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Iraq: US and UK forces must deal with situation of lawlessness

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As reports of the killing of a number of civilians and the wounding of many others demonstrating against the new governor, Mash'an al-Jabbouri in the northern city of Mosul start to emerge, Amnesty International Secretary General, Irene Khan expressed grave concern at the current situation of lawlessness in Iraq and called for an impartial, independent and thorough investigation into the incident.

"Before the conflict broke out, we repeatedly pointed out that with the fall of the regime, law and order would break down, insecurity could endanger lives and property."

"It would seem more preparation was made by the Coalition to protect oil wells than to protect hospitals or water plants."

"The first taste of the Coalition's approach to law and order will not have inspired confidence in the Iraqi people".

Human rights must be put at the centre of the efforts to restore law and order in Iraq. British and American forces are occupying powers with clear and well-defined responsibilities. International humanitarian law defines very clearly the obligations of occupation - there can be no derogation from them.

Combat troops do not usually have the training or the proper equipment for performing 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 the areas where they establish military control, an all too common occurrence in armed conflict and one repeatedly predicted in the case of Iraq.

"Much planning and resources seem to have been devoted to securing Iraqi oilfields. However, there is scarce evidence of similar levels of planning and allocation of resources for securing public and other institutions essential for the survival and well-being of the population. The response to disorder has been shockingly inadequate. "

Amnesty International calls on the USA and the UK to deploy forces in sufficient numbers and with the right training and equipment to restore law and order, until Iraqi police forces can operate effectively. An effective and fair vetting procedure for members of the Iraqi police forces should be set up urgently, so as to reduce the chance of restoring to their duties officials who may have been involved in human rights

violations. In exercising or supervising policing functions, the USA and the UK must ensure that the rights of freedom of expression and assembly are not arbitrarily restricted.

By definition, however, the authority of the occupying powers is transitional and limited to providing protection and assistance to the occupied population in the emergency created by war. The USA and UK cannot, for example, change the legal system or introduce the radical reforms in the Iraqi criminal justice system that are needed to ensure respect for human rights. Only a newly established Iraqi government, or a United Nations (UN) transitional administration set up by the Security Council, would have such authority under international law.

At the moment, there is no clarity as to what arrangements will be in place to establish a transitional or permanent governmental authority in Iraq. There is disagreement over the role of the UN. Amnesty International believes that ensuring full respect for human rights must be central to any such arrangements. In this regard the UN must play a leading role in at least two respects, beyond the provision of humanitarian assistance.

First, the UN should deploy human rights monitors throughout Iraq as soon as the security situation allows.

Second, the UN should establish a commission of experts to develop, in close consultation with Iraqi civil society, proposals for a comprehensive program to ensure justice for past and recent human rights abuses, centred on the need to reform the Iraqi criminal justice system.

Amnesty International is also concerned that all those responsible for crimes under international humanitarian law and grave abuse of human rights must be brought to justice.

"There should be no amnesties, pardons that could prevent the emergence of truth or final determination of guilt. No political settlement should include granting of pre-conviction amnesties for alleged human rights perpetrators," Irene Khan concluded.

Background

Mash'an al-Jabbouri, a former aid to 'Uday Saddam Hussain, accused of human rights violations and corruption.

For a full copy of Amnesty International's report: Iraq: Responsibilities of the occupying powers please go to:<http://web.amnesty.org/library/index/engmde140892003>

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