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Europe and the crisis in Iraq

Statement to the Parliamentary Assembly of the Council of Europe

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Members of the Parliamentary Assembly of the Council of Europe,

Amnesty International welcomes the proposal that the Parliamentary Assembly hold a debate on Europe and the Crisis in Iraq. The conflict is impacting on respect for human rights throughout the world, including in Council of Europe member states. In the event of a debate, Amnesty International calls on the Assembly to consider adopting the recommendations set out at the end of this document.

Amnesty International has concerns relating to the fighting in Iraq, its effect on civilian population and infrastructure, and other consequences, including in Council of Europe member states. We are also concerned at the failure of states to respect and ensure respect of the laws of war, including the protection of civilians. Council of Europe member states have failed to offer full protection to people fleeing the fighting or to respect the rights of anti-war demonstrators.

Since military action began in Iraq on 20 March, the conduct of the war and recent civilian deaths have heightened fears that not everything is being done to protect the civilian population. We have called for the immediate and impartial investigation into the deaths of civilians, and have urged all governments involved in the conflict to adhere to international humanitarian law in the protection of civilians and the treatment of prisoners of war. We have also recommended seeking the services of the International Humanitarian Fact-Finding Commission, as established under Article 90 of Protocol I to the Geneva Conventions, to investigate alleged serious violations of international humanitarian law, including the deaths of civilians in the conflict.

With the spotlight focused on the theatre of war, related abuses of fundamental human rights in countries around the world have been largely ignored. There have been attacks on the rights of asylum seekers. Clampdowns on those demonstrating against the war threaten fundamental freedoms of expression and assembly and the absolute prohibition of torture and inhuman or degrading treatment or punishment. Reports raise concern that in some cases police officers have used excessive force against protesters.

Protection of civilians and prisoners of war

In Basra, civilians are reported to have been killed or wounded with cluster weapons – and Coalition forces have not given assurances that they will not use such weapons. The humanitarian situation is said to be critical. Iraqi troops are reported to have been laying anti-personnel mines and using landmine booby-traps in southern Iraq, and to have been laying mines around Kirkuk in the north and elsewhere in the country. The US Pentagon has stated that “it retains the right to use landmines”.

Amnesty International is concerned that a growing number of civilians have been victims of targeting errors by the Coalition. US forces admitted that a US missile hit a bus in Rutba, western Iraq, on 23 March, killing five Syrian nationals and wounding 10 others. On 22 March, four Jordanian students were killed near Mosul in the northeast by a missile that exploded near their car as they were driving out of the city to escape US and UK bombardments.

On 26 March missiles killed at least 15 Iraqi civilians and injured about 30 in a residential area in north Baghdad. Amid conflicting reports about the origin of the missiles, we have called for an immediate and impartial investigation, and for the disclosure of all relevant information, including the munitions used by the Coalition. On the same day, an Iraqi television station was the target of a Coalition attack. Amnesty International has stated that if the television station was targeted simply because it is being used for the purpose of propaganda, this would constitute an attack on a civilian object, thus a serious violation of international humanitarian law.

Journalists have been allowed to film prisoners of war in circumstances that violate the prisoners’ rights under the Geneva Conventions. Iraqi soldiers have been filmed in the process of and after surrendering to Coalition forces, and captured US soldiers have been questioned on Iraqi television. We have called on the governments of Iraq, US and the UK to respect the laws of war and to treat all detainees in conformity with the Geneva Convention, and on all news media to ensure that the dignity of all prisoners of war is respected.

Amnesty International has expressed concern that the humanitarian situation in Basra may be mirrored in other cities and regions of Iraq. Military authorities have a responsibility to carefully assess the implications on civilians of any object that they target. All parties to the conflict in Iraq have a responsibility to ensure that the humanitarian needs of the civilian population are fully met. The Iraqi authorities and the military authorities of the USA and its allies must facilitate access and the operations of humanitarian organizations.

Asylum

Thousands have left their homes in Northern Iraq, seeking protection within Iraq’s borders in camps and settlements established by the Kurdish authorities and in the homes of friends and families. Hundreds of thousands of civilians could be displaced as a result of the conflict, and there are fears that the rights of asylum-seekers will not be respected in other countries.

● **Border closures:** Despite the possibility of a mass flight of Iraqi and other nationals living in Iraq in search of safety, there are fears that neighbouring states, including **Turkey**, will close their borders to refugees. On 20 March the Turkish Parliament authorized the deployment of Turkish troops into Northern Iraq, among its purposes to stop would-be refugees from entering Turkey. The Turkish authorities have said that their aim is to provide relief to the displaced, in Turkish-run camps inside Northern Iraq.

- **Asylum applications:** Several countries, including **Denmark, Norway, Sweden** and the **United Kingdom (UK)** have frozen decisions on Iraqi asylum claims.¹ Amnesty International is concerned about the adverse impact that such policies may have on individual asylum-seekers arising from the uncertainty of their status. The organization believes that states should keep taking decisions on refugee applications that have not been finalized. In a volatile and fluid situation, asylum-seekers are entitled to certainty about their fate and they should be afforded the benefit of any doubt in determining whether they have well-founded fear of persecution. They should not be held hostage to the desire of some states to place their optimism that conditions will change ahead of an objective analysis both of the situation on the ground and applicable international standards.

- **Racist attacks:** UNHCR expressed deep concern about the outbreak of vicious attacks on asylum-seekers in the **UK** in the week following 20 March. A 22-year-old Turkish Kurd asylum-seeker, Firsat Yildiz, was murdered in Glasgow on 23 March. On 25 March an Iranian asylum-seeker on the same housing estate was stabbed and another asylum-seeker in Hull was stabbed in the throat. After an anti-war demonstration in **Greece** on 21 March, anti-riot police reportedly beat Iraqi immigrants and took 38 of them away to check their identities. All were released, but three are recovering from their injuries in hospital.

Backlash

Governments around the world have failed to respect the human rights of anti-war protesters, and in some instances police have reportedly used excessive force against demonstrators.

Challenges to freedom of expression and assembly

Attempts by the authorities to prevent people from demonstrating or to curtail demonstrations; the harassment and detention of demonstrators, journalists, lawyers and political dissidents; and the use of “anti-terrorism” legislation have been part of attacks seen in many countries on the fundamental right to freedom of expression and assembly.

- **Belgium:** Since early March, police have placed more than 450 anti-war demonstrators under administrative arrest, a form of “preventive” detention lasting up to 12 hours. Questions have been raised in the federal parliament about the large number of arrests and the threat to the right to freedom of expression and assembly, in light of reports that many people were arrested while protesting peacefully and were subsequently released without charge. People who met in the village of Melsele on 1 March to plan protest action were placed under administrative arrest.

- **Romania:** Local human rights organizations fear that the climate surrounding the conflict in Iraq is being used as a pretext to pass a law that does not accord with European human rights standards and would undermine basic rights to freedom of expression, assembly and association. Police surveillance could be extended to legitimate collective political activity under a draft national security law that the Government is pushing through Parliament. In its present form, the law will defy a recommendation of the Parliamentary Assembly of the Council of Europe on control over internal security services.² It provides insufficient control

¹ Sweden is, however, giving permanent residence permits to unaccompanied children. Norway and the UK will continue to make decisions relating to the sending of asylum-seekers to other countries in accordance with the Dublin Convention and the principle of first country of asylum. In the UK, there will be no interviews of Iraqi asylum claimants, no decisions, and adjournments will be sought on current appeals. Information obtained by Amnesty International indicates that the situation will be kept under review.

² Recommendation 1402 (1999) 1.

over police surveillance activities, no accountability and no safeguards for basic rights, such as the right to privacy. The European Court of Human Rights ruled that ambiguous wording and the lack of judicial control of the security services in respect of provisions similar to those in the draft law violates the European Convention for the Protection of Human Rights and Fundamental Freedoms.³

- **Turkey:** Laws that restrict the right to freedom of assembly and association have been used to prevent protests and press statements against the war.
- **United Kingdom:** The Terrorism Act has reportedly been invoked in some areas, granting police special powers to “stop and search” people without reasonable suspicion. As a consequence, dozens of people have been stopped and searched. One person was allegedly arrested arbitrarily while filming police restraining a child at a demonstration. Buses were prevented from approaching a US airbase on the grounds that the passengers might breach the peace. It remains unclear which police powers were used to return the passengers of the buses to London under police escort.

Excessive use of force

Some demonstrations have involved clashes with the police; others have been peaceful. In some countries, reports indicate that police have used excessive force against demonstrators during both violent and peaceful protests. Demonstrators have faced beatings and other forms of assault by security forces, and thousands of protesters worldwide have been arrested. Some of those detained have been ill-treated.

The following are examples among Council of Europe member states recorded by Amnesty International.

- **Germany:** Police may have used excessive force against young anti-war protesters during a demonstration in Hamburg on 24 March. Police reportedly used water cannons and batons to clear several hundred protesters, many of them teenagers, who refused to disperse from outside the US Consulate after the main demonstration had ended. Police said that demonstrators acted violently, throwing bottles and stones at them. A large number of protesters were detained; most were released later that evening. A special session of the Committee of Internal Affairs of Hamburg City Council will examine the allegations on 1 April.
- **Greece:** In response to massive anti-war demonstrations in several towns, including near NATO military bases in places such as Souda on the island of Crete, riot police have reportedly ill-treated protesters. On 24 March in Thessaloniki, the dean of the Education School of Aristotelis University was stamped on by riot police after he had fallen to the ground as a result of a tear gas can exploding next to him. On 21 March, 23 demonstrators were detained by police and dozens of others were briefly detained after buildings were damaged in Athens during an anti-war protest. As noted above, anti-riot police reportedly beat Iraqi immigrants after the demonstration, and took 38 of them away to check their identities. All were released, but three are recovering from their injuries in hospital.
- **Spain:** Up to 178 people were reportedly injured, some seriously, as a result of police action during peace rallies in Madrid on 21 and 22 March. The demonstrations were largely peaceful. However, on 21 March violent incidents occurred, reportedly after police officers fired rubber bullets into the air in an attempt to block access to the Congress building. Police officers then reportedly charged into the crowd. Up to 40 people were reported to have been injured, 10 needing hospital treatment. The following day, police officers in anti-riot gear were reported to have responded to largely peaceful demonstrations, including of elderly

³ *Rotaru vs. Romania.*

people and families with children, with rubber bullets, and to have repeatedly beaten some demonstrators with truncheons. The police actions were widely criticized in the press and by political opposition parties as excessive and disproportionate. Over 30 formal complaints of police ill-treatment have already been lodged by demonstrators with the courts.

- **Turkey:** Riot police reportedly beat demonstrators during anti-war protests including in Nusaybin and Adana (close to where US troops have been stationed) and in Istanbul and Ankara. Riot police reportedly used excessive force to disperse about 5,000 people who had gathered after Friday prayers on 21 March to protest against the war outside the Beyazit mosque in Istanbul. At least four people were detained.

Recommendations to the Parliamentary Assembly

Amnesty International urges the Parliamentary Assembly to call on states involved in military action in Iraq to ensure that international human rights and humanitarian law are fully upheld, and to:

- respect the laws of war by not targeting civilians, non-military infrastructure. The states concerned must publicly commit themselves to taking all necessary precautions to protect civilians, including by issuing warnings, and in the selection of military objectives and means of attack. An attack must be cancelled or suspended if it becomes apparent that the objective is not a military one or risks a disproportionate loss of civilian life;
- seek the services of the International Humanitarian Fact-Finding Commission, as established under Article 90 of Protocol I to the Geneva Conventions, to investigate alleged serious violations of international humanitarian law, including the deaths of civilians in the conflict;
- protect civilians, prisoners of war and other persons *hors de combat*, and ensure that all prisoners of war and detainees are treated humanely and with respect, in full compliance with the Third Geneva Convention, and to give them immediate access to the International Committee of the Red Cross.

Amnesty International urges the Parliamentary Assembly to call on Council of Europe member states to:

- ensure the effective protection of refugees and asylum-seekers, without discrimination. States should not delay processing the claims of asylum applicants in the hope of significant changes in Iraq but instead should afford them the benefit of any doubt in determining whether they have a well-founded fear of persecution;
- ensure that refugees have access to their territory and to protection, in particular by keeping their borders open;
- urge member states to take all necessary steps to ensure that humanitarian assistance and protection is provided to internally displaced persons, without prejudice to the right to seek asylum, and consistent with international humanitarian and human rights law standards and, by analogy, refugee law;
- respect the rights of expression and assembly, the right to liberty and the absolute prohibition against torture and other inhuman or degrading treatment or punishment;
- ensure that law enforcement officials act in accordance with international standards, including on the use of force, arrest and detention, in the policing of demonstrations;

- ensure respect of the Geneva Conventions and Protocol I by the parties to the Conflict, in accordance with their obligations under Common Article One of the Geneva Conventions and Protocol I.

We urge the Parliamentary Assembly to:

- urge Turkey to withdraw reservations entered at the time of its ratification of the UN Convention relating to the Status of Refugees that limit the protection it offers asylum seekers from outside Europe, recognizing that this would be consistent with Turkey's obligations under customary international law to respect the principle of *non-refoulement*.

Amnesty International also calls on the Parliamentary Assembly to:

- request the Political Affairs Committee, the Committee on Legal Affairs and Human Rights and the Committee on Migration, Refugees and Demography to continue to monitor the situation and to present a report updating the situation on Europe and the crisis in Iraq at the next part-session of the Parliamentary Assembly.

An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://web.amnesty.org/ai.nsf/news>

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