



Justice for Iraq's Detainees

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So many detainees

During the invasion of Iraq, the Coalition Forces captured thousands of Iraqis. Some were members of opposition forces (classified as prisoners of war), some were classified as civilian internees (most of whom, if not all, have been released) and others were captured under suspicion of involvement with various

opposition forces (classified as "security detainees" or "security internees").

The CPA created makeshift detention camps, some of which they adapted from existing Iraqi facilities, and many of which they built new. The CPA acquired responsibility for criminals incarcerated at all levels in Iraq's penal system. In July 2003, the CPA appointed the Iraqi Governing Council (IGC) to take on some responsibilities in governing Iraq, including in the criminal justice system.

Until October 2003, most of the security detainees were held at Camp Bucca, just outside of Umm Qasr on the Persian Gulf, and at Camp Cropper inside the Baghdad International Airport (BIAP). According to CPA officials, they prohibited detainees from receiving legal counsel at all facilities as a matter of policy because they believed this could compromise security. In November 2003, most of the security detainees were transferred into camps inside the Abu Ghraib prison compound, just west of Baghdad.

US Defense Secretary, Donald Rumsfeld, testified before Congress in May 2004, that 43,000 people had been detained in Iraq at some point since the invasion.

Not a security threat

'Hundreds of Iraqi prisoners were held in Abu Ghraib prison for prolonged periods despite a lack of evidence that they posed a security threat to American forces, according to an [unpublished] Army report completed last [autumn]' that leaked to the *New York Times* (30 May). Some were held for several months 'for nothing more than expressing "displeasure or ill will" toward American occupying forces.'

According to a leaked February 2004 report by the Red Cross, military intelligence officers had told the organisation that "in their estimate between 70% and 90% of the persons deprived of their liberty in Iraq had been arrested by mistake" (*NYT*, 30 May)

Children as young as 11 have been held. Others are held as 'hostages' in place of a wanted relative.

The military occupation continues to detain

With the 'handover' of sovereignty in June 2004, the Interim Government of Iraq (IGI) explicitly stated that the Multinational Forces (MNF) may detain any persons they deem necessary for imperative reasons of security.

Since then, the MNF has reportedly moved most security detainees to Camp Bucca. The MNF holds High Value Detainees (HVDs)—i.e. detainees suspected of posing the greatest threat to security or of knowing the most valuable information—at Camp Cropper. (*The Washington Times*, May 6, 2004.)

At present, the MNF continues to capture and detain persons indefinitely whom they suspect pose an imperative threat to security. On 8 Oct. *Associated Press* reported that, according to a military spokesman, '2,000 "security detainees" remain[ed] in US custody at Abu Ghraib, near Baghdad, and 3,000 at Camp Bucca in southern Iraq.'

The disappeared and the transported

CPT has been involved in a number of cases where the person was known to be detained but was not shown as being registered in any of the facilities - effectively 'disappeared' within the system. CPT has learned that some detainees are on a "black list" of detainees thought to be higher security risks.

Families have also raised the concern that there are detainees held in facilities outside of Iraq, including such places as Qatar, Kuwait and Germany where there is less scope for accountability.

US overruling the Iraqi court

A number of detainees - some of whom have been held without trial for as long as 14 months - were 'issued charge sheets following pressure from the [Red Cross]' (*AFP*, 19 July), but they can expect little justice from the so-called Central Criminal Court to which their cases will be referred, 'a hybrid legal institution, created by the American-led occupation, in which US lawyers prepare cases for Iraqi prosecutors to present to Iraqi judges, who were in turn chosen by the coalition' (*FT*, 29 June). 'The man in charge of the court, Luqman Thabit, was also chief judge for [Saddam] Hussein's special court, in which sentences were often dictated by the Iraqi leader or his sons' (*Washington Post*, 4 August)

The day after the "handover" the *FT* reported how prisoner Iyad Akmush, 23, 'learnt the limits of sovereignty yesterday when US prosecutors refused to uphold an Iraqi judge's order acquitting him of attempted murder of coalition troops', instead returning him to Abu Ghraib (*FT*, 29 June).

According to Michael Frank, the deputy special prosecutor for MNF, it was necessary to override the court 'because judges and prosecutors were reluctant to sentence Iraqis for attacking coalition forces.' He said that, "Iraqis who have been detained as a security threat can still be detained until firstly the coalition leaves or secondly they are considered to be no longer a threat."

A second US prosecutor explained that, "We could have established our own military court and sentenced them the way we see fit. We didn't want to do that. We wanted Iraqis to run the court" - but not, it seems to make decisions contrary to the desires of the US military.

What future for Iraq's detainees?

'[T]he medium-term prospects for a resolution to the prisoner issue look bleak', *AFP* has noted, with the US planning 'to expand and transform Camp Bucca ... into a long-term detention facility for the most serious offenders that would include those in Abu Ghraib' (19 July).

Thousands of detainees are still in legal limbo and with the occupiers acting outside of the law, no end to the detentions, and the suffering and injustice for those detained and their families, is in sight.

“Rooted in the very nature of a foreign occupation”

“Our first involvement with the U.S.-run prison system in Iraq and the problems of detainees and their families began in May 2003.

Team members were assessing the effects of the war and the conditions under U.S. occupation and determining the focus of our work in post-invasion Iraq... The team tried to visit the U.S.-run prison set up at the Baghdad airport, speak with the U.S. soldiers, and observe how Iraqi prisoners were treated. Despite several attempts, we were denied access. But while we were waiting we met several Iraqi families who had come to find their loved ones who had been arrested or had disappeared. They, too, were being denied access and information, so they asked the team for help.

In May there was no system for locating prisoners, but later we were able to go to the Iraqi Assistance Center and there find some of the names, charges, and serial numbers of detainees. As more people came for help, we discovered this was not easy to do. We found information for only about 10 percent of the cases we brought.

At first the disorganization of the system seemed to be a normal phenomenon of the chaos that follows war. But as we worked on this all summer, then into the fall and winter, we saw that the system did not improve. Sure, there would be a few successful inquiries, where the family was able to find and visit the prisoner, and even a few released. But for most families this didn't happen.

With each family or released prisoner we talked to, we heard various stories of violent house raids in which the men were knocked down, beaten and often detained, in which household furnishings were destroyed and money and jewelry stolen. Released detainees told us about physical and psychological abuse both during the processing and interrogation phases and within the prison system itself.

As early as last summer we realized that abuse was widespread since the beginning of the occupation. At that time we shared with lower ranking military officers what we had found. They urged us to go to Ambassador L. Paul Bremer, the U.S. appointed civilian chief of the occupation authority, and to Lt. Gen. Ricardo Sanchez, the commander of U.S. forces in Iraq. We went to both, giving them copies of our report on 72 cases of detainees, summarizing the abuses and problems of the system and suggesting changes.

In response, we were told that the violent house raids and wide sweeps of men from neighborhoods or streets were important for the security of U.S. troops.

We, in turn, pointed out that the excessive violence and abuses not only caused much suffering for the Iraqi people, but put U.S. forces, civilian personnel, and international humanitarian workers in danger.

With the recent exposure of the degrading pictures of U.S. soldiers abusing Iraqi prisoners, the first thought is usually, “It must be an aberration, ‘a few bad people,’” as President Bush asserted.

In our work with detainees over the past year we encountered countless honorable soldiers who work in the system. One female officer in particular at Bucca Prison Camp near Um Qasr, demonstrated great compassion when our team members accompanied an Iraqi mother and father to visit their three sons. Many released prisoners who told us stories of abuse, also talked about “noble soldiers” who protested such abuse and treated them with respect.

Yet the sheer numbers of allegations of mistreatment, many of which I have heard personally, suggest that the problem is not just a few bad people but something broader and deeper, something rooted in the very nature of a foreign occupation.” (from www.cpt.org)

CPT findings

- House raids using excessive force, often against unarmed civilians and often based on bad information
- Theft and destruction of personal property at the time of capture, especially in house raids
- Detentions without explanation, formal charges, access to legal counsel, or an appropriate judicial process
- Mistreatment and deliberate abuse of detainees in U.S. military facilities
- Inadequate conditions in detention facilities
- Ineffective processes for retrieving confiscated property
- Inadequate communication of information about detainees to their families
- Lack of great difficulty of visitations between detainees and their families
- Some high security detainees have been ‘disappeared’ within the system while others have been transported out of Iraq.
- Criminal detainees are frequently released after short periods, while security detainees remained detained for extended periods with no legal proceedings.
- Since May 2004 (and world-wide media coverage), detainee visitations at Abu Ghraib have improved, becoming easier to schedule and more frequent
- Some released detainees reported inadequate medical treatment.
- Released detainees reported that abuse often occurred in various forms and in various locales, the most frequent being the first place the soldiers took them after capture (usually a local military base)
- In mid-spring 2004, the Coalition Provisional Authority made more information about detainees available (in Arabic) via the Internet and through the Iraqi Assistance Center and several General Information Centers. Information varied from center to center, however, and they sometimes gave families wrong information
- Many released detainees and their families expressed particular bitterness that the United States, a country that speaks of bringing democracy to Iraq, did not follow democratic principles of justice by allowing them due legal process.



A detainee's daughter holds up a picture of her father

Did the Abu Ghraib exposure change anything?

The well-documented abuse of detained Iraqi prisoners has included murder, rape, sodomy, physical assault, sexual humiliation and the use of dogs to intimidate and frighten (and in at least one case bite) detainees [1].

CPT's information from released detainees indicates abuse and mistreatment were not limited to Abu Ghraib. Released detainees also reported abuse and mistreatment at the Camp Bucca in Um Qasr and Baghdad International Airport (BIAP), as well as at many of the initial intake facilities for prisoners, including coalition military bases.

According to the sources of Pulitzer-prize winning journalist Seymour Hersh – who broke the story of the Abu Ghraib torture photos in May 2004 – the so-called “Special Access Programme” which ‘encouraged physical coercion and sexual humiliation of Iraqi prisoners’ was ‘reconstituted’ mid-June with ‘[t]he same rules of engagement’ (*New Yorker*, 24 May; *Chain of Command*, p.65)

A former intelligence official told Hersh that the role of Major General Geoffrey Miller – who was presented to the American public as the man who would ‘clean up the Iraqi prison system and instill respect for the Geneva Conventions’ after the Abu Ghraib prison abuse story broke – is to “save what he can...protect[ing] the program while limiting any loss of core capability.”

However, the CPT have reported that some small changes have occurred in the detention system post the exposure of the horrors of Abu Ghraib. It is vital to keep up the pressure.

1. See the February 2004 internal US military report by Maj. Gen. Antonio Taguba, available on-line at <http://news.findlaw.com/hdocs/docs/iraq/tagubarpt.html>.



Family members stage a vigil with pictures of their loved ones inside a house destroyed by a US tank in Abu Siffa

On December 16, 2003, U.S. forces surrounded the farming village of **Abu Siffa** at 2:00 am and, in the course of a 14-hour operation, detained 80 men and three teenage boys (ages 14, 15 and 16). Abu Siffa is located on the outskirts of Balad, a city of 90,000 people about 50 miles north of Baghdad.

According to Mohammed Jasim Hassan Altaai, "The Coalition Forces were looking for one person but they searched all our houses. It was a rainy night and they surrounded our whole village (about 25 homes) with tanks and Humvees. They surrounded the farmers' fields with tanks and destroyed the fences. They destroyed the doors of our houses and kicked down our bedroom doors, or used their weapons to open them, while we were sleeping. They didn't allow anyone to remain in the houses while they searched. They stole 14 million dinars from Imad's house and more than 4 million from Kamel's house (in all the equivalent of about \$17,000). They gathered the men together and beat them severely. A 70-year-old man suffocated and died when they put a black plastic hood on him."

The object of the raid was to capture Kais Hattam, a prominent Baath Party official. According to the military commander who conducted the raid, Colonel Nate Sassaman, Saddam Hussein was captured with documents directly linking him to Kais Hattam. Sassaman said they found weapons, confiscated \$1.9 million dollars in cash, and detained 72 men in the raid.

On December 31, 2003, U.S. forces returned to Abu Siffa and shelled the home of Abas Muhamed Abd Wahid, a 41-year-old primary school teacher currently in detention. The front of the simple brick building, which once housed 16 people, was completely destroyed. The interior of the house was full of rubble and its contents removed.

Three days later, on January 2, the U.S. military attacked a second house belonging to four brothers: Hamis (35), Abd Kadir (28), Jasim (30) and Mohammed (16). Their father, Tarik, is deceased. All of the brothers are detained. The main entrance and two of the house's support pillars were destroyed by tank fire. Soldiers punched holes through interior walls and riddled the ceilings in every room with scores of bullets leaving the six-room house uninhabitable.

When asked if there was any reason why these particular houses were destroyed, Altaai said, "No. They just choose every sixth house, ones that are hidden away so no one will see."

"They have detained all of the men in our village," said Altaai. "Jamal and I are the only two men still living in the area. They took about fifteen teachers from the secondary school, so now there aren't enough teachers to give lessons." Police officers, farmers and students are also being held.

The effect on this agricultural community has been devastating. There are no men to do the work, and local farmers are reluctant to assist for fear of reprisals from Coalition Forces.

None of the detainees at Abu Ghraib prison have seen a lawyer or received a visit. Altaai and one other person from the community were allowed to visit the teenagers who are held in a separate Baghdad prison. "It is so difficult for us to visit them," Altaai lamented. "The soldiers treat us badly, and they don't allow us to be close to the detainees. They put a line and we have to stand about 10 meters away so we cannot talk freely with them. If only we could visit one of the prisoners, then we could get news about all of them." (from www.cpt.org)

Detainee Testimonies

Other testimonies can be found at www.cpt.org

In November last year 39-year-old **Huda Alazawi**, a wealthy Baghdad businesswoman, received a demand from an Iraqi informant. He was working for the Americans in Adhamiya, a Sunni district of Baghdad well known for its hostility towards the US occupation. His demand was simple: Madame Huda, as her friends and family know her, had to give him \$10,000. If she failed to pay up, he would write a report claiming that she and her family were working for the Iraqi resistance. He would pass it to the US military and they would arrest her.

The informant was as good as his word. In November 2003, he wrote a report that prompted US soldiers to interrogate Alazawi's brother, Ali, and her older sister, Nahla, now 45. Wearing a balaclava, he also led several raids with US soldiers on the families' antique-filled Baghdad properties.

On December 23, the Americans arrested another of Alazawi's brothers, Ayad, 44. It was at this point that she decided to confront the Americans directly. She marched into the US base in Adhamiya, one of Saddam Hussein's former palaces. "A US captain told me to come back with my two other brothers. He said we could talk after that." On Christmas Eve she returned with her brothers, Ali and Mu'taz. "I waited for four hours. An American captain finally interrogated me. After 10 minutes he announced that I was under arrest." Like thousands of other Iraqis detained by the Americans since last year's invasion, Alazawi was about to experience the reality of the Bush administration's "war on terror".

"They handcuffed me and blindfolded me and put a piece of white cloth over my eyes. They bundled me into a Humvee and took me to a place inside the palace. I was dumped in a room with a single wooden chair. It was extremely cold. After five hours they brought my sister in. I couldn't see anything but I could recognise her from her crying."

Alazawi says that US guards left her sitting on the chair overnight, and that the next day they took her to a room known by detainees as "the torturing place". "The US officer told us: 'If you don't confess we will torture you. So you have to confess.' My hands were handcuffed. They took off my boots and stood me in the mud with my face against the wall. I could hear women and men shouting and weeping. I recognised one of the cries as my brother Mu'taz. I wanted to see what was going on so I tried to move the cloth from my eyes. When I did, I fainted."

Like most Iraqi women, Alazawi is reluctant to talk about what she saw but says that her brother Mu'taz was brutally sexually assaulted. Then it was her turn to be interrogated. "The informant and an American officer were both in the room. The informant started talking. He said, 'You are the lady who funds your brothers to attack the Americans.' I speak some English so I replied: 'He is a liar.' The American officer then hit me on both cheeks. I fell to the ground."

Alazawi says that American guards then made her stand with her face against the wall for 12 hours, from noon until midnight. Afterwards they returned her to her cell. "The cell had no ceiling. It was raining. At midnight they threw something at my sister's feet. It was my brother Ayad. He was bleeding from his legs, knees and forehead. I told my sister: 'Find out if he's still breathing.' She said: 'No. Nothing.' I started crying. The next day they took away his body."

The US military later issued a death certificate, seen by the Guardian, citing the cause of death as "cardiac arrest of unknown etiology". The American doctor who signed the certificate did not print his name, and his signature is illegible. The body was returned to the family four months later, on April 3, after the Abu Ghraib torture scandal broke. The family took photographs of the body, also seen by the Guardian, which revealed extensive bruising to the chest and arms, and a severe head wound above the left eye.

After Ayad's body had been taken away, Alazawi says that she and 18 other Iraqi detainees were put in a minibus inside the military compound. "The Americans told us: 'Nobody is going to sleep tonight.' They played scary music continuously with loud voices. As soon as someone fell asleep they started beating on the door. It was Christmas. They kept us there for three days. Many of the US soldiers were drunk."

Finally, after a US guard broke her shoulder as she left the lavatory, Alazawi and her surviving siblings were transferred - first to a police academy in Baghdad's interior ministry and then, on January 4 2004, to Abu Ghraib prison.

Alazawi, who has a 20-year-old daughter, Farah, and a four-year-old granddaughter, Safat, spent the next 156 days in solitary confinement.

After the Abu Ghraib scandal broke in April, Alazawi was allowed to exercise in the scrubby yard outside for 10 minutes a day. She got a bed. She was also assigned a new female guard, "Mrs Palmer", who helped the women with their English and in turn tried to learn Arabic. In May, Major General Geoffrey Miller, assigned to Abu Ghraib by Washington in the aftermath of the torture scandal, escorted a large group of journalists around the prison for the first time. The previous night, Alazawi says, US guards evacuated all the juveniles and male detainees from her cellblock, leaving only her and a handful of other women upstairs. (edited from After Abu Ghraib, The Guardian, 20 September 2004)

Adopt a Detainee

The CPT's Adopt-a-Detainee Campaign was launched in February 2004 and has since involved over 500 groups in North America and elsewhere. The campaign matches individual detainees in Iraq with religious or peace groups worldwide who organise their members to write letters on the detainees' behalf to Iraq's Prime Minister.

UK groups would also write letters to the British Government demanding that the Interim Government of Iraq and the Multinational Force in Iraq are held accountable for violating international law regarding detainees.

In addition, media outlets can be alerted of groups' actions on behalf of detainees, as well as the ongoing abuse of detainees and general violations of international law by the Multinational Force in Iraq.

More information, detainee testimonies, addresses to write to and sample letters can be found at www.cpt.org or by emailing jrp@cpt.org.

British groups have an important role to play - our government is an active participant in detention without charge or trial (in the UK as well as in Iraq). The CPT's actions are making a difference in Iraq - adopt a detainee or simply write with your concerns to the government, MP's and the media and help create a call for justice that cannot be ignored.



Outside the law

As the Occupying Power of Iraq, the Coalition Provisional Authority was bound by the Geneva Conventions. It cited Article 78 of the Fourth Geneva Convention as grounds for holding security detainees.

However, with the transfer of sovereignty on June 28, 2004, the Geneva Conventions are no longer the guiding regulations for the detention system in Iraq. Instead, several other international law documents apply, including Basic Principles for the Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and Standard Minimum Rules for the Treatment of Prisoners. Among other things, these laws require the Multinational Forces (MNF) to release all detainees in Iraq as of June 30, 2004 - or at the very least, to clarify the legal status of any detainees the MNF continues to hold and explain why it still holds them.

Both the MNF and the Interim Government of Iraq remain in standing violation of several international laws, citing their agreements at the transfer of sovereignty as justification for their present actions. In an annex to UN Resolution 1546 the US has "granted" itself the right to use "internment where this is necessary for imperative reasons of security" - a measure which Amnesty notes is 'only provided for in Article 78 of the Fourth Geneva Convention dealing with occupation', concluding that, '[n]o such powers can be exercised without the US also assuming full responsibility and accountability under the applicable law of occupation' (AI, 28 June).

The MNF has publicly announced that 700 of 5,300 detainees they hold are now subject to criminal charges and will be processed by the Central Criminal Court of Iraq. They stated that the Combined Review and Release Board has already reviewed 300 detainees, but did not state their decision on them. They further stated that the CRRB plans to review an additional 3,700 "eligible" security detainees. That leaves at least 4,600 detainees in legal limbo, 600 of which the MNF has no stated intention to even review. As with most other issues in Iraq, the final veto over the fate of the detainees remains firmly with the occupying power.

The global context

'The US government, in conjunction with key allies, is running an 'invisible' network of prisons and detention centres into which thousands of suspects have disappeared without trace since the 'war on terror' began. In the past three years, thousands of alleged militants have been transferred around the world by American, Arab and Far Eastern security services, often in secret operations that bypass extradition laws. Th[is] ... traffic has seen many, including British citizens, sent from the West to countries where they can be tortured to extract information. Anything learnt is passed on to the US and, in some cases, reaches British intelligence.' (*Observer*, 13 June). In a significant departure from international humanitarian law, the Court of Appeal ruled in August 2004, that evidence extracted under torture could be admissible in a UK court.

This ghost prison network stretches around the globe and includes the Bagram airbase in Afghanistan, Guantanamo Bay and facilities in Morocco, Qatar, Azerbaijan, Saudi Arabia and Thailand. In Britain, controversial anti-terrorism legislation, has allowed a number of foreign nationals to be held without charge or trial, for nearly 3 years, and many hundreds have been arrested on the merest of suspicions.

Resources on Iraq's detainees

Websites: Christian Peacemaker Teams: www.cpt.org; Amnesty International: www.amnesty.org; Human Rights Watch: www.hrw.org; Occupation Watch: www.occupationwatch.org; Electronic Iraq: www.electroniciraq.net

Reading: *Chain of Command: The Road from 9/11 to Abu Ghraib* by Seymour M. Hersh (HarperCollins, 2004)

Resources relating to 'war on terror' detainees world-wide

Websites: Campaign Against Criminalising Communities (UK campaign against anti-terror legislation and other 'war on terror' developments): www.cacc.org.uk; Liberty (protesting civil liberties and promoting human rights in UK): www.liberty-human-rights.org.uk; Amnesty and Human Rights Watch (see above)

Reading: *Global Web of secret US prisons*, *Observer*, 13 June 2004 and *Inside America's secret Afghan gulag*, *Guardian*, 23 June 2004, www.guardian.co.uk; *Composite statement: Detention in Afghanistan and Guantanamo Bay*, Centre for Constitutional Rights, July 2004, www.ccr-ny.org

Christian Peacemaker Teams is an ecumenical violence-reduction program with roots in the historic peace churches. Teams of trained peace workers live in areas of lethal conflict around the world. CPT has been present in Iraq since October, 2002. Contact CPT at Box 6508, Chicago, IL 60680-6508, US. Tel. +1 773-277-0253, Fax. +1 773-277-0291, www.cpt.org, peacemakers@cpt.org

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