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# AMNESTY INTERNATIONAL NEWS SERVICE 35/95

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TO: PRESS OFFICERS AI INDEX: NWS 11/35/95  
FROM: IS PRESS OFFICEDISTR: SC/PO  
DATE: 20 FEBRUARY 1995 NO OF WORDS: 2448

NEWS SERVICE ITEMS: EXTERNAL - **IRAQI KURDISTAN; BARBADOS** (to be sent to Caribbean media by the research team and British media)

INTERNAL - **IRAQI KURDISTAN**: SOME BACKGROUND INFO FOR PRESS OFFICERS

**NOTE TO PRESS OFFICERS:** We did not send out the Pakistan news item today because of the rapidly changing situation in the appeal case of Salamat Masih. Today, the prosecution's chief witness has withdrawn from the case, which means there is only contradictory evidence left. The researcher on Pakistan expects Salamat Masih to be acquitted tomorrow (Tuesday 21 February). We will wait until 1200 GMT at the latest to make sure if there's a verdict or not before sending out the release to press officers and international contacts.

## AUDIO-VISUAL NEWS (Section initiative)

The German TV channel PRO 7 wants to produce a 53-minute documentary about human rights abuses against women for Human Rights Day this year (10 December 1995). The German Section is assisting but can't pay for the programme. PRO 7 is therefore looking for a co-producer. Does anyone know a TV company or station who might be interested in this project?

Please call Gunnar on: +49 983 73 36

## INTERNATIONAL NEWS RELEASES

Iraqi Kurdistan (Northern Iraq) - 28 February - SEE NEWS SERVICE 266

Campaign on Women - 8 March - SEE NEWS SERVICE 12/95

Brazil - 27 March - SEE NEWS SERVICE 29/95

SYRIA - 11 April - SEE NEWS SERVICE 32/95

## TARGETED AND LIMITED NEWS RELEASES

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#### BARBADOS: CHALLENGE TO DEATH PENALTY RULING MAY LEAD TO EXECUTIONS

An appeal in two Barbados cases due to be heard tomorrow by the Judicial Committee of the Privy Council (JCPC) in London could lead to resumption of executions in Barbados and have serious consequences for prisoners sentenced to death throughout the Caribbean.

"Prisoners who should have had their sentences commuted under an earlier ruling could now be executed," Amnesty International said today.

The prisoners, Peter Bradshaw and Denzil Roberts, have been on death row in Barbados since 1985. They argue that their sentences should be commuted following a JCPC decision two years ago that it would be "inhuman and degrading" to execute prisoners after a delay of more than five years. That decision, in the case of Jamaican prisoners Earl Pratt and Ivan Morgan, has been heralded as a landmark in death penalty jurisprudence.

The JCPC is the final court of appeal for a number of Caribbean and other Commonwealth countries, including Barbados whose constitution also prohibits cruel and inhuman punishment. The JCPC decision, in the case of Earl Pratt and Ivan Morgan, resulted in commutation of death sentences in Jamaica, Trinidad and Tobago and some other Caribbean countries.

However, the Barbados Government is seeking to overturn stays of execution in the cases of Peter Bradshaw and Denzil Roberts, arguing that it would be impracticable for Barbados to operate a system in which prisoners exhausted their appeals within a five-year period.

Amnesty International said that human rights bodies around the world had welcomed the Earl Pratt and Ivan Morgan decision as an important step in the protection of human rights. Any move to overturn that decision, and allow English speaking Caribbean countries to resume executing prisoners after long delays, would be a shockingly retrograde step, it said.

Although Amnesty International opposes the death penalty in all cases as a cruel, inhuman and degrading punishment, it believes the inherent cruelty of such punishment is exacerbated by years spent under sentence of death.

Peter Bradshaw and Denzil Roberts will be represented at the JCPC by Geoffrey Robertson, QC, who argued the case for Earl Pratt and Ivan Morgan. It will also be argued that execution of Peter Bradshaw and Denzil Roberts will be additionally inhuman because their convictions were obtained under the "felony murder rule" which was abolished in England in 1957. Under this rule, a defendant who did not intend to kill must be convicted of murder when death was accidentally caused during a robbery.  
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IRAQI KURDISTAN: THREE-YEAR STUDY REVEALS A 'HUMAN RIGHTS CRISIS'

A climate of fear has been building up in Iraqi Kurdistan where there have been waves of assassinations, torture, and killings of prisoners, Amnesty International said today.

"There is a deep sense of betrayal felt among many people in Iraqi Kurdistan today following the realization that the Kurdish political leaders' promises to uphold and respect human rights were nothing more than hollow gestures", Amnesty International said.

During the last three years, hundreds of people -- civilians and combatants taken prisoner -- have suffered human rights abuses at the hands of forces acting under the authority of Kurdish political parties, as detailed in a major report released today.

The organization has closely monitored the human rights situation in Iraqi Kurdistan, from which Iraqi Government forces withdrew in October 1991, conducting field research on five occasions and holding talks with Kurdish authorities. Amnesty International acknowledges the cooperation and assistance it has received from many officials.

"The Kurdish people suffered terribly from past human rights violations by the Iraqi Government, which continues to commit crimes on a massive scale with total impunity," Amnesty International said. "Now it is the Kurdish political parties which are abusing fundamental human rights."

The organization's 140-page report details a pattern of abuses by forces acting under the authority of the political parties, principally the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) which hold the reins of power in the region.

According to the organization's grim catalogue of abuses, their forces have tortured detainees held in unacknowledged detention and killed with impunity. Similar abuses have been committed by forces of the Islamic Movement in Iraqi Kurdistan (IMIK), the region's third political force.

Both the KDP and PUK have perverted the course of justice, preventing any effective investigations into scores of political assassinations and killings of prisoners and peaceful demonstrators. Several members of the judiciary were assassinated and others threatened with death.

During widespread armed clashes in May 1994, PUK, KDP and IMIK forces deliberately killed combatants after surrender, some of whose bodies were allegedly mutilated. Civilians were abducted because of their political affiliation and tortured. Five months earlier, similar abuses were perpetrated during armed clashes between PUK and IMIK forces.

Since clashes broke out again between the KDP and PUK in December 1994, Amnesty International has received new reports of unlawful and deliberate killings and other abuses by both sides, which it is currently investigating.

The report's overwhelming evidence of responsibility for such grave abuses includes testimonies from victims, medical evidence of their torture and ill-treatment, expert forensic opinion and interviews with eyewitnesses. To date, no one has been brought to justice.

"The fact that perpetrators of such crimes remain not only at liberty but also in positions of authority has undermined public confidence in the administration of justice and the rule of law," Amnesty International said. "The knowledge that crime will go unpunished - and may even be rewarded - has contributed to the

spiral of violence in society at large, which has in turn escalated human rights abuses in Iraqi Kurdistan."

The human rights situation has deteriorated as the political crisis in Iraqi Kurdistan deepened, Amnesty International said. The inter-party fighting which the region has witnessed for over a year now resulted in the perpetration of grave human rights abuses.

Other abuses have been committed by the Kurdish administration, particularly the torture of both common law and political detainees held by the civilian police and internal security forces under the jurisdiction of the Kurdish Ministry of Interior. The ordinary criminal courts continue to impose death sentences for criminal offences, and the scope of the death penalty has been widened to include two new capital offences.

"The situation in Iraqi Kurdistan is now critical," according to Amnesty International. "We are calling on the Kurdish political leadership to end the rampant abuses of human rights and make clear to their forces that such crimes will not be tolerated and that those found responsible will be brought to justice."

Amnesty International is also calling on the political parties to end the practice of secret detention, to disband their "assassination squads" and to remove party officials and others known or suspected of having committed torture or unlawful and deliberate killings from positions of authority and from all duties in which they have contact with detainees or others at risk, pending the outcome of human rights investigations.

"The international community also has a key role in protecting human rights in Iraqi Kurdistan and should call on Kurdish political leaders to stop this vicious abuse," Amnesty International said.

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## **INTERNAL NOTE TO PRESS OFFICERS: BACKGROUND INFORMATION ON IRAQI KURDISTAN**

### 1. Target countries for publicity

We've identified eight countries targeted for action where media coverage could achieve a maximum amount of results. In order of priority, they are: USA, UK, France, Germany, Sweden, Netherlands, Denmark and Norway. The thinking behind this is as follows:

USA - The US government is a major source of humanitarian aid to Iraqi Kurdistan. Also, the State Department has taken a strong line with Kurdish leaders over the ongoing fighting in Kurdistan. Leaders of the KDP and PUK have been told by the US that unless fighting stops and a political settlement is reached, humanitarian aid may be withdrawn and "Operation Provide Comfort" suspended.

UK - It's also very important because of the historical and political links and because the UK is an important source of humanitarian aid.

France - Also has strong links between Kurdish leaders and Francois/Danielle Mitterand. Also, the French government agreed to host talks in July 1994 for the Kurdish leadership to come up with a settlement to the inter-Kurdish problems.

Germany/Sweden/Denmark/Norway - All have strong links at the government, parliamentary and non-governmental organization level. They all have sizeable Kurdish communities in their countries.

### 2. Background to the situation in Iraqi Kurdistan:

In October 1991, six months after the mass uprising in Iraq, government forces withdrew from most regions of Iraqi Kurdistan, which have since remained under the control of Kurdish opposition forces.

Elections were held in May 1992 for the Kurdistan National Assembly (parliament) and a Council of Ministers ("government") was appointed two months later. Initially, a number of positive measures were introduced by the Kurdish administration (ie. the "government" and parliament) to improve the protection of human rights in Kurdish-controlled territory. These included the transfer of detainees from the political parties' prisons to officials prisons under the administration's jurisdiction; the abolition of special courts and the referral of all cases to the ordinary criminal courts; and the creation of a centralized law enforcement structure with clear lines of accountability.

However, the human rights situation began to deteriorate as the political crisis in Iraqi Kurdistan deepened, triggered by the failure of the main political parties to agree over power-sharing arrangements in the region. The inter-party fighting which has characterized the region for over a year now has resulted in the perpetration of grave human rights abuses, which are the subject of this report.

### 3. Some data relating to the report:

It is stressed in the report that the individual cases of human rights abuses highlighted in this report are a sample taken from the variety of cases brought to AI's attention.

a) Torture: the report highlights several cases of the torture of detainees in prisons controlled by the Kurdish administration (ie. detainees held in the custody of the Kurdish Ministry of Interior's civilian police and the internal security forces). These are in Chapter 4. Torture by the political parties is discussed in Chapter 5, both in general terms and by highlighting individual cases. Eight cases of torture which are supported by medical evidence are described in the section entitled "The May 1994 events": four of these involve torture by the PUK, and four others involve torture by KDP and IMIK forces.

b) Death penalty: this issue is discussed in Chapter 4, and refers to the "judicial" death penalty as applied by the ordinary criminal courts in Iraqi Kurdistan. The Appendix to the report gives a list of 34 people sentenced to death between March 1992 and August 1994. Of these, three people have been executed to date (in 1993).

c) Unlawful and deliberate killings: these are discussed in Chapter 5, and the report attributes prime responsibility for these killings to the forces of three main political parties (the KDP, the PUK and the IMIK). The types of killings are divided along the following lines:

◆ the killing of civilian demonstrators: the report focuses on three incidents which resulted in the death (or injury) of peaceful demonstrators after political party forces fired into the crowds. These incidents took place between December 1993 and September 1994.

◆ political assassinations: the report focuses on 16 individual cases where political activists, members of the judiciary, men of religion and others have been targeted by assassination squads of the main political parties. These 16 cases are a sample taken from the scores of cases brought to AI's attention.

◆ killing of combatants after surrender: most such killings took place in the context of inter-party fighting which broke out in December 1993 and May 1994. In December 1993, the fighting was between PUK and IMIK forces. The report highlights 41 people said to have been killed after surrender (28 of them by the PUK and 13 by the IMIK). In May 1994, the fighting was between the PUK on the one hand, and the joint forces of the KDP and IMIK on the other. The report focuses on 59 combatants said to have been killed after surrender (37 of them by the PUK and 22 of them by the KDP and IMIK).

#### 4. Perpetrators of human rights abuses:

In both the report and the press release, we refer to the fact that we have received the names of officials within the political parties who are said to have committed human rights abuses. In line with AI's policy, we do not publish the names of people accused of having committed torture, killings or other abuses. However, we are prepared to submit such names to Kurdish officials if requested, and some of these names have already been submitted. This should be your response if you are asked about this in media interviews. At the same time, you should stress that we hold the leaders of the political parties as being ultimately responsible for the human rights abuses perpetrated by the forces under their control.

#### 5. UN sanctions on Iraq:

Please note that this report is being published some ten days before the next review of sanctions on Iraq by the UN. In line with AI's policy, we take no position on the sanctions and should only stress our continuing concerns about human rights violations by the Iraqi Government and human rights abuses by the Kurdish political parties.