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Iraq resolution: key human rights issues unaddressed

Amnesty International welcomes that the Security Council, in its resolution just unanimously adopted on the transfer of power in Iraq, includes a commitment by all forces in the country to act in accordance with international law, including their obligations under international humanitarian law.

However, Amnesty International is deeply concerned that the Security Council has missed a crucial opportunity to make clear the specific obligations of the multinational force and the Iraqi authorities under international human rights and humanitarian law. Although a majority of Security Council members supported from the start of negotiations a proposal by Brazil, Chile and Spain to state these international obligations in unambiguous terms and to include them in the binding part of the resolution, its drafters - the USA and the UK - failed to do so.

Amnesty International calls on all parties, especially the multinational force, to clarify that they will fully meet all their obligations under international law, including by fully respecting all human rights which Iraq is bound to uphold under the human rights treaties to which it is a party.

"It is ironic that countries that came to justify their intervention in Iraq on grounds of human rights failed to give human rights its proper place in the resolution and acknowledge their own binding obligations under international human rights and humanitarian law" said Yvonne Terlingen, Amnesty International's Representative at the United Nations.

The lack of clarity about legal responsibilities is particularly of concern to Amnesty International since a letter by Secretary of State Colin Powell, annexed to the resolution, provides broad powers to the multinational force to act in Iraq "by preventing and deterring terrorism" and gives the multinational force powers of "internment where this is necessary for imperative reasons of security". Internment is a provision of the Fourth Geneva Conventions that deals with the powers of occupying forces. However, neither the resolution nor the letter from the US Secretary of State clarify the legal basis for such internment, or the international or national standards that must be observed by the multinational force under the broad powers given to them in the resolution "to take all necessary measures to contribute to the maintenance of security and stability in Iraq".

The resolution also fails to specify how the multinational force, or contractors working for them, will be held accountable for any abuses committed - a matter of great importance given that Iraqis have been tortured and ill-treated in detention by USA and UK forces in Iraq, which is one of several issues raised by Amnesty International in its open letter to all members of the Security Council of 2 June 2004.

Amnesty International also calls on the Security Council and all concerned to clarify immediately what will happen to the thousands of prisoners currently held by the occupying powers in Iraq, a matter

which the Secretary-General's Special Adviser for Iraq, Lakhdar Brahimi, raised in the Security Council yesterday. Amnesty International has emphasized that the Security Council, which authorized the presence of the multinational force in Iraq, bears a special responsibility for the prisoners' safety, and has urged that their situation be immediately clarified, and that they be provided with full legal safeguards to which they are entitled under human rights law. It urges the Council to ensure that the UN will be able to carry out its full mandate to promote and to protect human rights in Iraq, including by playing a special monitoring role with regards to prisons and detention centres.

Amnesty International will continue to work to ensure that all the issues raised in its letter of 2 June to the Security Council will be addressed. It hopes to work with the new Iraqi authorities and the multinational force to ensure the full observance of international humanitarian law and human rights in Iraq.