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## **Iraq**

### **The need for security**

July 2003

Summary

AI Index: MDE 14/143/2003

"No one is safe." "We need security, not food." "We're too scared to go out." Time and again such sentiments were voiced by Iraqis to teams of Amnesty International (AI) delegates in Basra, southern Iraq, from 24 April.

The climate of fear and insecurity is overwhelming in Basra. The widespread looting and scavenging of public buildings, witnessed in the first days of occupation, has decreased, but crime, often involving violence, remains much higher than before the occupation. Crime statistics are unavailable but interviews with lawyers, police and judges indicate that theft of public and private property is pervasive, and in many cases is accompanied by the use of firearms. Murders motivated by personal enmity or political revenge are reported to occur daily. Kidnapping aimed at extorting large sums of money from the victim's family is also common. Many women and girls no longer go out alone, terrified they will be the next victim of kidnapping, rape or other violence.

This report summarizes a 12-page document (5875 words),: Iraq, The need for security (AI Index: MDE 14/143/2003) issued by Amnesty International in July 2003. 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:

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM



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# Iraq

## The need for security

"No one is safe." "We need security, not food." "We're too scared to go out." Time and again such sentiments were voiced by Iraqis to teams of Amnesty International (AI) delegates in Basra, southern Iraq, from 24 April.

The climate of fear and insecurity is overwhelming in Basra. The widespread looting and scavenging of public buildings, witnessed in the first days of occupation, has decreased, but crime, often involving violence, remains much higher than before the occupation. Crime statistics are unavailable but interviews with lawyers, police and judges indicate that theft of public and private property is pervasive, and in many cases is accompanied by the use of firearms. Murders motivated by personal enmity or political revenge are reported to occur daily. Kidnapping aimed at extorting large sums of money from the victim's family is also common. Many women and girls no longer go out alone, terrified they will be the next victim of kidnapping, rape or other violence.

One official in the Teaching Hospital in Basra told AI delegates on 23 June that the hospital was receiving up to five patients a day with bullet and knife wounds. A month earlier, between 10 and 20 cases a day had been admitted.

There may be a political vacuum in Iraq, but there is not a legal vacuum. The US and UK, as occupying powers in Iraq under international law, have a clear responsibility to maintain law and order, and to protect the Iraqi population. The occupying powers have clearly failed to live up to this obligation. They have shown a lack of preparedness – in terms of political will, planning and deployment of resources – to bring the lawlessness under control, and millions of Iraqi men, women and children are paying a terrible price.

This report, based on research carried out by AI delegates in Basra in April, May and June, demands urgent action from the occupying powers to protect the lives, security and well-being of the Iraqi people. It focuses on the situation in one city, but the lawlessness and lack of security are prevalent in many parts of Iraq and the situation in Baghdad may be even worse.

## Background

The collapse of the Iraqi government created a political and institutional vacuum. As soon as the city of Basra fell to UK forces, scores of looters, including convicted criminals released in the October 2002 general amnesty and others freed during the chaos of the war and its immediate aftermath, ransacked government buildings and public institutions that had been closed down during the war. Some of these buildings are now being used by political parties, previously operating from exile, as their headquarters. For example, the Supreme Council of the Islamic Revolution in Iraq used the theatre building, the Islamic Labour Organization took over the Officers' Club building, and the Iraqi National Congress used the Workers' Syndicate building.

Almost every household in Basra and elsewhere has weapons. People obtained them from relatives who were members of the many security and militia organizations such as *Feda'yi Saddam*, the Ba'ath Party and the Jerusalem Army. Just before the war, the Iraqi government distributed weapons to the population at large to help them fight against US and UK forces. Further weapons, including hand grenades, became readily available as police stations, army barracks and Ba'ath Party buildings were abandoned and later looted.<sup>1</sup>

In the climate of lawlessness, people are determined to hang on to their weapons as there is no one else to protect them from looters or criminals. Revenge killings have also been reported, exacerbated apparently by calls from members of some radical Islamist groups for the killing of former Ba'ath Party members following the discovery of mass graves.<sup>2</sup>

In such a situation, it was vital that the occupying powers acted swiftly and decisively to establish law and order, as was their obligation under international law. Yet in the first crucial days of the occupation, according to many witnesses interviewed by AI delegates in Basra and other sources, UK forces were clearly either unprepared or unwilling to fulfil their obligations under international law to protect the security of Iraqis. They did little or nothing to stop the looting or maintain order, making the task of later restoring order much more difficult. Since then, the British Army has engaged in substantial efforts to re-establish three of the most essential elements necessary for the administration of justice and maintenance of public order – the police, the courts and the prisons. Nevertheless, the lawlessness remains pervasive. The Royal Military Police has gradually handed over primary responsibility for law enforcement to the Iraqi police. However the police force, whose capacity has been seriously diminished by looting and attacks directed against its buildings and equipment and the upheaval in its ranks, remains weak and ineffective, especially in the face of this drastic increase in serious crime.

## Looting

When AI's delegates arrived in Basra on 24 April they found almost all the government buildings had been looted and some burned. And yet the looting was still going on. Whenever the delegates returned to a building after a day or two, they found more of it had disappeared – the roof, doors, gates, windows, even the bricks.

The University of Basra was almost totally destroyed and empty, with people still scavenging for what was left of the building materials. The delegates saw the remains of the library – torn and scorched books and papers lying everywhere. They witnessed a man

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<sup>1</sup> Order No. 3 by Coalition Provisional Authority (CPA) on weapons control prohibited possession of heavy weapons and use of small arms in public places. The order, however, allowed possession of small arms in homes or places of business.

<sup>2</sup> It is noteworthy that three of the main Shi'ah clerics in Najaf – Ayatollahs Muhammad al-Sisstani, Bashir al-Najafi, and Muhammad Said al-Hakim – issued *fatwas* (edicts) directing their followers not to carry out acts of revenge against Ba'ath party members or security officers of the former government. Such a task, they argued, should be carried out only by a legitimate ruler.



chipping away at the walls and then taking the bricks away in a cart, and another man wrenching a drainage pipe off a wall. The destruction was total.

The looting had also affected vital infrastructure, such as hospitals and electricity and water installations. On 14 May, a senior medical official of the Basra Health Directorate said in an interview with AI that looting at the four main and six regional hospitals was at its worst immediately after the conflict. The British authorities still had insufficient forces to provide security consistently, and looting still occurred, he told AI. Some shooting incidents at hospitals had left staff feeling unsafe, and insecurity, combined with disputes over pay, had crippled hospital functions.

Looting has affected more than just buildings. Countless documents have been burned and destroyed. The destruction of documents will have an incalculable effect on Iraqis – on everything from the settlement of property claims and the establishment of students' academic records, to providing accountability for past human rights violations.

On 28 April the delegates came across a vacant lot next to the Security Directorate in Basra where British soldiers were dumping cartloads of documents. Given the location of the vacant lot, and the lack of communication between the occupying forces and the local population, many Iraqis were anxiously searching through the documents. It was later established that the documents came not from the Security Directorate, but from the national electricity company, which the UK forces were preparing to use as a headquarters for themselves.

AI's delegates were frequently told by Iraqis that when the UK forces entered Basra, they simply stood by and watched the looting and destruction of vital buildings. By late June some key installations were being guarded by special facilities police. The scale of the looting was reduced but persistent looting of electrical and water facilities continued to seriously impede the operation of public services.

Looting also means theft of people's personal property. No unattended car is safe for long. It will either be removed or dismantled for its parts. More ominously, carjackings are being increasingly reported, where people are forced out of their vehicle, often at gunpoint, before the vehicle is stolen. Mohammed 'Abd al-Redha Rahim, who was injured during the war and whom AI interviewed in Al-Motayha, Abu Al-Khasib area, on 6 May, said that the carjackings were organized. He added that the increase in such crime was related to the abundance of weapons in people's hands and for sale. In late June, there were still many reports of thefts of personal property and, more seriously, of robberies, many involving the use of firearms.

Referring to the general feeling of insecurity in Iraq, Ramiro Lopes da Silva, the UN Humanitarian Coordinator for Iraq, said on 24 June: "*Commercial activity is restricted as people stay at home, children are not sent to school, and a siege mentality is in evidence. Looting and re-looting of rehabilitated infrastructures is creating a deep sense of frustration among the population and the humanitarian community. Limitation of UN staff movement affects assessment and delivery capacity.*"

## Women and girls in fear

AI's delegates noticed almost immediately that few women were on the streets. They spoke to many women who said they were simply too afraid to go out on their own. Parents told AI that they were not allowing their daughters to go to school as they were worried that they would be kidnapped or raped.

AI interviewed several women who said they had been harassed on the streets. Apparently there are also cases of domestic violence.

The delegates investigated three cases of kidnapping, one involving rape, another murder and a third rape and murder. In the first case, a lawyer interviewed by AI on 7 May reported the kidnapping and rape of a young girl in Basra a few days earlier. The kidnappers had asked the girl's family for a ransom, which they had paid. The family did not want their name publicized because of the social stigma this would incur. It is extremely rare that such cases are reported to the police for the same reason.

Women are also being threatened by members of radical Islamist groups who are insisting on strict adherence to Islamic dress code. This followed statements or even "*fatwas*" issued during prayers by four radical imams which forbade the consumption of alcohol and stated that women must wear the *hijab*.

One female health control worker at the Teaching Hospital told AI delegates on 8 May:

*"Because of the current situation of insecurity my life is extremely limited. For example, I cannot visit my family or go to the market without the company of my husband... [M]y children are almost imprisoned in the house for their safety. In the evening the shooting starts and you do not know where it is coming from, and that is very frightening... [At] the Al-'Aqida School in Al-Jazair area, two armed men entered the school and threatened female teachers and the children. Fortunately they left without harming anyone."*

## Kidnappings

There are also many reports of kidnappers abducting wealthy individuals and demanding high ransoms in exchange for their release. Police officers interviewed by Amnesty International on 22 and 23 June said that they were aware of this phenomenon but explained that complaints were rarely registered because the victims and their families feared retaliation.

• On 4 June, eight people, armed with grenades, abducted Fadel Mansur 'Abd al-Rahman, aged 70, the owner of a mechanic's shop, from the Hamdan industrial area. He was held hostage for six days. He told an AI delegate:

*"They took me across the river in a small boat and I was kept in a small room in a house. I had to lie on a concrete floor. There was a metal roof and it was terribly hot ... I was just given broth, bread and water. They wanted 100 million Iraqi dinars, but I told them that was impossible and in the end I paid \$10,000. They held me for six days. They would insult me terribly, calling me a donkey and saying they'd kill me if I didn't go to*

*sleep. I was handed over in a house at the same time the money was transferred. I know who they are but they threatened to kill my children if I told anyone, so I didn't go to the police."*

- On 16 June Samer Bassem Muhy, aged about 20 and a member of the minority Sabaeen community, was kidnapped from his family's gold shop. The youth's uncle, Sajid Muhy, told AI:

*"It was at 12.30pm, Samer and his father were leaving the shop to go home. Just by the watermelon stall, a group of between four and six men, kefiyahs wrapped round them, got out of a grey pickup; they were holding Kalashnikovs. The people were all afraid. I was in the shop. They took Samer away... We can't ask for help now from any police station as they will kill him. They called us and said they wanted US \$100,000 – they learned from US films."*

The family finally negotiated to pay US \$10,000. As of 23 June, they were still trying to collect the money to pay the ransom and Samer had not been released.

## Revenge killings

Several revenge killings have been reported since April. AI is deeply concerned that the violence and lawlessness, if unchecked, will lead to an increasing number of reprisal attacks. Members of the Ba'ath Party and Republican Guard have been targeted, and AI fears their families may also be at risk of violence and intimidation. Longstanding intercommunal rivalries have also erupted into open violence in the general absence of security and authority. Other revenge killings appear to be motivated by personal conflicts between families or individuals. The covert nature of these killings means that it is normally not possible to establish their precise motivation.

"The reason for revenge killings is the absence of security," a leader of Bani Ma'ruf tribes told AI delegates on 7 May. "There is no one to complain to. We need police and police patrols. There is no authority and no rule of law." He said there had been reprisal attacks in Al-'Amara, adding that one reason why there had not been more was that many people still believed that the Ba'ath Party might still return to power.

- One victim of an apparent revenge killing was 'Abed Taher Iskandar, aged 50. A teacher and a senior member of the Ba'ath Party, he was shot in the head on 4 May near the Education Department of Al-Jamiat residential area, shortly after receiving his salary. His money was not taken, indicating strongly that he was the victim of a revenge killing. He died at Basra's Teaching Hospital, where AI's delegates interviewed staff about the incident.
- The hospital staff told AI's delegates of another apparent reprisal attack. 'Abd al-'Abbas Na'im, 45, who was head of the legal affairs department of the hospital and a high-ranking Ba'ath Party member, was shot dead on 5 May in his house in Abu al-Khasib, some 30 kilometres from Basra. His son told hospital staff that the attackers were masked.

- Defence lawyer Husam al-Din al-Nahi reported the revenge killing of a shop owner, who was a Ba'ath Party official, in Al-'Ashar on 6 May. He warned, "Revenge killings will increase if the lack of law and order continues... People have found documents in the intelligence and security buildings that mention the names of informants, prompting revenge killings."
- A man called Jasim, admitted to the Teaching Hospital in Basra on 13 May, told AI delegates that he had been wounded in crossfire when an armed gang were trying to kill a Ba'ath Party member. He and his relatives said that their village, Mufa'ha Umm al-Na'j, 15 kilometres from Basra, was dangerous. No one dared leave their home after 8pm. The police rarely patrolled the area.
- On 13 May an attempt to kill a Ba'ath Party member in the al-Hartha area of Basra resulted in clashes between two tribal groups in which at least five people died and three were wounded. Royal Military Police officers reportedly visited the scene but carried out no investigation.
- On 14 May, in another incident in al-Hartha, Satar Kheir-Allah Salah was killed in a longstanding feud between two tribal groups.
- Karim Hamid Qasem al-'Azawi, a 42-year-old barber and father of 10 children, was shot dead by two masked gunmen on 14 May while at work. His family thought that he might have been killed because he was a member of the Ba'ath Party, but told AI that he had been imprisoned under the previous government. A client, Salah Hussein Sa'i, was shot and wounded in the knee. The police station serving their district is no longer functioning.
- AI delegates heard on 16 May of more revenge killings the week before in al-'Amara city. A man called Salam had reportedly killed Najm 'Abud, the son of a Ba'ath Party member suspected of ordering the execution of Salam's brother. The family of Najm 'Abud were said to have retaliated immediately, killing Salam and setting fire to his house. No investigations were known to have been carried out into these deaths.
- In another apparent revenge killing, Shaikh 'Ali Sa'adoun, head of the Sa'adoun tribe, was killed on the night of 4 June. The tribe had maintained close ties with the government of Saddam Hussein and some of its members were local officials. Four men in a pickup truck, with *kefiyahs* wrapped round their faces and armed with Kalashnikovs, fired on the Shaikh's car on a street in al-Janeina area. The Shaikh was killed and another passenger wounded.
- Radical Islamist groups have reportedly threatened people selling alcohol, cinema and nightclub owners. A nightclub owner in Basra was warned by two men on 8 and 9 May that his life would be in danger if he reopened his club, closed during the war. They reminded him of the recent killing of two men for selling alcohol. The owner knew of similar threats made to shopkeepers who sold alcohol, and said that most had now stopped selling it. The intimidation had started a few weeks earlier, with wall posters declaring that people who drank alcohol should be killed.

## **Policing crisis**

By the end of June more than half of the 6,000 police officers employed before the occupation had returned to their posts. The Royal Military Police had recruited new officers and regular police officers in Basra province numbered about 2,000. The head of the Royal Military Police told Amnesty International delegates on 5 May that the optimum number for Basra province was about 5,500.

The Royal Military Police, after initially carrying out law enforcement activities, including arrests, has gradually handed back primary responsibility for policing to the Iraqi police. Iraqi police officers continue to operate within the framework of the Iraqi Penal Code of 1969 and Criminal Procedure Code of 1971. Some of the provisions of the Penal Code have been suspended by the Coalition Provisional Authority (CPA)<sup>3</sup>. The Iraqi police were undertaking joint patrols with members of the Royal Military Police or combat troops, the soldiers' presence being primarily to provide protection to the local police.

By late June, all of the 13 police stations in Basra city were open and staffed. On 22 and 23 June AI visited three stations – Basra, al-'Ashar, which also houses a police directorate, and al-Hadi. The officers at these stations remained poorly equipped, without communications equipment. Some had still not received uniforms. Basra stations had not been allocated any vehicles, and an officer interviewed by AI said that he had to travel by taxi to go out on official duties.

Despite the efforts to re-equip the Iraqi police and to return them to policing duties, lawlessness and a climate of fear continued to dominate the lives of people in Basra in late June, although at a reduced level. Time and again they told AI's delegates, "We need security, not food." Residents were still suffering the consequences of the British forces' failure to re-establish security during the first weeks after they entered the city.

The Iraqi police has seen much of its equipment destroyed, the departure of many of its officers, and the speedy recruitment and induction of new officers who have not received comprehensive training. Its effectiveness appears limited. At the same time most UK soldiers are not trained in policing methods and are no longer authorized to take on a policing role. This policing crisis was vividly illustrated when AI observed a family seeking the assistance of soldiers based at Basra's presidential palace on 22 June. The family, clearly frightened, said that they had been subjected to death threats by their neighbours, who possessed firearms. They told the soldiers that officers at a Basra police station had said they were unable to help and had referred them to the Royal Military Police. The soldiers refused them entry, insisting that it was the responsibility of the Iraqi police.

A senior Royal Military Police officer, as well as several other UK military officials interviewed by AI, recognized that it would take time to vet, recruit and train a new police force. He indicated that new police officers would be given three to four days of basic training,

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<sup>3</sup> CPA Order No. 7 of 9 June 2003 suspended certain provisions in the Iraqi Penal Code, 1969, dealing with offences such as: publication offences, offences against Internal and External security of the State, offences against public authorities and public officials and the Death Penalty.

provided by an international security company. In some areas outside Basra, such as Maisan, tribal militia took charge and former police chiefs fled before UK military forces arrived. In such situations, he said, the aim would be to integrate the tribal militia into the future police force.

When AI delegates visited Basra at the end of April, there were no courts operating. By late June, examining magistrates were sitting in Basra city courts. These judges investigate reported crimes and, if they find sufficient evidence, refer the accused for trial. They also have jurisdiction to remand the accused in pre-trial detention or release them on bail. The cases of people detained in Basra by the Iraqi police or the Royal Military Police on suspicion of criminal offences are apparently under the supervision of these magistrates.

However, the misdemeanours court, which has jurisdiction to try offences punishable by imprisonment or penal servitude for up to five years, and the felonies court, which tries offences punishable by heavier sentences, have not been constituted or hearing cases. As a result, criminal cases, including those of individuals held in pre-trial detention, have not come to trial. The House of Justice, where these two courts will sit, formally opened on 22 June and it is expected that the two courts will shortly start to hear cases again.

The UK armed forces have removed from office seven judges in Basra province on the grounds that they held the four most senior ranks in the Ba'ath Party. According to Order No. 1 issued by the CPA, removal of public officials holding these ranks is mandatory and there is no right of appeal. UK forces have also established an Anti-Corruption Committee to consider any allegation of corruption against the judiciary.

Prisons and detention centres, like other public buildings in Basra, were damaged and looted. For six weeks there were no functioning prisons, and 332 criminal detainees, as well as internees, were transferred by UK forces to a detention facility at Umm Qasr. A detention review process was instituted and nearly 200 detainees were released as a result. In the meantime UK forces rehabilitated Ma'qal detention centre, which has capacity for 300 prisoners. The centre is run by Iraqi prison officials under the supervision of the Royal Military Police. It opened on 1 June and the remaining 70 detainees from Umm Qasr were transferred there. Their files were submitted to examining magistrates and most were released, either on bail or unconditionally. As of 22 June about 37 detainees remained at the centre. The Royal Military Police informed AI delegates of their intention to renovate and re-equip Sina'iyyeh Prison in southern Basra once funds become available.

### **III-treatment**

On 5 May AI delegates observed a roadside checkpoint in Old Basra that was staffed by four UK military personnel and two unarmed Iraqi police. The Iraqi police searched suspect cars and questioned the occupants, under the supervision of the UK personnel. During the period AI's delegates were present, both the UK military personnel and the Iraqi police conducted themselves in an orderly, professional and friendly manner. There was no harassment.

However, several Iraqis told AI's delegates that they had been abused by Royal Military Police officers and soldiers.

- A group of Iraqis said they had gone to the Royal Military Police at the main police station in Basra to ask for police protection from an armed group that was trying to force them out of the building in which they were living with other families. The police allegedly said they had to protect themselves. The group said that two days later Military Police stormed into the building and beat them severely. One of them, Hassan Ibrahim Hayal, showed the delegates his bloodstained T-shirt. Another, Bader 'Abd al-Salah, said his wrist was broken when a British soldier kicked him. The group thought that the men who had threatened them may have told the British that they were members of the *Feda'yi* Saddam militia. After searching the apartment, the troops took Hassan Ibrahim Hayal for treatment and then released him. The men took their complaint to the newly formed Iraqi National Congress' human rights committee.

- A civilian detained on the street in Basra by UK soldiers told AI that he was ill-treated and his family was left not knowing what had happened to him for a month. At about 7 pm on 17 April Muhammad Abdelkarim Ibrahim al-Tammimi was stopped and searched by five UK soldiers as he walked home from his uncle's house. He was handcuffed and a large sum of money he had allegedly borrowed from his uncle was seized and not returned. Taken to the UK military headquarters on the Shat al-Arab, he was made to stand against a wall with his hands bound for about an hour and struck by a soldier when he asked for water, he told AI. At about 9pm he was driven with other detainees to an unidentified destination where bags were put over their heads for about 30 minutes. He heard the sound of a sword being sharpened and feared that he would be killed. He lay all night on the ground, still without being given any water. The next day, while he and other detainees were being driven to Umm Qasr camp, a soldier struck him on his forehead with the butt of his gun and kicked him in the ribs, he said. He lost consciousness and another soldier poured water over him, and later took pity on him and gave him water and a cigarette. At the camp, the detainees' treatment improved and they were given food and water. However, until his release on 15 May, his family were searching hospitals trying to find out what had happened to him. The worry caused his father's health to deteriorate.

- The Royal Military Police raided a family home in Basra on 24 May and reportedly assaulted two people. At about 4.30am about a dozen tanks and armoured vehicles entered the complex of houses. Every front door was smashed down and a grenade thrown at one of the houses, setting it on fire and injuring the wife of Baha Kazim Jawad al-Muhsin. She was not taken to hospital until about 7am. Baha Kazim Jawad al-Muhsin, his two brothers and a security guard were subsequently detained for several hours at a military base, where soldiers reportedly punched and kicked Baha Kazim Jawad al-Muhsin and the guard. The two brothers and the guard were released, and Baha Kazim Jawad al-Muhsin was transferred to detention at Umm Qasr camp. The UK authorities reportedly said the men had been suspected of murder.

Other people complained about the treatment of Iraqis by soldiers at checkpoints. In one case, a doctor complained of being threatened by a UK soldier in his hospital.

- On 25 April the soldier had apparently accompanied two men and an interpreter who had brought the body of a woman to the General Hospital in Basra. They said that Iman Mahmud

al-Mahmadawiyya, the wife of one of the men, had been shot dead by her brother and asked for a death certificate. Dr Sharhan said that, when he refused to sign a certificate without examination of the body or investigation into the death, the interpreter threatened him and the soldier pointed his gun at him. When AI delegates raised this case with a Royal Military Police official, he said that no arrests had been made in connection with the woman's murder for lack of evidence. He also said that UK soldiers did not carry weapons in hospitals, although the delegates later saw soldiers carrying weapons on hospital wards.

The occupying powers have been unable to prevent an increase in attacks and threats against owners of shops and bars since radical Islamist clerics called for a prohibition on the sale and consumption of alcohol.

## **Civilian injuries and deaths**

UK soldiers have shot and killed or seriously wounded civilians in situations where lives did not appear to be in danger. According to a UK military official interviewed by AI delegates on 23 June, the Special Investigations Branch of the Royal Military Police conducts investigations into all cases where a civilian is seriously injured or killed by the UK armed forces. No investigation in Basra had been concluded by the date of the interview. In at least one case, AI was concerned that the investigation conducted had been inadequate. Military officials have not informed relatives when family members have been shot dead or have died in custody, and have also failed to keep families informed of the progress of investigations.

- Ali Sabah Almalaki and seven members of his family were killed in their home in al-Zubair, al-Shuhada district of Basra behind al-Dorhomia. Hasna, Jasmia, Hafedh, Zahra and Fatma died when a shell came through the wall and Mohsen Ali died when he tried to escape the building. UK soldiers entering the house then reportedly threw a grenade into one room, killing Ali Sabah and 22-year-old Naser.

- On 24 April, a UK army patrol reportedly opened fire at close range on Hussam al-Din Ghassan Mahmoud, a youth aged 17, as he was standing near his home at the housing complex of Basra International Airport. He was unarmed. Two bullets struck him in the chest and three bullets in his left thigh. Hospitalized for 10 days, he underwent surgery and is expected to be permanently disabled as a result of his injuries.

- Athir Karim Khalif Muhammad al-Khafaji, a recently married 25-year-old, was shot dead by a UK soldier at al-Andalus petrol station in the al-Janeina area of Basra on April 29. He had reportedly tried to jump the line of vehicles, then reversed into a tank. His uncle complained to the UK military, which indicated that the case would be investigated. Family members went frequently to the Civil Military Operations Centre to inquire about the progress of the investigation but were given no response until 21 June, when a family member who held US citizenship was permitted to enter the building. He was told that the investigation had not yet been completed.

- On 8 May Radi Nu'ma, a labourer and father of three children, was arrested by the Royal Military Police and died in custody later the same day. For two days, his family visited different police stations, but could obtain no information. On 10 May, UK soldiers delivered a



written note to the family's house that read: "*Radi Nu'ma suffered a heart attack while we were asking him questions about his son. We took him to the military hospital. For further information, go to the hospital.*" The family, unaware that Radi Nu'ma was dead, were told at the hospital that no person of that name had been admitted. They subsequently discovered his body in the morgue. According to hospital staff, the Royal Military Police had delivered an unidentified corpse on the evening of 8 May, told staff that the cause of death was a heart attack but failed to provide other information, including the date and place of death. Hospital officials later told AI delegates that the Royal Military Police Special Investigations Branch had visited the hospital. On 18 May a soldier at the army base at the presidential palace told the family that the relevant Royal Military Police official had too much work and would not be able to see them. On 19 June soldiers came to the family's home and told them to attend at the presidential palace on 21 June, but after waiting for two hours on 21 June, family members were again refused entry.

## Recommendations

The UK and US forces, as occupying powers, have a duty to protect the fundamental rights of the Iraqi population. They must restore and maintain public order and safety, in line with Article 43 of the Hague Regulations.

Combat troops do not have the training or proper equipment to perform policing functions, and should not be expected to do so. However, occupying powers have a duty to plan for the breakdown of law and order in areas where they establish military control. The levels of planning and allocation of resources by the UK authorities to secure public and other essential institutions in Basra appear to have been completely lacking in what was required, both before the occupation and in its initial phase. By late June, UK forces had made significant headway in re-establishing the Iraqi police, courts and correction facilities and had transferred most policing responsibilities to the Iraqi police. However, the local police force continued to lack effectiveness, and the disorder in Basra continued to threaten the well-being of the population.

In the light of this, AI calls on the UK to:

- Deploy UK forces in sufficient numbers and with the right training and equipment to restore law and order, until the Iraqi police can operate effectively;
- Deploy experienced international civilian police to assist the Iraqi police in carrying out their law enforcement functions until they can operate effectively;
- Set up urgently an effective and fair vetting procedure for members of the Iraqi police, to reduce the chance of restoring authority to officials who may have been responsible for human rights violations, and to expedite the creation of an effective police force;
- Ensure that in exercising or supervising policing functions, UK forces and Iraqi police and prison officials do not violate human rights;

- Keep victims and their families informed of the progress of investigations regarding cases of killing or wounding by UK forces, and inform them promptly of the results.
- Ensure that their investigations are conducted by a body that is competent, impartial and independent, and seen to be so, of the forces against whom the allegations have been made. That may require the use of civilian police rather than the ordinary military investigation system.

AI calls on the United Nations to:

- Deploy human rights monitors in Iraq as a matter of urgency to raise human rights cases and issues directly with the relevant authorities in Iraq and to provide authoritative and timely information to the international community on the human rights situation;
- Prioritize the mobilization of international efforts to rebuild the capacity of the international civilian police force, as required by UN Security Council Resolution 1483.

Amnesty International calls on the international community to:

- Contribute to efforts to reform Iraqi institutions in the police, judicial and correctional sectors and to contribute to conditions of stability and security in Iraq, in accordance with UN Security Council Resolution 1483.