

## **Group: Iraqi Insurgents Commit War Crimes**

The Associated Press

October 3, 2005

By THOMAS WAGNER

BAGHDAD, Iraq (AP) - Insurgent groups in Iraq are committing war crimes by targeting civilians in mass killings, abductions and beheadings, a human rights group said Monday.

Human Rights Watch, which often has criticized alleged abuses by U.S. forces in Iraq, turned its attention in its latest report to insurgent groups like al-Qaida in Iraq and Ansar al-Sunnah that have claimed responsibility for attacks in mosques, markets, bus stations and other civilian areas in Iraq.

The group also said the disregard for the lives of civilians in the mostly Muslim country was backfiring in terms of popular support for the insurgency elsewhere in the Arab world.

"People we have spoken with in the Middle East are increasingly repulsed by the behavior of insurgent groups in Iraq, even if they support a withdrawal of U.S. troops," said Sara Leah Whitson, the Human Rights Watch director for the region.

"There are no justifications for targeting civilians, in Iraq or anywhere else," Whitson said. "Armed groups as well as governments must respect the laws of war."

Iraq's courts have convicted some insurgents, but there is no sign of a major push for an international war crimes trial against the militants, even if al-Qaida in Iraq's leader, Abu Musab al-Zarqawi, is caught.

The Shiite-dominated interim government is focusing on what it considers a higher-priority case: the trial of ousted leader Saddam Hussein for alleged war crimes during his time in power. Saddam's first trial is due to begin Oct. 19, and if convicted, he could be sentenced to death.

In the meantime, Iraqi and U.S. forces are trying to put down the Sunni-led insurgency amid stepped up attacks ahead of an Oct. 15 vote on a new constitution.

Al-Zarqawi's group has declared "all-out war" on Shiites, and suicide bombers have killed at least 1,345 people since the government took power on April 28, according to an Associated Press count. Last week

alone, car bombings hit markets in two Shiite towns, killing more than 110 people, one-fifth of them women and children.

In its report, Human Rights Watch listed 73 insurgent attacks between August 2003 and Sept. 17 this year in which at least 10 civilians were killed. The most deaths came Sept. 14-15, when a series of car bombs in Baghdad killed nearly 200.

The group dismissed the arguments that insurgent groups and their supporters often use to justify attacks on civilians - including that their victims are legitimate targets because they support foreign forces in Iraq. Those rationales "have no basis in international law, which requires the protection of any civilian who is not actively participating in the hostilities."

The laws of war do not outlaw insurgent groups or ban attacks on legitimate military targets, but they do oblige all forces in a conflict to protect civilians and other noncombatants, it said.

Mass killings with suicide car bombs in public places "are war crimes and in some cases may constitute crimes against humanity, which are defined as serious crimes committed as part of a widespread or systematic attack against a civilian population," Human Rights Watch said.

Iraq's courts have prosecuted some suspected insurgents, including Ayman Sabawi, a nephew of Saddam's, who was sentenced last month to life in prison for funding Iraq's insurgency and bombmaking. About 12,300 detainees also are being held without charge at U.S.-run prisons in Iraq.

Crimes against humanity can be prosecuted in any court in the world, Human Rights Watch said. The International Criminal Court, based in the Netherlands, also can try cases of war crimes.

However, Iraq has not signed or ratified the court's treaty, so the court has no jurisdiction there. Iraq considered joining the court, but Washington's opposition to the ICC appeared to quash that option.

The United States opposes the International Criminal Court, which 99 nations have ratified.