

# AMNESTY INTERNATIONAL

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### **Iraq: The US must ensure humane treatment and access to justice for Iraqi detainees**

(Baghdad) Amnesty International called on the United States today to give hundreds of Iraqis detained since the beginning of the occupation the right to meet families and lawyers and to have a judicial review of their detention. The organization also called on the US to ensure that detainees are treated humanely and that excessive use of force is investigated.

"The conditions of detention Iraqis are held under at the Camp Cropper Center at Baghdad International Airport - now a US base - and at Abu Ghraib Prison may amount to cruel, inhuman or degrading treatment or punishment, banned by international law," Amnesty International said.

Detainees arrested by US forces after the conflict have included both criminal and political suspects. Detainees held in Baghdad have invariably reported that they suffered cruel, inhuman or degrading treatment immediately after arrest, being tightly bound with plastic handcuffs and sometimes denied water and access to a toilet in the first night of arrest. Delegates saw numerous ex-detainees with wrists still scarred by the cuffs a month later.

'Uday and Rafed 'Adel, 31-year-old twins, were arrested on 16 May by US forces who were chasing looters. Both denied involvement to US forces but were handcuffed tightly and taken to various transfer centres, and then to Camp Cropper.

"They did not interrogate us and they treated us like animals. In the first week we were not allowed to wash and didn't have sufficient water," Rafed said.

After 20 days of detention the two brothers were told they would be released but instead were taken to Abu Ghraib prison. Each day, some were released, but others remained; detainees grew increasingly despairing. On Thursday 12 June all detainees demonstrated against their detention conditions. The Captain promised to inform them individually about their detention period the next day. Only six were released the next day while no news were given for the others causing the detainees to stage another demonstration. The guards opened fire above their heads. One detainee, Ala' Jassem Sa'ad, was shot dead in his tent. Seven detainees were wounded, including others in the tent.

"The USA as an occupying power must uphold international humanitarian law and human rights standards in dealing with issues of law and order in Iraq, in the arrest, detention and interrogation of detainees and in ensuring that firearms are only used if lives are in imminent danger," Amnesty International said.

The organization raised these concerns in a letter addressed to US Administrator in Iraq Paul Bremer, head of the Office of the Coalition Provisional Authority (OCPA) on 26 June, 2003. It also asked the OCPA to publicly declare the measures it intends to take to investigate allegations of abuses during house searches, to announce preventive measures to avoid the recurrence of such abuses and to ensure compensation of the victims.

Amnesty International delegates however welcomed statements by lawyers from the US military and the OCPA that they intended to rapidly improve conditions and would eventually ensure that every detainee had access to lawyers within 72 hours.

US military lawyers who met Amnesty International delegates last week acknowledged that the failure to give information about the detainees' whereabouts was regrettable but claimed that it had been impossible until recently to set up logistics to do this.

The lack of clarity concerning procedures and law has brought about a dual system in Baghdad: some detainees are taken to US-run detention centers; their family has no news of them and they are only entitled to a review of their detention within three weeks by a US military lawyer. Others arrested for similar offences receive the protection of the procedures in the 1971 Criminal Procedure Code: their files are brought before an Iraqi examining magistrate within 24 hours. They are entitled to release if there is insufficient evidence against them.

"Many of those detained at the airport were mistakenly arrested and were released, after being detained for several weeks in inhumane conditions, with bitterness, frustration and a lack of confidence in US justice. As the net of arrests widens, so does the injustice," Amnesty International said.

Amnesty International is also concerned about a number of allegations of stealing of money from houses which were being searched by UK or US soldiers.

Four brothers, As'ad, 'Ali, 'Uday and Lu'ay Ibrahim Mahdi 'Abeidi, were arrested from their house on 29 April 2002 after a shooting in a street in Baghdad. They were hooded and tightly handcuffed.

"We spent our first night in custody lying on the ground in a school. We had no access to a toilet and were given no food or water," one of the brothers said. The next day they were taken to Camp Cropper where they were held in the open in the burning heat of the sun until tents were brought on the third day. There was not enough water for washing. All had been released by 11 May.

The brothers said that some \$20,000 in their savings and other goods was taken from the house. The Iraqi interpreter involved in the search operation said he handed over the family money to the US second lieutenant. But the money has not been returned.

"If a new future where human rights are respected is to be ensured, it is of fundamental importance that the present authorities ensure transparency and accountability for all human rights violations not only of the past but also of the present," the organization added.

## **Background**

Detainees held in the Airport and at Abu Ghraib have no access to the outside world except the International Committee of the Red Cross (ICRC). Family members are not allowed to visit them. In dozens of interviews, families of detainees complained that US forces had been unable to provide any information when they sought to discover where their relatives had been detained.

Widespread looting and insecurity in Baghdad have prevailed since the beginning of US occupation of the city on 10 April. Amnesty International has documented many cases of revenge killings in Iraq, as well as armed robberies, encouraged by the proliferation of weapons.

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