

AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 14/063/2003 (Public)
News Service No: 075
1 April 2003

Iraq: Soldiers' civilian disguise likely to rebound on civilians

Amnesty International today called on the Iraqi authorities to order an end to perfidious acts -- such as Iraqi soldiers pretending to be civilians in order to get close enough to attack enemy forces.

The organization is particularly concerned by recent statements by Iraqi officials following the 29 March suicide bomb attack on an army checkpoint, which killed four US Soldiers. Iraqi Vice President Taha Yassin Ramadan reportedly told a press conference: "This is the beginning and you will hear more good news in the coming days. We will use any means to kill our enemy in our land, and we will follow the enemy into its land."

"For soldiers to disguise themselves as civilians in order to carry out an attack on enemy soldiers is clearly unlawful. There is a very real risk that this policy could rebound and impact on innocent civilians," said Amnesty International.

"By deliberately blurring the distinction between combatants and civilians such attacks put all Iraqi civilians at risk. Such acts are classified as perfidy and are war crimes in the statute of the International Criminal Court. We are calling on Iraq's leaders to publicly condemn such attacks and for the government to make clear to all those engaged in fighting that these violations are not acceptable."

Background

Article 37 of Protocol I relating to the Protection of Victims of International Armed Conflicts states that:

1. It is prohibited to kill, injure or capture an adversary or resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy:

- (a) the feigning of an intent to negotiate under a flag of truce or of a surrender;
- (b) the feigning of an incapacitation by wounds or sickness;
- (c) the feigning of civilian, non-combatant status; and
- (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict.

2. Ruses of war are not prohibited. Such ruses are acts which are intended to mislead an adversary or to induce him to act recklessly but which infringe no rule of international law applicable in armed conflict and which are not perfidious because they do not invite the confidence of an adversary with respect to protection under that law. The following are examples of such ruses: the use of camouflage, decoys, mock operations and misinformation.

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