanding officer and to the Army Legal Services (ALS). The ALS then advises the commanding officer whether there is a prima facie case for disciplinary action. In serious cases, the ALS will advise the commanding officer on the procedure for referral to a higher authority and, if appropriate, on to the Army Prosecuting Authority (APA).

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<sup>4</sup> Section 2(2) CPA Order 17.

As of 19 January 2004, one case of a civilian killing had been referred to the APA to determine whether charges would be brought.

Amnesty International is concerned that the decision to refer cases of civilian killings for investigation lies exclusively with commanding officers, who clearly lack the requisite level of independence and impartiality to conclude whether UK forces acted within their rules of engagement. Amnesty International has identified cases, set out above, of civilian killings where UK forces may have opened fire in breach of international standards on the use of force and no investigation has been conducted, presumably because commanding officers did not regard it as necessary to refer these incidents to the RMP.

RMP investigations are shrouded in secrecy and lack the level of public scrutiny required by international standards. In response to a question by a UK member of parliament requesting the names of the regiments that had been responsible for the detention of six Iraqis who had died in the custody, the Minister of State for the Armed Forces responded on 8 March 2004: "We do not release details of units who are involved in any incident that has been the subject of an SIB investigation, unless the case is referred for court martial." Reports of SIB investigations are not published although the Minister of State for the Armed Forces has said that "while the findings of investigations are subject to legal, operational and other security constraints, there may be some circumstances in which we are able to release certain details to entitled persons."

Amnesty International met the families of 'Ali Salim 'Aziz, Jabar Wa'el Rahim, Walid Fayay Mazban, Hassan Sabah Latif al-Batat, Athir Karim Khalif and Ghanem Kadhemi Kati', who had all apparently been killed by UK forces in Iraq. RMP investigations into these cases had either been completed or were ongoing. In general these families had not been given any information by the British Army, even verbally, about the progress or conclusions of RMP investigations. The RMP's contact with the families appeared to be confined to evidence-gathering. Three families appeared to be unaware that an investigation had been opened - Amnesty International learned about these investigations from parliamentary reports.

Amnesty International does not believe that the RMP is the appropriate body to conduct investigations into killings of civilians by UK soldiers because of its unsatisfactory record regarding these investigations.

In the case of the al-'Amara demonstration killings on 10 January, Amnesty International believes that the criminal investigation being conducted by the Felonies Court is not sufficiently wide-ranging and transparent to comply with international standards on investigations of suspected unlawful killing. These standards require that the investigation determines the cause, manner and time of death, the person responsible, and any pattern or practice that may have brought about the death. According to the investigating committee's members, such a committee does not normally make its findings public because its focus is to identify criminal suspects who should be charged and brought to trial.

## **Reparation**

According to CPA Order 17, the UK is responsible for handling claims for personal injury and death attributed to its forces in a manner consistent with UK law. In a letter sent to Amnesty International on 3 March 2004, the Senior Policy Adviser of the Headquarters Multi National Division (South East) Operation *Telic* set out the procedures for claims for compensation against UK military forces in Iraq. For a claim to be upheld, the applicant must demonstrate on the balance of probabilities that damage or loss is the result of an act of negligence by a member of the UK forces when acting in his/her official duties. Claims for loss or damage occurring prior to the cessation of decisive combat activities on 1 May 2003 are not acceptable on the basis that there is no legal liability to compensate for loss or damage sustained during hostilities.

In Iraq the responsibility for dealing with all such claims against UK forces is vested in the Area Claims Officer (ACO). A claimant must submit a claim in writing to the ACO, stating all the relevant facts and enclosing appropriate evidence. This is normally done by the individual going to the main gate of Basra International Airport where the ACO registers the claim. The ACO then investigates the allegations with the appropriate unit and upon completion of that investigation the claimant is notified of the decision on their claim. If their claim is successful the claimant is "reasonably compensated based on local levels of quantum", derived from Iraqi civil law levels that have been provided by a judge in Basra. According to the UK Minister of State for the Armed Forces, Iraqi civilians who receive compensation payments are required to sign a declaration accepting the offer and stating that they understand it to be "a full and final settlement of all claims whatsoever relating to the incident".

Where a claim against UK troops arises from activity that would not give rise to a legal liability to pay compensation under English law, an *ex gratia* payment may be made to the injured person or to the family of the deceased where this would be in accordance with local custom or directed to meet a particular urgent humanitarian need.

The Minister of State for the Armed Forces stated on 5 January 2004 that 23 compensation claims for compensation for deaths allegedly caused by UK forces since 1 May 2003 had been submitted.<sup>5</sup> Of these, seven had been repudiated, 13 were still under investigation, and three had received compensation payment, amounting in total to £8,125.

As we have seen, in practice many families whose relatives have been killed by UK forces are not advised, when they come into contact with UK forces, of the procedures for applying for compensation. In several cases, UK forces have even provided families with wrong

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<sup>5</sup> These claims presumably include claims related to deaths in custody and deaths caused by traffic accidents, as well as deaths arising from shooting incidents.

information, suggesting that they can only apply for compensation from a future Iraqi government or determining themselves that compensation is not payable.

Basra International Airport, where the ACO is located, is not easily accessible to Iraqis, even those living in Basra. Public transport to this relatively remote area is prohibitively expensive for a poor family. Applicants must wait at the main gate to the airport, where there is no shelter from the sun, while soldiers try to contact the ACO. Many complain that the ACO is often not available to speak to them. They also complain that there are long delays in processing their applications. Families have very little idea of the criteria and procedures for consideration of their applications for compensation and are not provided with any written explanatory information. They do not have the opportunity to review and respond to information provided to the ACO by the unit involved in the incident. If their claim is rejected, they receive what appears to be a standard response from the ACO which does not provide detailed reasons for the rejection of their application. Most of the families interviewed by Amnesty International who had actually managed to submit applications to the ACO had little or no confidence in the process because of the lack of information and the delays. However, most of these families had made considerable efforts to follow up on their applications because of their bad economic situation.

Most families are not represented by lawyers. Many Iraqi lawyers in Basra and al-'Amara expressed to Amnesty International their lack of confidence in the compensation system, which they perceive as bureaucratic, slow and unfair to the applicant.

Some families have received *ex gratia* payments from UK forces. In most cases these payments have been negotiated between the British Army and representatives of an '*ashira*'. The payments are very small and are normally represented as being a contribution to assist the family. However, other families of civilians killed by the British Army have received nothing, even though they were also suffering economic hardship. The impression gained by Amnesty International is that such *ex gratia* payments have often been made to "buy off" particular tribal or political interests which could make problems for the British Army. Negotiations with representatives of an '*ashira*', structures which are patriarchal and represent the interests of a broad group of families, may not be the best way to ensure that such contributions reach the victims' immediate families, particularly dependent female relatives and children.

## International standards

The UK recognizes that it is an occupying power in Iraq and therefore the conduct of its armed forces is regulated by international humanitarian law, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).<sup>6</sup> Article 27

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<sup>6</sup> The UK is a party to the Fourth Geneva Convention and Protocol I.

of the Fourth Geneva Convention emphasizes that people protected by the Convention "are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs." It also requires the occupying power to treat protected persons humanely and provide them with protection, particularly from threats and acts of violence. Article 51 of Protocol 1 states that civilians should never be the object of attack.

The UK is obliged to apply in Iraq the provisions of the human rights treaties which it has ratified, as well as those which Iraq has ratified. In a situation of belligerent occupation, international human rights law complements and reinforces provisions of international humanitarian law, by providing content and standards of interpretation, for example on the use of force and firearms in non-combat situations.

Both the UK and Iraq are parties to the International Covenant on Civil and Political Rights (ICCPR).<sup>7</sup> The UK has also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which is also applicable to the conduct of its armed forces in Iraq.<sup>8</sup> Article 6 of the ICCPR and Article 2 of the ECHR guarantee the right to life. Article 4 of the ICCPR emphasizes that there can be no derogation from this right, even in time of public emergency. Article 15 of the ECHR contains a similar provision, stating that there can be no derogation from the right to life, "except in respect of deaths resulting from lawful acts of war."

The Iraqi Police Service (IPS), as well as the Iraqi Ministry of the Interior and the Iraqi Governing Council (IGC) to which the police are formally accountable, are required to ensure the right to life, as guaranteed by the ICCPR. The police must comply with international standards on the use of force and firearms, as set out below.

### **Use of force and firearms by law enforcement officials**

UK forces in southern Iraq are dealing with a complex situation. Sometimes they are engaged in combat activities, where the rules of international humanitarian law on the conduct of hostilities apply. At other times they find themselves dealing with law enforcement situations, for example the dispersal of violent demonstrations. In these non-combat situations, policing methods are required, in line with human rights standards of law enforcement such as the UN

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<sup>7</sup> The Human Rights Committee, set up under the ICCPR, and other bodies monitoring the implementation by states of their human rights obligations under the treaties they have ratified, have consistently ruled that such obligations extend to any territory in which a state exercises jurisdiction or control, including territories occupied as a result of military action.

<sup>8</sup> The European Court of Human Rights has recognized the extra-territorial applicability of the ECHR in situations where a state party exercises all or some public powers normally to be exercised by the government of a territory through the state party's effective control of the relative territory and its inhabitants as a consequence of *inter alia* military occupation. See *Bankovic v. the United Kingdom*, para. 71.



Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles).

The Basic Principles emphasize that the use of force, and, in particular, the use of firearms, by law enforcement officials, including soldiers, should be exceptional. Principle 9 states:

*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.*

Principle 9 also emphasizes that "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life." Principle 10 requires law enforcement officials, before using firearms, to identify themselves and give a clear warning of their intent to use firearms before opening fire, "unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons."

The Basic Principles recognize that governments must provide adequate resources to law enforcement officials to enable them to comply with these standards. Principle 2 requires governments to provide and develop equipment to allow for differentiated use of force and firearms, and to provide law enforcement officials with self-defensive equipment such as shields, helmets, bulletproof vests and bulletproof means of transportation, in order to decrease the need to use weapons of any kind.

The Rules of Engagement for Operation *Telic*, which regulate the circumstances in which UK soldiers can use force in southern Iraq, are kept secret. The UK government maintains that the rules are consistent with the Code of Conduct and Basic Principles.

### **Conduct of investigations of suspected unlawful killings**

According to Article 22 and 23 of the Basic Principles, governments must establish effective reporting procedures for cases where law enforcement officials kill individuals, and reports must be submitted to the relevant administrative and judicial authorities. Governments must also initiate thorough, prompt and impartial investigations into these killings.

The European Court of Human Rights has developed detailed guidelines as to what a state must do in order to secure the right to life.<sup>9</sup> These include that an effective official investigation should be held when a person has been killed as a result of the use of force. In

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<sup>9</sup> See *Margaret McCann v. the United Kingdom*, para. 161, and *Hugh Jordan v. the United Kingdom*, para 105.

order for an investigation to be effective, it must be prompt, thorough, independent and impartial, and seen to be so.

The Court has ruled that the need to secure the independence of the investigation requires not only a lack of hierarchical or institutional connection on the part of the body carrying out the investigation, but also a practical independence. The investigation must also be effective in the sense that it is capable of leading to a determination of whether the force used was justified in the circumstances and, if it was not, to the identification and punishment of those responsible. The authorities must have taken reasonable steps to secure evidence relevant to the killing.

The Court has stressed that there must be a sufficient element of public scrutiny of the progress of the investigation, including decisions by the prosecuting authorities not to bring criminal charges. In all cases the victim's family must be able to be involved in the procedure to the extent necessary to safeguard their legitimate interests.

The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions set out authoritative guidelines on how the UK should seek to secure the right to life in responding to suspected cases of such unlawful killings. Principle 9 requires "thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide."

Principle 12 states that, "Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as all information relevant to the investigation and shall be entitled to present other evidence."

Principle 11 indicates that governments should pursue investigations through an independent investigative commission "in cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons."

## **Killings by individuals and armed groups**

Since the start of the occupation scores, possibly hundreds, of people have been deliberately killed by individuals or armed groups in southern Iraq for political reasons, including for perceived moral infractions such as selling or buying alcohol. These killings have occurred at a time when violent crime has increased dramatically. Small arms have become widespread in southern Iraq, helping to perpetuate and intensify violence. Light weapons, such as RPG7s, are also easily available. Individuals are entitled to keep two small arms in their homes and one in their place of business without a licence. Firing into the air to mark weddings, funerals and other events is common.

Dozens of political groups are operating in Basra. Members of these groups are frequently armed and some groups, particularly certain Shi'a Islamist groups, are feared by Basra's residents. In conducting research on killings related to politics or perceived moral infractions in Basra, Amnesty International met a wall of near total silence. Many people simply refused to talk about such killings. Others only spoke on condition of anonymity because they were afraid of retaliation by armed Shi'a Islamist groups.

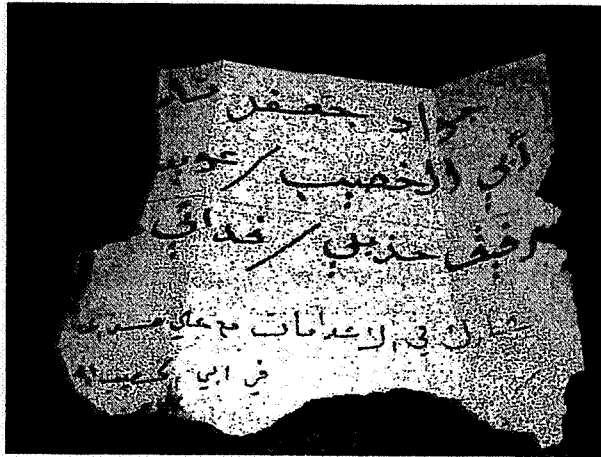
No armed group has claimed responsibility for such killings, but there are strong indications that armed Shi'a Islamist groups are involved in at least some of them. Armed groups are clearly involved in other human rights abuses, such as kidnapping, detention and torture. Certain killings have followed similar patterns and some have involved a high degree of organization. However, some of the assassinations of former Ba'ath Party members were undoubtedly committed by individuals acting out of revenge.

Basra and Maysan provinces have been spared the massive attacks that have been directed at Iraqi civilians in northern and central Iraq. However on 18 March 2004 an improvised explosive device, weighing between 200 to 300 pounds and packed into a Mercedes car, detonated in central Basra, killing three Iraqi civilians. A UK military patrol had just passed through the area.

## **Killings of Ba'ath Party members and former government officials**

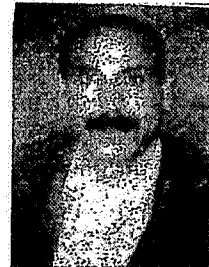
Interviews with the Iraqi police indicate that dozens of middle-ranking Ba'ath Party members, as well as former government officials, have been killed in Basra in the past year. Iraqi police reported picking up more than 60 bodies, most of them former Ba'athists, from the streets. Most if not all had been shot in the head. The true number of bodies recovered by the police is probably much higher as officers in many police stations have been reluctant to discuss these killings with Amnesty International delegates.

On 29 August 2003, armed men kidnapped **Jawad Ja'far Naser** from his vegetable shop in al-Jaza'er Street, Basra. His body was later found in the Casino Lebanon area of Basra, a site where more than 20 bodies, most of them blindfolded, have been dumped over the past year, according to police. In one of his pockets was a note written in red ink, stating "Jawad Ja'far Nas[er], Abu'l Khasib... party comrade and *fida'i* S[addam]. He participated in executions with 'Ali Hassan al-M[ajid] in Abu'l Hasib in [19]91."



The note found in the pocket of Jawad Ja'far Naser. ©AI, March 2004

**Muhsen 'Abd al-Wahid al-Hajani**, a teacher in his early fifties and married with four children, held the rank of *'udu firqa* in the Ba'ath Party. He lost his job as the school principal of Sayf Sa'ad School in Karmat 'Ali, Basra, as a result of the De-Baathification Order – Order No. 1 issued by the CPA on 16 May 2003 which removed senior Ba'ath Party officials holding the rank of *'udu firqa* and above from employment in the state sector. On 26 October, Muhsen 'Abd al-Wahid al-Hajani left his home in Hay al-Salam, telling his family that he planned to register at the Directorate of Education in response to an announcement by the Directorate inviting teachers, who had been dismissed from their positions because of Order No. 1 to reapply for their positions or for a retirement pension. Shortly after he left the Directorate of Education, a car containing two people stopped near him. A man got out and shot him dead with a pistol. In the weeks following the announcement, at least seven dismissed teachers were killed in the same manner -- all were shot dead shortly after leaving the Directorate of Education where they had registered their personal details, including the rank which they had held in the Ba'ath Party.



Muhsen 'Abd al-Wahid al-Hajani.  
©AI, March 2004

On the morning of 17 November 2003 **Samira Fadagh Mawhan**, a former school principal who held the rank of *'udu firqa* (group member) in the Ba'ath Party, was shot dead about 50 metres from her home in a quiet residential street in Hay al-Rafidin. According to witnesses,

two men, armed with a Kalashnikov rifle and a pistol, drove into the street. The man with the pistol fired at Samira Fadagh Mawhan. A witness heard the gunman say, before he opened fire: "Ah, Samira, how many innocent people did you kill?"

**Muhammad 'Aisa**, 26, became an English teacher in a Basra secondary school in 2000.<sup>10</sup> According to his family, he had to join the Ba'ath Party in order to work in the teaching profession. On the morning of 31 December 2003, Muhammad 'Aisa dropped his wife, who is also a teacher, at her school. He then drove towards Basra University to drop off his sister and another young woman. As he was driving through al-Tuweisah area, a white Land Cruiser with two men in it drove in front of his car and blocked the road. One of the men got out and fired five bullets into Muhammad 'Aisa's chest with a pistol, killing him instantly. The family does not know who killed him or why. One possibility is that he was killed because he was a Ba'ath Party member.

At about 7.30pm on 20 February 2004 a group of armed men raided the home of **Jabbar al-Badran** in Hay al-Andalus, Basra, and shot him dead. His son and daughter were also reportedly injured. Jabbar al-Badran had worked as a judge in the National Security Court until it was abolished by the CPA in May 2003. The court had been responsible for sentencing thousands of Iraqis to death and long terms of imprisonment after unfair trials often on the basis of confessions obtained by the use of torture.

Some Iraqis, including police officers, told Amnesty International that these killings were justified because Ba'athists and former government officials participated in the human rights violations of the former Iraqi government or provided information to security agencies which led to "disappearances" and executions.

Amnesty International believes that it is fundamental for the countless victims of decades of grave violations of human rights by Iraqi government agents that those suspected of involvement are brought to justice as part of a process which conforms to international human rights law and standards. Executions in the street of people who may or may not have been responsible for past human rights violations does not bring Iraqis closer to securing truth, justice and accountability for past human rights violations. In fact, they make these goals even more difficult to achieve.

## **Killings of professionals**

Many Iraqi professionals, including academics, medical doctors and lawyers, have been victims of assassination, but there has been no clear indication as to why they have been targeted or by whom. At least three senior professionals have been assassinated in Basra and many professionals in the city told Amnesty International delegates they feared for their lives.

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<sup>10</sup> The name of the victim has been changed to protect his relatives.

**Dr. Abdallah Hamed 'Abd al-Halim al-Fadhil**, a surgeon aged 45, was appointed Deputy Dean for Scientific Affairs at the College of Medicine in Basra in 2001. He also worked as a consultant surgeon in Tahrir Hospital. On the afternoon of 20 September 2003 he was working in his private clinic in al-'Ashar. At about 7pm he left the clinic to have a word with another doctor. As he was speaking through a car window, a man approached him and said: "Are you Dr. 'Abdallah?" He replied in the affirmative. The man then fired three rounds into the back of his head before escaping.

**Dr. As'ad Salim 'Abd al-Qader**, Dean of the Engineering Department, Basra University, and his colleague, **Dr. Jasem Muhammad 'Abd al-Jabbar**, were collected by a driver as usual from their homes on the morning of 4 October 2003. On their way to work, the car stopped at Dur al-Naft junction. Two men drew up on a motorcycle and opened fire, critically wounding **Dr. As'ad Salim 'Abd al-Qader** in the chest and injuring **Dr. Jasem Muhammad 'Abd al-Jabbar**.

In neither of these two cases was there any apparent motivation for the attacks.

## **Alcohol-related killings**

Since the fall of the Iraqi government, people selling alcohol in Basra, whether legally or illegally, have been subjected to a campaign of intimidation, including violent attacks and targeted killings. According to Iraqi law, it is legal for licensed stores to sell alcohol. Before the start of the occupation, these licences were only issued to Christians. About 300 of the 1,150 Christian families living in Basra before the occupation used to earn their livelihoods from the alcohol trade, according to the Chaldean Archbishop of Basra and Southern Iraq, Monsignor Gibril Kassab.

Violence targeting those involved in the alcohol trade started soon after the occupation began. Shops selling music and videos have also been attacked. On 8 May 2003 two merchants, **'Abd al-Ahad Slewa** and **Sabah Kamel**, were shot dead in separate incidents. As a result of these killings, the licensed stores closed. Attacks, however, continued. **Sarkun Nanu Muradu** and **Bashir Toma Elias**, who both used to run liquor stores, were killed in November and December 2003 respectively. **Bashir Toma Elias**, 53, who shut down his liquor store in Bashar Street, Old Basra, after the two killings on 8 May, was shot dead on 24 December. A retired English teacher who drove a taxi to support his wife and six children, he had gone to the market in Old Basra at about 9am to do some shopping for the Christmas celebrations. According to his family, a man with a beard approached him and fired a bullet into the back of his neck.



Bashir Toma Elias.  
©AI, March 2004

The violence peaked on 15 February 2004, when at least nine people were killed by armed men who fired randomly into the crowded main street in Old Basra near the footbridge, a well-known spot for illegal selling of alcohol by street vendors. At least six others were

seriously injured. Many of the wounded were neither selling nor buying alcohol. The dead included **Lo'ay Naser Hasab**, 43, unemployed; **Husam Samir Muhsen 'Abbas**, 19, a restaurant worker; **'Ali Kadhem 'Abbas**, a police officer; **Usama Shahr Rajab**, an upholsterer; **Naser Sabih Sa'id**; **Fayeq Naser Nati**; and **Sa'ad Muhammad 'Abd al-Khadhr**. According to the Iraqi police, two other unidentified individuals were killed; their bodies were removed for burial before they could be transferred to the Office of Forensic Medicine.

One of those killed, **Lo'ay Naser Hasab**, had returned from exile in Iran to rejoin his wife and children. He had driven to Old Basra to shop for the family dinner. His son, **Salwan Lo'ay Naser**, and his brother-in-law, **Ahmad Naser Shayyal**, accompanied him. **Lo'ay Naser Hasab** parked near the footbridge where a small group of men were selling alcohol. He got out of the car and his son and brother-in-law waited. Two unmarked white pick-up trucks containing 12 to 13 men wearing balaclavas drove down the street, did a U-turn, and drove up the opposite side of the street. The men suddenly started to fire into the busy street. Some of them walked along the street shooting. According to **Salwan Lo'ay Naser** and **Ahmad Naser Shayyal**, the shooting continued for about 15 minutes. The men used a variety of arms, including a machine gun mounted on a pick-up truck, rifles and pistols. **Lo'ay Naser Hasab** was hit in his temple, shoulder and lower back, and died shortly afterwards in Basra General Hospital.



Lo'ay Naser Hasab. ©Private



Traditional banner announcing the death of Lo'ay Naser Hasab. ©AI, March 2004

**Husam Samir Muhsen 'Abbas** also died in the attack. A young man who worked in a local restaurant, he was responsible for supporting his disabled father and seven brothers and sisters. His maternal cousin, **Murtada Salman Za'lan**, 23, who was with him in the area, told Amnesty International: "[A]t some point between 6pm and 6.15pm, I heard the sound of gunfire. It lasted for about three minutes. I ran back to the source of the fire. I found **Husam** lying on the ground. He had been hit in the left side and the round had gone through his right side and through his right arm. I saw about 20 other people, including women and children, lying wounded on the ground on both sides of the road. I took **Husam** myself to Basra General Hospital. He was then transferred to Basra Teaching Hospital. **Husam** was bleeding internally. He underwent an operation but the doctors could not stop the internal bleeding and he died about two hours later." **Murtada Salman Za'lan** added: "We just want to know who did this

but there is no result... We want the story of what happened to be published in the Iraqi newspapers. Until now no Iraqi newspaper or the local radio has talked about what happened.”

According to Archbishop Gibril Kassab, about 150 Christian families, many of whom were involved in the alcohol trade, have relocated to their original homes in and around Mosul in northern Iraq. He estimated that 20 or 30 families had left Basra permanently and the others plan to return if the security situation in Basra stabilizes.

Many people interviewed by Amnesty International blamed Islamist groups for the attacks, although no group has claimed responsibility. A senior Iraqi police official confirmed in February 2004 to Amnesty International that no prosecutions had been initiated for killings of alcohol vendors.

## **Investigations**

There appears to have been virtually no investigations or prosecutions of political killings by individuals and armed groups since the occupation began. The Iraqi Police Service, which effectively collapsed in April 2003, remains ineffective, especially when dealing with complex crimes such as political killings. Many Iraqis interviewed by Amnesty International lacked confidence in the police's ability to provide security in southern Iraq. With regard to political killings, police officers interviewed by Amnesty International generally expressed the view that these cases were unsolvable because they had been committed by unidentified individuals and because eyewitnesses would not come forward. Generally, it appears that no initiatives by the Iraqi police to prevent such killings have been taken. Amnesty International did learn that the British Army and Iraqi police have undertaken joint patrols at night in recent months in the Casino Lebanon area to prevent dumping of corpses and that this measure had been successful. Amnesty International was unable to identify a single case in Basra city where a perpetrator of a political killing had been brought to trial.

Some police officers clearly did not regard conducting investigations into the killings of people linked to the Ba'ath Party as a priority or even a responsibility for the police. The head of one police station told an Amnesty International delegate that people “were in the right” for seeking to avenge the deaths of their relatives who had “disappeared” or been executed by the previous Iraqi government. Other police officers recognized, however, the threat that this phenomenon placed to the rule of law and human rights.

The capacity of the Iraqi Police Service in southern Iraq has been strengthened since May 2003. Offices have been renovated and re-equipped but the police still do not have sufficient mobile communications equipment or vehicles. There are now more police officers in both Basra and Maysan provinces, although some had no police training before they were recruited and lack policing skills. Both these and experienced police officers need to be trained if they



are to meet new demands for policing based on respect for human rights and democratic values.

The challenges facing the Iraqi Police Service are greater than ever before. Police are expected to be accountable and operate in accordance with Iraqi law and international human rights standards. They are expected to tackle serious crime, including violent crime, which has dramatically increased since the fall of the Iraqi government. In the past the police frequently secured criminal convictions on the basis of confessions, often obtained through the use of torture and ill-treatment. Now the Iraqi police must rely increasingly on other sorts of evidence, such as eyewitness testimony and forensic evidence. However, as was frankly acknowledged by the CPA's Head of Law and Order, there is "a huge gap in investigation procedures, which is a highly skilled and specialized art requiring specialized training".

Police in southern Iraq also face threats and physical intimidation, even killing, for carrying out their duties. They are aware that in other parts of Iraq, hundreds of Iraqi police have been killed by armed groups.

On 20 February 2004, the CPA's Head of Law and Order for southern Iraq told Amnesty International delegates that strengthening the capacity of the Iraqi Police Service, as well as other Iraqi security forces, was the top priority of the British Army in southern Iraq. An array of training programs has been set up for newly recruited police, as well as veterans. The British Army and the CPA aim to support the police during their operations and through the provision of training and equipment. As part of this process the British Army, including the RMP, has embedded personnel in the police to mentor them.

## **International standards**

International human rights law obligates states to protect individuals against human rights abuses, including abuses of the right to life, committed by individuals or organizations. For example, Article 2(1) of the ICCPR requires the UK to ensure to everyone the rights guaranteed in the Covenant. States must exercise due diligence in preventing, investigating, prosecuting and providing an effective remedy for abuses of the right to life. If they fail to do so, they will be regarded under international law as being responsible for these abuses and in breach of their international obligations. Article 27 of the Fourth Geneva Convention also requires the UK, as an occupying power, to protect Iraqis, particularly from threats and acts of violence.

Armed groups are themselves required to respect minimum standards of international humanitarian law, justice and humanity, including a prohibition on deliberate or indiscriminate attacks on civilians.

## **Conclusions and recommendations**

On 7 January 2004 the UK Minister of State for the Armed Forces stated that UK forces “are working in partnership with the Iraqi people to establish a safe and secure environment, and are doing so under the rule of law.” This is not the picture found by Amnesty International delegates in Iraq. As this report has shown, in certain cases UK armed forces have opened fire and killed Iraqi civilians in breach of international human rights standards relating to the use of force and firearms. Moreover, the British Army’s response to suspected unlawful killing of civilians has undermined, rather than upheld, the rule of law. It has failed to conduct investigations into all killings of civilians, and the investigations that have been carried out have failed to ensure that “justice was done and seen to be done” in the eyes of victims’ families or the Iraqi or UK public. The investigations have been shrouded in secrecy – some victims have not even been aware that they have been opened. Families of victims have also not been given adequate information on how to apply for compensation.

Amnesty International also believes that the UK armed forces and the Iraqi Police Service have failed many of the families of people who have been killed by individuals and armed groups. They have failed by not exercising due diligence in preventing such abuses or in investigating, prosecuting and punishing those who carried out the killings.

Amnesty International welcomes the efforts of UK and other governments to strengthen the capacity of the Iraqi Police Service. However, increased capacity must be matched by an increased willingness by the police to take action in such cases and uphold the rule of law.

### **Amnesty International calls on the UK authorities, the Coalition Provisional Authority and the Iraqi Governing Council to:**

- Ensure that all individuals exercising law enforcement functions, whether members of the UK forces or the Iraqi police, secure the right to life through respect for the Code of Conduct for Law Enforcement Officials, the UN Basic Principles on the Use of Force and Firearms, and principles of humanitarian law. Law enforcement officials should employ lethal force only when strictly unavoidable in order to protect life.
- Provide training to law enforcement officials, including military forces acting in that capacity, in the use of graduated force and firearms.
- Equip law enforcement officials, including military forces acting in that capacity, with self-defensive equipment in order to reduce the need to use firearms.
- Ensure that investigations are conducted into all suspected cases of unlawful killings of civilians by law enforcement officials, including military forces acting in that capacity.

- Ensure that such investigations are thorough, competent, impartial and independent, and seen to be so.
- Ensure that such investigations include an adequate autopsy, as well as collection and analysis of all physical and documentary evidence and statements from witnesses.
- Ensure that the results of such investigations are made public.
- Bring to justice in fair trials anyone reasonably suspected of responsibility for unlawful killings.
- Provide reparation, including payment of adequate compensation, to the families of people unlawfully killed by law enforcement officials, including military forces acting in that capacity.
- Keep families of victims of unlawful killings informed of the procedure for applying for compensation and of the progress of investigations into the killing.
- Exercise due diligence in preventing unlawful killings, as well as investigating, bringing to justice and punishing all individuals who carry out such abuses.
- Deliver civic education about community safety to counter cultures of violence.

**Amnesty International calls on the UK authorities to:**

- Make public the Rules of Engagement for Operation *Telic*.
- Ensure that UK forces can communicate effectively with Iraqi civilians by ensuring that competent interpreters are available.
- Establish a civilian-led mechanism to investigate all suspected killings by UK forces. Such a mechanism should be capable of applying international human rights law and standards relevant to the investigations of allegations of serious human rights violations by the military.
- Consider appointing liaison officers to act as a focal point of contact between families of people killed by UK forces on the one hand and the British Army and Coalition Provisional Authority on the other.

**Amnesty International calls on all armed groups operating in Iraq to:**

- Respect minimum standards of international humanitarian law, justice and humanity, including the prohibition on deliberate attacks on civilians, indiscriminate attacks and hostage-taking.

**Amnesty International calls on the international community to:**

- Prioritize the mobilization of international efforts to rebuild the capacity of the international civilian police force, as required by UN Security Council Resolution 1483.