

## **Iraq:**

# **People come first – Protect human rights during the current unrest Amnesty International's 10-point appeal**

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There is an urgent need to protect human rights in Iraq. Although major combat operations appear to have ended, violence, killings, destruction of property and widespread insecurity continue, and the humanitarian emergency remains. If Iraq's future is to be hopeful, it must be built on respect for human rights.

Amnesty International calls on the occupying powers, and all others exercising authority in Iraq, to commit themselves publicly to the following 10 points. These derive from obligations under international humanitarian law, in particular the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and from international human rights standards. Other states should insist on respect for these principles:

### **1. Ensure public order and safety**

The occupying powers and any interim authorities in Iraq must restore and maintain public order and safety in areas under their control. They must prevent acts of violence to people or property. In maintaining public order, they must ensure that any use of force is necessary and proportionate to the threat. They must respect the rights to freedom of expression, assembly and association.

Those reconstituting police or security forces must set up fair vetting procedures, to reduce the chance of restoring to their duties officials who may have been involved in serious human rights violations.

### **2. Meet the basic needs of the Iraqi population**

The occupying powers, in particular, must ensure the prompt provision of food, water, shelter and medical supplies to people living in areas of Iraq under their control, maintain hospitals and other public services, and protect public health and hygiene.

### **3. Where fighting continues, protect civilians and act lawfully**

Sporadic fighting may continue or erupt in parts of Iraq. In all cases, civilians and others taking no part in hostilities must be protected, and there must be no indiscriminate attacks, hostage-taking, collective punishments or other inhumane or arbitrary treatment.

### **4. Respect the rights of detainees**

When armed conflict ends, prisoners of war must be released. Detained civilians must be released in the shortest possible period of time, unless they are charged with a recognized criminal offence and brought to trial. In all circumstances they must be allowed the right to challenge the lawfulness of their detention.

Detainees must in all cases be treated humanely and protected from coercion, torture and ill-treatment.

#### **5. No arbitrary expulsions, no ethnic cleansing, protect refugees**

Occupying powers may not forcibly remove or expel any Iraqi civilian from occupied territory, and civilian detainees should not be removed from Iraq. All Iraqis should be protected against being forcibly or arbitrarily displaced from their homes.

Those who flee abroad, or are already in exile, must be protected against forcible return (*refoulement*) so long as they are at risk of serious human rights abuses in Iraq.

#### **6. Put the human rights of the Iraqi people at the heart of reconstruction efforts**

The protection of human rights should be a key factor in prioritizing and implementing reconstruction projects. The occupying powers must safeguard the property of civilians (under the 4<sup>th</sup> Geneva Convention all Iraqi nationals are protected persons) and, as caretakers of public property and natural resources, must not appropriate them or otherwise dispose of them.

#### **7. Commit to a comprehensive program for ensuring justice**

All those responsible for crimes under international law and other grave human rights abuses in Iraq must be brought to justice, in accordance with international standards for fair trial and without the imposition of the death penalty. There should be no amnesties for crimes under international law.

At the heart of any comprehensive program for justice must be the reform of the Iraqi criminal justice system. Complementary and transitional approaches, for example international or mixed tribunals, should be considered in the meantime.

#### **8. Establish a UN commission of experts to advise on approaches to ensuring justice**

A UN Commission of experts should begin work immediately, in close consultation with Iraqis, and report in a matter of months on proposals for reforming the Iraqi criminal justice system and for complementary and transitional approaches to justice. Its recommendations should be taken on board by a new Iraqi government, as under international law the occupying powers are not entitled to introduce wide-ranging changes to the existing system. The occupying powers, however, should suspend the imposition of the death penalty and other cruel and inhuman punishments, as well as the operation of Iraqi special courts that violate international standards for fair trial. They should not establish their own tribunals.

#### **9. Deploy UN human rights monitors throughout Iraq**

Human rights monitors would aid protection of people's rights by addressing human rights cases and issues directly with the authorities on the ground, and by providing authoritative and timely information to the international community.

**10. Assist the work of humanitarian organizations**

The occupying powers must allow humanitarian organizations access to people in need, and should not unnecessarily delay their activities. They should cooperate fully with the International Committee of the Red Cross, including by granting it access to all detainees, and with the Iraqi Red Crescent Society.