AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 14/054/2004 (Public)
News Service No: 278
4 November 2004

Iraq - Falluja: assurances needed for the protection of civilians

Reacting to increasing reports that United States (US) and Iraqi troops are preparing to launch a major offensive aimed at gaining control of the city of Falluja, Amnesty International seeks assurances from both governments that they will comply with their obligations under international human rights and humanitarian law. Similarly, Amnesty International calls on armed groups in Falluja to comply with the rules of international law.

Military actions by US and Iraqi forces in the past few months on Falluja and other Iraqi cities have resulted in scores of civilian casualties and destruction of civilian property. Amnesty International is concerned that many of these casualties have may have resulted from indiscriminate or disproportionate attacks.

Amnesty International stresses that the government of the United States of America (USA) and the interim government of Iraq are legally bound to observe at all times the rules of all applicable human rights and humanitarian law treaties to which they are states parties, as well as rules of customary international law binding on all states.

The USA and the Iraqi Interim Government must issue clear instructions to their forces:

- prohibiting any direct attacks against civilians or civilian objects, (including in reprisal);
- prohibiting attacks which do not attempt to distinguish between military targets and civilians or civilian objects (indiscriminate attacks);
- prohibiting attacks which, although aimed at a legitimate military target, have a disproportionate impact on civilians or civilian objects;
- prohibiting attacks on objects indispensable to the survival of the civilian population
- prohibiting attacks using inherently indiscriminate weapons;
- to treat humanely all prisoners, the wounded and those seeking to surrender -- prisoners must never be killed or held as hostages, tortured or be subjected to outrages upon their personal dignity, in particular, humiliating and degrading treatment;
- to take all other necessary measures to protect the civilian population from the dangers arising from military operations, including not locating military objectives among civilian concentrations;
- to punish all breaches of the laws of war and to ensure that those responsible are brought to justice.

Amnesty International emphasises that all persons detained during and following operations, without exception, must at all times be treated humanely with full respect for their rights, in accordance with relevant provisions of Geneva Conventions. No detainees may be taken outside of Iraq for interrogation. No coercive interrogation techniques whatsoever may be used against any persons detained during or following military operations. Detainees suspected of crimes must be prosecuted before fully independent

and competent courts, in procedures which meet international standards of fairness, with no possibility of the death penalty or other cruel, inhuman or degrading punishment being imposed.

Amnesty International calls upon commanders of armed groups in Falluja o issue similar instructions to their forces. In particular:

- prohibiting any use of non-combatants, including the civilian population and prisoners, in military operations, for instance as human shields;
- making sure that civilians who do not want to take part in the conflict are not subjected to human rights abuses for refusing to do so;
- prohibiting placing combatants and weaponry deliberately among the civilian population;
- prohibiting the taking of hostages;
- prohibiting torture, mutilation, cruel treatment, humiliation or execution of prisoners;
- ensuring that the wounded and sick are collected and cared for;
- allowing humanitarian bodies such as the International Committee of the Red Cross full and unhindered access to prisoners;
- allowing local and international humanitarian organizations to provide the humanitarian needs of the civilian population;
- condemning publicly breaches of international humanitarian law by their forces and immediately removing any combatant suspected of abuses from situations where such abuses might recur.

Background

For months Falluja has been the target of US air strikes almost on a daily basis. On 5 April 2004 US Marines launched a military operation in the city to seek the arrest of those responsible for the killing in March of four US security guards. The fighting in Falluja lasted for days until a cease fire was agreed. However, it continued sporadically for weeks before US troops pulled out and control of the city was handed over to Iraqi forces. According to hospital and media sources at least 600 people died in the fighting; at least half of them were civilians including children.

Following a period of relative calm, US air strikes resumed ostensibly targeting insurgents' "safe houses" including members of the group *Al-Tawhid wal-Jihad*, reportedly led by a Jordanian national, Abu Musab al-Zarqawi, who claimed responsibility for a number of indiscriminate suicide bomb attacks and hostage takings. In July hospital sources said that 14 people, among them children, died as a result of a US air strike.

Further air strikes took place in August, September and October. At least 17 people, reportedly including three children were killed in early September. On 25 September and following an air strike the news agency AFP quoted a medical doctor as saying: "We have received seven dead and 11 wounded including women and children" while a US military statement said that an air strike had targeted a "terrorists meeting in the Jolan district of Falluja". On 8 October another air raid reportedly killed 11 people and wounded 17 others in what the US military said was "a precision strike" against a hideout of Abu Musab al-Zarqawi, while doctors and residents reportedly said that the strike has hit a house after a wedding party. On 20 October four children and their parents were said to have been killed in another air strike against the city.

Amnesty International is concerned that many of these civilian killings may have resulted form indiscriminate or disproportionate attacks by US forces.