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Iraq

In the shadow of war: backlash against human rights

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Since the military action by the USA, UK and their allies began in Iraq on 20 March, a backlash against certain human rights has been witnessed around the world. These include:

- attacks on the rights to freedom of expression and assembly;
- excessive use of force by police against anti-war demonstrators;
- restriction of asylum rights.

With the spotlight focused on the theatre of war, such abuses of human rights have been largely ignored. The following are just a few of many examples recorded by Amnesty International.

Amnesty International urges all governments to respect the right of people to express peacefully their opinions, and to refrain from using the war in Iraq as a pretext for curtailing or abusing fundamental human rights.

Freedom of expression and assembly

Attempts by the authorities to prevent people from holding peaceful public demonstrations; the harassment and arbitrary detention of journalists, lawyers, government opponents and anti-war activists; and the use of “anti-terrorism” legislation have been part of attacks seen in many countries on the fundamental right to freedom of expression, assembly and association.

- **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.

- **Egypt:** Hundreds of people associated with the anti-war movement, including lawyers, journalists, MPs, academics and students, have been arrested since 20 March and some have reportedly been tortured. On 21 March security forces occupied the Egyptian Bar Association premises in Cairo for several hours. During the days after the demonstrations students were detained within or in front of the premises of universities. The Heliopolis State Security

Prosecution ordered the detention of 25 people, including two MPs, in connection with the demonstrations.

- **Jordan:** Fawaz Zurayqat, station manager of *Arab Television* and a leading activist in a local committee for the defence of Iraq, was detained on 3 March at his office. He remains held at the headquarters of the General Intelligence Department in Amman. Ibrahim Alloush, a well-known anti-war activist, was arrested on 24 March. At least 15 other anti-war activists have been arrested, including Dr Issam Al-Khawaja, a member of the political board of the Popular Union Party, and Ibrahim Al-Yamani, member of the Shura Council of the Islamic Action Front. They are all believed to be held in incommunicado detention.

- **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.

- **USA:** Thousands of people demonstrated against the war in cities across the USA in March, with many arrests for alleged public order offences. In Chicago more than 500 people were arrested after demonstrators blocked a major city artery on 20 March. They reportedly included bystanders and demonstrators not engaged in unlawful behaviour. There were allegations that some non-resisting demonstrators were beaten by police.

Excessive use of force by police

Since 20 March, millions of people around the world have taken to the streets to protest against the war in Iraq. Some demonstrations have turned violent or have involved clashes with the police; others have been peaceful. In both situations and in many countries, police have reportedly used excessive force against demonstrators. Demonstrators have faced beatings and other forms of assault by security forces, and thousands of protesters worldwide have been arbitrarily arrested. Some of those detained have been ill-treated or tortured.

- **Egypt:** Dozens of anti-war activists were beaten severely and hundreds injured when police used water cannons, clubs and dogs against demonstrators. Manal Ahmad Mustafa Khalid was severely beaten by security officers when she returned from a demonstration at Tahrir Square in central Cairo, leaving her with a serious eye injury. Journalists were among those injured by security forces as they were covering the anti-war demonstrations. One of two MPs arrested, Muhammad Farid Hassanein, was also severely beaten with clubs by plainclothes men in front of the Egyptian Bar Association, and was hospitalized as a result.

- **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. After the demonstration, 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.

- **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 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 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.

- **Sudan:** Three students were reported to have been killed during several demonstrations in Khartoum, some of which turned violent. The police accepted responsibility for the death on 22 March of a 22-year-old student protester.

- **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 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.

- **Yemen:** An 11-year-old child and two protesters were shot dead during violent clashes between police and demonstrators in Sana'a on 21 March as tens of thousands of people rallied against the war.

Restriction of asylum rights

In many parts of the world, asylum rights are being restricted or abused by states unwilling to comply fully with their international obligations to protect people fleeing their homes in fear of their lives.

- **USA:** "Operation Liberty Shield", announced by the US Department of Homeland Security on 17 March and which is already being implemented, mandates the detention of asylum-seekers from Iraq and at least 33 other, as yet unnamed, countries that arrive in the USA and seek asylum at the point of entry. The policy allows the immigration authorities to detain "for the duration of their processing period" such asylum applicants "from nations where *al-Qa'ida*, *al-Qa'ida* sympathizers, and other terrorist groups are known to have operated," according to a Department of Homeland Security statement. In effect, this presumes guilt by association and does so on the basis of nationality. The policy does not cover people whose cases are pending or those who arrive in the USA and apply for asylum after entry, but it offers no discretion and no assessment of the circumstances of individual detainees.

Amnesty International believes that the mandatory detention of the group of asylum-seekers targeted by "Operation Liberty Shield" is a clear breach of international legal standards, which prohibits detention that is arbitrary and unlawful. Under "Operation Liberty Shield",

thousands of asylum-seekers who look to the USA for security could be automatically detained, without review, for months and possibly years while their applications are processed.

- 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.

Recommendations

Amnesty International calls on the governments concerned to:

- respect the rights to freedom of expression and assembly;
- 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 the effective protection of asylum seekers and refugees.

<http://web.amnesty.org/ai.nsf/news>

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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.