Physicians for Human Rights Statement on War in Iraq

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Physicians for Human Rights (PHR) is gravely concerned about the potential for loss of life on a large scale and serious risk to health and human rights of the Iraqi people and others in the region should a war ensue. We urge continued efforts to avoid war, but if a war is waged, we urge the US Government to take crucial steps to protect the civilian population and captured combatants through scrupulous compliance with international humanitarian law, including the Geneva Conventions, by prohibiting the use of antipersonnel landmines, through protection of Iraqi citizens against reprisals by their own government and care for refugees and displaced persons, and through provisions for the health needs of the people of Iraq and others who may be affected by the conflict.

Below we explain our position and outline the areas of potential impact of the war on the inhabitants of the region. These include the consequences of war on the availability of food, clothing, shelter and medical care; the likelihood of civilian deaths as "collateral damage"; and the possibility of war crimes and crimes against humanity taking place during the war.

Physicians for Human Rights is a US-based organization that promotes health by protecting human rights. Since its inception in 1986, PHR has investigated and reported on violations of human rights in times of peace and monitored adherence to international humanitarian law and human rights law during armed conflict. As health professionals, we have witnessed and documented the physical and mental suffering inflicted on both military and civilians during wars. We have documented mass killings, torture, and maiming by indiscriminate weapons in conflicts on four continents during the past decade.

We have reported on the death, hunger, disease and psychological trauma caused by massive dislocation of peoples during armed conflict. We have uncovered the brutal treatment of prisoners of war and civilians captured by parties to conflicts, and we have worked aggressively to uphold the right to receive and the obligation to provide medical care regardless of one's side in a conflict.

Physicians for Human Rights was one of the first organizations to document Saddam Hussein's use of chemical weapons against his own population, and in 1988 testimony before the United States Senate we concluded that the massacres of Kurds and destruction of thousands of their villages amounted to genocide.

The United States Government has decided that Iraq's possession of weapons of mass destruction, and their concealment, pose such an overwhelming threat to international security that it warrants military action against Iraq if disarmament cannot be achieved in any other way. Neither human rights nor international humanitarian law prohibit war, nor do they provide any guidance on the evaluation of claims of security threats the Bush Administration makes to justify a military attack.

As a human rights organization, focused as we are on compliance with human rights and international humanitarian law and without special expertise in evaluating security threats, we have traditionally not taken a position on whether such military intervention is justified. Rather, PHR has demanded that during the course of war, human rights law, the Geneva Conventions, and other aspects of international humanitarian law be respected and that violators be held accountable, including criminally accountable where warranted.

PHR does believe, however, that in extreme situations and as a last resort when all diplomatic and other means have failed, military intervention may be necessary to save people from genocide and crimes against humanity committed on a massive scale. We called for such intervention in Bosnia, Rwanda, and Kosovo. In the late 1980s a military intervention to stop genocide against the Kurds would have been justified. Should Saddam Hussein once more commit crimes against humanity, including by using chemical or biological weapons against his own people or others, or if such use were imminent, military intervention could well be justified if other means of stopping or preventing these actions proved fruitless.

The regime of Saddam Hussein continues to commit systematic human rights abuses against the Iraqi people, including denial of free expression, imprisonment without trial, torture, and extrajudicial execution of political opponents. These are serious violations of human rights, and need to be opposed and ended. However, PHR has seen no evidence that the regime of Saddam Hussein is committing or is about to commit genocide and crimes against humanity against the people of Iraq or others today. In fact, while the Bush Administration has cited the horrific human rights record of Saddam Hussein in its advocacy for a war, it has not explicitly made prevention of genocide or crimes against humanity against a primary reason for military intervention.

Regardless of any justification put forth for war, we must recognize in all circumstances that armed conflicts in the modern era have posed grave threats to the health and well-being of civilian populations from death, injury, trauma, and displacement. They inevitably are accompanied by human rights violations that result in loss of life. The enormous costs to human rights and well-being war poses must be considered in two ways as the US and the UN deliberate in the days ahead. First, a realistic assessment of the humanitarian

consequences of this war should be taken into account in the decision to attack, that is, how they compare to the costs of not acting militarily against Saddam Hussein should diplomacy fail. Second, in the event of war, the possible risks to the population of Iraq and its neighbors must be identified and steps taken by the United States and its allies to avoid them and assist all those affected adversely by armed intervention.

The following discussion outlines some of the humanitarian and human rights threats that a war in Iraq poses.

Civilian Casualties:
Precision weapons will likely be among those used in Iraq. However, even with these sophisticated weapons, civilian death and casualties will be difficult to avoid in cities like Baghdad. Civilian vulnerability is dramatically enhanced by Saddam Hussein's use of human shields and the illegal placement of military targets in densely populated areas or placement of civilians near military targets. Moreover, even precision weapons can be directed at improper targets and kill and maim noncombatants. Accidents such as those that occurred in Afghanistan in which civilian facilities were mistakenly targeted in US air strikes must be scrupulously avoided.

Also, the use of air power to destroy the command and control systems of the Iraqi military (that would include dual-use electrical circuits and grids) could destroy power supply in most parts of the country. New US military means of temporarily disabling power grids could obviate long-term damage to infrastructure. But even temporary loss of electrical power, including for water pumping stations and sewage treatment plants, as well as health infrastructure, will have a profound impact on the civilian population. A public health emergency created by impaired infrastructure exacerbates the Iraqi population's vulnerability to disease and hunger, given the already degraded condition of health facilities, potable water, and limited food supply discussed below. A US military campaign must not disable the power supply necessary for civilian life and health.

Reprisals During the Conflict and Post-conflict Retribution and Civil War:
An attack on Iraq may unleash violent reprisals by the regime of Saddam Hussein against internal opponents, including the Kurds in the North and Shiite Muslims in the South, but also against perceived political opponents as well as military deserters. These individuals and groups must be protected in the event of a US incursion into Iraq. The US Government must also ensure that proper security arrangements are instituted in Iraq during and after a war to ensure that victims of the Baath regime of Saddam Hussein do not themselves become aggressors and engage in violent acts of revenge. As the post-liberation histories of Romania, Kosovo, and most recently Afghanistan indicate, if firm leadership and sound security measures are not instituted promptly, there is the potential for retribution and violence. The possibility of the

Shiite Muslims seeking revenge for all the atrocities committed against them by the ruling Baath party; efforts by the Kurds to seek independence; a struggle for Kirkuk by the Kurds; the Turkish backed Turkmen and the Iraqi Arabs or the Shiite Government in Iran trying to 'reclaim' the southern districts of Iraq in which fellow Shiites live are situations that should be anticipated in the context of war with Iraq.

Landmines and Cluster Bombs:
Recent reports indicate that the US military is storing antipersonnel landmines in Qatar, Kuwait, Saudi Arabia, Oman, Bahrain, and Diego Garcia, and is preparing to use them in Iraq. The US military last used antipersonnel landmines during the 1991 Persian Gulf War, which occurred before the majority of the world banned the weapon through the 1997 Mine Ban Treaty.

Though the US is not party to the Treaty, all other NATO nations have embraced this Convention because antipersonnel mines have limited military utility and do not distinguish between soldiers and non-combatants. Any United States' allies that are party to the landmine ban treaty are legally prohibited from engaging in any military activities that include the use, transfer, or stockpile of any antipersonnel landmines, including those that self-destruct or self-deactivate.

Both "smart" and "dumb" antipersonnel landmines pose unacceptable risks and costs to civilians and de-miners. The presence of new US antipersonnel landmines in Iraq -in addition to the untold numbers of landmines left unexploded from the Iran-Iraq and Persian Gulf wars-would threaten the lives and limbs of both US soldiers and innocent Iraqi civilians and should not be used.

Cluster bombs, which were used extensively by NATO in Kosovo and by the United States in Afghanistan, pose a similar problem for non-combatants. Dud bomb-lets within the cluster canister that fail to detonate on contact are picked up or stepped on later by children or other non-combatants and can explode on contact, making them, in effect, like antipersonnel landmines, yet with an even more dangerous fragmentation radius. The deployment of antipersonnel landmines and cluster bombs in Iraq would, in all likelihood, maim and kill far more innocent civilians than soldiers.

We strongly urge the US government to block the use of antipersonnel landmines in Iraq. We also urge the US government to avoid the use of cluster bombs in areas where civilians may be harmed.

Consequence on Health as a Result of Disruption of Basic Supplies:
The consequence of another war on the health of the Iraqi people could be disastrous. Twenty years of war and misrule, and over a dozen years of sanctions and economic isolation have crippled the economy and

infrastructure of the country. The health of the Iraqi people has severely deteriorated over the past decade .

A study conducted by UNICEF, in cooperation with the government of Iraq and the local authorities in the Northern Kurdish region in 1999, revealed that following the Persian Gulf War, childhood mortality in south/center Iraq increased more than two-fold in a span of just 10 years to levels above those recorded 20-24 years earlier. Infant mortality rates more than doubled from 47 to 108 deaths per 1000 live births for the period roughly between 1984-89 and 1994-99, while under-5 mortality rates increased during the same time from 56 to 131 per 1000 live births .

Since the implementation of the Oil-for-Food Program administered by the United Nations over the past six years, infant deaths have been reduced and nutritional levels in the general population have improved. The Government of Iraq has periodically been distributing food rations to its people. Today, Iraq's 23 million people are almost entirely dependent for daily survival on the monthly rations distributed under the Oil-for-Food Program. With war anticipated, however, since July 2002, the Government of Iraq has been distributing two-month rations at a time. The food basket is currently covered until January 2003 .

The outbreak of war will almost certainly severely disrupt the Oil-for-Food Program as Iraqi officials are likely to abandon their posts and supply routes may be blocked. Given that most of the Iraqi people are reliant on this program for their daily rations, a comprehensive food distribution plan cannot wait for the cessation of hostilities. A neutral and effective food distribution program, possibly under United Nations auspices, must be initiated as soon as supplies are exhausted and/or distribution mechanisms disrupted.

Inadequate Capacity for Medical Response:
In the event of large scale armed conflict, medical infrastructure in Iraq is grossly inadequate to effectively deal with the medical emergencies. A Report on the Health Situation in Iraq, released by the World Health Organization states that:

Many essential public health services such as blood transfusion and water quality control services cannot function due to lack of laboratory reagents and kits. Emergency and ambulance services for the referral of patients cannot carry out their functions, due to lack of or inadequate provisions of equipment and supplies. Most of the health facilities are in poor physical state, lacking water and often without power supply, making them unsafe and unsuitable for good patient care. Significant quantities of medicine and medical supplies and equipment have reached the country under Security Council Resolution 986. Their utilization remains, however, not optimal. The installation and

transportation to locations where they are needed has been and is still often prevented by logistic or financial constraints.

In a move likely to degrade the supply of medicines still further, the United States has recently proposed tightening sanctions against Iraq so as to restrict pharmaceuticals such as ciproflaxin, doxycycline, and gentamicin, all necessary to fight disease, but that could also protect against a biological attack.

Reprisal attacks by Saddam Hussein's forces on the regime's opponents including populations of Kurds in the North and Shiite Muslims in the South are a distinct possibility in the event of a US military attack. The use of biological or chemical agents by Saddam Hussein against these groups cannot be ruled out. The medical facilities in Iraq and the international relief organizations working in the area are currently in no position to deal with the effects of weapons of mass destruction on the civilian population. A plan to provide emergency medical assistance to the sick and wounded in Iraq in the midst of a conflict urgently needs to be addressed before the US Government wages war in Iraq.

Inadequate Presence of International Humanitarian Organizations in Iraq:
The current state of humanitarian preparedness is cause for great concern. Very few international agencies with large scale emergency capacity are currently present in Iraq. Minimal planning and preparation have been undertaken to mount a significant humanitarian operation in Iraq. Planning has been further hampered by the inability of any American relief organization to enter Iraq since the imposition of sanctions. Through the last decade the US Treasury's Office of Foreign Assets Control (OFAC) has not issued licenses required for Americans to travel to Iraq. In addition OFAC restrictions have prevented American groups from operating in neighboring Iran. European groups, however have been able to operate in Iran. Not having worked in Iraq for over a decade, US based NGO's have relatively little knowledge of conditions within the country.

Danger to Refugees and Internally Displaced Persons:
The protection and safety of Internally Displaced Persons (IDPs) and refugees in Iraq and on its borders are at great risk. Neighboring countries, particularly Turkey and Iran which took in more than 3 million displaced Iraqis a decade ago have already threatened to close their borders . This stance could endanger Iraqis who may flee as a result of the anticipated war. The United Nations High Commissioner for Refugees (UNHCR) has announced its preparedness to facilitate services for 250,000 anticipated refugees. But many humanitarian organizations urge that preparations be made to accommodate far larger numbers, perhaps as high as several million. Countries bordering Iraq must accept refugees and the UNHCR must be provided adequate

support to care for those fleeing their homes within the country and pressing on their borders.

The heavily mined Iraqi borders will further threaten internally displaced and fleeing refugees and will also greatly hamper aid reaching camps along the borders. Humanitarian de-mining of regions likely to receive refugee outflows is critically important to minimize deaths and maiming of both fleeing Iraqi civilians and humanitarian workers in the region.

Treatment of Prisoners of War:
PHR insists that the US Government and its allies take full responsibility to ensure that prisoners of war be treated according to the Third Geneva Convention. In the event of a war with Iraq, captured, surrendered, and wounded Iraqi military forces are entitled to Prisoner of War status in accordance with the Geneva Conventions. The US must also ensure that its local allies and agents who may have authority over wounded or surrendered combatants treat them in accordance with Geneva standards. Failure to do so in the war in Afghanistan resulted in US-backed Afghan forces reportedly allowing hundreds of surrendered Taliban combatants to die under their watch.

Protection Steps In the Event of War
In the interest of protecting human life and health, PHR appeals to the US Government to exert every effort to resolve the conflict with Iraq without a resort to military force. We also appeal to the Iraqi Government to comply fully with Security Council Resolution 1441 calling for the elimination Iraq's weapons of mass destruction. In the event that war occurs, concerted steps should be taken to assure that human rights and humanitarian law are respected. In addition to complying with its obligations under the Geneva Conventions, which is its duty at a minimum, PHR calls upon the US Government and its allies to take measures to protect civilians which in some cases exceed the strict requirements of international humanitarian law.

• The President should issue a military mission statement, and the Pentagon promulgate rules of engagement to carry it out, that ensure strict adherence to humanitarian law by the United States combatants and take responsibility for assuring compliance by local allies, assets and agents.

• Weapons should be deployed in such a way that civilian casualties are avoided to the maximum extent possible. The US should seek to avoid military operations in heavily populated areas, regardless of the military legitimacy of the targets, if large numbers of civilians could be harmed. The US and its allies should eschew targets that are essential to civilian survival such as water supply, electricity, food storage facilities, and hospitals, even if some of this infrastructure has dual military-civilian use.

• The US and allies must prepare for and develop a plan to prevent or stop reprisals by Saddam Hussein against Iraqi citizens in the midst of a conflict. This should include prevention of and preparedness for the burning of Iraqi oil fields and other elements of a scorched earth policy, as well as a chemical or biological attack against Iraqi citizens, in addition to those in neighboring countries.

• The US should abjure the deployment antipersonnel landmines whose inherent indiscriminateness will otherwise cost many civilian casualties and should avoid use of cluster bombs in populated areas.

• The US and its allies should make the de-mining of the Iran-Iraq border a priority if hostilities commence, in order to minimize civilian losses as refugees flee into the area.

• The United States Government and its allies should provide the United Nations with the $37 million that has been requested to address humanitarian exigencies pursuant to hostilities, and assure adequate food, water, medical supplies and shelter for Iraqis, both those in their homes and villages who are dependent on the oil-for-food program, and those who flee their homes as displaced people within Iraq or refugees in neighboring countries. A similar plan should be instituted to ensure constant supply and stock of essential medicines.

• The US Government should provide adequate resources to United Nations agencies and independent humanitarian organizations in advance of hostilities to allow them to prepare for emergencies both within Iraq and in neighboring countries.

• The US Government should immediately suspend the requirement that humanitarian groups and others must have OFAC licenses to operate in Iraq and Iran so that American groups can hire local staff, preposition supplies, and prepare for the massive numbers of people fleeing hostilities that are expected. The US Government must also facilitate the mobilization of international and American assistance in Iraq at every point before, during and after the war.

• Through diplomacy the US and UN must gain the assurance that Iraq's neighbors will fulfill their obligation of *nonrefoulement* as stated in the 1951 Refugee Convention and keep their borders open to those fleeing the war. The US should also provide required resources to UNHCR to address a large refugee influx on Iraq's borders.

• The US and the UN must ensure that proper security arrangements are in place to control post-war aggressors and facilitate the establishment of a stable society operating under the rule of law with respect for human rights of all inhabitants of a post war Iraq.

• The US military should set in place a system for reporting and investigating violations of the laws of war that are committed by US personnel as well as their local allies, agents, and operatives in Iraq, and establish means of accountability for such abuses.

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