

LA17

1656

From: LA11
Sent: 30 May 2003 13:58
To: SP Pol-AFBT5
Cc: SP Pol-WF DD; SP Pol-Wei AD; SP Pol-MW D; LA17
Subject: RE: Amnesty International



Richard,

Thanks for this and for your fax. I'm going to pass this to my colleague Linda Dann, LA17, because Linda has been looking at war crimes issues more generally.

Sean.

-----Original Message-----
From: SP Pol-AFBT5
Sent: 30 May 2003 09:30
To: SP Pol-MW D
Cc: SP Pol-WF DD; SP Pol-Wei AD; LA11
Subject: FW: Amnesty International

Commodore,

Attached for your info a copy of my covering fax to the Amnesty International report given to me yesterday and the additional e-mail to PJHQ to kick things off. The (astute) advice given by the FCO on this was to keep AI fully engaged in this and show a willingness and seriousness to investigate. AI are actually more interested in the US than us but we could get swept along with the 'bad news' particularly as 'Boots' now appear to have spilled the details of our amateur photographer to the SUN!

I now appear to be the MOD focus with AI, which is no great problem but you should be aware that I will be in contact with them. I will ensure there is a full audit trail of everything that I say, e-mail or copy them and will clear any sensitive issues through MODLA (Sean Martin) and yourselves. I intend to give them some sort of progress report today when I have discussed the same with PJHQ. I attach a draft memo to AI for your info and comment as appropriate (File Ref please).

Richard

<< File: Amnesty - Fax 1.doc >> << File: MEMO - AI - FIRST DRAFT.doc >>

-----Original Message-----
From: SP Pol-AFBT5
Sent: 29 May 2003 19:28
To: PJHQ-J1-DACOS; SEC(O)4
Subject: Amnesty International

Nigel (& Jon),

I have just faxed some details of the meeting I attended at the Foreign and Commonwealth Office with Amnesty International. As you will note they have some concerns they would like

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To: Rachel Quick
 Fax: [REDACTED]
 From: Sean Martin
 Date: 30/5/03
 Pages: 7

166
85

Fax

To: Sean Martin (LA 11) **From:** Richard Hulmes

Fax: [REDACTED] **Pages:** 7

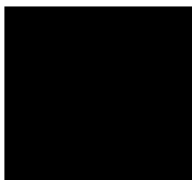
Phone: [REDACTED] **Date:** 30 May 03

Re: [REDACTED] **CC:** [REDACTED]

Sean,

Attached is the report from Amnesty International I discussed on your voice mail. Any comments would be helpful as I would like to go back to AI (I appear to the MOD POC) but clearly don't want to step in any 'pooh traps'. However, the advice from the FCO was to keep these people engaged and let them know we are genuine in addressing such issues.

Richard



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AI Index: EUR/003/2003

**Preliminary findings by Amnesty International
alleging abuses at the hands of United Kingdom military personnel in Iraq**

29 May 2003

I. Introduction

In April 2003, Amnesty International dispatched an exploratory mission to Iraq. Subsequently, Amnesty International has sent teams of researchers to the region. The primary focus of Amnesty International's research, to date, has been to assess compliance with the applicable international humanitarian and human rights laws and where allegations of non-compliance are raised, to investigate the cases. Amnesty International's preliminary research to date has revealed several areas of concern. These include allegations of ill treatment of Prisoners of War, the failure in the post conflict process to provide adequate security and policing, and a death in custody in circumstances which remain unclear.

II. Allegations of abuses in custody

According to information received by Amnesty International, it would appear that people have been ill-treated, possibly tortured, during transport or while initially held from one to three days by UK military in so-called temporary holding centres in and around Basra, before being moved to the Umm Qasr camp. The allegations include beatings with rifle butts, repeated kicking and hitting while lying face down or squatting, intimidation, failure to provide prompt medical assistance and adequate food and water. Two men alleged they had had their noses or teeth broken as a result of blows and one said he required hospitalization.

Case 1

A male guard working for an alcohol distributor in Basra, told Amnesty International that he had been taken into custody by soldiers on 9 April 2003. Based on his description of the uniforms worn by the soldiers who took him into custody, Amnesty International believes that those who took him into custody were UK military.

According to his testimony, he was handcuffed and had a sack placed over his head. He was taken to a British military base at the Shatt al-Arab Corniche, which at the time was being used as a temporary holding centre by UK military personnel. He said that there he was kicked and his head was banged against a wall. He said he lost consciousness and the next thing he remembered was waking up in hospital three days later. He told Amnesty International that, upon awakening, he had bruises over his right eye and behind his right ear, severe pain in his ribs and his face, and his hands and robe were covered in blood. In addition, several personal items, including his identity card, his nationality card, 55,000 Iraqi dinars and his headdress (kafiya) had gone missing.

He reported to Amnesty International's delegates that he subsequently lodged a complaint with a UK soldier and a US soldier in Safwan. To Amnesty International's knowledge he has not received any information about what, if anything, the military authorities are doing to investigate his allegations. He told Amnesty International "Why did they do this to me; I did not do anything. They were kicking me as if I was a boy."

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man was shot dead by her brother. He said that he could not issue a certificate before examining her and establishing the cause of death. The interpreter started shouting abuse and threatening him.

He said that the British soldier came towards him, pointed his rifle at him, in front of hospital staff. The doctor explained that they wanted a death certificate immediately to bury her quickly. She died of a bullet shot into the back of her head.

When Amnesty International delegates raised this case with a British official at Basra Police station 3, they were informed that no arrest had been carried out for lack of evidence. The official did not believe that British soldiers would carry weapons inside hospitals or would have conducted themselves in the manner alleged by the medical doctor.

IV. The death in custody of [REDACTED]

[REDACTED] born in 1948 and a father of three, died while in the custody of the UK military in early May 2003. According to members of his family, UK military personnel came to his house between 8 and 9am on 8 May 2003. They were reportedly looking for [REDACTED] son, [REDACTED]. When unable to find his son, the UK military decided to detain [REDACTED] but did not inform his family of where they were taking him.

The family said that they tried to locate him later the same day, asking about his whereabouts at two UK military police stations. They were told at both places by UK soldiers that they had no information about him. On 10 May UK soldiers came to the family's house and gave the family a letter. The letter, which has been seen by Amnesty International's representatives, states that [REDACTED] had suffered a heart attack and was admitted to Basra military hospital, and that further information could be obtained through the hospital.

The family went to the hospital and were told that no one by the name of [REDACTED] had been admitted. However, the family members were asked by hospital officials if they would like to examine a corpse held in the hospital morgue which had yet to be identified. The corpse was that of [REDACTED]. The family took the body and buried him.

Amnesty International's delegates interviewed doctors at the hospital and were told that [REDACTED] was dead upon arrival at the hospital. The cause of his death noted on his death certificate was "sudden stopping of the heart". However, staff at the hospital interviewed by Amnesty International stated that they had not had an adequate opportunity to establish the cause of death and that no autopsy had been carried out on his body.

The family told Amnesty International that to their knowledge [REDACTED] had never complained of any heart condition or sought or received medical treatment for any such condition.

Hospital officials said that they asked for an interpreter when UK military personnel brought the body to the hospital but none was provided and they could not communicate properly with the soldiers. The hospital officials said they wanted to gather proper information about the circumstances of [REDACTED] death.

The family of [REDACTED] told Amnesty International that they sought a meeting with the UK authority in Basra in order to clarify the circumstances of [REDACTED] death but were told by a UK soldier that a meeting would not be possible.

Further research conducted by Amnesty International indicates that [REDACTED] may have died within two hours of his detention, as the hospital staff told the organization's delegates that they received the body on 8 May 2003 at 10 am.