

[EMBARGOED FOR 16 July 1991]

IRAQ

@Human rights violations since the uprising

Summary of Amnesty International's concerns

JULY 1991

SUMMARY

AI INDEX: MDE 14/05/91

DISTR: SC/CO/GR

Widespread human rights violations were reported in Iraq following the withdrawal of Iraqi forces from Kuwait on 26 February 1991. These violations were perpetrated in the aftermath of a mass uprising which began on 1 March 1991 in several cities in southern Iraq, and which spread to the Kurdish regions of northern Iraq. Widespread arrests, torture and mass extrajudicial killings of individuals suspected of having taken part in the uprising were carried out by Iraqi military, intelligence and security personnel. Unarmed civilians, including women and children, were also targeted, including in situations outside the context of armed conflict. The human rights violations summarised in this document were brutal in the extreme, and effectively ensured the ending of the uprising by late March/early April 1991. Over 1.5 million Iraqis fled their country in less than one month, while the fate of many of those who remain in Iraq can only be assessed in terms of Iraq's past human rights record.

Until the invasion of Kuwait by Iraqi forces on 2 August 1990, the severity of the human rights situation in Iraq was largely ignored by the international community, despite repeated appeals for action by Amnesty International and others. Following the withdrawal of Iraqi forces on 26 February 1991 and the restoration of that country's sovereignty, the original victims of Iraqi Government repression are once again in danger of being ignored. The atrocities committed in Kuwait during the seven-month occupation which shocked the world community were repeated with even greater brutality shortly

thereafter as Iraqi Government forces sought to crush the mass uprising in March and April this year.

Amnesty International is issuing this document in order to make public its concerns in Iraq since the uprising and calls upon the government of Iraq to act on the recommendations contained in it.

This report summarises a 19-page document (8104 words), *Iraq: Iraq: human rights violations since the uprising* (AI Index: MDE 14/05/91), issued by Amnesty International in July 1991. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

IRAQ

Human rights violations since the uprising

**Summary of Amnesty International's
concerns**

July 1991

AI Index: MDE 14/05/91

Distr: SC/CO/GR

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED
KINGDOM**

IRAQ

Human rights violations since the uprising

Summary of Amnesty International's concerns

INTRODUCTION

Widespread human rights violations were reported in Iraq following the withdrawal of Iraqi forces from Kuwait on 26 February 1991. These violations were perpetrated in the aftermath of a mass uprising which began on 1 March 1991 in several cities in southern Iraq, and which spread to the Kurdish regions of northern Iraq. Widespread arrests, torture and mass extrajudicial killings of individuals suspected of having taken part in the uprising were carried out by Iraqi military, intelligence and security personnel. Unarmed civilians, including women and children, were also targeted, including in situations outside the context of armed conflict. The human rights violations summarised in this document were brutal in the extreme, and effectively ensured the ending of the uprising by late March/early April 1991. Over 1.5 million Iraqis fled their country in less than one month, while the fate of many of those who remain in Iraq can only be assessed in terms of Iraq's past human rights record.

IRAQ'S HUMAN RIGHTS RECORD

Iraq's record in the field of human rights speaks for itself. The massive and indisputable human rights violations perpetrated in the name of the government of Iraq in the past decade have been documented as accurately and thoroughly as possible by several non-governmental and human rights organizations, including Amnesty International [see last page of this document for a list of Amnesty International's major publications]. Given the nature of the political repression from which the people of Iraq have suffered for so many years, it is Amnesty International's belief that such documentation as exists to date, including the organization's own reports, reflect only a small fraction of the individual cases of human rights violations taking place in the country. Though a member of the United Nations, Iraq has in recent years blatantly and consistently flouted the principles of

the United Nations Charter. As a State Party to the International Covenant on Civil and Political Rights (ICCPR), Iraq has complied with its obligation to submit periodic reports to the United Nations' Human Rights Committee on its implementation of the ICCPR's provisions. However, in Amnesty International's assessment, Iraq's periodic reports bear little resemblance to the reality of the situation in the country, and the same may be said of information provided by the Iraqi Government to the United Nations' various thematic human rights monitoring mechanisms.

Until the invasion of Kuwait by Iraqi forces on 2 August 1990, the severity of the human rights situation in Iraq was largely ignored by the international community, despite repeated appeals for action by Amnesty International and others. Following the withdrawal of Iraqi forces from Kuwait on 26 February 1991 and the restoration of that country's sovereignty, the original victims of Iraqi Government repression are once again in danger of being ignored. The atrocities committed in Kuwait during the seven-month occupation which shocked the world community were repeated with even greater brutality shortly thereafter as Iraqi Government forces sought to crush the mass uprising in March and April this year. It is to be hoped that, at this juncture, the international community will not consider abandoning the Iraqi people to a virtually certain fate of continuing arbitrary arrests, indefinite detention without trial, torture, "disappearances" and mass extrajudicial killings.

HUMAN RIGHTS VIOLATIONS IN MARCH/APRIL 1991

The information summarised in this document is based on material gathered by Amnesty International during the past four months from a wide range of sources. These include victims of human rights violations and their relatives, individuals who participated in the uprising, eyewitnesses and representatives of humanitarian organizations and the media who have had access to Iraq. In early April, an Amnesty International delegation visiting Kuwait conducted interviews with scores of Arab Shi'a refugees, the majority of whom had fled the towns of al-Nasiriyya, al-Najaf, Karbala', Basra, and al-Samawa. In May, two delegations from the organization simultaneously visiting refugee camps in Iran, Turkey, and areas in northern Iraq where coalition forces and United Nations personnel were present. Hundreds of refugees who had fled various towns and cities were interviewed. The majority of those interviewed in Turkey were from the Zakho and Duhok regions, while those Kurds interviewed in Iran were principally from Kirkuk, Sulaimaniya, Arbil and surrounding areas. Arab Shi'a refugees interviewed in Iran were principally from the regions of al-Najaf, Karbala', Basra, al-'Amara and al-Hilla. In all, Amnesty International conducted over 500 interviews with Kurds and Arabs from various regions of Iraq, many of whom were direct victims or eyewitness to violations perpetrated during the crushing of

the uprising. According to those testimonies, the principal perpetrators of these violations were Iraq's regular armed forces, as well as security and intelligence personnel and Ba'th Party officials. A number of refugees who were interviewed also stated, however, that other Arab nationals and members of the Iranian opposition group, the People's Mojahedin Organization of Iran, had also taken part in carrying out extrajudicial killings alongside the Iraqi forces. Amnesty International also gathered a substantial amount of data on human rights violations committed by Iraqi forces in the 1980s, data which was generally consistent with reports it had previously published. The organization obtained testimony from large numbers of former detainees, scores of whom still bore scars on their bodies consistent with their allegations that they had been tortured. Amnesty International also obtained the names of hundreds of people, including children and young people, who "disappeared" following their arrest and whose fate remains unknown to date.

On 4 April, Amnesty International publicly appealed to governments around the world "to live up to their obligation" to protect the hundreds of thousands of Iraqis fleeing their country by ensuring that they should not be turned back to face certain human rights violations. The organization also appealed to the United Nations, through the Secretary-General and its member countries, for urgent measures to be taken to protect these refugees. The assistance extended to the refugees by the governments of Iran and Turkey (and subsequently Saudi Arabia and Syria), as well as the steps taken by the governments of the coalition forces in northern Iraq to establish "safe havens" for the Kurdish population, provided some measure of protection for the civilian population of Iraq, and may well have served to check what would almost certainly have been further large-scale killings and reprisals by the Iraqi Government. However, the Arab (largely Shi'a Muslim) population of southern Iraq, remains, at the time of writing, unprotected and at great risk of further reprisals by Iraqi Government forces. Furthermore, the imminent withdrawal of coalition forces from northern Iraq threatens to render the Kurdish population as vulnerable as the Arab Shi'a population. Urgent measures must therefore be adopted by the international community to ensure, as far as possible, effective and durable protection of human rights in Iraq as a whole.

On 16 April, Amnesty International submitted a letter to the Iraqi Government detailing information it had received about human rights violations committed by Iraqi forces in the aftermath of the uprising, in both northern and southern Iraq. These included widespread arrests of suspected government opponents and their families, the subsequent "disappearance" of some of them, the use of torture and numerous instances of extrajudicial executions. Amnesty International stated that it takes no position on the internal armed conflict and political unrest taking place in Iraq since the cessation of the Gulf War. The organization urged the Iraqi Government immediately to put an end to the mass deliberate killings of unarmed civilians and the summary execution of captured government opponents and their suspected supporters. It also urged that the fate and

whereabouts of all those arrested in late March and April be made known, that government forces refrain from subjecting them and other prisoners to further torture or executions, and that all those held as hostages or "human shields" be immediately and unconditionally released. In its letter, Amnesty International called upon the Iraqi Government to grant immediate and full access to the International Committee of the Red Cross (ICRC) to enable it to provide protection and assistance to all categories of detainees and civilians affected by the crisis. The organization urged the government to abide immediately and fully with the provisions of the ICCPR and the Geneva Conventions, to which Iraq is a State Party, and to abide by the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

On 1 May, Amnesty International received a response from Iraq's Permanent Representative to the United Nations in New York, Abdul Amir al-Anbari. In his letter he stated: "I doubt the accuracy of most of the allegations made in your letter [of 16 April] but, given the prevailing circumstances, some of what you mentioned could have actually, perhaps inevitably, taken place." He added that "the Iraqi authorities have been fully cooperative with the ICRC and with the UN humanitarian organisations...". Amnesty International has yet to receive a substantive response from the Iraqi Government to the specific instances of human rights violations detailed in its letter.

On 30 April, Amnesty International received an invitation from the Iraqi Government, transmitted through the Chargé d'Affaires at its embassy in London to visit northern Iraq in order to assess the situation for itself. The organization was told by the Chargé d'Affaires that, according to his government's assessment, the mass exodus of Kurds to Iran and Turkey was not prompted by any human rights violations taking place in the area, but rather that leaders of Kurdish opposition groups had pressurized the Kurdish population into fleeing in order to increase international pressure on Iraq. The Iraqi Government's invitation apparently did not extend to southern Iraq. Amnesty International welcomed the invitation, and stated that it would submit in writing its own proposal for such a visit. In a letter submitted to the government on 8 May, Amnesty International requested the following: meetings with President Saddam Hussain, relevant government officials and the President of the Revolutionary Court; access to all regions of Iraq deemed necessary, including major cities in both northern and southern Iraq; and access to the files of named individuals in custody, including court documentation and, where appropriate, the facility to interview and medically examine such detainees. At the time of writing, Amnesty International had not received a response to its proposal from the government.

On 5 April 1991, Iraq's Revolutionary Command Council (RCC) announced an amnesty for all Kurds in the north, to include deserters from the army and the security forces. The amnesty covered those who had "committed crimes in the recent events", and

was valid for one week for those in Iraq, and two weeks for those abroad. On 11 April the deadline of the amnesty was extended by one week. On 29 April, the RCC announced a full amnesty for the Kurds. The Iraqi News Agency (INA) announced that "Iraqi Kurds are fully exempt from any legal prosecution for any act punishable by law committed during the riots, excluding pre-meditated murder and rape". The amnesty was valid for one month, as of 26 April, for those inside and outside Iraq. On 8 May, the terms of this amnesty were amended to include all Iraqis. Since these amnesties were announced, Amnesty International has received disturbing reports that some Kurds who had returned to their homes in Arbil to benefit from the 5 April amnesty were detained in the main city stadium, and that some of them were executed. The organization has also received reports that several Arab Shi'a families who returned to southern Iraq from Iran have also been executed. Amnesty International has not been able to obtain further information on these incidents, but fears for the lives of such returnees considering Iraq's past human rights record: the organization has the names and other details of scores of Iraqis who in past years surrendered to government authorities in order to benefit from various amnesties, and who were subsequently arrested, tortured, executed or simply "disappeared".

a) Southern Iraq

On 1 March 1991, Arab Shi'a Muslim opponents in southern Iraq rose in revolt against the government, taking advantage of the apparent power vacuum left by the defeat of the Iraqi army in the Gulf War. They briefly seized control of several major towns and cities, including al-Najaf, Karbala' and Basra. Fierce military clashes were initially reported between government and opposition forces. However, by mid-to late March government forces had largely succeeded in crushing the uprising. Thousands of people suspected of having taken part in the uprising were reported to have been arrested after house-to-house searches, some of whom were subsequently summarily executed, while the fate of others remains unknown. Among those arrested in Najaf was the Grand Ayatollah Abu al-Qassem al-Kho'i, Shi'a Islam's most senior cleric, together with ten of his relatives and nine aides. Aged 95, the Grand Ayatollah was arrested on 20 March and taken to Baghdad. He was returned to his home in Najaf three days later, but is still believed to be under house arrest. The fate and whereabouts of those arrested with him remain unknown.

Numerous reports of mass extrajudicial killings have been received by Amnesty International. Some concern the summary execution of an estimated 150 to 170 men and boys on 16 March at al-Mahawil Garrison near the city of al-Hilla. According to information received, hundreds of suspected government opponents were rounded up in al-Hilla on 16 March and taken to the garrison. Amnesty International interviewed two men who had been among those detained but who were able to escape. They stated that

upon arrival at the garrison the names of all those detained were registered by members of Iraq's regular army, who had carried out the arrests. A total of 517 names were registered, after which the executions began. One of the two men interviewed stated that groups of detainees were lined up and shot at relatively close range with Kalashnikov rifles. He stated that he witnessed between 150 to 170 executions before he and five others escaped through barbed wire fencing around the garrison.

Over 70 unarmed civilians were reported to have been similarly executed in al-Hilla on 19 March. Between 20 and 29 March, Iraqi soldiers were said to have entered the town of al-Samawa and summarily executed scores of people following house-to-house searches. Civilian women were allegedly used as so-called "human shields" in order to enter the town. In late March, eyewitnesses in al-Najaf reported that several groups of up to 50 suspected government opponents were arrested, lined up, blindfolded with their hands bound, and shot in front of their families. Other detainees were doused with petrol and set alight, while a further large number were detained in a local hotel in al-Najaf which was subsequently destroyed by heavy artillery. The bodies of some of those executed were reportedly tied to tanks by government forces and dragged through the streets or were left hanging from electricity pylons. Similar accounts have also emerged from the city of Karbala' in the same period.

Several of the refugees interviewed described incidents involving Iraqi soldiers throwing patients and others out of hospital windows, including in the city of al-Hilla. A former captain in the Iraqi army who took part in the uprising gave an account to Amnesty International of what he had witnessed in al-Hilla. On 9 March, he had taken his younger brother, aged 23, to al-Hilla Hospital for treatment of wounds sustained during the armed clashes. While he was at the hospital, scores of Iraqi soldiers surrounded the hospital and then entered it, he said, leading frightened patients and visitors to take refuge on its top (third) floor. He alleges that the soldiers then proceeded to throw patients out of the windows of the third floor, and he estimated that 60 to 70 people died in this way. Among them was his own brother, aged 23, and a doctor in his late 30s who worked at the hospital and who was apparently accused by the soldiers of treating "saboteurs". The former army captain also stated to Amnesty International that he had witnessed the execution of an estimated 60 civilians suspected of armed activity against government forces. The executions were said to have been carried out publicly by firing squad in the main city square (Saddam Square) on 13 March.

Several people who were interviewed by Amnesty International stated that some members of the armed forces from al-Hilla refused to fight against its people when government forces entered the city, and that they were executed as a result. The executions were said to have been carried out at al-Mahawil Garrison, and one eyewitness

alleged that the bodies of thirteen of them were dropped from the air into the Jubran district of al-Hilla on 5 March.

Other refugees also reported witnessing Iraqi Government forces throwing the bodies of some of those executed into rivers, in some instances while still alive. The former army captain mentioned above stated that he had witnessed some 18 men, with their hands tied, being thrown into the river running through al-Hilla on the evening of 14 April. A former member of the armed forces, aged 25, from Qal'at Saleh (Misan Province), told Amnesty International that the 6th Army Division had carried out mass executions by firing squad in his home town in mid-March, and that the bodies were later thrown into the waters of the Tigris River. He also stated that it was forbidden for anyone to remove those bodies that were washed ashore. A 48-year-old refugee from al-Qurna (Basra Province) told Amnesty International of the case of 'Ali Atwan, a civilian from al-Qurna, who was arrested after it was discovered that he had participated in the uprising. His body was found on the shores of the Tigris some days after his execution on 15 March.

According to the refugee's account, the victim's hands were tied behind his back with wires; he had been shot in the head and his body bore the marks of torture. A 60-year-old civilian from al-'Amara (Misan Province) reported cases of detainees being tied up and thrown while still alive off the al-Majar al-Kabir Bridge south of the city one week after the uprising had been crushed in the area. A former member of the armed forces from Basra who was arrested on 16 March told Amnesty International that he had witnessed a similar incident three days later while he and other detainees were being transferred to a detention centre controlled by the 3rd Army Division. He stated that as they crossed the Shatt al-Arab waters, he saw some 30 to 35 men being pushed into the water. They were blindfolded with red cloths, their hands tied and weights attached to their feet. He added that on his second day of detention at the headquarters of the 3rd Army Division, 45 bearded men from among the detainees were taken out, blindfolded and had their hands tied, then executed by firing squad. Their bodies were allegedly left on the roadside, near a paper-making factory.

Amnesty International has also received the names of four people who were among a group of six allegedly buried alive by government forces on 21 March. The alleged victims are: Sa'ad Kadhim, aged 35; 'Ali 'Abd al-Sattar, aged 17; 'Ali Muhammad Ridha, aged 20; and 'Alaa' Hani, aged 12. The names of the other two are unknown. They are said to have been blindfolded and to have had their hands tied, and then buried in a public garden in the town of al-Kufa.

Numerous other killings, including possible extrajudicial executions, were reported throughout the month of March. Amnesty International received accounts of the indiscriminate bombardment of residential areas, including al-Ansar district of al-Najaf, and al-Hayaniyyeh district of Basra, which resulted in the killing of unarmed civilians,

among them women and children. However, it was not possible for Amnesty International to determine whether any of these instances of killings had clearly taken place outside the context of armed conflict. At the same time, Amnesty International received consistent reports of the targeted killing from helicopter gunships of unarmed civilians attempting to flee towards Iran. A former member of the armed forces from Basra told Amnesty International that he had seen bodies of unarmed civilians lying alongside the Sayyid Jaber road to the east of Tannuma, a town on the outskirts of Basra. He said he had seen the body of a woman, which had been severed in half, and the bodies of one man and two young children. He added that in Tannuma itself, he had witnessed the use of women and children as "human shields" by Iraqi troops as they entered the town.

The women and children were placed on top of the tanks, he said, which were then used to bombard residential areas. Several refugees stated that in mid-March, shortly after the recapture of al-Najaf by government forces, civilians in the city were ordered through loudspeakers to leave their homes and walk north towards Karbala'. While on the al-Najaf-Karbala' road, Iraqi forces reportedly separated the men from the women and children, and then summarily executed the men by firing squad. Scores were said to have died, though no precise numbers could be given. One refugee from al-Najaf told Amnesty International that some of the bodies were subsequently buried in mass graves behind al-Salam Hotel on the al-Najaf-Karbala' road. He also stated that, in the same period, he had witnessed the public execution of seven men by firing squad in the Thawrat al-'Ishrin Square in al-Najaf, overlooked by the Zamzam Tourist Hotel. According to his account, the victims had been held in a building owned by the Ministry of Awqaf and Religious Affairs, close to the hotel. He said the seven men were brought out into the square, had their hands tied to pylons and then were executed. Another refugee who was in al-Hilla during the uprising cited the case of the headmistress of Badr al-Kubra School in al-Hilla, who was reportedly executed in mid-March. According to his account the headmistress, known as Basima (full name unknown), was shot by firing squad outside her home in the al-Imam 'Ali district of the town, apparently on suspicion of cooperating with those taking part in the uprising.

Several of the refugees who had been arrested after the uprising informed Amnesty International that they had been tortured while in detention. One 21-year-old former soldier from Basra Province stated that he had been arrested in mid-March with another person and taken to a prison known as al-Ma'had in Abu al-Khasib, approximately 10 kilometres southeast of the city of Basra. According to his account, several thousand detainees were being held there, of whom small groups were executed daily. Guards read out the names of a group of detainees, who were then led outside, lined up against palm trees and executed by firing squad using machine guns. Other detainees inside the cells were able to see these executions through the bars of the cell windows. The former soldier told Amnesty International that he personally witnessed over 100 executions, and that he knew two of the victims: 'Abbas Hadi, an army deserter aged 31, and Ahmad Fares,

a soldier aged 20. He said that the detainees in the cells could hear the screams of the victims prior to execution, and that many were protesting their innocence. During his 26 days of detention in that prison, he stated that he was subjected to beatings and electric shocks, and suffered a broken left wrist caused by blows inflicted with a rifle butt. He added that conditions in the prison were dire. The cells were filthy and overcrowded, with no room to sleep. Detainees were deprived of food and water, and were forced to drink their own urine to survive.

Another refugee, aged 23 from al-Najaf, stated that a week after the recapture of the city he had seen the bodies of four men in a clinic attached to al-Jumhuri Hospital, located between the al-Sa'ad and al-Hussain districts of the city. The faces of the victims had been mutilated, according to his account. He had also seen another mutilated body on 21 March on the road between al-Najaf and al-Kufa. It was that of Falah Bilal, aged 27, whose tongue, ears and left hand had apparently been severed prior to execution.

Among those who were interviewed by Amnesty International were former detainees who had been arrested in past years but who fled from prison in early March when various cities and towns were briefly outside the control of government forces. Their testimonies are not referred to in this document. Also interviewed were individuals who had participated in the uprising by forcing open prisons and detention centres and freeing those held inside. A 40-year-old taxi driver from Basra told Amnesty International that he had assisted in the freeing of some 35 detainees held in an underground detention centre located beneath a secondary school in al-Qurna. He stated that some of them had been held for 3 to 4 years, while others were under sentence of death. He commented that some of them looked "skeletal", and had long hair. Another refugee from al-Najaf said he had helped to free detainees from Mudiriyyat Amn al-Najaf (al-Najaf Security Directorate) on 3 March. Among them were about twenty Kuwaitis, whom he stated bore marks of torture on their bodies. Several people interviewed told Amnesty International that during the aerial bombardment by government troops, phosphorous bombs had been dropped onto residential areas, such as the al-Sa'ad district of al-Najaf. It was not clear, however, whether these attacks had occurred outside the context of armed conflict. Amnesty International was given photographs of victims, showing severe burns said to have been caused by the phosphorous bombs. However, the organization was not able to interview any such victims nor to obtain the medical records of those said to have been admitted to hospitals in Iran. United States military personnel stationed at checkpoints north of Safwan in southern Iraq in early April told Amnesty International that some of the refugees fleeing towards the Kuwaiti border were suffering from burns consistent with the use of napalm, and that they were transferred to hospitals in Saudi Arabia for urgent treatment.

Since the crushing of the uprising, Amnesty International has continued to receive disturbing reports regarding the human rights situation in southern Iraq. Widespread

arrests of persons suspected of having taken part in the uprising are said to be continuing. Many of these have reportedly taken place in al-Najaf, where religious scholars and students of religion are said to have been targeted. Since early June, reports have also been received of the build-up of government troops and heavy artillery in the south-eastern marsh areas located between Basra, al-Nasiriyya and al-'Amara. Tens of thousands of Arab Shi'a Muslims are said to be hiding out in the marshes, an area which in previous years has been used as a refuge by army deserters and government opponents generally. In the context of the widespread violations committed by Iraqi Government forces in the aftermath of the uprising, Amnesty International fears for the lives of those currently in hiding.

b) Northern Iraq

Accounts of widespread human rights violations following the crushing of the uprising in the northern Kurdish region of Iraq were widely reported. The mass uprising which began in southern Iraq spread to the Kurdish towns and cities by the first week of March, and Kurdish forces were briefly in control of Arbil, Sulaimaniya, Duhok, Zakho and neighbouring towns. The fiercest clashes between government and opposition forces were reported in the city of Kirkuk. As government forces began to recapture these towns and cities, a mass exodus of the Kurdish population began. By the end of March, over 1.2 million Kurds, the majority of them civilians, had fled to Iran, while hundreds of thousands headed towards the Turkish border, to escape heavy aerial and ground bombardment by Iraqi military forces.

Reports received by Amnesty International during this period indicated that widespread violations were perpetrated by Iraqi Government forces. These included widespread arrests of civilians, including whole families, the torture of detainees, mass summary executions and the targeted killings of unarmed civilians fleeing to the borders. Individuals suspected of having participated in the uprising were the prime targets. However, unarmed civilians were also taken as hostages in order to deter further attacks on government-held positions. In May, Amnesty International delegates in Iran, Turkey and areas of northern Iraq where coalition forces and United Nations personnel were present, interviewed hundreds of refugees who had fled their homes in March and April. They included both civilians and members of the Pesh Merga forces (armed Kurdish units). Among them were former detainees freed from prisons and detention centres during the uprising, as well as others who had participated in the breaking down of prisons and the freeing of inmates. Amnesty International also interviewed detainees who had been arrested as hostages during the uprising and subsequently released as a result of an amnesty.

Reports received in mid-April of the extrajudicial killing of several hundred civilians from the village of Qara Hanjir (east of Kirkuk) could not be substantiated, but there are consistent reports of some summary executions having been carried out there between 27 and 29 March. Individuals interviewed by Amnesty International who were in the Qara Hanjir area at the time reported seeing evidence of killings having taken place in the village, including human remains. One of them, a member of the Pesh Merga forces from Kirkuk, stated that on 28 March he had seen the bodies of eleven people lying in the street in the village. Eight of them were adult males, one was a woman and two were children. Some of the bodies had apparently been mutilated: one of the children had had both his eyes gouged out, while the arm of another child had been severed. He also added that on the same day, he had witnessed four men being crushed to death by Iraqi army tanks in the nearby town of Chamchamal. On 1 April, scores of civilians were reportedly killed in the town of Tuz Khurmatu (south of Kirkuk) after Iraqi troops opened fire with automatic rifles on the civilian population. On the same day, in the city of Arbil, 17 people were said to have been executed by firing squad. One eyewitness, a member of the Pesh Merga forces in his late 30s, told Amnesty International that many of the victims were young men in their early 20s, and had been executed in front of the Arbil Governorate building. On 3 April, Iraqi forces in Sulaimaniya reportedly executed a dozen people accused of collaborating with government opponents. Among those killed were said to be several doctors accused of treating wounded Pesh Merga fighters. On around 3 April, about 40 unarmed civilians in the village of Arbat (south east of Sulaimaniya), who were accused of collaborating with government opponents, were reportedly burned to death by Iraqi forces. Whole families are said to have perished in these and similar attacks.

Hundreds of Kurds, the majority of them unarmed civilians, were also reported to have been killed as a result of indiscriminate bombardment of residential areas in towns, cities or while attempting to flee to Iran or Turkey. Unarmed civilians in the town of Chamchamal (east of Kirkuk) were reported to have been heavily bombed between 1 to 8 April. During the same period, similar attacks were carried out in Kirkuk and the town of Altin Kopri (north west of Kirkuk). Refugees interviewed in camps in Turkey reported aerial attacks on residential areas in the town of Zakho on 30 March. It was not possible for Amnesty International to determine whether such killings had clearly taken place outside the context of armed conflict. However, eyewitnesses also reported that thousands of unarmed civilians were deliberately attacked by helicopter gunships on 31 March as they fled the cities northwards. The attacks occurred along the Arbil-Salahuddin road, which was full of people in motor vehicles at the time. One of the many civilians who headed towards Iran on that road told Amnesty International that he had fled on the sixth day following the recapture of Arbil by government forces. He stated that he had seen evidence of aerial bombardment of civilians along the road, and that just before reaching Salahuddin he found his own family. Both his parents, as well as several other family members, had been killed as a result of air attacks. He found their bodies in and near the

car they had fled in, which was totally charred. Similar attacks took place between 1 to 8 April on civilians fleeing towards Iran on the Rawanduz-Haj 'Omran road. Some of those injured in these attacks were able to reach Iran where they were admitted into hospitals. Amnesty International delegates interviewed several of these patients at the Motaheri Hospital in Urumieh (West Azerbaijan Province) in May. Several of them included women and children who were injured as they fled the Kurdish resettlement camps near Arbil where the Iraqi Government had forced them to live since the early 1980s. A 35-year-old Kurdish woman, originally from the village of Sidakan in the Rawanduz region but who had been forcibly resettled in Basrama resettlement camp, told Amnesty International that eight members of her family had died as a result of aerial bombardment by helicopter gunships on the outskirts of Arbil. She added that she had brought with her to Iran a ten-year-old girl whose pregnant mother and other relatives had also been killed as a result of bombardment in the Rawanduz region on 31 March. The child had also been injured and was admitted to the same hospital in Urumieh. A 36-year-old Kurdish driver from Arbil interviewed at a refugee camp in Iran told Amnesty International that he had also witnessed the aerial bombardment of fleeing civilians at the end of March. He stated that some ten civilians ahead of him had been killed in the Kasnazan area, north of Arbil.

Among those refugees who gave their testimony to Amnesty International were ten former detainees who had been taken hostage from Kirkuk at the height of the uprising, apparently to deter further attacks on the city by Kurdish forces. Over 5,000 males from the city were arrested in the second and third weeks of March by Iraq's regular army, security, intelligence and Ba'th Party personnel, and members of the Republican Guards. According to accounts of former detainees, their families and other eyewitnesses, most of those detained were taken away from their homes in residential districts of the city which included Imam Qassem, Shorjah, Rahimawa, Piryadi and al-Iskan. Some of the detainees were as young as 15, while others were over 60 years old. All those interviewed gave consistent accounts of events. The detainees were initially taken to Tobzawa Garrison west of Kirkuk, said to have normally been used as a training camp for members of Iraq's Popular Army. Most detainees remained there for two or three days, after which they were transferred to Béji Garrison near the town of Tikrit. They remained there for an average of two weeks, after which they were transferred to a prison camp outside al-Ramadi which had previously been used to detain Iranian prisoners of war and, subsequently, Kuwaitis arrested during the occupation of their country. Most of the detainees were reported to have been released by mid-April.

A 19-year-old Kurdish student who was among those taken from Kirkuk on 18 March told Amnesty International that Ba'th Party officials took him from his home on the pretext of an "investigation" that would require only a few minutes. He was held for eight hours at a local security branch, and then transferred to Béji Garrison. Detainees were

held in large halls measuring 60 x 20 metres approximately, with about 750 detainees in each. When he arrived there, there were already some 450 detainees in the hall where he was held, most of them from the Dibs region near Kirkuk. On 20 and 21 March, 250 other detainees were transferred there from Tobzawa Garrison. On 26 March, the student was transferred by bus to al-Ramadi Prison camp together with about 500 other detainees, where he remained until his release on about 17 April. Several of the detainees from this group told Amnesty International that conditions of detention in Tobzawa, Béji and al-Ramadi were very poor. Detainees who ventured to ask for food or water were subjected to beatings. At al-Ramadi, several detainees were reported to have died as a result of hunger and thirst. Detainees also said they were beaten upon arrival at the prison camp, but not subsequently. Following the announcement of an amnesty for Kurds on 5 April, an official delegation arrived in al-Ramadi prison camp and informed the detainees that they were to be released. None were allowed to return to the city of Kirkuk to rejoin their families. They were given a choice of destination: Arbil or Sulaimaniya. Some were returned to Tobzawa Garrison for an additional two days and then released. Others were taken directly to Qoshtapa or Chamchamal and released there.

According to information obtained by Amnesty International, the majority of the estimated 5,000 detainees have been released. However, the organization has also received reports that about 28 to 35 of them were executed shortly after their arrest in Kirkuk. Most of the victims are believed to have been among those arrested in the Shorjah district of the city. Among those executed was Ibrahim Qader Taha, aged 44, who was arrested by members of the Republican Guards on 18 March. According to his wife's testimony, he was arrested early that morning, and by the evening he had been executed. His wife collected his body from one of the commercial districts of Kirkuk; he had been shot in the head. She stated that several other bodies were also lying in the street next to her husband's, and that other families had come to identify and collect the bodies of their relatives. A member of the Pesh Merga forces from Kirkuk, who was among those interviewed, told Amnesty International he had witnessed the arrest and execution of eleven people in the city in the third week of March. The victims were all males, and included both minors and elderly men. According to his account, they were shot by firing squad behind the al-Jumhuriyya Secondary School in the city.

Several of the Kurdish refugees interviewed by Amnesty International stated that they had participated in the breaking down of prisons and detention centres, and in the freeing of inmates. They gave descriptions of torture equipment found in these places, as well as files on individual detainees. A 31-year-old university graduate from Arbil told Amnesty International that although hundreds of detainees had been freed during the uprising, many of the more "important" political detainees had not been found. The Mayor of Arbil had imposed a curfew on the city on the eve of the uprising, and it is believed that many of the political detainees were transferred elsewhere during that time,

probably to Mosul or other cities unaffected by the uprising. Their fate and whereabouts are not known.

RECOMMENDATIONS TO THE IRAQI GOVERNMENT

In view of the gravity of the human rights situation in Iraq, Amnesty International urges the government to implement the recommendations outlined below as a matter of urgency. In making these recommendations, Amnesty International reiterates its belief, which is supported by international standards, that extrajudicial executions, "disappearances" and torture can never be justified, even in situations of internal armed conflict.

A. Safeguards for political suspects in detention

1. Release immediately and unconditionally all detainees held solely on account of the non-violent expression of their conscientiously held beliefs, or their ethnic origin or religion -- including those held as hostages in lieu of political suspects being sought by the government.
2. Ensure that all detainees are treated humanely and are not subjected to torture or other forms of cruel, inhuman or degrading treatment. They should have immediate access to medical care, lawyers and family visits.
3. Ensure that all detainees are granted their internationally-recognized rights to challenge the legality of their detention before a court, and to receive a trial which meets the requirements of fairness set forth in international human rights and humanitarian law.
4. Ensure that all those who have returned to Iraq in order to benefit from official amnesties announced since 5 April 1991 will not be subject to arbitrary arrest, torture, "disappearance", execution, or other human rights violations. Make public the names and whereabouts of all returning refugees who have been detained after surrendering to the authorities.
5. Grant immediate and regular access to all places of detention to appropriate international humanitarian agencies to enable them to provide protection and assistance to all categories of people under their mandate.

B. Safeguards against extrajudicial executions

1. Amnesty International reiterates its appeal to the Iraqi Government (made in its letter of 16 April 1991) to abide by the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and that they be fully implemented and enforced in Iraq.

On 24 May 1989 the UN Economic and Social Council adopted the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The principles were endorsed by the UN General Assembly on 15 December 1989 by Resolution 44/162. Principle 1 notes that extrajudicial executions "shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict". Under Principle 1, extrajudicial executions cannot be justified by the existence or threat of a state of war, nor by internal political instability or public emergency.

The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide numerous safeguards against extrajudicial execution, including the following:

- Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as over all officials authorized by law to use force and firearms (Principle 2);

- Governments must ensure that all prisoners are held in officially recognized places of custody, and that accurate information on their whereabouts, including transfers, is made promptly available to their relatives and lawyer (Principle 6);

- Qualified inspectors, including medical personnel or another independent authority, shall regularly inspect places of custody, with unrestricted access to all prisoners and their records, and be empowered to undertake unannounced inspections on their own initiative (Principle 7);

- Governments shall make every effort to prevent extrajudicial executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies and public denunciation. Governments shall fully co-operate in international investigations of extrajudicial executions, including governments of countries where such executions are reasonably suspected to occur (Principle 8).

With regard to the investigation of extrajudicial executions, the Principles include the following recommendations:

- All suspected cases of extrajudicial execution shall be thoroughly, promptly and impartially investigated, and governments shall maintain investigative offices and procedures to conduct such inquiries. The investigation shall determine the cause, manner and time of death, the person responsible and any pattern or practice which may have brought about the death. It shall include an adequate autopsy, analysis of all physical and documentary evidence and statements from witnesses (Principle 9);

- The investigative authority shall be empowered to obtain all the information necessary to the inquiry, and to oblige witnesses and officials allegedly involved in extrajudicial executions to attend and give evidence (Principle 10);

- Where there is a persistent pattern of abuse governments shall establish an independent commission of inquiry or similar procedure. The members of the commission shall be independent of any institution, agency or person that may be the subject of the inquiry and shall have the power to obtain all the information necessary to the inquiry (Principle 11);

- Complainants, witnesses and those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those implicated in extrajudicial executions shall be removed from positions of power or control, whether direct or indirect, over complainants, witnesses and their families, and investigators (Principle 15);

- A written report on the scope, procedures, methods, conclusions and recommendations of the investigation shall be made within a reasonable period of time. It shall give details of the specific events found to have occurred, the evidence on which the findings were based, and the names of witnesses who testified, except those whose identities are withheld for their own protection. The Government shall reply to the report within a reasonable period or indicate the steps to be taken in response (Principle 17).

Finally, the Principles recommend legal procedures to be followed when participants in extrajudicial executions have been identified:

- Governments shall ensure that participants in extrajudicial executions are brought to justice (Principle 18);

- An order from a superior officer or a public authority may not be invoked to justify extrajudicial executions. Senior officers or public officials may be held responsible for the acts of their subordinates if they had a reasonable opportunity to prevent such acts. In no circumstances shall blanket immunity from prosecution be granted to any person allegedly involved in extrajudicial executions (Principle 19).

2. Amnesty International recommends that all law enforcement personnel be thoroughly trained in the UN Code of Conduct for Law Enforcement Officials, and that these standards be rigorously enforced, particularly with regard to regulation of the use of force.

C. Safeguards against "disappearance" and torture

Several of the safeguards against extrajudicial executions recommended above also contribute to the prevention of "disappearance" and torture. Additional safeguards should also be fully implemented to protect against the continuation of these abuses, in accordance with further internationally recognized human rights instruments. These include the UN Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International makes the following specific recommendations:

1. That the Iraqi Government should initiate prompt and impartial investigations to clarify the whereabouts or fate of all those reported to have "disappeared" in Iraq, regardless of when or where the "disappearance" occurred. As there has been a persistent and widespread pattern of "disappearances" in the country, the government should establish an independent commission of inquiry to investigate "disappearances". This should have the same powers and protection as recommended above for the commission of inquiry into extrajudicial executions. Witnesses and their families should also be given effective protection against violence and intimidation.
2. That the government should initiate prompt and impartial investigations into reports of torture, the results of which should be made public.
3. That in cases where there is evidence of their participation in or responsibility for "disappearances" and torture, security forces personnel and other public officials should be brought to justice.
4. That torture victims and relatives of victims of "disappearance" should be given adequate compensation. Torture victims should also receive medical rehabilitation if necessary.
5. That the government should introduce and enforce strict limits in law on incommunicado detention, and ensure that all those arrested or detained are granted

immediate and regular access to relatives, lawyers and medical doctors, with whom they should be able to communicate in private.

6. That the government should introduce legislation to ensure that prisoners may only be held in publicly recognized places of detention.

7. That all law enforcement personnel should be instructed in the prohibition of torture, and be thoroughly versed in the UN code of Conduct for Law Enforcement Officials.

8. That the government should ratify or accede to the UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment and the First Optional Protocol to the International Covenant on Civil and Political Rights.

MAJOR AMNESTY INTERNATIONAL PUBLICATIONS ON IRAQ SINCE 1981

1. *Evidence of Torture*, 1981 (MDE 14/07/81).
2. *Report and Recommendations of an Amnesty International Mission to the Government of the Republic of Iraq*, 22 - 28 January 1983, October 1983 (MDE 14/06/83).
3. *Torture in Iraq, 1982 - 1984*, April 1985 (MDE 14/02/85).
4. *Torture and Executions in Iraq: Summary of Amnesty International's Concerns*, March 1986 (MDE 14/06/86).
5. *The Death Penalty in Iraq* [Three papers: *Introduction and Background*; *Legal Aspects*; and *List of Persons Reported Executed/Sentenced to Death Between January 1985 and January 1987*, May 1987 (MDE 14/02/87, MDE 14/03/87 and MDE 14/04/87, respectively)].
6. *Iraq: Oral Statement to the United Nations Sub-Commission of Prevention of Discrimination and Protection of Minorities*, August 1988 (MDE 14/05/88).
7. *Iraq: Children: Innocent Victims of Political Repression*, February 1989 (MDE 14/04/89).
8. *Iraq/Turkey: Iraqi Kurds: At Risk of Forcible Repatriation from Turkey and Human Rights Violations in Iraq*, June 1990 (MDE 14/06/90).
9. *Iraq/Kuwait: Human Rights Violations since 2 August 1990*, December 1990 (MDE 14/16/90).