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Iraq: Amnesty International seeks clarification on house demolitions by US troops in Iraq

Amnesty International is seeking clarification from United States Secretary of Defence Donald H. Rumsfeld over the reported demolition of several Iraqi homes by US soldiers in Iraq.

"The US government should clarify whether it has officially permitted house demolitions as a form of collective punishment or deterrence," said Amnesty International in a letter sent to the US government on Thursday. "If such proved to be the case, it would constitute a clear violation of international humanitarian law."

Amnesty International received reports that on 10 November US soldiers arrived at the farmhouse of the Najim family near the town of al-Mahmudiya, south of Baghdad. The soldiers ordered all the people living the farmhouse to leave within 30 minutes. Later that day, two F-16 warplanes reportedly bombed and destroyed the farmhouse.

This was apparently carried out in retaliation for an attack a few days earlier by Iraqi armed groups against a US convoy which resulted in the killing of a US army officer. A day after the attack, US soldiers arrested six men outside the Najim house reportedly after weapons had been found inside a truck parked in front of the house. More weapons and ammunition were said to have been found when the house was searched. Some, or possibly all, of those who had been arrested are thought to be residents of the house.

"It seems that the destruction of the Najim family house was carried out as collective punishment and not for 'absolute military necessity'," said Amnesty International.

If the above is an accurate statement of the intent of the action, the US military authorities would be in breach of Articles 33 and 53 of the Fourth Geneva Convention.

Article 33 of the fourth Geneva Convention states: "Reprisals against protected persons and their property are prohibited". Article 53 states: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations".

Amnesty International has also learned that at least 15 houses have been destroyed by US forces since 16 November during military operations in Tikrit. Reports suggest that in one case, a family in the

village of al-Haweda was given five minutes to evacuate their house before it was razed to the ground by tanks and helicopter fire. The family was then allowed to salvage a few items from the rubble.

In another case, two men, four children and two babies were said to have been left in freezing night temperatures in the back of a truck before their house was destroyed.

Major Lou Zeisman, a US military official from the 82nd Airborne Division, is reported to have said: "...If you shoot at an American or Coalition force member, you are going to be killed or you are going to be captured, and if we trace somebody back to a specific safe house, we are going to destroy that facility...we didn't destroy a house just because we were angry that someone was killed, we did it because the people there were linked to the attack and we are not going to tolerate it anymore...".

Amnesty International is urging the US Secretary of Defence to immediately rescind any policy of unlawful destruction of property and collective punishment and make clear to all US forces that such actions are prohibited.

"We would also call for families whose houses have been destroyed in the manner described above to be fully compensated," said Amnesty International.

Article 147 of the Fourth Geneva Convention states that "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" is a grave breach of the Convention.

The United Nations Committee Against Torture (CAT) which monitors adherence to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the United States of America is a state party, considers "house demolition, in certain instances, amounts to cruel, inhuman or degrading treatment or punishment" a breach of Article 16.

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