

# LEVENSSOMSTANDIGHEDEN IN BEZET IRAK

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## SAMENVATTING

- Burgerslachtoffers: Er vallen veel, al dan niet per ongeluk, burgerslachtoffers door gewapend optreden van de bezettingstroepen. Er is kritiek op de wijze waarop de Amerikaanse autoriteiten omgaan met compensatieclaims van nabestaanden.
- Optreden van bezettingstroepen: De door de Amerikanen ingestelde Iraakse regeringsraad beklaagt zich over mensenrechtenschendingen door Amerikaanse soldaten, maar de CPA weigert hier op in te gaan. Iraakse leiders waarschuwen de bezettingstroepen dat voortdurende van hun hardhandige optreden meer (gewelddadig) verzet zal veroorzaken. Vernielingen van huizen van familieleden van Iraakse opstandelingen door Amerikaanse militairen stuit eveneens op kritiek. De CIA is bezig een nieuwe Iraakse geheime politie op te zetten.
- Humanitaire situatie: De humanitaire situatie in Irak blijft onverminderd slecht. Verbeteringen vinden slechts zeer langzaam plaats, terwijl op sommige vlakken alleen maar verslechtingen vallen te melden.
- Elektriciteit en infrastructuur: De elektriciteitsproductie, die al maanden ongeveer stabiel is, blijft steken op een kwart van wat benodigd is. Er is verder een ernstig tekort aan huizen in Irak.
- Voedselvoorziening: Het Olie-voor-Voedselprogramma is beëindigd. Voedseldistributie, waar veel Irakezen van afhankelijk zijn, vindt nu plaats onder verantwoordelijkheid van de CPA.
- Watervoorziening: De kwaliteit van het water is op veel plekken slecht. Er wordt geschat dat verbeteringen maanden tot jaren in beslag zullen nemen.
- Sociaal-economische situatie: Er heerst een enorme werkloosheid in Irak. Het zou gaan om zo'n 8,5 miljoen werklozen, 50% van de beroepsbevolking.
- Economische situatie: De CPA wil Irak zo snel mogelijk omvormen tot een vrije markteconomie, maar privatisering van staatsbedrijven moest noodgedwongen al uitgesteld worden. Ondertussen beklagen Iraakse bedrijven zich erover dat ze grotendeels buitengesloten worden bij de wederopbouw van het land, waarvoor met name Amerikaanse bedrijven de contracten krijgen.
- Vakbonden: Vakbonden staan onder druk van de bezettingstroepen. Er zijn een aantal gevallen gemeld van arrestaties van vakbondsmedewerkers en één vakbondskantoor is door Amerikaanse troepen bestormd en gesloten.
- Vrouwenrechten: Vrouwenrechten staan onder ernstige druk door, deels al geslaagde, pogingen om de Sharia in te voeren in Irak. Vrouwenorganisaties verzetten zich hier fel tegen.
- Gebruikte wapensystemen: Het gebruik van dubieuze wapensystemen als munitie met verarmd uranium en clusterbommen zouden honderden onnodige slachtoffers geëist hebben.
- Verzet tegen bezetting: Het verzet tegen de bezetting neemt van alle kanten toe.
- Gevangenen: Zo'n 10.000 tot 13.000 Irakezen worden in het land zelf gevangen gehouden. Over de behandeling van de gevangenen komt een stroom aan klachten, zelfs vanuit Amerikaanse militaire kringen in Irak. Er is inmiddels een onderzoek hiernaar gestart. De gevangenhouding van vermeende Taliban- en Al Qaeda-strijders, die nog lange tijd en zonder processen kan gaan voortduren, blijft onder voortdurende kritiek van mensenrechtenorganisaties, humanitaire organisaties en onderdelen van de Verenigde Naties staan.

# BURGERSLACHTOFFERS

Reuters

## **US callous in hearing Iraqi claims**

by Luke Baker – 10 January 2004

BAGHDAD (Reuters) - The U.S. military is negligent and callous in dealing with Iraqis seeking compensation for relatives accidentally killed or maimed by U.S. troops, a human rights group says. Occupation Watch, an international group of peace and justice organisations set up to monitor the conduct of occupying forces in Iraq, said on Saturday the process for Iraqis to make claims was purposely opaque and U.S. treatment of families pursuing claims was often offhand and bordering on the cruel.

"There is a culture of impunity," Occupation Watch's researcher Paola Gasparoli told a news conference in Baghdad, where many Iraqi families came to push their cases to the media.

"Many of the most important cases cannot be presented or are being rejected for entirely illogical reasons," she said.

After major combat was declared over in Iraq on May 1, the U.S. military said it would hear claims from Iraqis whose family members were killed or wounded in incidents involving U.S. troops as long they took place in non-combat circumstances.

To be successful, claims also have to refer to incidents that have occurred since May 1 and have to clearly demonstrate that U.S. forces took wrongful action or behaved negligently.

According to Human Rights Watch, the U.S. military had received nearly 5,400 claims as of mid-September, 4,148 of which had been adjudicated and 1,874 denied. The military says it has paid out several million dollars in compensation.

There are no clear figures on how many Iraqi civilians have been killed since the end of major hostilities, but Iraq Body Count, a U.S.-British research group, estimates between 7,900 and 9,800 have died of war-related causes since the invasion.

In a 30-page report covering three months of research, Occupation Watch lists several of the most serious cases among the 77 claims it has followed. None of those claims has so far been successful.

The U.S. military was not immediately available to respond to Occupation Watch's allegations on Saturday.

### **Killed waiting for taxi**

In one case, Mazen, a 32-year-old pharmaceutical salesman, was shot seven times and killed while standing by the side of the road waiting for a taxi. U.S. forces were firing on insurgents nearby and Mazen was mistaken for an "enemy fighter".

His father, 72, went to claim the body, which had been taken to Baghdad airport for forensic examination. The corpse was eventually released and he was told to take it home in a taxi.

When he complained, U.S. forces agreed to take the man and the corpse back to his home. But fearing they may come under attack, soldiers made the man run in front of their truck as a shield, the report says. They finally left him by the road to carry the corpse several hundred metres to his house.

The family's claim for compensation was rejected because the son was killed in something other than a non-combat situation, Occupation Watch said. An appeal was also refused, although the family did receive \$2,500 in so-called sympathy money.

"In short, the unfortunate death of your son came as a result of lawful combat activities conducted by coalition forces acting in defence of their own lives," a U.S. Army judge wrote in an October 8 letter refusing the claim.

Gasparoli said the biggest problem with the claims process was its lack of clarity. There is no clear definition of a non-combat situation, she said, and because the U.S. military's rules of engagement are a secret, it is impossible to make a strong claim that a soldier acted negligently when he fired.

"Sometimes soldiers know they have killed someone wrongly, so they do everything to make sure they get away with it," said Gasparoli. "There have been cases in which bodies were stripped of identification and delivered to hospitals as unknowns."

"We need to work to put pressure on the U.S. Army to change the claims process and to start to take some of these claims seriously, instead of just dismissing them."

New York Times

### **G.I.'s Fire on Family in Car, Killing 2, Witnesses Say**

by Edward Wong – 13 January 2004

BAGHDAD, Iraq, Jan. 12 — American soldiers on Monday night killed an Iraqi man and a boy and wounded four others in a car that was driving behind their convoy after a roadside bomb went off nearby, said witnesses, a police official and relatives of the family in the car.

The soldiers, traveling in a convoy of two Humvees, opened fire on the family, which was riding in a dark blue station wagon, after the bomb exploded on Palestine Street about 300 yards from the Oil Ministry, witnesses said.

The family's driver, a man whose first name was Haider, was killed, as was a 10-year-old boy named Mustafa in the seat beside the driver, said family members, a neighbor and a police officer. Mustafa's mother and two of his siblings and his aunt were injured and taken to local hospitals.

"You want to know the truth?" said Lt. Muhammad Ali, an Iraqi policeman who was driving away from Al Kindi Hospital with several colleagues after taking one of the women there. "I'll tell you the truth. The Americans did this. I know after this conversation they will fire me from my job, but that's what happened."

By the end of the day, in violence around the country involving the American military, an American soldier and at least 9 Iraqis had been killed, and 10 Iraqis and 2 American soldiers wounded.

A soldier at the scene of the Palestine Street violence in Baghdad said that the bomb had killed two Iraqi civilians and wounded two others and that all had been in the blue station wagon. Capt. Jason P. Beck, a spokesman for the First Armored Division, which controls most of Baghdad, said three hours after the incident that he had not received a report.

Earlier in the day a roadside bomb in Baghdad killed a soldier in the First Armored Division and wounded two others, military officials said.

Another roadside bomb exploded near an Army convoy in Ramadi, a town west of Baghdad, but the military said no American casualties had been reported, The Associated Press reported. The report quoted residents as saying Americans had opened fire after the attack, killing two Iraqis.

The military also said soldiers killed 7 of about 40 members of a gang of smugglers that was siphoning oil from a pipeline south of Samarra, a guerrilla stronghold 60 miles north of Baghdad.

About 9 p.m. on Monday, suspected guerrillas fired rockets in Sadr City, a sprawling Shiite Muslim slum of 2.2 million people in northeastern Baghdad, Captain Beck said. Later, suspected insurgents fired two mortar rounds at the Baghdad Hotel on the east bank of the Tigris but failed to hit anything, a hotel guard said.

The events outside the Oil Ministry also took place about 9 p.m., when a bomb exploded on the median of Palestine Street after the two Humvees had passed it, said Feras Ali, 42, a resident on the block. The explosion shattered the windows of nearby houses.

The Humvees, which witnesses said did not appear to have been damaged, then turned in the wide road, which was slick from a driving rainstorm, they said.

Soldiers opened fire on the family in the station wagon traveling behind them, said the witnesses, relatives of the victims and Lieutenant Ali, the police officer. The station wagon crashed into a wall about 200 feet past where the bomb had exploded, and soldiers soon began pulling bodies out, the witnesses said.

About 9:20 p.m., more than two dozen soldiers from the First Armored Division were walking around the scene, inspecting the wrecked car, the ground and the area of the median where the bomb had exploded. One soldier warned a reporter and a photographer to leave the area, saying that "something is about to happen that you won't like." A couple of armored vehicles sat on Palestine Street, blocking several lanes as rain continued to fall.

At nearby Al Kindi Hospital, in the room where three of the wounded from the car were being treated, a woman yelled at a visitor and a Palestinian interpreter as soon as they walked in. "God curse the Americans!" shouted the woman, a relative of the victims. "God curse those who brought them to us!" The woman's husband, Muhammad Abdul Rahman, 40, said his sister-in-law, Stabrak Abdul Wahab, was the mother of the family in the car and had been taken to a neurological hospital to be treated for her wounds. Mustafa, the child killed, was her son. Stabrak's sister, Hiyam Abdul Wahab, sat on a bed with a dazed expression on her face, a thick white gauze bandage stained with blood wrapped around her forehead.

Next to her sat two more of Stabrak's children, a boy and a girl, both also injured. Mr. Abdul Rahman's wife passed a bottle of water among the wounded.

"Hey, Muhammad, come over here," she said frantically. "There's a bullet in her leg and in her chest. She's bleeding very badly."

Mr. Abdul Rahman said to the visitor: "The Americans shot them, but look, the problem now is there's no one to take care of them. There are no doctors, no treatment. This is horrible."

A nurse said Stabrak Abdul Wahab had been treated in the same hospital for asthma earlier in the evening and had left with her three children and her sister. That was when they ran into the American convoy, the nurse added.

Also on Monday, riots continued in southern Iraq, as about 400 protesters marched on a government building in the city of Kut to demand jobs, The Associated Press reported. Someone in the crowd threw a grenade at Ukrainian soldiers and Iraqi policemen guarding the building, wounding five people, an official said. Ukrainian soldiers then fired into the air to disperse the crowd, he said, and wounded one protester.

## Yellow Times

### **Iraqi Civilians Increasingly Killed by Accidental U.S. Gunfire**

by Firas al-Atraqchi – 14 January 2004

CAIRO (NFTF.org) -- Innocent Iraqi civilians are being shot at, bombed, and killed at a quickening pace in recent weeks, but not by Saddam or "terrorist" forces. U.S. soldiers, increasingly nervous and afraid of imminent attack, have systematically followed a "shoot first, investigate later" policy.

Last week, three men and a nine-year-old child were killed when their car was fired on by a heavy-caliber machine gun in Tikrit. U.S. forces immediately denied any involvement and instead insisted it was the work of Iraqi insurgents who targeted the car. When another passenger who survived the assault fingered the Americans, U.S. command still denied any involvement. The Iraqi police chief, General Mazhar Taha al-Ganaim, told Al-Arabiya and Al-Jazeera that he was "100 percent" sure it was U.S. forces that committed the crime.

Yesterday, Lieutenant Colonel Steve Russell, commander of the 4th Infantry Division's 1/22 battalion, admitted to reporters that it was likely U.S. fire killed the car's passengers. The heavy-caliber machine gun was a dead giveaway, he explained.

U.S. soldiers are known to mount heavy-caliber 50mm machine guns atop Humvees.

Monday's roadside bombing of two U.S. Humvees, which killed one U.S. soldier and wounded two others, also saw the shooting deaths of an Iraqi man and a 10-year-old child who were driving behind the U.S. patrol. Witnesses said that U.S. troops opened fire on the car after the roadside bomb went off. Wijdan Abdel Wahab, whose two sisters, two nephews and a niece were in the car, told the Associated Press that the car's passengers had been visiting an asthmatic aunt at a nearby hospital. She claimed the Humvee that was not hit "started shooting indiscriminately." U.S. forces have not yet commented on the incident.

"Why haven't those people who say they care about Iraq on the Governing Council investigated these crimes," said Sha'id Abbas from Amman, Jordan. Abbas lost two cousins in what he calls separate U.S. trigger-happy incidents in Baghdad last July. "Saddam is gone, but now we have a new worse Saddam," Abbas said. "Our old Saddam was a tooth fairy compared to this."

On August 8th, five Iraqis, including three children, were killed, and two others wounded when U.S. forces fired at a car approaching a checkpoint north of Baghdad. The mother of the children told Arab media services that U.S. forces fired into the car for no reason.

On July 9th, U.S. soldiers atop the Durah police station in Baghdad fired on an Iraqi civilian fixing a car at a repair shop. Soldiers mistook the car's ignition distributor for a grenade.

Human rights organizations have blamed U.S. forces, as the occupying power, for the high number of civilian deaths. In most cases, Iraqi eyewitnesses have told this writer that soldiers just scream at confused Iraqi drivers in English. The Iraqis, who know of the deaths at checkpoints, panic and often do something wrong in their bid to avoid being shot or beaten.

Meanwhile, Human Rights Watch Executive Director Kenneth Roth wrote a published letter to U.S. Secretary of Defense Donald Rumsfeld highlighting that U.S. troops may be committing war crimes by demolishing homes and detaining close relatives of people sought for questioning.

"U.S. forces also reportedly detained close relatives of a person that the U.S. was attempting to apprehend," Roth wrote. "In these cases [where] the individuals detained were themselves not suspected of responsibility for any wrongdoing...amounts to hostage taking, which is a grave breach of the Geneva Conventions: in other words, a war crime. [Destroying civilian infrastructure as a reprisal or deterrent] amounts to collective punishment, which is prohibited by the 1949 Geneva Conventions."

## **OPTREDEN BEZETTINGSTROEPEN**

### Sunday Telegraph

#### **CIA plans new secret police to fight Iraq terrorism**

Less than a year after the fall of the feared mukhabarat, the US is to set up new organisation

By Julian Coman – 4 January 2004

NINE MONTHS after the demise of Saddam Hussein's regime and his feared mukhabarat (intelligence) operatives, Iraq is to get a secret police force again - courtesy of Washington.

The Bush administration is to fund the new agency in the latest initiative to root out Ba'athist regime loyalists behind the continuing insurgency in parts of Iraq.

The force will cost up to \$3 billion ( pounds 1.8 billion) over the next three years in money allocated from the same part of the federal budget that finances the Central Intelligence Agency.

Its ranks are to be drawn from Iraqi exile groups, Kurdish and Shi'ite forces - in addition to former mukhabarat agents who are now working for the Americans. CIA officers in Baghdad are expected to play a leading role in directing their operations.

A former United States intelligence officer familiar with the plan said: "If successfully set up, the group would work in tandem with American forces but would have its own structure and relative independence. It could be expected to be fairly ruthless in dealing with the remnants of Saddam."

The secret police will be the latest security force created by the US and its Iraqi political allies in an attempt to quell the insurgency.

Although officially banned by the ruling Coalition Provisional Authority (CPA), militia groups are already patrolling cities and towns in many areas of Iraq against the backdrop of an increasing number of extra-judicial killings of prominent former Ba'athists.

The Pentagon and CIA hope to organise the various and sometimes competing groups into a single force with the local knowledge, the motivation and the authority to hunt down pro-Saddam resistance fighters. According to officials in Washington, the new agency could eventually number 10,000. Initially at least, salaries will be paid by the CIA, which has 275 officers on the ground in Iraq.

Former CIA officials compare the operation to the Phoenix programme in Vietnam, which was launched in 1967. That programme sought to destroy the civilian infrastructure supporting the Vietcong through assassinations and abductions secretly authorised by Washington.

Vincent Cannistraro, a former chief of CIA counter-terrorism, said: "They're clearly cooking up joint teams to do Phoenix-like things, like they did in Vietnam." He said that small units of US special

forces would work with their Iraqi counterparts, including former senior Iraqi intelligence agents, on covert operations.

The force is intended to take on a crucial role for Washington in post-Saddam Iraq. The Pentagon and CIA have told the White House that the organisation will allow America to maintain control over the direction of the country as sovereignty is handed over to the Iraqi people during the course of this year.

John Pike, an expert on classified military budgets at the Washington-based Global Security organisation, told The Sunday Telegraph: "The money for this has been buried in the 'other procurements' section of the Air Force budget. The CIA is funded out of that category.

"The creation of a well-functioning local secret police, that in effect is a branch of the CIA, is part of the general handover strategy. If you are in control of the secret police in a country then you don't really have to worry too much about who the local council appoints to collect the garbage."

In the short term, CIA officials expect that the very existence of a strongly pro-American security force will terrify civilians who are currently supporting the insurgency into refusing assistance and aid to Ba'athist rebels. Despite the capture of Saddam last month, attacks on US personnel and Iraqis co-operating with them have continued into the New Year.

The scheme is believed to have been heavily backed by Vice-President Dick Cheney, a key advocate of the war to oust Saddam. After deciding in November to accelerate the handover of political power to a sovereign Iraqi authority, Mr Cheney and other senior Bush administration officials are anxious that Iraq should not fall under radical Islamist control or degenerate into civil war.

"The presence of a powerful secret police, loyal to the Americans, will mean that the new Iraqi political regime will not stray outside the parameters that the US wants to set," said Mr Pike. "To begin with, the new Iraqi government will reign but not rule."

## Human Rights Watch

### **Iraq: U.S. Demolitions May Violate Laws of War**

13 January 2004

(New York, January 13, 2004) U.S. military forces in Iraq appear to have violated the laws of war by demolishing the homes of relatives of suspected insurgents or wanted former officials, Human Rights Watch said today.

In a letter to U.S. Secretary of Defense Donald Rumsfeld, Human Rights Watch said that at least four house demolitions over the past two months appeared to be for purposes of punishing families of suspected insurgents or compelling their cooperation. Destroying civilian property as a reprisal or deterrent amounts to collective punishment, which is prohibited by the 1949 Geneva Conventions.

"Troops are entitled to suppress armed attacks, but they can only destroy a civilian structure when it is being used in an attack," said Kenneth Roth, executive director of Human Rights Watch. "These demolitions did not meet the test of military necessity."

Human Rights Watch is also concerned that U.S. forces in two of the cases reportedly took into custody persons who were not suspected of wrongdoing, but instead were close relatives of persons whom the U.S. military was trying to apprehend. In one case, U.S. forces detained the wife and daughter of Izzat Ibrahim al-Douri, a top deputy of Saddam Hussein, and are still holding them in detention after more than six weeks. Detaining persons for the purpose of compelling actions from the opposing side amounts to hostage-taking, which is a grave breach of the Geneva Conventions --in other words, a war crime.

"International law allows occupying forces to detain individuals who have attacked them or who pose security threats," Roth said. "U.S. forces should immediately release anyone being held solely because they are related to a wanted person."

Human Rights Watch called on Rumsfeld to ensure that the actions of U.S. forces in Iraq comply with the Geneva Conventions, and that the U.S. military holds accountable anyone responsible for ordering, condoning or carrying out serious violations of the laws of war.

Human Rights Watch has condemned as war crimes bombings, assassinations, and other attacks by armed opponents of the U.S. led occupation that target civilians or that indiscriminately harm civilians (<http://hrw.org/press/2003/11/iraq112203.htm>).

### Jordan Times

#### **Tribal leader warns US raids on Tikrit could inflame tensions**

13 January 2004

US forces risk alienating Iraqis in Saddam Hussein's hometown further if they continue raiding homes in search of suspected insurgents, a tribal elder warned Monday.

"The more raids you have, the more you will have a problem," Sheikh Yehia Attawi said during a weekly meeting between Tikrit's tribal leaders and Lt. Col. Steve Russell, a US commander in the area.

But Russell said raids will continue and are necessary to weed out remaining anti-coalition attackers. He added that the main suspects in his custody would not be released.

The opposing views demonstrate the difficult balance US forces need to maintain while rounding up pro-Saddam guerrillas in a hostile area and ensuring that they do not lose the support of neutral Iraqis.

Attawi said the raids will only fuel anti-US feelings.

"The raids will not decrease it, but will increase it.

When the ignorant people see their fathers being arrested, they will start acting ... without restraint and causing us problems," he said, citing the arrest of a 67-year-old man recently.

Attawi especially expressed displeasure at a four-hour army raid led by Russell that began just before midnight on Jan. 8 with 300 troops searching 20 houses and three shops in Tikrit.

The troops arrested 14 Iraqis wanted in connection with attacks against coalition forces, including the Oct. 1 killing of Pfc. Analaura Esparza Gutierrez, 21, of Houston, Texas, in a homemade bomb.

Another 32 people were taken from their homes handcuffed and blindfolded, but 16 were released shortly afterward.

Nine more were released before Monday's meeting.

Russell accused two of those still in custody of gunning down an Iraqi businessman in September for cooperating with Iraqi government officials. One of the suspects is also believed to have planted and detonated the bomb that killed Gutierrez, he said.

"Don't ask me to release him," Russell said. "I should kill him." He said the raids cleaned up many of the remaining loyalists of Saddam's deposed regime, who had made Tikrit one of the most dangerous places in Iraq for occupying US forces.

Russell told Attawi that when his soldiers mistakenly arrest someone they try to release them as soon as possible.

Since April, insurgents have launched scores of attacks on US forces in Tikrit, killing five soldiers and wounding more than 50. Peaks in the strikes were recorded in June-July, when one soldier was killed and 23 soldiers wounded and in October when three soldiers were killed.

But the tough US responses coupled with Saddam's capture on Dec. 13 led to a marked reduction in the number of shootings and bombings against coalition troops.

Russell said US casualty figures have plummeted and improved intelligence gathering from hundreds of informants led to multiple arrests.

US officials, however, believe that attacks would continue and that a highly visible security presence remains necessary.

This has taken the shape of regular foot patrols by US

soldiers in Tikrit neighbourhoods, nighttime curfews and frequent military operations, such as the Jan. 8 raid.

Tikrit's police chief, Gen. Mizhar Tahir, said during Monday's meeting that the security situation in Tikrit remained sensitive and that people from other cities were coming to Tikrit to try and spark clashes between coalition forces and local Iraqis.

"An abnormal number of workers confess that they come here (from other Iraqi cities) to make trouble, even verbally, and encourage resistance and revenge," Tahir said. "This can create anarchy."



Tahir said police forces raided two Tikrit hotels Sunday and detained 200 Iraqis from other cities before ordering them to return to their homes. He said none remained in police custody.

Another Tikrit tribal chief said he was grateful to the Americans for toppling the old regime, but added that locals feared for their safety.

"Things are better in Tikrit now that Saddam has gone, but we are still afraid of the US soldiers and their guns," Sheikh Hamadai Al Khassani told the Associated Press.

## IPS

### **VS/IRAK: "Mensenrechtenschendingen in Irak moeten dringend aangepakt"**

Thalif Deen – 14 januari 2004

NEW YORK, 14 januari (IPS) - Het kantoor van de Hoge Commissaris voor de Mensenrechten van de Verenigde Naties gaat niet in op een klacht van de Iraakse minister voor de Mensenrechten over het optreden van de coalitietroepen in Irak. De VN kunnen momenteel geen onafhankelijke inschatting van de situatie in Irak maken. Maar steeds meer mensenrechtenactivisten, Amerikaanse academici en internationale juristen dringen aan op een snelle internationale respons op de groeiende aantijgingen van mensenrechtenschendingen door Amerikaanse troepen en hun coalitiepartners in Irak.

"Gevangenen krijgen een zak over hun hoofd, hun handen worden achter hun rug gebouwd en zo worden ze weggebracht. Hun familieleden weten niet waarheen." Zo beschrijft de Iraakse advocaat Malek Dohan al-Hassan de standaardbehandeling van Iraakse burgers door Amerikaanse soldaten.

Dinsdag rapporteerde de Canadese krant Globe and Mail dat het nieuwsagentschap Reuters een klacht heeft ingediend bij het Pentagon nadat drie van zijn Iraakse journalisten werden "geïntimideerd" door Amerikaanse soldaten. Een familielid van een van de journalisten zei dat de mannen werden uitgekleeft en urenlang naakt met hun handen in de lucht moesten staan.

"De Amerikaanse overheid maakt zich duidelijk schuldig aan allerlei soorten van mensenrechtenschendingen in Irak", zegt Norman Solomon, directeur van het Institute for Public Accuracy uit Washington. "Het lijkt er niet op dat de Amerikaanse overheid zich in Irak strikt houdt aan de vier conventies van Genève uit 1949, zoals ze dat ook niet deden in Afghanistan en in Guantanamo Bay", vindt ook Francis Boyle, professor internationaal recht aan het Illinois College of War. "Nochtans zijn de Iraakezen oorlogsgevangenen volgens de betekenis van de derde conventie van Genève, of burgers en dus 'beschermden personen' volgens de vierde conventie van Genève", zegt Boyle. Ook As'ad Abukhalil, professor politieke wetenschappen aan de California State University vindt dat de VS beter zouden moeten toekijken op het doen en laten van de Amerikaanse militairen in Irak.

De situatie is zo ernstig geworden dat de door de Amerikanen aangestelde Iraakse minister voor de Mensenrechten, Abdel Baset Turki, persoonlijk klacht neerlegde bij de Hoge Commissaris voor Mensenrechten van de Verenigde Naties, Bertrand Ramcharan. Turki vroeg Ramcharan een onderzoek in te stellen. Maar de woordvoerder van het Hoog Commissariaat liet weten dat de Verenigde Naties zullen moeten wachten op een verbetering van de veiligheid voordat ze waarnemers kunnen sturen. Sinds het bombardement op de VN-gebouwen in Bagdad afgelopen augustus, waarbij 22 mensen omkwamen, heeft de VN alle internationaal personeel teruggetrokken uit Irak.

De kritische bemerkingen en klachten sluiten aan bij kritiek die internationale mensenrechtenorganisaties vorig jaar al formuleerden. Human Rights Watch beschreef sommige van de aanvallen door Amerikaanse troepen op Irakese burgers als "buitenproportioneel" gewelddadig. Amnesty International uitte ernstige bezorgdheid over foto's in een Noorse krant van Iraakezen die waren uitgekleeft en vernederd door Amerikaanse soldaten.

Als een reactie op de protesten en klachten heeft de Coalition Provisional Authority (CPA), het door de VS geleide overgangsbestuur, in Bagdad vorige week meer dan 500 Irakese soldaten vrijgelaten. In het totaal hebben de VS ongeveer 12.800 gevangen in handen. Ze worden vrijwel allemaal vastgehouden zonder officiële beschuldiging.

# HUMANITAIRE SITUATIE

United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)

## **Local authorities in the north urge aid agencies to return**

22 December 2003

ARBIL, 22 December (IRIN) - Authorities and agencies in northern Iraq are encouraging NGOs and the UN to return to the region. In the wake of Saddam Hussein's capture, hopes are high that the security environment in an area that has been relatively peaceful will improve even more.

However, in his latest report on Iraq, UN Secretary-General Kofi Annan told the UN Security Council that the risks were still too high to return international staff to Iraq and to resume operations.

In August 23 people, including the UN's top envoy to Iraq, Sergio Vieira de Mello, were killed when a truck bomb exploded outside the UN headquarters in Baghdad.

Lt-Col Harry Schute, the commanding officer of the US army's Civil Military Operations Centre, told IRIN in the northern city of Arbil, that he believed the security situation in the three northern governorates was now conducive to a broad resumption of humanitarian work. "We'd welcome more NGOs in the north - there's always room for more people to come and help with the workload," he said.

In September a suicide car bomb in Arbil killed two and wounded more than 50, including six US military personnel, but this was the last major attack in the northern region.

"It [the attack] was a wake-up call, but as Americans we got our wake-up call two years ago [11 September] and the message was any time, any place for terrorists," Schute said.

"In my opinion, the Kurdish region is perfectly fine for NGOs to work in, but as with many places in the world you have to take appropriate measures to make sure your safety is accounted for."

[...]

UN Office for the Coordination of Humanitarian Affairs

## **IRAQ CRISIS: Weekly round-up Number 44 for 10-16 January**

16 January 2004

### **Key Humanitarian Developments:**

Developments in Iraq this week included the announcement that the UN Security Council would hold a private meeting on Monday with Adnan Pachachi, this month's head of the Iraqi Governing Council (ICG) to hear thoughts on the current situation and plans for the country's future, a UN statement said on Wednesday.

UN Secretary-General Kofi Annan, would also be attending the private session. Annan is scheduled to hold a meeting earlier the same day with Pachachi and other Iraqi officials, along with representatives of the US-led Coalition Provisional Authority (CPA), on the future role of the UN in Iraq.

As for what was expected from the Council's meeting, Ambassador Heraldo Muñoz of Chile, which holds the Security Council's rotating Presidency for January said: "It would be nice to hear [Mr. Pachachi's] assessment of how things are going in Iraq, how they are viewing the political process, what role they perceive the United Nations can play [and] what role the Security Council can play in the future of Iraq."

Following the capture of Iraq's former leader Saddam Hussein in December, the International Committee of the Red Cross (ICRC) has pushed for a visit to see Hussein, after the US classified him a prisoner of war, a BBC report said.

Washington said POW status had been given to Saddam Hussein as leader of the "old regime's military forces", and meant that he was eligible to stand trial for war crimes. ICRC described the move as "judicially acceptable" and that it has sent a request to military officials to visit Saddam. US officials said the former Iraqi leader was entitled to all the rights under the Geneva Conventions.

Also this week, Human Rights Watch (HRW) issued a statement on Tuesday saying that US military forces in Iraq appeared to have violated the laws of war by demolishing the homes of relatives of suspected insurgents or former officials wanted by the CPA.

"In a letter to US Secretary of Defence Donald Rumsfeld, HRW said that at least four house demolitions over the past two months appeared to be for purposes of punishing families of suspected insurgents or compelling their cooperation," a statement from HRW said.

The CPA gave details of funding spent on development and humanitarian work so far. Coalition officials said that a significant amount of funding had been marked for democracy - building programmes for Iraq, estimated in the region of US \$458 million.

The US military civil affairs units in Iraq has so far spent \$126 million to directly improve education, health care, electricity, water and security, according to a civil affairs commander.

The funds came from the Commander's Emergency Response Program (CERP). "CERP has been tremendously successful because it is administered by the local commander who is actually living and interacting with the citizens in his area of responsibility," Brigadier General David Blackledge said at a briefing in Baghdad on Wednesday.

In a separate move at the start of the week, the office of the High Commissioner for Refugees (UNHCR) on Monday repatriated 303 Iraqi refugees from southern Iran. They were transported aboard seven buses and 21 trucks from Bani Najjar camp in Iran to the southern Iraqi city of Basra via the Shalamcheh border crossing.

Once in Iraq, UNHCR national staff distribute blankets, plastic sheeting, stoves and food to the returnees. Tents were also given to those who did not have immediate shelter. In total just over 1,100 Iraqi refugees have returned from Iran since UNHCR began organised returns on 19 November. Thousands more returned earlier by their own means. In all, there are believed to be around 130,000 Iraqi refugees still living in Iran.

#### European Commission – Humanitarian Aid Office (ECHO)

#### **Commission allocates EUR 31.75 million for humanitarian aid to vulnerable populations in Iraq**

5 January 2004

[...]

- **Health** - The situation in the health sector already severely marked by 20 years of under investment, poor management and conflict has been further aggravated by post-war looting. The objective is to increase access to effective health care services and support disease surveillance and nutritional monitoring. Activities will include rehabilitation of primary health centres, provision of medical equipment and drugs, support to mother and child health, promotion of safe transfusion programmes and support to development of accurate health information systems. An estimated 1.5 million people are expected to benefit from these activities;

- **Water and sanitation** - Before the war it was estimated that water supply per capita had already been reduced by half. Following the war the water capacity in some governorates is estimated to have been cut by a further half. 50% of sewage treatment plants are estimated to be out of operation causing raw sewage to be discharged into rivers and waterways. The objective of the decision is to increase access to safe drinking water and improve the sanitation environment. Activities include emergency rehabilitation of water infrastructure, provision of drinking water supplies and rehabilitation of sewage treatment and sewage pumping stations. 1.5 million people will be affected by these activities (also see IP/03/942);

- **Education** - It is estimated that 80 % of Iraqi schools require major rehabilitation. Furthermore some 60 % of secondary schools have no functioning sewage systems and over 70 % no functioning toilets/latrines. This is a severe health risk for children. With a view to improving basic hygiene conditions in schools, funds will be dedicated to rehabilitation of schools with a particular emphasis on improvements of schools' water and sanitation facilities. Two million children will benefit from these activities;

- **De-mining** - It is estimated that Iraq has the highest rate of accidents resulting from unexploded landmines and bombs in the world - with 394 victims recorded within one and a half months. In

addition to the many casualties, mines hamper the delivery of humanitarian aid. Through the collection and dissemination of information on likely locations of mined areas, provision of landmine safety training to humanitarian aid workers and clearance of minefields, the objective is to reduce the immediate threat to the population and the delivery of humanitarian aid posed by landmines (also see IP/03/807);

- **Emergency relief to internally displaced people (IDP)** - The war did not cause the expected mass displacement of people. Nevertheless there are pockets of displaced people around the country. Among these, many need emergency relief assistance. Activities will include provision of emergency shelter, basic water and health services, supplementary feeding to malnourished children and measures to reduce food insecurity;

- **Security** - The volatile security situation remains the predominant concern in Iraq and the main obstacle to an efficient delivery of humanitarian aid. In an attempt to enhance ECHO partners' ability to continue their humanitarian activities, a special component will be set up to strengthen security and co-ordination measures.

[...]

## **ELEKTRICITEIT EN INFRASTRUCTUUR**

Agence France Presse

### **Catastrophic Housing Shortage Threatens Iraq: Official**

8 December 2003

Iraq is verging on a catastrophic shortage of housing for its people, a senior housing ministry official said.

"The need for housing has developed from a shortage, to a problem, to a crisis, and probably now it is a catastrophe," Saad Al-Zubaidi, a counselor to the interim minister of construction and housing, told AFP in an interview.

Neglect of the housing sector under Saddam Hussein has been compounded recently by damage during the US-led war that toppled the former regime in April, and subsequent rent hikes by landlords, Zubaidi said.

"A lot of landlords have asked to sharply increase the rent, and if they (the tenants) can't afford it they just kick them out," he said.

The evictees then move into empty government buildings.

"They are in the thousands, and it's becoming a humanitarian issue of not being able to kick them out, and not being able to keep them in," said the London-educated architect and planner.

AFP found several families on Sunday living in squalid conditions at a former Iraqi Air Force office building.

"Eight people live in this room," said Sadake Hamad, a toothless old woman who did not know her age.

The room with a blue tile floor measured about three meters by four (nine feet by 13), or the size of a small bathroom. Its only comfort was a thin, worn mat along one wall.

At night, the family makes room to sleep by moving their cooking utensils outside.

The family said they became squatters just after the war when their landlord increased the rent on their Baghdad home.

Zubaidi said close to half of Iraq's population of about 26 million are considered to be living below the poverty line and cannot afford decent housing.

"It is the responsibility of the state to find accommodation for them if they are citizens of this country," he said.

Zubaidi's ministry has begun site preparation for three major housing complexes and has plans to build one million houses by 2010.

**Iraq enters new year without vital services**

Raging insurgency in war-torn Iraq delays restoration of vital services, slows down pace of reconstruction

by Ian Timberlake – 18 December 2003

Iraq enters the new year without Saddam Hussein but also without proper electricity, communication, fuel and other vital services whose reconstruction has been set back by a worsening insurgency, officials said.

"I could say that the reconstruction is very slow," said Hamid Alkifaey, spokesman for Iraq's interim governing council.

The country needs more money, investment and help from international agencies, he said.

"And the security situation is also impeding the reconstruction but we are determined to get on and to get started. We believe that security will be the key to reconstruction."

US-led coalition forces face daily roadside bombings, suicide attacks and more but they aren't the only victims.

On December 8, 51 South Korean power workers who had been helping restore power to Baghdad left Iraq following the ambush killing of two colleagues.

"The problem is security. Security affects everything... That has certainly cooled some interest," said Mohamed El Roubi, an Egyptian lawyer representing foreign companies in Iraq.

"We don't know the situation tomorrow, so how can you plan for 2004?" asks Saad Al-Zubaidi, an architect and counsellor to Iraq's interim minister of construction and housing.

Officials said years of neglect before the March and April war that overthrew Saddam, as well as looting and sabotage after, added to damage inflicted during the conflict itself.

Al-Zubaidi said his ministry was ready last June to start rebuilding roads, housing and government buildings but security and a miserable tapestry of other problems led to delays, although some projects are underway.

"I don't mean to draw a very grim picture," the silver-haired, London-educated Al-Zubaidi said between Gitanes cigarettes.

Earlier that day he'd received more bad news. A French firm interested in providing soft loans for sewage and water rehabilitation delayed a visit to Iraq citing "the security situation".

At the ministry in charge of the world's second largest oil reserves, spokesman Asem Jihad said the industry's recovery would have been further ahead without sabotage.

Still, he expressed satisfaction with the pace of rehabilitation and said production in the first quarter of 2004 is expected to reach 2.8 million barrels per day, the same quantity as before the war.

That could ease the frustration of motorists like Amar Hamoudy, 31, a taxi driver waiting to buy gasoline in a Baghdad queue more than one kilometer (about one mile) long.

"There is no reconstruction, just cleaning the roads," he said.

Most attacks on the oil infrastructure have occurred on the Kirkuk to Baghdad pipelines but the number of incidents has decreased as the ministry improves security, Jihad said.

Attacks also threaten Iraq's electricity network because the pipe running north of Baghdad is a dual line carrying not just oil but also gas used for power generation.

"What makes things worse is the explosion and sabotage to the oil and gas pipeline," said Basil Al-Khateeb, spokesman for the electricity ministry. "This will decrease the fuel supply to the generation system."

Al-Khateeb said Iraq's power network is producing between 3,500 and 4,000 Megawatts, or about one quarter of what is needed. The ministry hopes to double that amount next year, he said, "but it's not enough."

Baghdad is subject to rotating power blackouts.

Workers in Iraq's telecommunication sector expressed optimism that the landline service can resume and a cellular network begin operation early next year.

At Baghdad's Al Waya exchange workers are connecting two temporary exchanges in white trailers to about 27,000 phone lines in the district.

US forces bombed the exchange before looters and saboteurs did even more damage, said an Iraqi supervisor at the site.

The supervisor, who declined to give his name, said neighbourhood residents arrive every day to check on the progress.

"They say, 'God help you.'"

Above the damaged exchange is a cellular telephone tower to be operated by Egypt's Orascom Telecom Holding.

"They're coming up to implementation," said El Roubi, who represents the firm which won a licence to operate in Baghdad and the surrounding area.

Two other operators were selected for separate parts of the country but a Pentagon probe of alleged corruption in awarding the three licences was likely to delay implementation, the Middle East Economic Survey reported.

At the housing ministry, Al-Zubaidi said financial limitations have placed "a big question mark" over his department's plan to build one million homes by 2010 in a country facing a "catastrophic" shortage of accommodation.

Al-Zubaidi said his ministry needs 5.6 billion dollars for 2004 but had only received 500 million dollars by December.

That's not what Najah Assai wants to hear.

His family has been squatting in a tiny room at an abandoned Iraqi air force building since their landlord increased the rent on their Baghdad home just after the war.

"We were dreaming we would have our own house, our own car," said Assai, 25, a roadside cigarette vendor.

"The situation is getting worse day by day."

New York Times

### **In an Oil-Rich Land, Power Shortages Defy Solution**

by Neela Banerjee – 8 January 2004

BAGHDAD, Iraq, Jan. 7 — Nine months after the American-led invasion toppled Saddam Hussein, frequent breakdowns in supplies of fuel and electricity, especially in Baghdad, are defying attempts by both Iraqis and foreign occupiers to stitch together something resembling normalcy here.

Increased fuel smuggling — a phenomenon that stretches back at least a quarter century — has now added to the already familiar litany of problems including sabotage by insurgents and an infrastructure weakened by decades of war and sanctions. Three influential Shiite ayatollahs recently went so far as to issue fatwas, or religious decrees, prohibiting followers from smuggling and oil profiteering.

In addition, the American bureaucracy for awarding contracts and releasing funds, pilloried by Congress for giving away money too easily, nevertheless moves too slowly to satisfy Iraqis, whose impatience is fertile ground for more acts of rebellion.

"There's a large set of people who are neutral and their patience is wearing thin, and they can join those against us," said Col. Kurt Fuller, commander of the Second Brigade of the 82nd Airborne Division, which has responsibility for much of south Baghdad. Back in August, the colonel saw a direct link between the lack of electricity and increased attacks on his soldiers, he said, when power went out in an area called Abu Desheer.

"We went to the neighborhood council and said, 'You were totally peaceful. What happened?' " he recalled. "They said, 'No power.' Saddam used to cut off power to punish them. So they thought the coalition was punishing them." Anxious to prove that untrue, soldiers went to the Electricity Ministry and got replacements for a burned-out transformer at the local power station installed within a month. Attacks dropped off, the colonel said.

Like the gasoline supply, power to Baghdad improved through the autumn. But a blackout engulfed the city for two days in mid-November and the lights darken for long stretches now.

For weeks, Adel Makhmoud, 25, has folded his blocky, 5-foot 10-inch frame into the back seat of his Volkswagen Beetle and slept there. "We're an oil rich country, we have the second highest oil reserves

in the world," he said one recent night near the front of a mile-long line of cars outside a gas station. "Who can improve this?"

Mr. Makhmoud slept in line in the summer, too. Now he and other Baghdadis have grown convinced that things will not get better. At home the power usually vanishes for four hours a day. Mr. Makhmoud lives in the affluent Zayouna neighborhood, where generators power homes for about an hour most nights when power fails. The rest of the time, Mr. Makhmoud and his brother and sister study by kerosene lamp. Baghdadis also heat homes with kerosene, which has contributed to long lines and shortages of that fuel.

While security remains the overriding concern, these burdens take their toll. At the gas line the other evening, Mr. Makhmoud concluded that "despite all this tragedy, it's okay as long as Saddam is gone."

Uday Jihad Kazem, a 30-year-old businessman also waiting for gasoline, demurred. "I think it was better under Saddam. I know he was a dictator. He executed people. But he didn't kill my father, or brothers, or do anything to me."

In general, Iraqis find it hard to believe that the superpower which occupied their country in weeks cannot fix the energy problem in months.

"Expectations have been tragically hyped by political events in Iraq and at home, our normal American short term view and the real needs of the Iraqis who find themselves in a desperate situation after 30 really bad years," said Cliff Mumm, director of a program to rebuild infrastructure for Bechtel Corporation.

"Maybe if the planning had been more comprehensive, the situation would now be a little better, but I don't think prewar planning would have stood up confronted with the reality of how deteriorated the infrastructure of Iraq actually was," Mr. Mumm said.

Only a few Iraqis appreciate the sheer size of the reconstruction problem, or recognize that a relatively cautious occupation can hardly undo the effects of long economic neglect.

"You had Sept. 11 in your country, and did people do things the normal way after that?" said Falah al-Khawaja, an adviser to the chief executive of the Oil Ministry. "No, they did things completely differently, from firemen to the president. And here, we had our whole country destroyed."

Baghdad, for all its troubles, has a verve missing just months ago. More people are out on the streets, including women, who feared abduction and rape during the lawless summer. Stores bustle with customers. Police officers have cars, flak jackets and guns. Along the road north from Basra to Baghdad, new high-voltage power towers have replaced those damaged by sabotage and are protected by armed guards.

But sabotage continues to throttle a steady flow of oil. The pipelines of north and central Iraq that feed oil from the Kirkuk fields to the country's largest refineries have been attacked at least 85 times since the end of the war, according to the Oil Ministry. Although the ministry maintains that sabotage has decreased, just two weeks ago a rocket propelled grenade attack destroyed a fuel depot south of Baghdad.

Iraq imports gasoline and cooking gas from nearly all its neighbors. But for a month now, gasoline lines in Baghdad have grown and ebbed. Dan Senior, spokesman for L. Paul Bremer III, the top American official in Iraq, attributed the gasoline shortages to an enormous influx of cars. "There are now something like a quarter of a million cars since the end of major combat operations have come into Iraq," he said last month during a Baghdad news conference. He also blamed hoarding for some of the shortages.

But others say the shortages stem in great part from the resurrection of the widespread smuggling of fuel out of the country that was prevalent under the rule of Mr. Hussein.

"It's very profitable," Mr. Khawaja said. "The price of petrol at government stations in Iraq is about one cent per liter versus 21 cents in Kuwait, and that is the cheapest in the region."

Imported gasoline, Mr. Khawaja said, is often smuggled back out of Iraq. "What you need is monitoring from the border to the filling station," he said.

American soldiers and Iraqi police recently arrested smugglers who were trying to bribe officials at a fuel depot with \$1,500 to stamp documents that would have let them take gasoline from Iraq to Jordan, said Asim Jihad, a spokesman for the oil ministry.

Money from smuggling, in turn, feeds the attacks on the occupation forces, Oil Ministry and American military officials contend.

On Dec. 20, Colonel Fuller's soldiers found 28 trucks unloading gasoline and kerosene into tanks in a field.

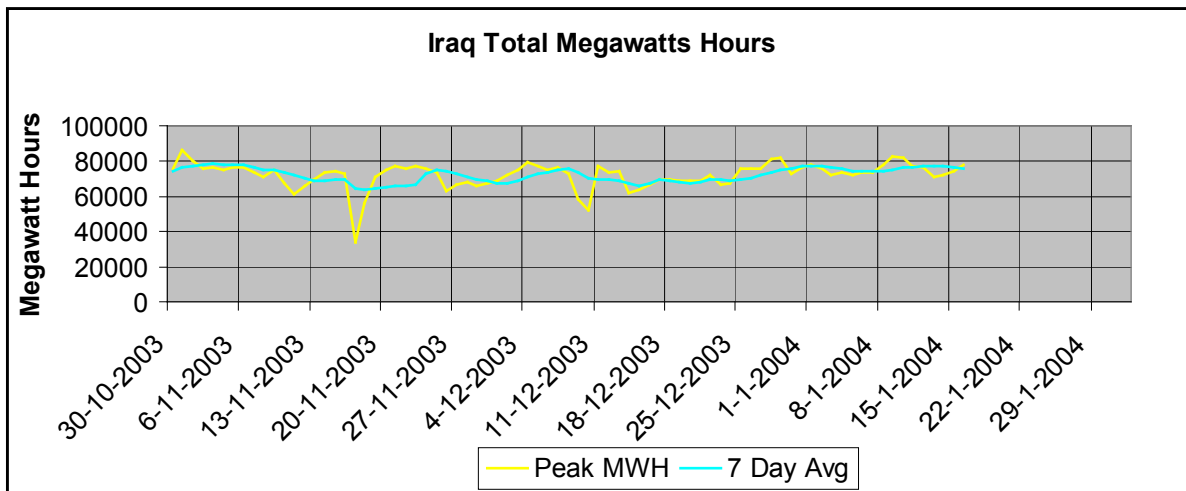
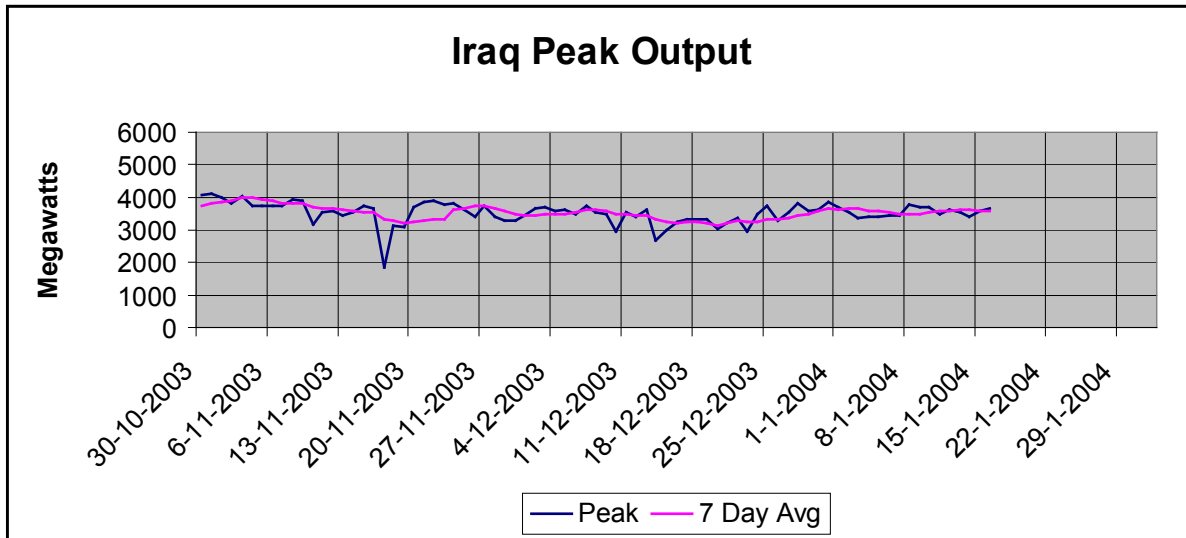
His soldiers have taken to escorting fuel trucks from the nearby Doura refinery to local gas stations, just as they did in August, he said.

Because of the war, Iraqi power plants did not undergo routine annual maintenance in the spring. Maintenance was scheduled to restart in October, Mr. Hassan said. Through the summer and fall, Mr. Hassan and others at the Electricity Ministry said, the power plants gave Bechtel a list of needed spare parts. So far, "we've gotten absolutely nothing," he added, and engineers are jury-rigging equipment just as they did under Mr. Hussein.

Coalition Provisional Authority

### Electricity Production

18 January 2004



Coalition Provisional Authority

**Power System Highlights for January 18, 2004**



**The CPA Electricity Advisor issues this report to note significant events or conditions of interest in the power sector. The basic daily data on the power system is available on the CPA web site.**

**HIGHLIGHTS:**

Qudis, Gas Power Generator underwent maintenance yesterday for fuel system cleaning. The 6-hour downtime resulted in the loss of 120Mw of output. The generator is fully operational at this time.

**Generation:**

- **Daily System peak on 17 Jan** – 3487Mw.
- **Daily system Demand on 17 Jan** – 5,653 Mw (Estimated)  
(3487 Actual Generation, + 1860 Load Shed, + 306 Corrected Frequency, = 5653)
- **Total generation** – 75,891Mwh
- **Imported power** - Power from Syria (60Mw) and Turkey (80Mw) included in System Peak
- **Generators Returned to Service** **65 MW**

South Baghdad 4	20Mw
South Baghdad 6	30
Mw Taji 4	15Mw

**Generators Unscheduled Out of Service as of 17 JAN 04**

**643 Mw**

Dibis 2, SP, Boiler Leak	8Mw
Baiji 5, SP, Forced Outage (No ECD)	100Mw
Daura 4, Rotor repair	100Mw
South Baghdad 1, boiler leak	30Mw
South Baghdad 2, Air heater defect	30Mw
Mussaibe 3, SP, Hydraulic test	150Mw
Baiji 2, NG, Lubricating oil leak from bearing	60Mw
Mosil 1, NG, Rotor Defect	15Mw
Mosil 2, NG, Servo problem	15Mw
Mosil 6, NG, diesel	15Mw
Mosil 9, NG, Rotor Defect	15Mw
Old Mulla 1,NG, Acc Gear	15Mw
Old Mulla 2, NG, Servo and Circuit breaker problem	15Mw
* Old Mulla 3, NG, stopped	15Mw
New Mulla 6, NG, Generator Defect	30Mw
Taji 3, NG, Compressor	15Mw
Taji Mobile, 2, NG, Software problem	10Mw
Shuaiba 2, NG, Stand By	5Mw

\* RED – Denotes out of service since last report

**Generators Scheduled Out of Service as of 17 JAN 04**

**1049 Mw**

- **2 Thermal units** off-line for rehabilitation ----- 200 Mw
  - Daura 5 and 6 200 Mw – ECD May 2004
- **6 Thermal units** in programmed maintenance ----- 531 Mw

- Dibis 1 8 Mw – ECD Jan 25
- Dibis 3 8 Mw – ECD Feb15
- Baiji 2 100 Mw – ECD Mar 04
- Baiji 6 100 Mw – ECD Jan 19
- South Baghdad 5 35 Mw – ECD Jan 15
- Nassirya 4 130 Mw – ECD Jan 28
- Hartha 4 150 Mw – ECD slipped to Jan 23
  
- **6 Gas Turbine units** off-line for rehabilitation -----173 Mw
  - Dibis 4, 9 Mw - ECD Mar 30
  - Dibis 5 9 Mw – ECD Jan 29
  - Old Mulla 12 15 Mw
  - Taji 7 15 Mw
  - Daura 3 20 Mw
  - Khor Zubayr 4 55 Mw – ECD Jan 31
  - Najaf 2 50 Mw - ECD Jan 25
  
- **5 Gas Turbine units** in programmed maintenance----- 145 Mw
  - Mosil 3 15 Mw
  - Old Mulla 5 15 Mw
  - New Mulla 4, 5 60 Mw (#5 ECD Mar 31)
  - Khor Zubayr 3 55 Mw

**Transmission:**

Countrywide, Iraq’s electrical output continues to be constrained by damaged transmission and distribution lines. The lines have come down due to sabotage and bad weather. Downed transmission lines increase the probability for complete nationwide blackout by reducing system contingency and causing mechanical damage at power plants. This may cause further temporary blackouts, which have already directly resulted in 1) impacted refineries causing reduced fuel flow to power plants and a subsequent reduction in power supply, and 2) damages in the power plants due to undercurrent causing units to come off-line for unscheduled maintenance.

**VOEDSELVOORZIENING**

United Nations Office for the Coordination of Humanitarian Affairs

**Focus on Oil-For-Food Programme**

8 January 2004

In a small underground store, Soran Raouf Majeed scoops a handful of rice out of a sack and shaking his head, lets it fall on the floor. Then he picks up a bar of soap, sniffs it and snorts with disgust. "The soap is just a turnip. You could sell all this box and not buy a turnip."

Soran, a food agent in the northeastern Iraqi city of Sulaymaniyah, told IRIN that the quality of goods he distributed under the Oil-For-Food programme was terrible. Each person in Iraq receives a quota of rice, sugar, milk powder, flour, ghee or cooking oil, lentils, beans, soap and washing powder.

The programme, which sees 65,000 mt of food distributed a month in Iraq's three northern governorates, was administered by the United Nations until November 21.

The Coalition Provisional Authority (CPA) and local governments took over the programme after 21 November. But Soran said nothing had changed and the quality of most things was so bad, people constantly complained. "Only the man at the top has changed. If the supplies stay the same then it won't mean anything."

However, UN officials responsible for the programme said the food was not substandard. "The food may not be the highest grade, but it is perfectly sound, fit and nutritious. The World Food Programme (WFP) always uses standard quality control tests to ensure its commodities are fit for human consumption," spokeswoman for WFP Iraq, Mia Turner told IRIN from Cairo.

Soran was convinced the Kurdish north of Iraq had always received the worst food as he had seen what areas such as Saddam Hussein's home territory of Tikrit had got. Many times he had asked WFP to improve the supplies. "Now it is up to the CPA to do something about this," said Soran.

Under the UN-administered Oil-For-Food programme, Saddam was allowed to export much of Iraq's oil to buy food and humanitarian aid for his people. Starting at the end of 1996 to alleviate the effects of years of international sanctions against Iraq, the programme expanded to cover virtually every area of the economy, dealing with items ranging from electrical spare parts and truck tyres to the rice given out to families once a month.

But complaints over the quality of food are leaving a bad taste. Soran said some of the cooking oil smelt so badly of fish that people refused to take it and he had a pile of cans sitting rusting in his store. "I can't even give it away." In Arbil the complaints are the same. Food distributor Woshar Sabir told IRIN that he too had not received tea and infant milk for several months and sugar was in short supply. He said the change to a new organisation running the programme had made no difference. "It's still the same bad old materials." He said many people took their rations, sold them and bought better quality items or other things. Eventually he hoped the programme could be phased out and people would be able to buy their food with their own money.

Soran Majeed said if the situation continued to improve in Iraq, he believed food distributions could end within 18 months. He suggested that as a transitional scheme, the government fixed prices for food staples and continued to sell them through the existing network of food agents.

Jamal Mirza Aziz, the Deputy Minister of Relations and Cooperation for the Kurdistan Regional Government in Sulaymaniyah, told IRIN that food distributions could end within a year in the north of Iraq. "We will need the rations until the agricultural sector is rehabilitated. But Kurdistan is very productive and has many resources so it won't take too long."

He believed it was good to transfer the programme to the CPA and local authorities.

"We want to implement it by ourselves because we know our needs, we know what the priority is so we can do it better." So far he had found the CPA very helpful and they were working together successfully. Soran Saed of development NGO Norwegian People's Aid, told IRIN in Sulaymaniyah that the food distributions should be phased out within two years as it made people reliant on the state for support.

"Maybe in Mongolia it's not possible to feed people but in Kurdistan it's fertile and rich and can support its people. However, while food handouts will continue for some time yet, other projects funded through the Oil-For-Food Programme have a less certain future and this is causing concern for NGOs.

Marinka Baumann, programme coordinator for Swedish NGO Qandil, told IRIN in Arbil that they simply didn't know what impact the changeover of the Oil-For-Food Programme would have. "Is it going to carry on working? Is there going to be something to replace it? Is the UN coming back? Is the money that's available going to be used where it's needed? So much is unknown."

She said there was concern in the north that part of the \$3 billion left over in the UN's Oil For Food coffers gets returned to the north for development projects. On 31 December the UN announced the transfer of US \$2.6 billion in surplus funds from its now-defunct "Oil-For-Food" programme to the Development Fund for Iraq.

This was the fourth such transfer since the Security Council called for the action in May when it adopted resolution 1483. The first transfer of \$1 billion was made two days after the resolution passed. As Oil-For-Food contracts were reviewed and prioritised, a second billion was transferred in October and a third in November.

Philip Peturs, the executive director of NGO Kurdistan Reconstruction Organisation, said he was worried that contracts for humanitarian work would not be available any more. With local authorities taking over the programme in the north, he feared that government ministries would be used instead of NGOs. "There are a lot of gaps that remain through (Security Council Resolution) 986 and things it didn't cover, especially in newly liberated areas."

# WATERVOORZIENING

UN Office for the Coordination of Humanitarian Affairs

## **IRAQ: Water problems persist in northeastern town**

KHANAQIN, 30 Dec 2003 (IRIN) - It looks as if a packet of aspirin has been dissolved in it. Then a teaspoon of mud has been stirred in. But, as it goes, this is as good as water gets in the northeastern town of Khanaqin.

The water has come out of a at the town's water directorate, but few of the staff would be prepared to drink it. The department's senior technical adviser, Abd al-Karim Ibrahim Isma'il, told IRIN that the cloudy water in the glass in front of him had actually been through the town's treatment plant. But a dilapidated network of pipes meant that by the time it got to the tap at his office and most houses in Khanaqin, it had been affected by seepage of contaminated water and even sewage. The water treatment plant in Khanaqin is currently running at 50 percent of its capacity.

Abd al-Karim, who joined the department in 1990, said the problems had always been the same. But now there was hope that the residents of the mainly Kurdish town might soon be able to drink water that would not make them sick. That help had come by way of the American NGO Mercy Corps (MC), which is implementing a major water and sanitation project in Khanaqin.

Its field office manager in northern Iraq, Robert Pianka, told IRIN that MC was trying to support the local authorities in renovating and reconstructing a supply system which had received little or no maintenance for decades. "In a region that's rich with water resources, what is consumed by the people is a mixture of unclean natural water and sewage," he said.

MC is channelling funding to water projects, as well as providing the water department with technical assistance and other forms of assistance. A major project is to reconstruct the department's giant storage tank at its water treatment plant, which collapsed and has remained in disrepair for the last 10 years. Without the gravity system provided by the tank, there is little pressure to get water to people's houses, and the sluggish flow along the pipes allows bad water to seep in more easily.

MC has put the project out to tender, and work will hopefully be completed late next year. However, Pianka says it will probably be two years before clean water is available to most residents, and dirty water effectively channelled away. After this happens, it will be for local and central governments to take over the maintenance of the system.

Pianka said Khanaqin's residents suffered the effects of unclean water in a way no Westerner would tolerate. "The atrophied capacity of Iraqis to effectively demand primary services from their authorities is an issue. You would expect people who are drinking urine with their water to be angry and would get together to make demands on the local authorities," he said.

Pianka added that the culture of complaining, let alone organised protest, was foreign to people who had lived under the repression of Saddam Hussein's regime. He said if there was any impurity in Western water supplies there would be an immediate uproar. However, in Khanaqin recently, people went without water for three days before some women individually went to the water department to see what could be done for them.

Across the road in his water directorate office, Abd al-Karim said the town's water infrastructure was overstretched. Its four main stations were operating around the clock, but even then could supply water to only 31,550 of the town's 43,780 residents. The rest had to supply themselves from wells or directly from the muddy flow of the main rivers.

Clean water was tankered to surrounding villages, but many still had to drink impure water and suffer the attendant illnesses, Abd al-Karim said. However, he too is hopeful that within a year or two the system would be greatly improved, thanks to MC's work. "If Mercy Corps wasn't here, the future would be dark. They are our great rescuers."

He said the NGO had come to the town after this year's war when the water department had run out of fuel to operate its pumping plants and was relying on sporadic electric power to get water to houses. MC had immediately procured diesel and continued this support along with much other assistance.

Abd al-Karim pushes the cloudy glass of water across the desk and shakes his head. At least it is better than what it used to be 10 years ago, he says, but he's still going to wait for a glass of tea to quench his thirst.

## **SOCIAAL-ECONOMISCHE SITUATIE**

### Occupation Watch

#### **New year does not bring optimism for out of work Iraqis**

by David Enders – 31 December 2003

BAGHDAD, Iraq, Dec. 31 — The new year brings little hope of relief for the estimated 8.5 million Iraqis who are without jobs.

Though salaries for some civil servants such as teachers have increased greatly under the occupation, inflation and a slow economic recovery have put increasing strains on most of the populace.

“In the past maybe we spent \$400 a month on food, now we spend \$700 or \$800 a month,” said Baghdad resident Wissam Al-Atrachki, the eldest son in a family of five. Al-Atrachki is fortunate — he has found a job with a foreign lawyer who is planning to open a firm in Baghdad. Others are less lucky.

Hussain Selwan is living with his family in an abandoned military base outside Al-Dora, a southern suburb of Baghdad. He was forced out of his home in Al-Dora because of rising rents. Before the invasion he worked as an electrician in a nearby state factory that has since become an American base.

“Our rent went from 50,000 dinars (\$30) a year to 300,000 dinars (\$120),” he said.

The Ministry of Labor and Social Affairs estimates 3 million of those out of work are living below the poverty line. There are plans to create a six-month unemployment benefit, but no start date has been set, said Eman Mustafa, a spokeswoman for the ministry. No dollar amount has been decided upon yet, but Mustafa said it would be considerably lower than the current per month for civil servants, about \$60.

“It is a temporary measure, and we think that if it is low it will encourage people to find work,” Mustafa said.

The ministry also plans to open 28 job placement and training centers in the next year. A placement center at the ministry itself was opened on Sept. 16 and has already received 32,00 resumes.

“We’ve found 1,500 of those people jobs,” Mustafa said.

The training will focus on computer and bilingual education.

“We will have foreign capitalists coming here, who want to have a well-trained work force, people who are well-educated,” James Otwell, the Coalition Provisional Authority’s senior advisor to the ministry, said in a newsletter published by the ministry.

“Our job in the labor field is to train those workers to have those computer skills, to have the ability to work for those new corporations and link them up, so that they don’t have to go out there and not be able to find workers.”

Foreign investment, which was expected to be heavy following the invasion, has been slow to materialize.

“Not many companies are entering Iraq — they’re too afraid,” said Hussain Kubba, the head of Kubba Consulting. “Most of the money the Americans spend is not coming into Iraq. That’s good in one way, it relieves Iraq from further inflationary pressures.”

The CPA’s own job creation program, which went into effect in the fall and was touted to have created 70,000 jobs, amounted to little more than \$2 a day for cleaning up trash on streets across the country. In some areas, the budget for the program could not be spent because people refused to take what they saw as humiliating work. In others, where demand for positions was high, political parties made sure their supporters received the open positions.

“There’s no way we can hire more people to collect rubbish,” Kubba said. “Let’s spend some money to refurbish buildings. Hopefully that will generate some jobs. In the days of Saddam, the Americans would do some bombing and within an hour Iraqi engineers would decide whether it could be rebuilt.

If it were to be demolished, it was demolished the next day. If it were to be rebuilt, it would be done in a fortnight. Now all of the damaged buildings are left unattended. You see a town that has been hit by an earthquake.”

Kubba said he sees little hope for anything but marginal improvement until the problems of electricity shortages and security are solved.

“Before, 17 percent of the workforce existed in the private sector,” Kubba said. “I’d guess the private sector is operating at about 5 to 10 percent of its capacity because of the power shortages. I cannot see anything working without power.”

He was also careful to qualify reports that played up the salary boosts civil servants have received.

“The increase in the salary of civil servants was only possible through the sacking of half a million soldiers,” Kubba said. “Half a million people are now worse off, and there you have the water tap that keeps the insurgency going. It’s alternative employment.

“The other problem is that there is no real government. Fifty percent of the GNP comes from the government.”

Isam Al-Khafaj, a former CPA employee who now heads Iraq Revenue Watch, is skeptical that even once the government is up and running that the problem will be solved.

“The new government is just replicating the old rentier pattern whereby the state’s revenues are totally detached from everyday life,” Al-Khafaj said. “Oil revenues are detached from everyday life, which is what allowed the state to be a despot before.”

“Jobs were created without any real revenue and money was just handed to (Saddam’s) cronies, creating a sense among the people that the state does not owe them anything. We have \$19.5 billion in supplementary aid which is compensating for the loss of oil revenue, but the economic policy — if you can call it a policy — is not conducive to any long-term growth.”

“Ask the people if they know what’s happening in the private sector and they are all aware that there is a flurry of activity in the private sector, and they tell you that there’s either nothing available or that the salaries are too low. Job creation is being left to the bankrupt state, and wealth creation is going to people who don’t employ.

“The supplemental money should be an one-time injection, but it is not being used to lay the groundwork for a vigorous, autonomous economy. We are headed toward the mafia capitalism of Yeltsin’s Russia.”

Still, people hold out hope.

“Many people have hope the situation will improve,” said Qasim Hadi, Secretary General of Union of the Unemployed, which claims to represent 300,000 people who are out of work. “But I think this will dissipate. The temporarily unemployed will turn into the permanently unemployed. Then it is impossible to predict what people in the streets will do.”

## Gulf News

### **Desperation grips unemployed Iraqis**

13 January 2004

Mohammad Jawat used to teach mechanical engineering at Iraq's naval academy in Basra. Now he has had to take a job as a security guard, checking identity papers and opening doors.

"Suddenly I found myself on the shelf," he said. "When I went to the University of Baghdad they wouldn't give me a job because I used to be part of the Ministry of Defence. I was four months without work. I feel like this (security job) isn't my place, but if I leave it we won't eat."

Millions of Iraqis are either jobless or underemployed - qualified people working as cleaners, guards, or drivers to pay the rent and put food on the table. There was already high unemployment under Saddam Hussain, but the disbanding of the old army and firing of those associated with his regime has left even more people idle.

The reconstruction effort has created jobs, but not enough. Frustration is high, with job-related protests in the cities of Basra, Amara and Kut turning violent in recent days.

In Amara, six people died when soldiers and police shot at the crowd.

There are no reliable unemployment statistics in Iraq, but the United Nations and World Bank estimated in October that 50 per cent of the workforce were jobless or underemployed.

At a job centre in central Baghdad, women sit patiently in the hope that someone seeking domestic help may come in. One man does, but leaves when he learns a housekeeper will cost 100,000 dinars (about \$65) a month.

"The government needs to create jobs. Real jobs. Cleaning the roads is not a solution. Security guards and so on are only a small percentage of people," centre manager Sami Jawad said.

"Only when everyone has jobs will there be security. Iraq today needs security and work. Only that."

Salama Ismail Ahmad said she was hoping to find work as a cook. She left her job at the Health Ministry before the war, fearing bombs, and said she had failed to get it back.

"It's my right to get my job back. Seventeen years I worked there, and it's not just me. There were a lot of us," she said.

The US authorities in Iraq stress that thousands of jobs have been created by the reconstruction effort across the country and say more jobs are on the way.

"With the big reconstruction packages coming down the line, programmes across the country, you are hard placed to find a place that hasn't been touched. You can't create a miracle overnight but so much is being done," US spokeswoman Anne Morris said.

But officials acknowledge that new investment, long-term business and trade are needed to jolt the job market. For now, many Iraqis have to swallow their pride and take what's on offer.

## **ECONOMISCHE SITUATIE**

### Coalition Provisional Authority

#### **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 39**

#### **FOREIGN INVESTMENT**

Paul Bremer - 19 September 2003

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Having worked closely with the Governing Council to ensure that economic change occurs in a manner acceptable to the people of Iraq,

Acknowledging the Governing Council's desire to bring about significant change to the Iraqi economic system,

Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security,

Noting that facilitating foreign investment will help to develop infrastructure, foster the growth of Iraqi business, create jobs, raise capital, result in the introduction of new technology into Iraq and promote the transfer of knowledge and skills to Iraqis,

Recognizing the problems arising from Iraq's legal framework regulating commercial activity and the way in which it was implemented by the former regime,

Recognizing the CPA's obligation to provide for the effective administration of Iraq, to ensure the well being of the Iraqi people and to enable the social functions and normal transactions of every day life,

Acting in a manner consistent with the Report of the Secretary General to the Security Council of July 17, 2003, concerning the need for the development of Iraq and its transition from a non-transparent centrally planned economy to a market economy characterized by sustainable economic growth through the establishment of a dynamic private sector, and the need to enact institutional and legal reforms to give it effect,

Having coordinated with the international financial institutions, as referenced in paragraph 8(e) of the U.N. Security Council Resolution 1483,

In close consultation with and acting in coordination with the Governing Council, I hereby promulgate the following:

## **Section 1**

### Definitions

- 1) "Administrator" means the Administrator of the Coalition Provisional Authority.
- 2) "Business entity" means any entity constituted or organized by law of any country, including, but not limited to, any corporation, partnership, joint venture, firm, enterprise, State-owned enterprise, organization, or other similar entity.
- 3) "Foreign investment" means investment by a foreign investor in any kind of asset in Iraq, including tangible and intangible property, and related property rights, shares and other forms of participation in a business entity, and intellectual property rights and technical expertise, except as limited by Section 8 of this Order.
- 4) "Foreign investor" means (a) a business entity constituted or organized under the law of a country other than Iraq; (b) a natural person who is (i) a national of a country other than Iraq, (ii) a stateless person not residing permanently in Iraq, or (iii) a national of Iraq residing permanently outside of Iraq; or (c) a business entity constituted or organized by any of the above under the law of Iraq; that is making or has made an investment in Iraq.
- 5) "Iraqi investor" means (a) a business entity constituted or organized under the law of Iraq other than by a foreign investor; or a natural person who is (i) a national of Iraq residing permanently in Iraq, or (ii) a stateless person residing permanently in Iraq; that is making or has made an investment in Iraq.

## **Section 2**

### Purposes

This Order promotes and safeguards the general welfare and interests of the Iraqi people by promoting foreign investment through the protection of the rights and property of foreign investors in Iraq and the regulation through transparent processes of matters relating to foreign investment in Iraq. This Order specifies the terms and procedures for making foreign investments and is intended to attract new foreign investment to Iraq.

## **Section 3**

### Relation to Existing Iraqi Law

- 1) This Order replaces all existing foreign investment law.
- 2) This Order is subject to revision by the Administrator, or to adoption or replacement by an internationally recognized, representative government established by the people of Iraq.
- 3) Future Orders or other guidance will be issued concerning various sectors of the economy.

## **Section 4**

### Treatment of Foreign Investors

- 1) A foreign investor shall be entitled to make foreign investments in Iraq on terms no less favorable than those applicable to an Iraqi investor, unless otherwise provided herein.
- 2) The amount of foreign participation in newly formed or existing business entities in Iraq shall not be limited, unless otherwise expressly provided herein.

## **Section 5**

### Trade Offices & Branches

A foreign investor may open trade representation offices and branches in Iraq; such offices and branches shall be registered with the Iraqi Registrar of Companies.

## **Section 6**

### Areas of Foreign Investment

- 1) Foreign investment may take place with respect to all economic sectors in Iraq, except that foreign direct and indirect ownership of the natural resources sector involving primary extraction and initial processing remains prohibited. In addition, this Order does not apply to banks and insurance companies.
- 2) Foreign investment may take place in all parts of Iraq.



3) A foreign investor shall be prohibited from engaging in retail sales, unless at least 30 days prior to engaging in such retail sales such foreign investor deposits \$100,000 in a non-interest-bearing account in a properly licensed Iraqi bank located in Iraq pursuant to procedures to be promulgated by the Ministry of Trade. Once a deposit is made pursuant to its procedures, the Ministry of Trade shall issue documentation to the foreign investor reflecting the authorization to engage in such retail sales. Such deposit must be maintained during the entire time that the foreign investor is engaged in retail sales; provided however, it shall be returned upon the request of the foreign investor at the completion of the retail sales activity.

## **Section 7**

### Implementing Foreign Investment

- 1) A foreign investor may implement foreign investment using, among other things, freely convertible currencies or Iraqi legal tender, in the following forms: a) establishing a wholly foreign-owned business entity in Iraq, including as a subsidiary of a foreign investor;
- b) establishing a business entity jointly with an Iraqi investor;
- c) establishing a branch office, as set forth in Section 5 herein; and
- d) directly acquiring an investment.
- 2) A foreign investor shall be authorized to:
  - a) possess, use, and dispose of its investments;
  - b) manage or participate in managing a business entity;
  - c) transfer its rights and obligations to other persons in accordance with the law;
  - d) transfer abroad without delay all funds associated with its foreign investment, including:
    - i) shares or profits and dividends;
    - ii) proceeds from the sale or other disposition of its foreign investment or a portion thereof;
    - iii) interest, royalty payments, management fees, other fees and payments made under a contract; and
    - iv) other transfers approved by the Ministry of Trade;
  - e) exercise any other authority conferred upon it by law.
- 3) The Finance Minister and the Minister of Planning may jointly issue regulations to assist in the implementation of this Order.

## **Section 8**

### Use of Real Property

- 1) After the date of this Order, unless otherwise permitted by law, a foreign investor or a business entity with any level of foreign investor participation may not under any circumstances purchase the rights of disposal and usufruct of private real property.
- 2) The duration of any license to use property shall be determined by the duration of operations related to the foreign investment. The initial term of a license shall not exceed 40 years, but may be renewed for further such periods. Licenses may be reviewed by the internationally recognized, representative government established by the people of Iraq upon its assumption of the responsibilities of the CPA.
- 3) If a business entity that is owned or controlled by a foreign investor or foreign investors is dissolved before the expiration of the license or lease, then the license or lease shall be terminated at the time of such dissolution.

## **Section 9**

### Insurance

A foreign investor shall be permitted to obtain insurance coverage for all aspects of its operation from any foreign or Iraqi source deemed appropriate by the foreign investor.

## **Section 10**

### Dispute Settlement

Disputes between a foreign investor and an Iraqi investor pertaining to investment in Iraq, or between a foreign investor and an Iraqi legal or natural person, shall be resolved in accordance with the dispute resolution provisions contained in any applicable written agreement governing the relationship

between the parties. The parties may elect in any agreement to utilize the arbitration mechanisms outlined in Iraqi law.

### **Section 11**

#### Dissolution of Entities

1) Within 14 days from the date of adopting a resolution or other instrument terminating the operations of a business entity that is owned or controlled by a foreign investor or foreign investors, the business entity with foreign investment shall submit the resolution or other instrument to the Iraqi Registrar of Companies.

2) Upon termination of operations and dissolution of the business entity with any level of foreign investment, any such foreign investor shall, consistent with Section 7 of this Order, have the right to transfer profits from the sale or liquidation to any foreign location, or as provided in a written agreement between the foreign investor and an Iraqi investor, provided that all amounts owed by such business entity to the government of Iraq and all Iraqi creditors have been paid in advance of the transfer.

### **Section 12**

#### Tax Treatment

The Administrator may issue further orders to address the tax treatment of income derived from a foreign investment that is reinvested in a business entity in Iraq.

### **Section 13**

#### Treatment of Investors

No legal text that impedes the operation of this Order shall hold and all investors, foreign and Iraqi, shall be treated equally under the law, except as otherwise specifically provided in this Order.

### **Section 14**

#### International Agreements

Where an international agreement to which Iraq is a party provides for more favorable terms with respect to foreign investors undertaking investment activities in Iraq, the more favorable terms under the international agreement shall apply.

### **Section 15**

#### Evasion

Violations of Sections 6(3) and 8(1) of this Order may serve as a basis for suspension or cancellation of the rights of a foreign investor in Iraq that arise under this Order.

## Trouw

### **VS moeten ambities voor Irak laten varen**

29 december 2003

BAGDAD - De voortdurende aanslagen en tijdsdruk hebben de Verenigde Staten gedwongen een aantal ambitieuze plannen voor de opbouw van Irak op te geven. Dit meldde de krant Washington Post gisteren op gezag van hoge, anonieme, Amerikaanse regeringsfunctionarissen.

Zo is het plan om Iraakse staatsbedrijven te privatiseren opgeschort. Ook dringt Washington er niet meer op aan dat de Irakezen een nieuwe grondwet opstellen, voordat de VS op 1 juli volgend jaar de macht aan een Iraakse regering overdragen. De ontwapening van verscheidene pro-Amerikaanse milities, zoals de Koerdische peshmerga's, heeft evenmin nog langer prioriteit.

De VS hadden Irak willen ombouwen tot een democratische, seculiere, pluralistische markteconomie, een voorbeeld voor andere landen in het Midden-Oosten. Maar de „ideologie is nu ondergeschikt gemaakt aan het tijdschema", zo meldde een van de regeringsfunctionarissen.

Nu de Iraakse weerstand tegen de Amerikaanse bezetting groot blijft, kunnen de VS het zich niet permitteren nog meer sociale onrust te veroorzaken. In juni verklaarde de hoogste Amerikaanse

bestuurder in Irak, Paul Bremer, nog dat er haast gemaakt moest worden met de privatisering van staatsbedrijven omdat dit 'essentieel voor Iraks economische herstel' zou zijn. Nu wordt ervan afgezien omdat privatisering tot duizenden ontslagen zou leiden.

Ook het herzien van het nationale voedselverdelingsprogramma leidt naar verwachting tot teveel chaos. Meer dan negentig procent van de Irakezen krijgt maandelijks meel, olie, bonen en andere proviand uitgereikt, een systeem dat onder Saddam Hoessein is ingesteld. De Verenigde Staten wilden deze distributie vervangen door een maandelijks uitbetaling van 15 dollar. Maar, aldus een hoge Amerikaanse ambtenaar „we moeten wat we daarmee winnen afwegen tegen wat het oplevert”.

Het afzien van de eis dat er voor 1 juli een nieuwe grondwet moet zijn, lijkt nog de grootste Amerikaanse concessie. In september zei Bremer dat zo'n grondwet er beslist moet komen omdat er anders 'onduidelijkheid en mogelijk misbruik' zou ontstaan.

De verschillende bevolkingsgroepen van Irak -soennitische moslims, sjiietische moslims en Koerden-zijn weliswaar alle vertegenwoordigd in de Iraakse interim-regeringsraad, maar hun onderlinge spanningen worden er niet minder om. Er liggen enkele extreme eisen op tafel over de toekomst van Irak die door de VS met een veto geblokkeerd zijn. Zo willen de in het noorden van Irak wonende Koerden onafhankelijkheid en willen de sjiieten dat de sjaria, de islamitische wetgeving, leiddraad wordt.

Het Iraakse ministerie van Handel stelt een onderzoek in naar corruptie door leden van de Iraakse interim-regeringsraad. Dat heeft de Iraakse minister van Handel Ali Allawi afgelopen weekeinde gemeld. Volgens hem is er gesjoemeld met een contract van ongeveer 80 miljoen dollar (65 miljoen euro) voor de aanschaf van houten deuren. Volgens Allawi is van dat bedrag ongeveer eenderde verduisterd. Hij zei dat er sterke aanwijzingen zijn dat leden van de regeringsraad daarin een rol hebben gespeeld.

Reuters

### **Iraqi Firms Feel Left Out of Reconstruction Work**

By Lin Noueihed – 14 January 2004

AMMAN (Reuters) - U.S. officials are promising to include Iraqis in the rebuilding of their war-torn country, but Iraqi businessmen say they remain at the bottom of the contract food chain, while foreign firms feast on lucrative deals.

"We can't contact U.S. firms for work. We contact Arab firms which are in contact with U.S. firms," said Iraqi businessman Taha al-Difai. "With U.S. tenders, we don't know where they happen or what the rules are. You have to run after the U.S. for work."

His sentiments were echoed by many of the Iraqi businesspeople attending a reconstruction conference that closed in Amman on Tuesday. Some demanded Iraqis be given priority.

It is unclear how much of a new \$18.6 billion in U.S.-funded contracts could go to Iraqis, who have complained that they lack the financing capability and technical know-how to compete with big foreign players after over a decade of United Nations sanctions.

But U.S. officials said efforts were underway to help Iraqi companies develop the skills they need and to find financing.

"One of the goals that I have is to develop the capacity of Iraqis for large program management as well as to build the construction industry of Iraq," said Retired Adm. David Nash, who heads the Program Management Office, in charge of contracts.

"They would probably tell you they are a little bit disadvantaged at this point, but with a little bit of help they can be very competitive and I tend to agree."

### **Picking up the crumbs**

While Iraqi firms have been awarded many subcontracts, these have tended to be for smaller projects. And while many admit they are not qualified to carry out major projects, they say companies further up the chain have no choice but to feed them, even if it is the crumbs.

"It is in the interests of both Iraqis and foreign companies that Iraqis take part in reconstruction because local labor is cheaper," said Iraqi businessman and engineer Tareq Hassoun.

"We will get work with the Americans as subcontractors as we don't have the technology to do the big projects on our own."

Scratch beneath the surface and some of the Iraqi-registered companies that have snapped up larger subcontracts from prime contractors such as Bechtel Corp. of the United States are actually owned by other Arab investors or are jointly owned with non-Iraqis.

"We have executed about \$100 million worth of work and there are some projects in progress," said an official from one such firm, which is owned by Kuwaitis but which he says largely employs Iraqis.

Khalid Eid, commercial director of Jordan's El Concord, which won a subcontract from Bechtel in September for a water treatment plant, says his company also generally employs Iraqis in Iraq, suggesting that the benefits do trickle down.

Some 200 Iraqis participated in the conference and a U.S.-endorsed business fair is due to take place in Baghdad in April, expected to attract thousands of Iraqi exhibitors.

Michael Fleischer, deputy director of the U.S. Private Sector Development office in Iraq, said plans are afoot to provide Iraqis with vocational and other training to help the private sector flourish once the major infrastructure work was complete.

Efforts are also underway to put foreign firms looking for partners on the ground in touch with Iraqi companies, he said.

But Iraqi companies say they are waiting to feel the effects.

"We have got nothing from the Americans yet and I doubt we will. Sometimes the contracts get awarded without us even knowing there was a tender," said one Iraqi contractor.

## VAKBONDEN

Daily Star

### **Iraqi trade union target of US occupation forces**

Premises have been attacked

By Julie Flint – 20 December 2004

LONDON: An international trade union delegation called on Friday for support for Iraq's nascent trade union movement once a target of the deposed Iraqi dictator, Saddam Hussein; now, apparently, a target of the US occupation forces.

At the end of a two-day meeting in the Jordanian capital, Amman, a spokesman for the International Confederation of Free Trade Unions (ICFTU) acknowledged that "the ongoing violence in Iraq makes it hard for trade unions to operate effectively," but called on the Coalition Provisional Authority and the Iraqi Governing Council to give more attention to the problems facing Iraqi workers. The spokesman said the meeting discussed reconstruction efforts, the rights of Iraqi workers and the effects of the violence currently enveloping parts of Iraq.

ICFTU Secretary-General Guy Ryder urged the development of labor legislation conforming to international standards "to protect workers from exploitation and to allow for the development of legitimate trade unions and employer organizations, as well as for the reconstruction of the economy and the development of democracy in Iraq." Ryder criticized the Bush administration's decision to limit foreign investment in Iraq to those who supported the US-led war to remove Saddam Hussein.

"The international community needs to work together to rebuild Iraq's infrastructure and economy and to help democracy develop," he said. "In the ICFTU's view, the US decision is not in the best interests of the Iraqi people, in particular given the serious allegations now being made against one of the main US companies involved in the reconstruction." Ryder appeared to be referring to the US giant Halliburton, Vice-President Dick Cheney's former company, which has been accused of overcharging and other violations in an Iraq reconstruction contract. Halliburton has denied any price gouging.

The meeting in Amman on Dec. 17-18 brought Iraqi unionists, teachers' and journalists' representatives together with a delegation from the International Confederation of Arab Trade Unions and ICFTU affiliates from Arab countries, Europe and the US. It was organized after Iraqi workers appealed for international support in the wake of two attacks against unionists and union premises in

Baghdad. On Dec. 6, according to the Iraqi Federation of Trade Unions (IFTU), dozens of US troops in 10 armored vehicles attacked IFTU headquarters in Baghdad, temporarily housed in the premises of the General Union of Transport Workers. Without giving any reason, IFTU said, the troops smashed windows and smeared black paint over the unions' names. They tore down union banners and posters that condemned acts of terror and removed documents including minutes of union meetings.

"They, who are supposed to oppose terrorism, tore down posters against terrorism," said Abdullah Muhsin, the ICFTU's London-based international representative. "Why did they have to do that? Our building was just a shell. We had absolutely nothing, not even a computer. For them to destroy it is absolutely outrageous." Muhsin said Iraqi workers would continue to organize after decades of oppression at the hands of Saddam Hussein.

"Democracy will not be deterred by guns," he said.

"We do not initiate violence. But if someone tries to slap you, you stop it." The US forces arrested eight IFTU leaders but released them, without explanation, the following day. IFTU called the arrests "an unjustified terrorizing act targeting trade union cadres and leaders ... well-known for their struggle" against the regime of Saddam Hussein.

Two weeks earlier, on Nov. 23, US forces arrested two leaders of another labor group, the Union of the Unemployed. They too were released within 24 hours.

Under Saddam Hussein, union activists were forced underground or into exile especially after a 1987 law banned unionization in the public sector and state-owned enterprises. Although hundreds of Saddam-era laws have been repealed, the Anti-Union Law is still being enforced by the CPA. Union leaders say they believe they are being targeted because of their opposition to the Bush administration's decision to privatize Iraqi industry with the single exception of the oil industry and to allow the immediate export of all profits. If workers have no legal union, no contracts and no right to bargain, they say, organized resistance to privatization and the huge job losses that are expected to accompany it will be that much harder.

The first list state enterprises to be sold off under CPA Order No. 39 of Sept. 19 covered many of Iraq's most profitable sectors including cement and fertilizer plants, phosphate and sulfur mines, pharmaceutical factories and the national airline.

Iraqi workers have no unemployment benefits and even now face an unemployment rate estimated at up to 70 percent. Because of the high unemployment, Iraqis are forced to accept wages that are only a quarter of those paid to foreign workers. They are appalled by the prospect of privatization, which the manager of Baghdad's Al-Dawa oil refinery, Dathar al-Kashab, has estimated will force him to fire half his work force.

"In America, when a company lays people off, there's unemployment insurance, and they won't die from hunger," he told CorpWatch, a US watchdog. "If I dismiss employees now, I'm killing them and their families."

## **VROUWENRECHTEN**

San Francisco Chronicle

### **Women's rights at risk in Iraq**

U.S. fears conservative backlash in creating new government

16 January 2004

Baghdad -- For the past four decades, Iraqi women have enjoyed some of the most modern legal protections in the Muslim world, under a civil code that prohibits marriage below the age of 18, arbitrary divorce and male favoritism in child custody and property inheritance disputes.

Saddam Hussein's dictatorship did not touch those rights. But the U.S.- backed Iraqi Governing Council has voted to wipe them out, ordering in late December that family laws shall be "canceled" and such issues placed under the jurisdiction of strict Islamic legal doctrine known as Sharia.

This week, outraged Iraqi women -- from judges to Cabinet ministers -- denounced the decision in street protests and at conferences, saying it would set back their legal status by centuries and could

unleash emotional clashes among various Islamic strains that have differing rules for marriage, divorce and other family issues.

"This will send us home and shut the door, just like what happened to women in Afghanistan," said Amira Hassan Abdullah, a Kurdish lawyer who spoke at a protest meeting Thursday. Some Islamic laws, she noted, allow men to divorce their wives on the spot.

"The old law wasn't perfect, but this one would make Iraq a jungle," she said. "Iraqi women will accept it over their dead bodies."

The order, narrowly approved by the 25-member council in a closed-door session Dec. 29, was reportedly sponsored by conservative Shiite members. The order is now being opposed by several liberal members as well as by senior women in the Iraqi government.

The council's decisions must be approved by Paul Bremer, the chief U.S. administrator in Iraq, and aides said unofficially that his imprimatur for this change was unlikely. But experts here said once U.S. officials turned over political power to Iraqis at the end of June, conservative forces could press ahead with their agenda to make Sharia the supreme law. Spokesmen for Bremer did not respond to requests for comment Thursday.

"It was the secret way this was done that is such a shock," said Nasreen Barawi, a woman who is Iraq's minister for social welfare and public service. "Iraq is a multiethnic society with many different religious schools. Such a sweeping decision should be made over time, with an opportunity for public dialogue."

There is no immediate threat of the decision becoming law, Barawi said, "but after June 30, who knows what can happen?"

In interviews at several meetings and protests, women noted that even during the politically repressive Hussein era, women had been allowed to assume a far more modern role than in many other Muslim countries and had been shielded from some of the more egregiously unfair interpretations of Islam advocated by conservative, male-run Muslim groups.

Once Hussein was toppled, several women noted wryly, they hoped the new authorities would further liberalize family law. Instead, in the process of wiping old laws off the books, they said, Islamic conservatives on the Governing Council are trying to impose retrograde views of women on a chaotic postwar society.

Although it remained unclear which members of the council had promoted the shift of family issues from civil to religious jurisprudence, the decision was made and formalized while Abdul Aziz Hakim, a Shiite Muslim who heads the Supreme Council for the Islamic Revolution in Iraq, was chairing the council under a rotating leadership system.

This week, several moderate council members spoke strongly against the decision in public forums, calling it a threat to both civilized progress and national unity.

On Thursday in Basra, Iraq's second largest city, tens of thousands of Shiite Muslims demonstrated against the U.S. plan to put an unelected, temporary government in power by July 1.

The large crowd, estimated by British soldiers to number as many as 30,000, marched through Basra chanting "No, no, U.S.A. Yes, yes for elections" and "Yes, yes, Islam. No, no, occupation," according to news service reports. They also held up pictures of Shiite leaders, particularly Grand Ayatollah Ali al-Sistani, the country's highest-ranking Shiite cleric, who spoke out Sunday against the U.S. outline for transition.

Under the Bush administration's plan, which was approved by the Governing Council on Nov. 15, caucuses would be held in Iraq's 18 provinces to choose representatives to a transitional assembly. The assembly would then choose the provisional government to which the U.S.-led occupation authority will transfer Iraq sovereignty on July 1.

Al-Sistani, however, has said repeatedly that direct elections are the only acceptable means for selecting members of the transitional assembly.

Iraqi leaders and U.S. authorities hope a meeting in New York on Monday with U.N. Secretary-General Kofi Annan will help resolve the impasse over al-Sistani's objections

### Organization for Women's Freedom in Iraq

### **Press conference on efforts to stop Sharia law from becoming state law in Iraq**

16 January 2004

The Organisation of Women's Freedom in Iraq (OWFI) and many secular and progressive people in the region and the world were shocked to receive yesterday's news that Sharia law rather than the personal status code is to be implemented in Iraq.

The Iraqi Governing Council has passed law No 137 on 13 January 2004 behind closed doors removing the personal status code which was established in 1958 and amended under the Ba'ath regime a number of times to violate women's rights.

The abolition of the personal status code which recognised a number of important rights for women in Iraq during the last 50 years has provoked widespread anger among secular women and men in Iraq who took to the streets in the centre of Baghdad to raise their outrage.

The Organisation of Women's Freedom in Iraq is announcing an international and local campaign to demand a secular constitution and the complete separation of religion from the state, which has become more necessary than ever before. The OWFI will be holding a press conference to address the dangerous effects and consequences of Sharia Law on women's rights in Iraq.

Defend the camp of secularism and humanity in Iraq and attend this important press conference to find out more about the situation, what can be done to prevent this, and to defend women in Iraq from oppression for many more decades to come.

Speakers:

Nadia Mahmood, Representative of OWFI Abroad

Houzan Mahmoud, Coordinator of OWFI in UK; Editor-in-Chief of Equal Rights Now!

## **GEBRUIKTE WAPENSYSTEMEN**

### Human Rights Watch

#### **Hundreds of civilian deaths in Iraq were preventable**

12 December 2003

(New York, December 12, 2003) – Hundreds of civilian deaths in the U.S.-led invasion of Iraq could have been prevented by abandoning two misguided military tactics, Human Rights Watch said in a comprehensive new report released today.

The use of cluster munitions in populated areas caused more civilian casualties than any other factor in the coalition's conduct of major military operations in March and April, Human Rights Watch said. U.S. and British forces used almost 13,000 cluster munitions, containing nearly 2 million submunitions, that killed or wounded more than 1,000 civilians.

Meanwhile, 50 strikes on top Iraqi leaders failed to kill any of the intended targets, but instead killed dozens of civilians, the Human Rights Watch report revealed. The U.S. "decapitation" strategy relied on intercepts of senior Iraqi leaders' satellite phone calls along with corroborating intelligence that proved inadequate. As a result, the U.S. military could only locate targets within a 100-meter radius – clearly inadequate precision in civilian neighborhoods.

"Coalition forces generally tried to avoid killing Iraqis who weren't taking part in combat," said Kenneth Roth, executive director of Human Rights Watch. "But the deaths of hundreds of civilians still could have been prevented."

International humanitarian law, or the laws of war, does not outlaw all civilian casualties in wartime. But armed forces are obliged to take all feasible precautions for avoiding civilian losses, and to refrain from attacks that are indiscriminate or where the expected civilian harm exceeds the military gain. The term "casualty" refers to both dead and wounded.

The 147-page report, "Off Target: The Conduct of the War and Civilian Casualties in Iraq," also examines violations of international humanitarian law by Iraqi forces, including use of human shields, abuse of the Red Cross and Red Crescent emblems, use of antipersonnel landmines, and placement of military objects in mosques and hospitals. The Iraqi military's practice of wearing civilian clothes also eroded the distinction between combatants and civilians.

The Human Rights Watch report also criticizes U.S. air strikes on electrical and media facilities. U.S. and British forces did not secure large caches of weapons and ammunition abandoned by Iraqi forces,

and the ready availability of these explosives also led to dozens of civilian casualties. Additional information about British conduct of the Iraq war can be found here.

To preserve its neutrality in assessing adherence to the laws of war in the Iraq conflict, Human Rights Watch did not take a position on whether the war itself was justified or legal.

Human Rights Watch sent a team of researchers to Iraq between April 29 and June 1 to investigate civilian casualties and damage to civilian infrastructure. The team focused on the main areas of fighting in the Tigris and Euphrates river valleys. Team members visited 10 cities and conducted more than 200 interviews with victims and their families, Iraqi doctors, U.S. and British military personnel, and others.

The researchers inspected dozens of bombsites, as well as fields and neighborhoods littered with unexploded cluster submunitions. They evaluated ballistics evidence and hospital records. The researchers also obtained U.S. Department of Defense data that enabled them to pinpoint the locations of cluster-munition strikes.

Human Rights Watch estimates that cluster munitions killed or injured more than 1,000 civilians, while “decapitation” strikes killed dozens. The total number of civilians killed in the war is much higher, since it would include people who died as a result of collateral damage from small-arms fire and other factors. Human Rights Watch did not attempt to ascertain an exact number of civilian deaths in the war.

“Every death of a civilian in wartime is a terrible tragedy,” said Roth. “But focusing on the exact number of deaths misses the point. The point is that the U.S. military should not have been using these methods of warfare.”

In a single day, U.S. cluster-munition attacks in Hilla on March 31 killed at least 33 civilians and injured 109. A hospital director in the southern Iraqi city told Human Rights Watch that cluster munitions caused 90 percent of the civilian injuries that his hospital treated during the war. Human Rights Watch obtained hospital records from Hilla, Najaf and Nasariya indicating 2,279 civilian casualties in March and April, including 678 dead and 1,601 injured.

On April 7 a “decapitation” attack, apparently targeting Saddam Hussein on the basis of a satellite phone intercept, killed 18 civilians and destroyed three homes in the Mansur neighborhood of Baghdad. Residents said there was no evidence that Saddam Hussein or any members of the Iraqi government had been there.

“The decapitation strategy was an utter failure on military grounds, since it didn’t kill a single Iraqi leader in 50 attempts,” said Roth. “But it also failed on human rights grounds. It’s no good using a precise weapon if the target hasn’t been located precisely.”

In its research on previous U.S. armed conflicts, including the NATO bombing campaign in Yugoslavia (<http://www.hrw.org/europe/fry.php>) and the war in Afghanistan (<http://www.hrw.org/asia/afghanistan.php>), Human Rights Watch found that the U.S. Air Force was progressively using fewer cluster bombs in populated areas. While the U.S. Air Force continued this trend in Iraq, the U.S. Army launched tens of thousands of cluster submunitions in populated areas.

U.S. Central Command reported that its forces used 10,782 cluster munitions overall, with ground forces launching the vast majority. British forces used an additional 70 air-launched and 2,100 ground-launched cluster munitions. “Dud” submunitions, which fail to explode immediately, may kill or maim civilians long after the conflict has ended. The U.S. and British cluster munitions together contained nearly 2 million submunitions.

“The way cluster munitions were used in Iraq represents a big step backwards for the U.S. military,” said Roth. “U.S. ground forces need to learn the lesson that the air force seems to have adopted: cluster munitions cannot be used in populated areas without huge loss of civilian life.”

The Human Rights Watch report contains numerous maps, satellite images and photographs.

## Intervention Magazine

### **More Deadly Than Gas**

When this war ends, George Bush will have caused the poisoning of hundreds of thousands more humans than he said Saddam Hussein poisoned.

By Frederick Sweet – 7 January 2004



In its 110,000 air raids against Iraq, the US A-10 Warthog aircraft launched 940,000 depleted uranium shells, and in the land offensive, its M60, M1 and M1A1 tanks fired a further 4,000 larger caliber also uranium shells. The Bush administration and the Pentagon said, there is no danger to American troops or Iraqi civilians from breathing the uranium oxide dust produced in depleted uranium (DU) weapons explosions.

DU is the waste residue made from the uranium enrichment process. This radioactive and toxic substance, 1.7 times as dense as lead, is used to make shells that penetrate steel armor.

Last July, two military DU weapons experts Dr Doug Rokke and George A. Parker, veterans of the Gulf War, issued a public warning against using these radioactive weapons of mass destruction in Iraq. Rokke had been U.S. Army's DU team health physicist and U.S. Army's DU Project Director. Former British Army Sgt. Parker had been with the 1st Field Laboratory Unit, Biological-Warfare Detection Unit at Porton Down in Great Britain. His job had been management in the Gulf War of troop protection against weapons of mass destruction.

Dr. Rokke warned:

"Depleted uranium munitions (DU) have been used effectively in combat since 1973. Their destructive capabilities are absolutely superior to any other known munitions that can be fired by tanks, armored vehicles, aircraft, and rifles. In addition the ADAM and PDM, which are land mines, are essentially conventional explosives wrapped in shell containing uranium or a 'dirty bomb.' Although DU munitions are an excellent weapon, they leave a path of death, illness, and environmental contamination. The radiological and chemical toxicity are due to uranium, plutonium, neptunium, and americium isotopes within each DU bullet. We also have all of the inherent contamination from the equipment, terrain, and facilities that were destroyed."

"Upon the completion of the ground combat phase of the Gulf war, I was assigned by Headquarters Department of the Army and consequently the U.S. Central Command to clean up the depleted uranium contaminated U.S. equipment and provide initial medical recommendations for all individuals who were or may have been exposed as a consequence of military actions."

"Our initial observations of the DU contamination can be summed simply by three words 'OH MY GOD!' Although my mission was limited to U.S. personnel and equipment all affected persons and equipment should have been processed identically. They were not! Although I and U.S. Army physicians assigned to the 3rd U.S. Army Medical Command issued immediate verbal and written medical care recommendations those still have not been complied with for not only all U.S. and coalition military DU casualties but for Iraqi military personnel and especially noncombatants, women and children, who were exposed to DU munitions contamination."

"A United States Defense Nuclear Agency memorandum written by LTC Lyle that was sent to our team in Saudi Arabia during March 1990 stated that quote: 'As Explosive Ordnance Disposal (EOD), ground combat units, and civil populations of Saudi Arabia, Kuwait, and Iraq come increasingly into contact with DU ordnance, we must prepare to deal with potential problems. Toxic war souvenirs, political furor, and post conflict clean up (host nation agreement) are only some of the issues that must be addressed. Alpha particles (uranium oxide dust) from expended rounds is a health concern but, Beta particles from fragments and intact rounds is a serious health threat, with possible exposure rates of 200 millirads per hour on contact.' end [of] quote."

Referring to Dr. Rokke's comments, Sgt. Parker concluded:

"I am now aware that armed forces personnel are considered as disposable items. Something to be used abused and then discarded when broken. Further more, when made ill by the use of politically sensitive weapons such as DU they are an expensive embarrassment to be silenced when voicing concerns."

"It is my sincere and heart felt belief that until such time as the UK and US governments can properly care for ill and dying veterans of war, they should refrain from deploying members of the armed forces overseas."

Former U.S. Attorney General Ramsey Clark, an opponent of DU weapons use since 1996, again raised his call for a ban on the use of these weapons in 2001. Since then DU weapons conferences, ironically, in Baghdad in 1999 and Gijon, Spain in 2000 had demanded a ban on DU use. "This new outbreak of leukemia among European [NATO] soldiers has reinforced what we said before," said

Clark from New York in January 2001. "Is it acceptable by any human standards that we would permit one shell of depleted uranium to be manufactured, to be stored, to be used? No! Stop it now!"

According to a May 2003 article in the Christian Science Monitor, the first partial Pentagon disclosure of the amount of DU used in Iraq, a US Central Command spokesman admitted that A-10 Warthog aircraft -- the same planes that shot at the Iraqi planning ministry -- fired 300,000 bullets. The normal combat mix for these 30-mm rounds is five DU bullets to 1 -- a mix that had left about 75 tons of DU in Iraq.

A Monitor reporter had seen only one site where US troops had put up handwritten warnings in Arabic for Iraqis to stay away. A 3-foot-long DU warhead from a 120-mm tank shell had been found to produce radiation at more than 1,300 times background levels.

Many scientists believe that uranium oxide dust inhaled or ingested by troops in the Gulf War is the cause, or a contributing cause, of the "Gulf-War Syndrome". Of the approximately 697,000 U.S. troops stationed in the Gulf during the war, more than 100,000 veterans are now chronically ill. Cancer rates in southern Iraq have increased dramatically. For example ovarian cancer in Iraqi women of the southern region has fully increased by 16-fold.

More recently, Bush's and the Pentagon's reassurances were vigorously challenged by nuclear physicists and physicians at a scientific meeting, the World DU/Uranium Weapons Conference held in Hamburg, Germany during October 2003. New data suggest that orders of magnitude more Americans and Iraqis may have been poisoned by uranium from depleted uranium (DU) weapons explosions than Kurds had been killed by Saddam's gas in 1988. Review in Hamburg of the long term medical effects from DU exposures during the 1990s in Kosovo, Sarajevo, southern Iraq and from American veterans of the Gulf War reveal a frightening reality.

Conference scientists criticized as decades obsolete the Pentagon models used for reassuring the public about the long-term effects of inhaling uranium oxide particles from DU weapons. Citing the Pentagon model, the official 2003 Conference Statement concluded: "The knowledge on which this [Pentagon] model is based is faulty and outdated. This is like comparing [someone] sitting in front of a fire with [them] eating a hot coal."

According to the Conference, the mobility of the ceramic uranium oxide particles from DU weapons explosions is due to their re-suspension in dry weather. Measuring isotope ratios of U-238 and Pa-234m/Th-234 in water and air measurements by UNEP in Kosovo, Bosnia and Montenegro has showed this. Uranium oxide particles are available for inhalation long after the war is over. Anyone in the general area of their prior use is at risk, several years after their use or contamination. This had been proven by urine measurements in Kosovo in 2001. All of the people sampled showed contamination from DU. This was also shown by urine tests of Gulf War veterans made 10 years after their exposure.

After the Gulf War, Iraqi and international epidemiological investigations enabled the environmental pollution due to using this kind of weapon to be associated with the appearance of new, very difficult to diagnose diseases (serious immunodeficiencies, for instance) and the spectacular increase in congenital malformations and cancer. This had been found both in the Iraqi population and also among several thousands of American and British veterans and in their children, a clinical condition now called Gulf War Syndrome. Similar symptoms to those of the Gulf War have been described for a thousand children living in Bosnia where American aviation similarly used DU bombs in 1996, the same as in the NATO intervention against Yugoslavia in 1999.

It is estimated that already some 300 tons of radioactive debris from DU weapons had been deposited in target areas during the 2003 Iraq War, affecting over 250,000 Iraqis. By comparison, Saddam Hussein -- who Bush had called an evil murderer -- only gassed about 5,000 Iraqi Kurds in 1988. But by Bush launching his war on Iraq with DU weapons of mass destruction, he multiplied the casualties to the Iraqis, and also to American troops, by factors of hundreds relative to the infamous gassing of the Kurds. Therefore, by the time American troops leave Iraq Bush will very likely have poisoned hundreds of thousands more humans than he had accused Saddam Hussein of poisoning. Agree? Disagree? Suggestions?. Click on "post comment" below and tell us what you think.

# VERZET TEGEN BEZETTING

## **The rising voice of Iraq's Shias**

by Magdi Abdelhadi – 16 January 2004

After decades of suppression and marginalisation, the Iraqi Shias have emerged as a force to be reckoned with in Iraqi politics again.

The tens of thousands of demonstrators who took to the streets of Basra on Thursday to protest against US plans for a future Iraqi Government have sent a clear message to Washington about the risks of ignoring them.

The expression "Iraqi Shias" is often taken to mean a homogeneous group with unified political goals and ambitions distinct from, and sometimes contrary to, those of the second largest sect in Iraq, the Sunnis.

But experts believe that this is a gross oversimplification, and many Iraqis usually feel misrepresented when they are referred to by their sectarian denomination.

That is especially true of secularised Shias, who would rather be described as liberals or communists.

Urban Shias are also distinct from the tribal communities.

Even within the religious class itself, there are fundamental disagreements on the crucial question of the relationship between the state and religion.

## **Changing face**

Since the Iranian revolution, the image of a Shia cleric, with a black turban and a long white beard, has become synonymous with a radical Ayatollah bent on creating a theocratic state.

But the most senior Shia cleric in Iraq, Ayatollah Ali Al-Sistani, is actually among those who believe in separating religion from the state.

After the invasion of Iraq in March last year, he appeared to adhere to his quietist stance.

He rarely made political statements.

That is why his recent public intervention in politics is a clear indication of a growing impatience among many of his followers.

It seems that he could no longer remain quiet when more and more of them feared that American plans for the transfer of power would undermine their aspiration for a representative democracy.

That could eventually favour their interests as the majority in Iraq.

# GEVANGENISSEN

## **ALGEMEEN**

New York Times

## **Hussein Enters Post-9/11 Web of U.S. Prisons**

by James Risen and Thom Shanker – 18 December 2003

WASHINGTON — Saddam Hussein is now prisoner No. 1 in what has developed into a global detention system run by the Pentagon and the Central Intelligence Agency, according to government officials.

It is a secretive universe, they said, made up of large and small facilities scattered throughout the world that have sprouted up to handle the hundreds of suspected terrorists of Al Qaeda, Taliban warlords and former officials of the Iraqi government arrested by the United States and its allies since the Sept. 11 attacks on the World Trade Center and the Pentagon and the war in Iraq.

Many of the prisoners are still being held in a network of detention centers ranging from Afghanistan to the United States Naval Base at Guantánamo Bay in Cuba. Officials described it as a prison system with its own unique hierarchy, one in which the most important captives are kept at the greatest

distance from the prying eyes of the public and the media. It is a system in which the jailers have refined the arts of interrogation in order to drain the detainees of crucial information.

Mr. Hussein's new address is still a closely guarded secret, although he is still inside Iraq, American officials said Wednesday. No one will say precisely where, but it seems likely that he is at a highly secure detention facility established at Baghdad International Airport, where the United States is holding the other top Iraqi leaders it has captured. When asked if Mr. Hussein was at airport, American officials declined to comment.

The C.I.A. has quietly established its own detention system to handle especially important prisoners. The most important Qaeda leaders are held in small groups in undisclosed locations in friendly countries in the developing world, where they face long interrogations with no promise of ever gaining release. For example, at least two of the top Qaeda figures captured since the Sept. 11 attacks — Abu Zubaydah and Ramzi bin al-Shibh — were held for a time in a secure location in Thailand. They were later moved to another country, officials said.

C.I.A. officials refuse to say precisely how many Qaeda operatives the agency has in detention, but they say about 75 percent of the top two dozen Qaeda leaders in place at the time of the Sept. 11 attacks have been killed or captured. That suggests the agency's detention capacity is far smaller than the large system established by the Pentagon.

In dealing with its captives, the C.I.A. has the advantage of almost complete isolation. Officials say that allows the agency's interrogators to alter the physical surroundings of the Qaeda detainees to try to disorient them and also convince them that they are being held by Arab security services feared for their use of torture. Guards are sometimes dressed in the uniforms of the native countries of the detainees, a technique that may be particularly effective on captives who have experienced jail time back home. Officials said the C.I.A. might not be able to use the full range of interrogation techniques on Mr. Hussein that have been employed with Qaeda leaders. Unlike Qaeda operatives, Mr. Hussein seems destined to face some sort of public judicial review, either through an international war crimes tribunal or other trial, and so the agency's handling of him may eventually come under scrutiny.

Pentagon and C.I.A. officials have denied that they use torture against detainees captured in either Iraq or the wider campaign against terror. The agency's officials have declined to comment on the techniques they use with detainees, but a senior Pentagon official said Wednesday that interrogations conducted by the Pentagon followed "well-established techniques" that do not violate the human rights of the detainees.

Certain techniques that interrogators may wish to apply to elicit information from important detainees require "a higher level of scrutiny" by officials before they can be used, the Pentagon official said.

One military officer said the use of sleep deprivation, for example, must be approved by senior Pentagon officials.

American military officials said Wednesday that 38 of the 55 most wanted Iraqi leaders had either been killed or captured, and several hundred lower-level government officials and Baath Party operatives are also being held. While the most senior officials captured are being held at the Baghdad Airport, many of the lower-level Iraqis are now in Abu Gharib prison west of Baghdad, which was infamous as a torture den under Mr. Hussein's rule but has since been refurbished by American forces. Smaller, regional facilities have also been set up around Iraq temporarily to handle Iraqis caught up in street-level military operations intended to stem the insurgency.

In Afghanistan, meanwhile, the United States military is running a large detention center at Bagram Air Base, where Taliban, Qaeda and other foreign fighters caught in the country are held and questioned. Smaller, short-term detention centers have also been run in both Kandahar and Kabul.

Many of those caught in Afghanistan were eventually flown to Guantánamo, which has become the best-known prison in the global campaign against terror. Guantánamo now holds about 660 prisoners, although that number is expected to decline as some of them are turned over to their home countries.

Still, Guantánamo's inmates are among the least significant of any detainees captured since the Sept. 11 attacks, according to several American counterterrorism experts. The C.I.A. has not sent any of the highest-ranking Qaeda leaders it has captured to the base, officials said.

A final category of detainees are those Qaeda operatives who really are being held by Arab countries, like Egypt, which then provide debriefing reports to the United States.

# IRAK

Associated Press

## **Rights Group Says U.S. Detentions Of Iraqis May Violate International Law**

By Jim Krane – 30 June 2003

Amnesty International said Monday it has gathered evidence that points to U.S. violations of international law by subjecting Iraqi prisoners to "cruel, inhuman or degrading" conditions at its detention centers here.

The report coincides with a two-day United Nations conference on human rights that began in Baghdad on Monday. The conference, which focuses on abuses committed during the rule of Saddam Hussein, will coordinate investigations into the regime's alleged killings of some 300,000 Iraqis.

London-based Amnesty International said hundreds of Iraqis held at U.S.-run tent camps and former Iraqi government prisons have been denied the right to see families or lawyers or have a judge review their detention.

The prisoners include those suspected of looting and other crimes as well as political suspects, including former high-ranking members of Saddam's regime.

Iraqis released from U.S. detention reported having wrists tightly bound with plastic handcuffs and sometimes denied water and access to a toilet in the first night of arrest. Amnesty said its investigators saw numerous ex-detainees with wrists still scarred by the cuffs a month after their arrests.

A U.S. military spokesman in Baghdad said military officials could not comment on the report because they had not yet received it.

Amnesty called on the United States and its top official in Iraq, L. Paul Bremer, to ensure that detainees are treated humanely and allegations of excessive use of force are investigated.

Amnesty said the U.S.-led occupation administration gave assurances that it intended to improve conditions and would eventually ensure detainees had access to lawyers within 72 hours after being arrested.

Joanna Oyediran, one of the group's researchers in Baghdad, said Amnesty applauds the U.S. intention of prosecuting former regime figures on human rights violations, but that the U.S. should heed the same standards to which it plans to hold Iraqis accountable.

"In order to uphold human rights you also have to respect human rights," Oyediran said of the United States.

In its 35 years in power, Saddam's regime was considered a grievous violator of human rights, with torture and disappearances common.

During the U.N.-sponsored conference that will last two days, dozens of Iraqi and foreign human rights activists, lawyers and organizations began discussing recent discoveries of mass graves, as well as justice for victims of Saddam's rule.

Since the dictator's ouster in April, mass graves have turned up across the country. The biggest, in the village of Mahaweel, in central Iraq, is said to contain the remains of more than 3,000 people killed during the 1991 Shiite revolt that followed the Gulf War.

Human rights groups say the country is dotted with such sites, possibly containing tens of thousands of bodies.

Oyediran said Amnesty documented several cases of apparent abuse, including an 11-year-old boy arrested by U.S. soldiers and jailed for three weeks, and a June 12 incident where U.S. soldiers fired on rioting detainees, killing one and wounding seven.

It also described the case of four brothers, arrested after a shooting, who were hooded and had their hands bound tightly with plastic strips, a common procedure here.

"We spent our first night in custody lying on the ground in a school. We had no access to a toilet and were given no food or water," Amnesty reported one of the brothers as saying.

The four told Amnesty that they were held in the heat of the sun for more than two days and not given enough water for washing.

Amnesty said U.S. military lawyers acknowledged that the United States has been unable until recently to create a system to inform families of detainees' whereabouts.

## **US Reveals 4,000 Extra Security Detainees in Iraq**

Arab News – 17 September 2003

ABU GHARIB, Iraq, 17 September 2003 — US officials said yesterday they were holding 10,000 prisoners in Iraq, double the number previously reported, and count among the security cases six inmates claiming to be Americans and two who say they are British.

“They didn’t fit into any category,” said Brig. Gen. Janis Karpinski of the 3,800 extra people who have now been classified as “security detainees.”

“We got an order from the Secretary of Defense (Donald Rumsfeld) to categorize them” about a month ago, she said, but gave few details about who these detainees were. “We were securing them. We didn’t want people to be confused” about their status, she said. They were being held in the area of north-central Iraq controlled by the US Army’s 4th Infantry Division, said Karpinski, speaking at Abu Gharib prison, 20 kilometers west of Baghdad.

Asked if they had any rights or had access to their families or legal help while they were being “secured”, she said: “It’s not that they don’t have rights ... they have fewer rights than EPWs (enemy prisoners of war).”

But she added that “they didn’t ask for” any such privileges. Karpinski said the categorizing of the 3,800 prisoners had been mentioned by US officials in press interviews but “had not been reported.”

“We have the opportunity to interview them now,” she said, explaining that this could not be done before because they had not been categorized. Karpinski, commander of the 800th Military Police Brigade now in charge of Iraq’s prisons and detention centers, defined security detainees as “those who have attacked coalition forces” or were suspected of involvement in or planning of such attacks.

There were previously some 600 people classified as security detainees, so that category now numbers about 4,400, said Karpinski. There are 300 enemy prisoners of war, and about 5,300 criminals or suspected criminals in detention, making a rough total of 10,000, she added.

Karpinski said that “several hundred third-country nationals” were among the prisoners held on security grounds since Iraqi leader Saddam Hussein was overthrown in April by US and British forces.

The vast majority of these detainees were captured during the war, she said, while only a “negligible” number had been detained since major combat operations were declared over on May 1. “Six are claiming to be Americans and two are claiming to be from the UK,” she said, as coalition military police held “Abu Gharib Media Day” at the prison.

Investigators were seeking to determine whether the claims of US or British nationality were correct. “We are continuing the interviews,” she said. The six “had accents that suggested they were Americans, but when you talked to them their stories started falling apart,” said Karpinski.

Meanwhile, Iraqi scientists working under the new provisional government confirmed yesterday United Nations claims made before the war that Iraq has not had any nuclear weapons program for over a decade. “There was no way to revive those attempts. There was nothing left,” Dr. Albas Balassem, of Iraq’s new Ministry of Science and Technology told reporters after meeting with officials from the UN nuclear watchdog, the International Atomic Energy Agency.

US officials had claimed before invading Iraq last March that Iraq had been looking for ways to revive its nuclear program cut short by the first Gulf War in 1991, including a disputed claim that Iran had tried to buy uranium in Africa. But IAEA chief Mohamed El-Baradei told an IAEA general conference meeting in Vienna on Monday that in December 1998, based on “more than seven years” of inspections, “there was no indication of Iraq having achieved its goal of producing a nuclear weapon, nor were there any indications that there remained in Iraq any physical capability for the production of amounts of weapon usable material of any practical significance.”

In another development, Spanish Prime Minister Jose Maria Aznar, who is set to meet US President George W. Bush in New York next Tuesday, has said that a new UN resolution on Iraq was “achievable within days”.

“Over the next few days I think it is achievable for the UN Security Council to draw up a new resolution,” Aznar told a joint news conference yesterday in Madrid alongside visiting Dominican

Republic President Hipolito Mejia. Aznar said a new resolution should seek to "consolidate the UN role in stabilizing and bringing security to Iraq."

Turkish Foreign Minister Abdullah Gul declared yesterday he was convinced the Iraqis would prefer to see Turkish peacekeepers in their country than other foreign troops, despite Baghdad's vocal opposition to a possible Turkish deployment.

"Naturally, nobody could wish for foreign troops in one's country... But if foreign troops come, the Iraqi people would prefer Turkish troops rather than soldiers from Britain, Russia, the United States or Poland," Anatolia news agency quoted Gul as saying.

The minister was speaking to reporters in a plane on his way back from a visit to Georgia. Keen to win a say in the shaping of postwar Iraq and mend fences with the United States after its failure to back the war, Ankara has expressed willingness to contribute up to 10,000 troops to help to restore order in its neighbor's territory.

But the plan, which has the backing of Washington which heads the coalition in Iraq, has triggered harsh objections in Baghdad, particularly from Iraqi Kurds who have tense relations with Ankara.

A senior Iraqi official told Turkish television yesterday that not only Kurds, but Arabs and other groups also opposed the deployment of more foreign soldiers in their country. "More troops from other countries, particularly from neighbors, will not bring about stability... All foreign soldiers are a source of concern," Mahmoud Osman, a Kurdish member of the Iraqi Governing Council, told NTV.

## The Age

### **Anger as Iraqis wait for prisoners to be freed**

by Sarah El Deeb - 9 January 2004

Scores of Iraqis gathered outside Baghdad's infamous Abu Ghraib prison yesterday awaiting the release of about 100 detainees, denouncing "unjust arrests" that they said were making enemies for the United States occupiers.

Confusion reigned outside the jail, off a major highway, as an interpreter told people to go home because those freed would be taken by bus and dropped off at an undisclosed location.

A spokesman for the 800th Military Police brigade, the US army unit operating prisons in Iraq, said they had not received any order to release prisoners.

"Until we get some information that says 'release these prisoners,' they are staying put," said spokesman Lieutenant-Colonel Roy Shere.

Iraqis resent many things about the US occupation, but the detention of about 13,000 prisoners, most not formally charged, has triggered disgust.

The US contends the detainees have links to the Saddam loyalists attacking coalition forces. Families say many prisoners are innocent and were handcuffed, blindfolded and led from their villages.

"We got rid of Saddam, and the Americans told us we'd enjoy liberty," said Basim Mohammed Rashid as he waited to visit his brother, Yasser. "But this is not liberty. If my brother has committed a crime, then we can get a lawyer. But we know nothing about my brother's case . . . This is not democracy, no matter what the Americans claim."

On Wednesday, US administrator Paul Bremer announced that 506 detainees would be released in a goodwill gesture. He said the first 100 would be freed from Abu Ghraib prison and the others over coming weeks from detention camps all over the country.

From first light, people started arriving at the prison, some driving for hours in hopes that relatives arrested in raids and not seen for months would be among those released.

"I don't trust the Americans. They are making more enemies for themselves now by arresting innocent people," said Jassin Rasheed.

He said his brother, Omar, was detained two months ago after he had a fight with a fellow security guard at an oil installation.

There were many other claims of unjust detentions: Bedouins arrested as they tended their sheep; a son taken away because he was near the scene of an attack on American troops; a name given to US troops to avenge some dispute; a father arrested because he had a rifle in his car.

Coalition officials said those to be released were low-level "associates" of insurgents who had not been directly involved in any attacks.

Meanwhile, a report from a US think tank said Bush Administration officials "systematically" misrepresented the danger of Iraq's weapons of mass destruction programs, which were not an immediate threat to the United States and the Middle East.

The Carnegie Endowment for International Peace said in its study, *WMD in Iraq: Evidence and Implications*, that there was "no convincing evidence" that Iraq had reconstituted its nuclear program.

It also said that United Nations weapons inspectors had discovered that nerve agents in Iraq's chemical weapons program had lost most of their lethal capability as early as 1991.

There was greater uncertainty about Iraq's biological weapons but that threat was related to what could be developed rather than what Iraq already had, the study said.

The missile program appeared to have been in active development in 2002 and Iraq was expanding its capability to build missiles with ranges that exceeded UN limits, the report said.

Since the allied occupation of Iraq, American forces hunting for weapons of mass destruction have not found any stockpiles of biological or chemical weapons or any solid evidence that Iraq had resurrected its nuclear weapons program.

"Administration officials systematically misrepresented the threat from Iraq's WMD and ballistic missile programs," the report said.

The report's release came as it was revealed that the US had quietly withdrawn from Iraq a 400-member military team whose job was to scour the country for military equipment.

## BBC News

### **Iraqi jail abuse probe launched**

The US military says it is examining alleged cases of abuse of prisoners at detention centres in Iraq  
16 January 2004

A statement said US commander Ricardo Sanchez had ordered the investigation after abuse was reported at an unnamed coalition facility.

The allegations are said to be serious and refer to more than one incident.

US-led forces are holding up to 10,000 prisoners-of-war in Iraq, and have faced criticism on the issue from tribal and community leaders.

The coalition is committed to treating all persons under its control with dignity, respect and humanity  
US military statement

International human rights groups have alleged that thousands of detainees are still being held without charge in often overcrowded and unsanitary conditions.

The US is in the process of releasing around 500 prisoners under an amnesty programme.

### **Beatings**

The initial statement gave no details about the scope of the investigation.

But military officials are now saying that abuse occurred on more than one occasion and had been reported from within the military command.

In other words, the allegations came from soldiers.

BBC Pentagon correspondent Nick Childs says the fact that the investigation has been initiated by the central US military command in Iraq rather than an individual unit is unusual.

It suggests that senior commanders are taking the issue very seriously.

General Sanchez's statement said the coalition was "committed to treating all persons under its control with dignity, respect and humanity", adding that the investigation would be carried out in a thorough and professional manner.

The investigation was in its early stages so no specific information on the abuses could be released, it said.

Three soldiers were discharged from the US army for mistreating Iraqi prisoners of war at the Camp Bucca detention camp in southern Iraq last May.



An internal inquiry found soldiers had thrown prisoners down and kicked them in the head, groin and abdomen.

## **GUANTANAMO BAY**

Amnesty International

### **Holding human rights hostage**

24 December 2003

According to the USA's National Security Strategy, "America must stand firmly for the non-negotiable demands of human dignity", including "the rule of law" and "limits on the absolute power of the state".<sup>1</sup> Its National Strategy for Combating Terrorism concludes by saying much the same thing, and adds: "We understand that a world in which these values are embraced as standards, not exceptions, will be the best antidote to the spread of terrorism. This is the world we must build today".<sup>2</sup>

Instead the USA built a prison camp at its military base in Guantánamo Bay in Cuba and filled it with detainees from around the world, including a number of children.<sup>3</sup> Two years after the first of these prisoners arrived, Camp X-Ray and its successor Camp Delta have become synonymous with a government's pursuit of unfettered executive power and disregard for the rule of law. As detainees enter their third year held in tiny cells for up to 24 hours a day without any legal process, it seems that the current US administration views human dignity as far from non-negotiable when it comes to "national security".

The first prisoners, transferred from Afghanistan on 20-hour flights in conditions of sensory deprivation and heavy use of restraints, arrived in Guantánamo Bay on 11 January 2002. A photograph released by the Pentagon at this time has become an icon of unacceptable US exceptionalism. It shows detainees in orange jumpsuits, kneeling before US soldiers, shackled, handcuffed, and wearing blacked-out goggles over their eyes and masks over their mouths and noses. Sayed Abbasin has recalled: "I arrived tied and gagged; it was the act of an animal to treat a human being like that. It was the worst day of my life".<sup>4</sup> For some, like Sayed Abbasin, the transfer to Cuba followed weeks of harsh treatment in US custody elsewhere.<sup>5</sup>

International law has been flouted from the outset. None of the detainees was granted prisoner of war status or brought before a competent tribunal to determine his status, as the Geneva Conventions require.<sup>6</sup> None has been granted access to a court to be able to challenge the lawfulness of his detention, as the International Covenant on Civil and Political Rights demands.<sup>7</sup> Lawyers have been denied access to the detainees, as have relatives. Hundreds of distressed families have become the "collateral damage" of this shameful policy.

The International Committee of the Red Cross has taken the unusual step of going public about the deterioration in mental health it has witnessed among many of the detainees as a result of the indefinite and isolating incarceration regime. While some prisoners have been released, without charge or apology, and more releases are awaited, the US authorities have yet to address the issue of compensation for unlawful detention.<sup>8</sup> Secretary of State Powell recently acknowledged that some of the detainees still held may have done nothing wrong.<sup>9</sup>

Other senior US officials have shown contempt for the presumption of innocence. The Guantánamo detainees are "among the most dangerous, best-trained, vicious killers on the face of the earth" according to the Secretary of Defence,<sup>10</sup> while his deputy has labelled them as "dangerous people... a special breed of person".<sup>11</sup> "The only thing I know for certain", President Bush added in July 2003, "is that these are bad people."<sup>12</sup>

This pattern of public commentary is not harmless. It can only have added to the dangers that some of the detainees may face if returned to their countries.<sup>13</sup> Furthermore, these three US officials will have overall control of the military commissions which may yet try some of those held in Guantánamo. The lack of independence of these commissions, together with the restriction on the rights to an effective defence, their power to hand down death sentences, and the denial of the right of appeal to any court, has rightly led to international condemnation. A judge on the United Kingdom's highest court, for

example, has suggested that any trials before these "kangaroo courts" will be a "stain on American justice".<sup>14</sup>

Secretary of Defence Rumsfeld has rejected concern about Guantánamo as "based on the shrill hyperventilation of a few people who didn't know what they were talking about".<sup>15</sup> Among the voices of concern have been two United Nations High Commissioners for Human Rights, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the independence of judges and lawyers, the Inter-American Commission on Human Rights, and the Parliamentary Assembly of the Council of Europe. In the introduction to his administration's National Security Strategy, President Bush stressed that the USA "is committed to lasting institutions" like the United Nations and the Organization of American States, as well as to "long-standing alliances". It seems that this commitment does not extend to heeding their calls for the USA to respect international law and standards.

Given the USA's criticism of the human rights record of Cuba, it is deeply ironic that it is violating fundamental rights on Cuban soil, and seeking to rely on the fact that it is on Cuban soil to keep the US courts from examining its conduct.<sup>16</sup> Better late than never, however, there are signs that the courts will not take this lying down. On 18 December 2003, the US Court of Appeals for the Ninth Circuit issued a decision in a case brought for Libyan national Faren Gharebi, among the first transferred to Cuba and still held there: "Even in times of national emergency - indeed, particularly in such times - it is the obligation of the Judicial Branch to ensure the preservation of our constitutional values and to prevent the Executive Branch from running roughshod over the rights of citizens and aliens alike." The Court continued: "Under the government's theory, it is free to imprison Gharebi indefinitely along with hundreds of other citizens of foreign countries, friendly nations among them, and to do with Gharebi and these detainees as it will, when it pleases, without any compliance with any rule of law of any kind... Indeed, at oral argument, the government advised us that its position would be the same even if the claims were that it was engaging in acts of torture or that it was summarily executing the detainees... It is the first time that the government has announced such an extraordinary set of principles - a position so extreme that it raises the gravest concerns under both American and international law".<sup>17</sup>

The US Supreme Court will shortly consider the question of whether the US courts have jurisdiction over the Guantánamo detainees. It would be a dangerous moment if the Supreme Court were to answer this question in the negative. It would be promoting a world in which arbitrary, unchallengeable detention becomes acceptable. Security does not lie down that path. As Secretary Powell has said: "States which demonstrate a high degree of respect for human rights are likeliest to contribute to international security and well being".<sup>18</sup>

The Ninth Circuit noted that senior US officials "have made it clear that the detainees may be held in their present circumstances until this country's campaign against terrorism ends. The administration has, understandably, given no indications whether that event will take place in a matter of months, years, or decades, if ever." The Guantánamo scandal has already gone on for far too long. The US administration should bring it to an end now.

#### Notes:

1. The National Security Strategy of the United States of America, September 2002.

2. National Strategy for Combating Terrorism, February 2003.

3. See *USA: Rights of children must be respected*. AI Index: AMR 51/058/2003, 25 April 2003. <http://web.amnesty.org/library/Index/ENGAMR510582003> and *USA: The threat of a bad example: Undermining international standards as "war on terror" detentions continue*, AI Index: AMR 51/114/2003, August 2003. <http://web.amnesty.org/library/Index/ENGAMR511142003>

4. BBC TV Newsnight, 5 June 2003. Sayed Abbasin, arrested for being a taxi driver in the wrong place at the wrong time, is now attempting to rebuild his life in Afghanistan after a year in US custody. His friend and fellow cabdriver, Wazir Mohammed, remains in Camp Delta, having been transferred there more than a year ago, in effect, apparently, for having sought information on Sayed Abbasin's whereabouts. See <http://web.amnesty.org/pages/usa-190803-action-eng>

5. *USA: The threat of a bad example*, op cit.

6. Article 5 of the Third Geneva Convention.

7. "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful." (Article 9.4). The Human Rights Committee, the expert body established by the

Covenant to oversee its implementation, has stated in an authoritative interpretation that "in particular the important guarantee laid down in paragraph 4, i.e. the right to control by a court of the legality of the detention, applies to all persons deprived of their liberty by arrest or detention", even those detained "for reasons of public security". General Comment 8.

8. "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." Article 9.5, International Covenant on Civil and Political Rights.

9. Secretary Powell said of seven UK nationals held in Camp Delta that: "*they have not yet gone through the entire intelligence and interrogation process that exists in Guantánamo to determine whether or not they have done something wrong*". Interview with European Newspaper Journalists. Washington, DC, 25 November 2003.

10. American Forces Information Service, 27 January 2002.

11. Paul Wolfowitz, Interview with Jim Lehrer, News Hour, 21 March 2002.

12. President Bush, Prime Minister Blair Discuss War on Terrorism, Press Conference of President Bush and British Prime Minister Tony Blair, The Cross Hall, Washington DC, 17 July 2003.

13. See AI Urgent Action, <http://web.amnesty.org/library/Index/ENGAMR511472003>

14. *Guantánamo Bay: The legal black hole*. Johan Steyn, Lord of Appeal. Twenty-seventh F.A. Mann Lecture, 25 November 2003.

15. Interview with Sunday Times (UK). Department of Defence News Transcript, 21 March 2002.

16. In its most recent criticism of the human rights situation in Cuba, the US State Department commented that the Cuban Constitution "states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds." In the name of national security, the US Government is now denying due process to hundreds of detainees in Guantánamo Bay and elsewhere.

17. *Gherebi v Bush*, No. 03-55785. D.C. No. CV-03-01267-AHM. Appeal from the US District Court for the Central District of California.

18. Remarks at briefing on the State Department's 2002 Country Reports on Human Rights Practices, Secretary Colin L. Powell, Washington, DC, 31 March 2003.