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(Front page shows photographs of six of the al-Hashimi brothers, see page 4. Top row, from left to right: Hussain, Ahmad, Wahab. Bottom row, from left to right: ‘Abd al-Ridha, Isma‘il, Iyad).

IRAQ

"Disappearances": Unresolved cases since the early 1980s

1. Background

"I cannot believe he is dead because there is no body and no grave. I cannot rest my heart or mind until I know the truth".

These were the words of a mother who wrote to Amnesty International in February 1996 about her son, Mazin. He was arrested in Baghdad in 1988 and nothing has been heard of him since. Nearly ten years on and his "disappearance" remains without an answer. The Iraqi authorities have remained silent about Mazin's case and about the cases of hundreds of thousands of others who have "disappeared" since the early 1980s.

In April 1997 the UN Commission on Human Rights in its fifty-third session passed a resolution condemning: "... the massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq...".¹ A month earlier, the UN Working Group on Enforced or Involuntary Disappearances submitted its report to the UN Commission on Human Rights. Among the countries where "disappearances" remain a major concern, Iraq topped the list with more than 16,000 submitted cases still unresolved.

Amnesty International has on numerous occasions over the years expressed its concern at the practice of "disappearances" by the Iraqi authorities. Cases have been documented in several reports.² The organization has obtained and continues to receive the names of thousands of victims whose fate and whereabouts remain unknown. As an example, according to some estimates over 100,000 Kurdish civilians "disappeared" in 1988 alone, in a space of three to four months, in the so-called Operation Anfal when the Iraqi Government implemented a program of destruction of villages and towns all over Iraqi Kurdistan, ostensibly in order to resettle the inhabitants in areas which offered improved conditions. An estimated 4,000 villages and towns were destroyed and razed to

¹ Resolution 1997/60, E/CN. 4/1997/L.11/Add.6, 17 April 1997.

² See for example Amnesty International's reports, *"Disappearances" and Political Killings*, *Human Rights Crisis of the 1990s, A Manual For Action*, AI Index: ACT 33/01/94, 1994, and *Iraq, Children: Innocent Victims of Political Repression*, AI Index: MDE 14/04/89, February 1989.

the ground and decrees were issued giving military and security personnel the authority to execute any persons attempting to return to their homes. Some Kurdish estimates put the figure at 150,000 to 180,000 "disappeared" victims. Amnesty International has the names of about 17,000 people who "disappeared" during that time.

About five years earlier, in August 1983, Iraqi forces arrested some 8,000 men and boys, aged between 8 and 70, from the Barzani clan near Arbil. A group of 315 children and young people, aged between eight and 17 at the time of their arrest, were among those arrested. They were first taken to Baghdad and then transferred to unknown places. All have "disappeared". The operation was believed to have been carried out as retaliation for alleged Kurdish support for the Iranian armed forces during the Iran-Iraq war. On 12 September 1983, President Saddam Hussain said in a speech: "We will punish those who co-operate with Barzani's sons, just as we punished the Barzani sons themselves and those who co-operated with them in the past. Those people were severely punished and went to Hell...".

Ever since the 1960s and 1970s entire families have been deported to Iran by the Iraqi authorities. With the outbreak of the Iran-Iraq war in September 1980, the practice became widespread and thousands of families were forcibly sent to Iran. They included Arab Shi'a Muslim families who were declared by the authorities to be "of Iranian descent", *taba'iyya*, and Feily Kurds who, unlike the majority of Kurds, are Shi'a Muslims.³ However, thousands of male members, including minors, of those families who were deported to Iran, were arrested and detained. Although the majority were kept in acknowledged places of detention and had access to relatives, thousands were later transferred to unknown places and "disappeared".

³ Prior to the creation of the State of Iraq in 1921, all persons living in that region were registered under either the Ottoman or Iranian protectorates. The two protectorates were divided along confessional lines: Sunni Muslims (both Arabs and Kurds) were registered under the Ottoman protectorate, while Shi'a Muslims (both Arabs and Kurds) were registered under the Iranian protectorate. When the State of Iraq was created and Iraqi nationality introduced, each person was obliged to register on his/her nationality form his/her original protectorate. The thousands of families deported to Iran by the Iraqi Government in the 1980s were those whose original protectorate was Iran, referred to as *taba'iyya*.

At the end of the 1990-1991 Gulf war, and following the March 1991 uprising by Arab Shi'a Muslims in the south and by Kurds in the north, serious human rights violations were reported, including "disappearances" and extrajudicial executions. The fate and whereabouts of 106 Shi'a Muslim clerics and students remain unknown.⁴ It is believed that around 12,000 people arrested in connection with the 1991 uprising continue to be detained in al-Radwaniyya garrison, south-west of Baghdad. Amnesty International has appealed on numerous occasions to the Iraqi Government to clarify the fate of the Shi'a clerics and students but has received no response. During the same period, when the Iraqi forces pulled out of Kuwait, more than 600 Kuwaiti and other nationals were arrested and taken to Iraq. Despite international pressure nothing has been heard of them. The sole exception is **Nadia Muhammad al-'Anaizi**, a Kuwaiti woman, believed to be one of those arrested in Kuwait and taken to Iraq, who was released by the Iraqi authorities in May 1996.

In August 1996, when Iraqi forces and forces of the Kurdistan Democratic Party (KDP) seized the northern city of Arbil, until then under the control of the Patriotic Union of Kurdistan (PUK), hundreds of suspected members of opposition groups and their relatives are believed to have "disappeared". They were reportedly taken to detention centres and prisons in areas under the control of the Iraqi Government.

It does not always take a major crisis such as the 1991 uprising or the 1996 inter-Kurdish conflict to witness an upsurge in human rights violations. These are carried out on a daily basis. In September 1996 former detainees told Amnesty International how they were arrested, beaten, tortured and then released without ever knowing the reason for their arrest. Relatives would not inquire about their whereabouts for fear of suffering a similar fate.

For many years Kurds, Turkmen, Assyrians, Yazidis and Shi'a Muslims were the main victims of human rights violations. However, since the imposition of UN sanctions on Iraq in 1990, even those considered to be "safe" became the target for arrest, torture and "disappearance". They include journalists, businessmen, artists, female students and army officers. This, and the harsh living conditions that have resulted from UN sanctions, have led to a significant increase of Iraqi asylum seekers abroad. Mass executions of prisoners and detainees continue to be reported and in 1994 the Iraqi Government introduced a series of decrees extending the use of the death penalty and imposing amputation of hands and ears and branding of the forehead for theft, army desertion and a number of criminal offences.⁵ In August 1996, however, the Iraqi authorities informed

⁴ See Amnesty International's report *Iraq, "Disappearance" of Shi'a clerics and students*, AI Index: MDE 14/02/93, April 1993.

⁵ See Amnesty International's report *Iraq, State cruelty: branding, amputation and the death*

Amnesty International that the decree imposing ear amputation and branding of the forehead for army desertion had been annulled.

The issue of "disappearances" in Iraq remains a very difficult area to investigate. In the majority of cases, once a person has "disappeared" it is virtually impossible to find out any information regarding his or her fate or whereabouts. The victims do not have access to families or lawyers. Trials, when they take place, are conducted in total secrecy. Families of the "disappeared" remain ignorant of their fate until they are either released or confirmed to have been executed. Inquiries directed to the authorities are met with denial of arrest or further threats. It took nine years for the al-Hashimi family to learn from the authorities that their father, Isma'il, was executed in 1983, three years after his "disappearance" (see below).

However, when opposition forces took control of towns and cities in northern and southern Iraq during the 1991 uprising, prisons and detention centres were broken into and the inmates released. Hundreds of them, who had "disappeared" in the 1970s and 1980s, were found to be still alive, having been held in secret underground detention centres.

This report documents cases of people who were arrested and subsequently "disappeared" as far back as 1980, cases of victims that the international community at large has failed to address. They are forgotten victims whose families continue to wait and hope.

In most cases the victims were not members of any opposition political party or grouping, either legal or illegal. They were arrested as "hostages" in order to force a relative who may have escaped abroad to surrender, because of their family link to a political opponent, or simply for their ethnic origin.

2. "Disappearance" due to political activities of family members

2.1 Al-Hashimi brothers

In 1980 seven brothers of the al-Hashimi family were arrested on the same day, 1 October, at different locations in Baghdad (the photographs of six of the brothers are shown on the front page). They were believed to have been initially held at Abu Ghraib Prison near Baghdad. The fate and whereabouts of six of them remain to this date unknown.

penalty, AI Index: MDE 14/03/96, 1996.

Ahmad, a student; **Wahab**, a student aged 16 at the time of his arrest; **Ibrahim**, a post office employee; **Hussain**, a chemist; **Iyad**, a civil engineer; **‘Abd al-Ridha**, an employee at Baghdad Airport and **Isma‘il**, a pharmacist, were believed to have been arrested as "hostages" in lieu of another brother, **Ja‘far**, who had fled Iraq. He was wanted by the authorities for his suspected opposition to the government.

Amnesty International issued several appeals on behalf of the al-Hashimi brothers. This case was raised with the Iraqi authorities in 1993 and then submitted before the UN Working Group on Enforced or Involuntary Disappearances in March 1994. Neither Amnesty International nor the UN working group has ever received any response from the Iraqi Government. In June 1993, Amnesty International obtained an official document, dated April 1984, containing a list of 58 people whose properties and possessions were being confiscated by the Iraqi Government. The names of three of the al-Hashimi brothers, Ibrahim, Iyad and Isma‘il, appeared on the list. It is a common practice for Iraqi political detainees or suspected opponents who flee abroad to have their properties and possessions confiscated by the government. This was the first time the authorities had, albeit indirectly, acknowledged the detention of at least three of the brothers.

In April 1997, Amnesty International received confirmation that the eldest of the al-Hashimi brothers, Isma‘il, was executed on 3 August 1983. A copy of the death certificate was made available to Amnesty International. Isma‘il was accused of failing to report to the authorities about Ja‘far’s opposition activities. Isma‘il’s son, **Mohammad Hussain**, who was 12 years old in 1980, witnessed the arrest of his father inside his pharmacy in the Karada district of Baghdad. He fled Iraq in 1994 to seek asylum abroad. No further information is available on the six remaining brothers.

2.2 Al-Sheibani brothers

In early 1980, four brothers, **‘Adil, Faysal, Salam and Fazil al-Sheibani** were arrested in the city of Karbala’. Nothing has been heard of them since then. Their arrest is believed to be connected with their brother, **‘Adnan’s** membership of an illegal Islamist opposition group, *al-‘Amal al-Islami*. He had escaped to Iran in order to avoid arrest. Other family members who were on a visit to Syria at the time of the arrests did not return to Iraq for fear of being arrested.

2.3 Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini

Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini, a Shi'a cleric, born in 1900, was arrested at night on 8 April 1980, at his home in Karbala'. Security forces climbed over the walls of his garden, broke into the house and took him away in his night clothes.

At first he was taken to *Mudiriyyat 'Amn Karbala'*, Karbala' Security Directorate, and held there for two weeks. He was then transferred to *Mudiriyyat al-'Amn al-'amma*, General Security Directorate, in Baghdad, and from there to Abu Ghraib Prison. Since then he has had no access to family members. In 1986 a prisoner who was released from Abu Ghraib Prison said he had seen Muhammad Sadeq al-Qazwini there. He reported that he was still alive but had lost his eyesight. Since that time no news of him has reached his family.

A teacher of religious studies, Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini was not known to have been involved in any political activities. However, his sons abroad had reportedly taken part in political activities against the Iraqi Government. The family believes Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini was arrested in order to put pressure on his sons abroad to stop their anti-government political opposition. There are concerns for his health as he was known to suffer from a hernia and urinary problems.

2.4 Mazin ‘Abd al-Mun‘im Hassan al-Samarra’i

Mazin ‘Abd al-Mun‘im Hassan al-Samarra’i, a mechanical engineer, "disappeared" around August 1988 as he was working in his garden at home, in Baghdad. Security officers searched his car and arrested him. Nothing is known as to the reason for his "disappearance" although this may be connected with his father, **‘Abd al-Mun‘im Hassan ‘Alwan al-Samarra’i**. He was under-secretary at the Ministry of Oil and was executed in October 1986 on charges of economic corruption. However, another reason for his "disappearance" may be connected with Mazin’s mother who was living in the US at that time. He received a letter from her shortly before he "disappeared". This simple fact may have exposed him to arrest.

In July 1996 Amnesty International submitted the case of Mazin al-Samarra’i to the UN Working Group on Enforced or Involuntary Disappearances, who raised it with the Iraqi Government. No response has been received.

3. "Disappearance" due to perceived political opinion

3.1 The case of ‘Aziz al-Sayyid Jassem

On 14 April 1991, **‘Aziz al-Sayyid Jassem**, a 55-year-old well-known writer and journalist and member of the ruling Ba‘th Party was arrested in Baghdad. He apparently failed to write articles supporting the Iraqi Government following the invasion of Kuwait. He was held in solitary confinement, tortured, and his family did not receive any news of him for over a year. In March 1993 Amnesty International appealed to the authorities to clarify the fate, whereabouts and legal status of ‘Aziz al-Sayyid Jassem. Arab writers and journalists also appealed on his behalf and although the authorities acknowledged his arrest they refused to provide any details of the charges against him or information about his fate and whereabouts. Immediately after his arrest, ‘Aziz al-Sayyid Jassem was believed to have been detained at *Mudiriyyat al-Amn al-‘amma*, General Security Directorate, in Baghdad.

‘Aziz al-Sayyid Jassem is the author of numerous books on subjects including women’s rights and the Kurdish question. He edited and wrote for various government publications including *al-Qadisiyya*, *al-Ghad* and *al-Thawra*. He had been briefly detained several times in the past, reportedly because of his writing. He is married and has five children.

4. "Disappearance" due to ethnic origin: victims of their Iranian descent

Following the outbreak of the Iran-Iraq war in 1980, the Iraqi Government deported thousands of Iraqi families to Iran, solely on the basis of their Iranian descent. They included Shi‘a Muslim Arabs and Feyli Kurds.

A typical scenario would consist of the victims being stripped of their Iraqi documents, and their properties and possessions being confiscated. They were forced onto trucks or buses under armed guard and taken to border areas where they were told to cross into Iran. The majority of deportees have since lived in refugee camps inside Iran while others, the lucky ones, have managed to resettle in third countries. Entire families were deported in this way, including children, the elderly and the disabled. However, thousands of male members of such families and some females, usually aged between 16 and 40, were arrested and detained indefinitely. Although many were released in subsequent years the fate and whereabouts of thousands remain unknown.

- **Deler Hassan al-Haydari**, a student, and his uncle, ‘**Ala’ al-Din**, a businessman, both Feyli Kurds from Hai al-Jamila in Baghdad were arrested on 22 June 1981 because of their Iranian descent. Their house was surrounded by security forces and the entire family, 32 members, were imprisoned for about four months. Whilst the rest of the family were deported to Iran, Deler and ‘Ala al-Din were kept in detention. Deler’s brother, **Ra’id**, who was working in Kuwait, was arrested by the Kuwaiti authorities in December 1983 and handed over to the Iraqi authorities. Deler and Ra’id were last seen in Qal‘at al-Salman Prison in 1985.

- On 21 March 1981, three brothers, **‘Imad**, an architect, **‘Adil**, a mechanical engineer and **‘Atif**, a student, from the **‘Abd al-Hussain ‘Ushair** family in al-‘Amara, were arrested in Hai al-Jami‘a district in Baghdad because of their Iranian descent. ‘Adil

and ‘Imad were doing their military service at the time. All three were first detained in Abu Ghraib Prison, and then transferred to Qal‘at al-Salman Prison in southern Iraq, some 50 miles from the Saudi Arabian border. Family visits were permitted once a month for the first few years until 1986 when they and other detainees with them were rounded up and taken to an unknown destination. Nothing has been heard of them since. Their cousins, **Namir** and **Nasir**, were also arrested in the same year and were last seen in 1986 in Qal‘at al-Salman Prison. Their families were deported to Iran.

- One morning in June 1981, members of the security services went to Hai al-Banuk district in Baghdad and informed **Isma‘il Mohammad ‘Ali’s** family of the authorities’ decision to deport them to Iran. Later the same day the whole family, including 10 children, were taken to Beit Samir Ghulam Prison in Baghdad where they were detained for two months. All their documents and possessions were confiscated. Isma‘il Mohammad ‘Ali, a bank employee now aged around 60, and two of his sons, **Salam** and **Salih** were transferred to Abu Ghraib Prison. Salam and Salih, aged 19 and 17 respectively, were high school students at the time of their arrest. Whilst the rest of the family was deported to Iran, Isma‘il,

Salam and Salih were kept in Abu Ghraib Prison and then believed to have been sent to Nugrat al-Salman Prison in southern Iraq. Nothing has been heard of them since. In June 1997, the youngest daughter, Jasamin, told Amnesty International how the whole family lived in hope of seeing them one day.

- **Jamal A. Ketuly**, a Feyli Kurd from Baghdad, was doing his military service in 1980 when he was arrested apparently because of his Iranian descent. His parents and other close relatives were deported to Iran and their properties as well as their Iraqi citizenship documents were confiscated. Jamal was first detained in Abu Ghraib Prison until July 1981 when he and other detainees were transferred to an unknown place. Until 1989 his family received reports that Jamal was alive but did not know of his whereabouts. Nothing has been heard of him since.

Distraught by Jamal's arrest and "disappearance", his mother's health deteriorated considerably and in April 1984 she died, aged 54. Her wish to see him before her death was not fulfilled. Three weeks after her mother's death, Jamal's younger sister, **Thikra**, committed suicide at the age of 20.

-In 1981, two cousins, '**Ali Mohammad Badri 'Ali al-Mousavi**, a student, and **Mohammad Salman Bagher al-Shakarji**, an architect, were arrested in Baghdad. They remained held and their family have not had any news from them since 1984. Their arrest is said to be connected with their Iranian origin. Mohammad Salman's mother lives in Sweden. In December 1993 she wrote to Amnesty International and signed the letter with these words:

".....the mother who lives in hope and in vain since 1981..".

During the 1980s the Iraqi Government justified the detention of those Iraqis of Iranian descent and the deportation to Iran of their families on "security grounds". It promised that all detainees would be released when the war with Iran ended. Although thousands were later released, nearly ten years have elapsed since the end of the Iraq-Iran war and still the Iraqi authorities have failed to clarify the fate of thousands of others.

During the 1990s and since the Iraqi Government lost control of the Kurdish provinces of Duhok, Arbil and Sulaimaniya, hundreds of Kurdish families were believed to have been deported from their place of residence in Kirkuk, Khanaqin and other parts of government-controlled areas. In May 1997 Amnesty International received the names of more than 140 families who were said to be in the process of being expelled to Chamchamal and Arbil in Kurdish-controlled areas. The authorities are reported to have stripped the deportees of their identity documents and other possessions. According to some reports, in some cases a family member, including children, is taken hostage in order to ensure that the family does not resist the deportation order.

5. Iraq's international human rights obligations

The practice of "disappearances" by the Government of Iraq seriously contravenes international human rights standards and Iraq's obligations as a state party to the International Covenant on Civil and Political Rights (ICCPR), Article 9 (1) of which states that: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention". Also, according to Article 22 of Iraq's own Constitution: "It is inadmissible to arrest, detain, imprison or search a person except in accordance with the rules of the law".

The practice of "disappearances" is also in violation of Article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in December 1992, and which states: "No State shall practise, permit or tolerate enforced disappearances".

6. "Disappearances" continue

Amnesty International continues to receive reports of arrests and "disappearances". In July 1996, 33 men and women, members of the Yazidi community in Mosul were

arrested. They were **Shireen Mirza ‘Arab, Lina Khairi Darman, Thaniya Khairi Darman, Vian Khairi Darman, Sebil Khairi Darman, Amin Khairi Darman, Jala Khalil Haji, Laila Ilias Darwish, Shirzad Khalil Haji, Fahad Jalal Khalil Haji, Milad Jalal Khalil Haji, Farhad Jalal Khalil Haji, Faiza Jalal Khalil Haji, Amsha Ilias Darwish, Zhakharov ‘Ali Khalil Haji, Asi ‘Ali Khalil Haji, Khalil ‘Ali Khalil Haji, Dimitrov ‘Ali Khalil Haji, ‘Issa Khalil Haji, Buza Murad Salu, Shireen ‘Issa Khalil Haji, Kasil ‘Issa Khalil Haji, Khami ‘Issa Khalil Haji, Nebras ‘Issa Khalil Haji, Khayal ‘Issa Khalil Haji, Seynam Elias Darwish, Alnid ‘Adil ‘Issa Khalil, Yelzas ‘Adil ‘Issa Khalil, Darur ‘Idu ‘Abdi Nasser, Fahmi ‘Idu ‘Abdi Nasser, Muhamad ‘Idu ‘Abdi Nasser ‘Issa, Hilmi ‘Abdu ‘Idi Nasser ‘Issa and Sisi ‘Abdu ‘Idi Nasser**. Nothing is known as to the reasons for their arrest and their fate and whereabouts are unknown.

At the end of August 1996, Iraqi forces were sent to northern Iraq to support the KDP in conflict with the PUK. As a result, the city of Arbil fell under the control of the KDP and around 70,000 people fled the area to seek refuge in Iran. At least 100 members of the opposition Iraqi National Congress (INC) and Iraqi National Turkman Party (INTP) were extrajudicially executed by Iraqi military and intelligence forces following their capture in the Qoshtapa district of Arbil, on 31 August 1996. In addition, hundreds of suspected members of opposition groups, including Arabs, Kurds and Turkmen, and their families were arrested, loaded onto trucks and taken to detention centres and prisons in areas under the control of the government. Nothing has been heard of them since.

Among those arrested in Arbil were 19 members of the opposition *al-‘Amal al-Islami* whose headquarters was attacked by Iraqi forces on 31 August 1996. They are believed to be held in Baghdad. They are **‘Abd al-Karim Ahmad Salman, Ahmad Hussain ‘Attiya, ‘Ali ‘Abd al-Rasul Amin, Hamid Hashim Finjan, Ahmad Jar Allah, Ahmad Hussain Khalid, Salman ‘Ubeid, Sadiq ‘Ali, Ahmad ‘Abbud, ‘Abdullah ‘Ali, Yahya al-Yadani, ‘Ali Hussain Hassan, Hassan Hussain Hassan, ‘Ali Ghazi Jabr, ‘Abd al-Rahim (Abu Mustafa), Ra’id Khalid, Hafidh Mtashar, Hassan Mahdi Madhlum and Abu Dimu**. Five others whose names are not known to Amnesty International were also arrested with them. Nothing is known about all 24 since their arrest in August 1996.

Also arrested in Arbil were a number of members of the Turkmeneli Party, *Hizb Turkman Eli*, including the party's General Secretary, **Mohammad Rashid Tuzlu**, a 44-year-old engineer. The arrest took place on 2 September 1996 when Iraqi forces stormed the Turkmeneli Party's headquarters. Party documents and publications were seized and a number of guards outside the building were arrested and summarily executed. Mohammad Rashid Tuzlu and others arrested with him were believed to have been taken to government-controlled detention centres. All have "disappeared".

Six members of the Assyrian community in Baghdad, employees in the Presidential Palace, were arrested in October 1996, reportedly on suspicion of involvement in an attempt to poison President Saddam Hussain. Nothing has been heard of **Gewargis Hormiz Orah**, **Yousip Adam Khamo**, **Amira Kora Odisho**, **Shimon Khoshaba al-Hozi**, **Petros Elia Toma** and **William Matti Barkho**, since that date.

In March 1997 Amnesty International wrote to the Iraqi President seeking clarification of the fate and whereabouts of the six Assyrians, 33 Yazidis and all those arrested in Arbil as well as details of any legal proceedings made against them. No response has been received.

7. Amnesty International's recommendations to the Iraqi Government and to the International Community

Amnesty International is concerned that hundreds of thousands of "disappearances" that have taken place in Iraq since the early 1980s remain unresolved. The organization is calling on the Government of Iraq to clarify the fate of all "disappeared" persons without further delay and to take concrete steps to put an end to the practice. In addition, Amnesty International is urging the government to implement Amnesty International's 14-Point Program for the Prevention of "Disappearances" (see appendix) as a matter of urgency, and provide compensation for the victims or their families.

The UN Working Group on Enforced or Involuntary Disappearances should undertake a mission to Iraq, together with the Special Rapporteur on Iraq, to investigate the systematic practice of "disappearances". Member states of the UN should ensure that

the working group and the Special Rapporteur are granted access by the Iraqi Government.

The international community should provide resources for the deployment of human rights monitors, which could prevent further "disappearances". This recommendation, put forward by Amnesty International in July 1991 and included in resolution 1992/71 of the UN Commission on Human Rights, is yet to be implemented.⁶

⁶ See Amnesty International's report *Iraq, The need for further United Nations action to protect human rights*, AI Index: MDE 14/06/91, July 1991.

Appendix

Amnesty International's 14-Point Program for the Prevention of "Disappearances"

The "disappeared" are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied. "Disappearances" cause agony for the victims and their relatives. The victims are cut off from the world and placed outside the protection of the law; often they are tortured; many are never seen again. Their relatives are kept in ignorance, unable to find out whether the victims are alive or dead.

The United Nations has condemned "disappearances" as a grave violation of human rights and has said that their systematic practice is of the nature of a crime against humanity. Yet thousands of people "disappear" each year across the globe, and countless others remain "disappeared". Urgent action is needed to stop "disappearances", to clarify the fate of the "disappeared" and to bring those responsible to justice.

Amnesty International calls on all governments to implement the following 14-Point Program for the Prevention of "Disappearances". It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to stop "disappearances" and to work for their eradication worldwide.

1. Official condemnation

The highest authorities of every country should demonstrate their total opposition to "disappearances". They should make clear to all members of the police, military and other security forces that "disappearances" will not be tolerated under any circumstances.

2. Chain-of-command control

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit "disappearances". Officials with chain-of-command responsibility who order or tolerate "disappearances" by those under their command should be held criminally responsible for these acts.

3. Information on detention and release

Accurate information about the arrest of any person and about his or her place of detention, including transfers and releases, should be made available promptly to relatives, lawyers and the courts. Prisoners should be released in a way that allows reliable verification of their release and ensures their safety.

4. Mechanism for locating and protecting prisoners

Governments should at all times ensure that effective judicial remedies are available which enable relatives and lawyers to find out immediately where a prisoner is held and under what authority, to ensure his or her safety, and to obtain the release of anyone arbitrarily detained.

5. No secret detention

Governments should ensure that prisoners are held only in publicly recognized places of detention. Up-to-date registers of all prisoners should be maintained in every place of detention and centrally. The information in these registers should be made available to relatives, lawyers, judges, official bodies trying to trace people who have been detained, and others with a legitimate interest. No one should be secretly detained.

6. Authorization of arrest and detention

Arrest and detention should be carried out only by officials who are authorized by law to do so. Officials carrying out an arrest should identify themselves to the person arrested and, on demand, to others witnessing the event. Governments should establish rules setting forth which officials are authorized to order an arrest or detention. Any deviation from established procedures which contributes to a "disappearance" should be punished by appropriate sanctions.

7. Access to prisoners

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

8. Prohibition in law

Governments should ensure that the commission of a "disappearance" is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of "disappearances" and the essential safeguards for their prevention

must not be suspended under any circumstances, including states of war or other public emergency.

9. Individual responsibility

The prohibition of "disappearances" should be reflected in the training of all officials involved in the arrest and custody of prisoners and in the instructions issued to them. They should be instructed that they have the right and duty to refuse to obey any order to participate in a "disappearance". An order from a superior officer or a public authority must never be invoked as a justification for taking part in a "disappearance".

10. Investigation

Governments should ensure that all complaints and reports of "disappearances" are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. Officials suspected of responsibility for "disappearances" should be suspended from active duty during the investigation. Relatives of the victim should have access to information relevant to the investigation and should be entitled to present evidence. Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals. The investigation should not be curtailed until the fate of the victim is officially clarified.

11. Prosecution

Governments should ensure that those responsible for "disappearances" are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime. Trials should be in the civilian courts. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction.

12. Compensation and rehabilitation

Victims of "disappearance" and their dependants should be entitled to obtain fair and adequate redress from the state, including financial compensation. Victims who reappear should be provided with appropriate medical care or rehabilitation.

13. Ratification of human rights treaties and implementation of international standards

All governments should ratify international treaties containing safeguards and remedies against "disappearances", including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Declaration on the Protection of All Persons from Enforced Disappearance, and comply with the recommendations of intergovernmental organizations concerning these abuses.

14. International responsibility

Governments should use all available channels to intercede with the governments of countries where "disappearances" have been reported. They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate "disappearances". No one should be forcibly returned to a country where he or she risks being made to "disappear".

(This 14-Point Program was adopted by Amnesty International in December 1992 as part of the organization's worldwide campaign for the eradication of "disappearances").