

[Embargoed for: 6 March 2006]

Public

amnesty international

Beyond Abu Ghraib: Detention and Torture in Iraq

Summary

AI Index: MDE 14/001/2006

Nearly three years after United States (US) and allied forces invaded Iraq and toppled the government of Saddam Hussain, the human rights situation in the country remains dire. The deployment of US-led forces in Iraq and the armed response that engendered has resulted in thousands of deaths of civilians and widespread abuses amid the ongoing conflict.

In this new report, Amnesty International focuses on human rights violations for which the US-led MNF is directly responsible and those which are increasingly being committed by Iraqi security. The record of these forces, including US forces and their United Kingdom (UK) allies, is an unpalatable one.

Despite the pre-war rhetoric and post-invasion justifications of US and UK political leaders, and their obligations under international law, from the outset the occupying forces attached insufficient weight to human rights considerations. This remains the position even if the violations by the MNF that are the subject of this report do not have the same graphic, shock quality as the images that emerged in April 2004 and February 2006 showing inmates being tortured and humiliated by US guards at Baghdad's Abu Ghraib prison and Iraqi youth being beaten by UK troops after they were apprehended during a riot.

Since the invasion of Iraq in March 2003 tens of thousands of people have been detained by foreign forces, mainly the US forces, without being charged or tried and without the right to challenge their detention before a judicial body. According to

the official website of the MNF, at the end of November 2005 there were more than 14,000 security detainees held in MNF custody, distributed over the four main US controlled detention centres as follows: Abu Ghraib Prison (4,710 detainees), Camp Bucca (7,365 detainees), Camp Cropper (138 detainees) and Fort Suse (1,176 detainees), as well as various military brigade and division internment facilities (650 detainees).

Some of the detainees have been held for over two years without any effective remedy or recourse; others have been released without explanation or apology or reparation after months in detention, victims of a system that is arbitrary and a recipe for abuse. The MNF has established procedures which deprive detainees of human rights guaranteed in international human rights law and standards. In particular, the MNF denies detainees their right to challenge the lawfulness of their detention before a court. There exists no time limit for the detention of those hundreds of security internees who have been detained by the MNF since before the handover of power in June 2004. According to the MNF, at the end of 2005 there were about 750 security internees who had been held since before the handover without having been charged or tried.

Many cases of torture and ill-treatment of detainees held in facilities controlled by the Iraqi authorities have been reported since the handover of power in June 2004. Among other methods, victims have been subjected to electric shocks or have been beaten with plastic cables. The picture that is emerging is one in which the Iraqi authorities are systematically violating the rights of detainees in breach of guarantees contained both in Iraqi legislation and in international law and standards – including the right not to be tortured and to be promptly brought before a judge.

Amnesty International is concerned that neither the MNF nor Iraqi authorities have established sufficient safeguards to protect detainees from torture or ill-treatment. It is particularly worrying that, despite reports of torture or ill-treatment by US and UK forces and the Iraqi authorities, for thousands of detainees access to the outside world continues to be restricted or delayed. Under conditions where monitoring of detention facilities by independent bodies is restricted – not least, due to the perilous security situation – measures which impose further limitations on the contact detainees may have with legal counsel or relatives increase the risk that they will be subject to torture or other forms of abuse.

Amnesty International is calling on the Iraqi, US and UK authorities to take urgent, concrete steps to ensure that the fundamental human rights of all detainees in Iraq are respected. In particular, these authorities must urgently put in place adequate safeguards to protect detainees from torture or ill-treatment. This includes ensuring that all allegations of such abuse are subject to prompt, thorough and independent investigation and that any military, security or other officials found to have used, ordered or acquiesced in torture are brought to justice. It includes too ensuring that detainees are able effectively to challenge their detention before a court; the right to do so constitutes a fundamental safeguard against arbitrary detention and torture and

ill-treatment, and is one of the non-derogable rights which states are bound to uphold in all circumstances, even in time of war or national emergency.

Amnesty International has previously reported on abuses by armed groups opposed to the MNF and the new Iraqi authorities, some of which are so egregious as to constitute crimes against humanity as well as war crimes. The organization condemns and continues to call for an end to these abuses.

This report summarizes a 48-page document (16613 words),: Beyond Abu Ghraib: detention and torture in Iraq (AI Index: MDE 14/001/2006) issued by Amnesty International in March 2006. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

http://www.amnesty.org/email/email_updates.html

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM