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Christian P. Scherrer, Professor for Peace Studies at Hiroshima Peace Institute (HPI), Hiroshima City University, Japan. Dr. phil, Senior Researcher on contemporary mass violence, was in 1987 among the founders of ECOR; editor of the *ECOR studies series* and the author of conflict and post-conflict analyses and studies. He carried out field research in some of the world’s most deadly conflict areas, conducted comparative genocide research and developed peace strategies for several countries and conflicts. He worked for UN HCHR in Rwanda 1994-5 and contributed expertise to UN and international organisations, such as UNESCO, UNDP, OECD-DAC, CPN of the European Commission, ICRC as well as to international and grass roots NGOs. He has investigated and written about genocide and mass murder in Rwanda, Burundi, East Timor, Cambodia, Burma, Sudan, and elsewhere. His series *Ethnicity and State in Conflict* was the first to deal with ethno-nationalism in a global perspective. Recent books *Genocide and Crisis* (Praeger, 2001), *Structural Prevention of Ethnic Violence* (Palgrave, 2002) and *Ethnicity, Nationalism and Violence* (Ashgate, 2003) deal with mass violence and remedies such as justice, human rights, conflict prevention and avoidance.

Correspondence:

Hiroshima Peace Institute (HPI), Mitsui Bldg. 12f, 2-7-10 Ote-machi, Naka-ku, Hiroshima, 730-0051 Japan
phone +81-82-544-7570, fax: +81-82-544-7573

e-mails: scherrer@peace.hiroshima-cu.ac.jp; c.scherrer@planet.nl; scherrer_ecor@hotmail.com

Invasion of Iraq, the U.N., U.S. Unilateralism and Crimes against Humanity:

Perspectives for Accountability

*By Christian P. Scherrer
Professor at Hiroshima Peace Institute, HPI*

Abstract

Nuclear warfare is not a thing of the past. In 1991, after 46 years of shame, it was employed again by the same USA in Iraq. Over six weeks in 1991, US aircraft and missiles systematically destroyed lives and life-support systems in Iraq. An equally ferocious assault by the US air force in March-May 2003 was followed by the deployment of ground troops by the world’s mightiest nations against a country that had been thoroughly disarmed of its weapons of mass destruction by UN inspectors over the years! UK and US forces used massive amounts of extremely toxic and radioactive uranium in the heart of Iraqi cities. Uranium remains active for millions of years! Since 1991 the death toll has climbed exponentially and it is feared that it will climb even faster. Uranium kills over generations. It attacks the human DNS. Horrifically deformed babies are born.

Since September 11 (2001) war-mongering by US leaders against Afghanistan, and later against Iraq and a so-called “Axis of Evil”, has been the most disturbing aspect of a wholesale policy change engineered by George W. Bush Jr. and his extremist neo-conservative advisers. The initial bogeys of “Islamic” terrorism and the Taliban quickly gave way to the threat by Iraqi weapons of mass destruction (WMD)!

The resurgent neoconservative project rejects the policies of deterrence, containment, and collective security, which had served as the main pillars of world peace and order since 1945. Instead, the new strategy aims to achieve US supremacy by resorting to aggressive military interventionism, first strikes, and counter-proliferation measures against “rogue” states, encircling Russia and China, and building permanent military bases throughout the world.

The threat of terrorism, and Iraq’s WMD, have been used to further an aggressive agenda dating back to 1992, reformulated in a report by PNAC entitled “Rebuilding America’s Defenses” in fall 2000. Six of its authors now occupy key posts in the Pentagon. Since September 11, 2001, US military spending has been increased to a staggering US\$400 billion, plus US\$80 billion for operations against Iraq, or more than the total amount spent by the “rest of the world”! Without doubt, the USA has now become the main threat to world peace. Today Bush Jr is seen as the “new global monster”. We see growing anti-Americanism around the world, threatening to isolate the USA from the global community, but helping ultimately to defeat US suprematism.

The pretext for war, i.e. claims of Iraq’s possession of WMD and links to international terrorism, will boomerang. The US and UK governments used calculated lies. WMD were neither used by Iraq, nor have any been found! Nor is there a shred of evidence of Iraq’s alleged links to al-Qaeda. The secularist Ba’ath party traditionally sought to uproot Islamist tendencies.

US-UK committed massive war crimes in Iraq in 2003, waging terror-bombing with WMD, as

it did in 1991, again without harming the top leaders, who all seem to have escaped. For the third time since the USA supported Iraq’s aggression against Iran in 1980–1988, the people of Iraq have been victimized. As in 1991, the systematic US attacks on civilian facilities created hell on earth. In addition to the estimated 400,000 victims of the US-led coalition’s war against Iraq in 1991, over 5,000 Iraqi children have died each month from water-borne diseases and malnutrition, according to WHO, due to genocidal sanctions, bringing the death toll to 1.5 million!

The new aggression in March 2003 compounded an already appalling situation with the use of an even larger amount—estimated 2,000 tons—of extremely toxic uranium. Dropped on densely populated areas, the weapon’s long-term impact will be horrific. Without a thorough clean-up operation, the affected areas will be unfit for human habitation for millions of years!

Why did the USA have to attack a country it had had fully under its military control since 1991 by means of slicing the country into three sections with Northern and Southern no-fly-zones? The US neoconservatives’ real agenda is (1) the removal of Hussein from power and the military occupation of Iraq, (2) the creation of a client regime under US control, (3) the establishment of US bases, (4) to control the world’s most important oil region and to use Iraq as springboards to threaten Iraq’s neighbours (e.g., Iran and Saudi Arabia), (5) disempowering OPEC by threats, and (6) impose the US imperial world order.

Iraq had been a rare contemporary case of restricted sovereignty in military affairs and economic development, with sanctions imposed for an indefinite period without a re-evaluation. The sanctions were lifted by the UN Security Council on May 24, because they are now an impediment for the US. It is unclear what price the US had to pay for it. In all likelihood it has to do with honouring contracts. The Hussein regime had signed oil development contracts with Russia, China and France to be effective after sanctions were lifted, cutting out the US

Big Oil. The USA could thus play a dominant role in exploiting Iraq's huge oil reserves only after a regime change.

US neo-conservative hawks are fiercely opposed to allowing the United Nations any meaningful role at all. The world order, as we knew it, with global institutions centering on the UN, has been severely damaged. The entire code of international law as the normative guide for acceptable state behaviour has been massively violated. The Bush team has made clear that it is ready to tear up all multilateral institutions and violate international rules which were previously sacrosanct.

These aims can be accomplished only at a cost to the world's leading economic power, the European Union, as well as to other great powers in our multi-polar world--Russia, China, India and Japan. In asserting its narrow interests the USA has always been ruthless, but the invasion of Iraq has broken all taboos, and shattered the trans-Atlantic system of cooperation. The splits caused by the 1999 NATO war against Yugoslavia have grown deeper—indeed beyond repair. NATO, as the only remaining Cold War-era military alliance, is finally ready for the rubbish bin of history. Its demise may open the way for a future defensive alliance against US hegemony.

In polls taken before the Iraq war, close to 80% of Americans wanted the UN to be involved. The Bush team wanted to use the UN as the handmaiden of US interests. This gimmick did not work: France, Russia and China remained opposed. In order to sell their war to the US public, the US hawks set up a “Coalition of the Bullied and Bribeed”. This could not cover up the overwhelming opposition to aggressive US unilateralism. Even in coalition states large majorities rejected war.

Anti-war demonstrations in the UK and the US were among the largest. No war in recent history was ever so categorically rejected long before it even started. However, millions of demonstrators rallying under the slogan “No Blood for Oil!” were unable to defeat a tiny group of war-mongers. Might triumphed over right. This is unacceptable!

Evidence of Crimes and Perspectives for Accountability

*By Christian P. Scherrer
Professor at Hiroshima Peace Institute, HPI*

Nuclear warfare is not something of the past—it is done by the same USA again today. Forensic and documentary evidence against the use of uranium is damning and compelling since the dropping of the first A-bomb in Hiroshima on 6 August 1945. On 2 March 2003 some 8,000 people from Hiroshima and other prefectures gathered in the centre of Hiroshima city on an empty space one kilometre from ground zero, where the first nuclear weapon killed hundreds of thousands and devastated the city, to form a message with their bodies, which read from the sky as NO WAR, NO DU!

In 1991 US aircraft and missiles systematically destroyed life and life-support systems in Iraq over a period of six weeks. There were two thousand air strikes in the first twenty-four hours. In 2003 an equally ferocious assault by the US air force was followed by ground troops in bloody war between a comprehensively disarmed country and the most powerful war machinery ever in existence. Without any military reason US-UK massively used highly toxic uranium in the heart of Iraqi cities. This represents a death threat for hundred thousands and health hazards for millions of Iraqis. Uranium kills over generations. The death toll was since 1991 exponentially climbing and is feared to climb even faster.

Reasons for the appalling situation for the civilian population in Iraq today are, first, US bombers systematically destroyed civilian infrastructure, such as water purification plants and electrical generators in both wars. As in 1991 and on a much higher scale US-UK used illegal and banned uranium bombs. Second, an embargo was imposed against Iraq and mainly hit the poor sections of the Iraqi population. Iraq used to have one of the highest living standards in the Arab world; today it has one of

the highest infant mortality rates in the world. According to UNICEF, 30% of Iraq's children no longer attend school. They became beggars or have to help their parent in the struggle for survival. Iraq used to have the highest literacy rate in the Arab world (95%).

Abuse of Terrorist Threat and Spreading Fear of Foreign WMD

Since September 11, 2001, the war-mongering by the US leaders against Afghanistan and very soon against Iraq and an "Axis of Evil" of so-called 'rogue states' has been the most disturbing element of a wholesale policy change in the wake of the rise to power by Bush Jr. and his team of neo-conservative extremists and US supremacists.

The present US government is politically a renaissance of the reactionary Reagan-Bush Sr. era, partly recycling the same personnel already active in the Reagan period, but today US feels unrestrained by the Cold War balance between the superpowers. As earlier in the 1950s (McCarthy) and Reagan's 1980s, the new policy has been designed to capitalize on and further spur growing patriotism and popular support for a government under the control of a "military-industrial complex" and "big oil".

Initially playing on the fear of "Islamic" terrorism and the Taliban threat, both of which has been quickly replaced with an alleged threat of Iraqi weapons of mass destruction (WMD), was intended to appeal to popular support in the advancement of an ideological agenda not different from the Reagan era: the commitment to the aggressive pursuit of global hegemony and supremacy by USA. With a majority in both houses of the US parliament for the Republicans in November 2002 the Bush team has it even easier to outmanoeuvre limited dissent in the political class against the project of unbound US supremacy. Today the democratic party opposition became virtually inexistent.

The resurfacing of a dangerous neoconservative strategy of military dominance altogether rejects the policies of deterrence, containment, and collective security, which were the main

pillars of the world peace order since 1945. Instead, the new aggressive strategy for US supremacy stresses offensive military intervention, first strikes, counter-proliferation measures against 'rogues' and other enemy states ('axis of evil' and beyond), encircling Russia and China, and permanent military bases in all world regions. USA will be the world cop, acting above international law. The common US unilateralist tendency is greatly enhanced. Contrary to the Reagan era the US hawks soon got ready to challenge and undermine the United Nations as the world's peace organization.

Fabricated "Threats" Act as Catalyst for an Unprecedented Arms Race

The terrorist threat—soon followed by Iraq's alleged threat with WMD—was skilfully abused to further an aggressive agenda which has been designed in an aborted draft titled *Defense Policy Guidance* by Paul Wolfowitz *et al* under then Pentagon chief Dick Cheney during the presidency of Bush Sr. in 1992, and it was reformulated in fall 2000 in a report of a neoconservative group titled "*Rebuilding America's Defenses*". *Strategy, Forces and Resources for a New Century*.¹ Six of its authors now occupy key posts in the Pentagon and control the most dangerous war machinery in history.

After September 11, 2001, the pretext given was first "to fight terrorism," as if terrorism could be fought with sophisticated bombs, "missile defense", and a new generation of nuclear weapons, and than to fight the "threat of Iraqi WMD to the American people", which was inexistent. Nevertheless, US military spending has been increased by US\$50 billion to a staggering US\$350 billion, which is more than the next 12 countries combined. The military spending has now passed US\$400 billion, plus 80 billion extra for Iraq, more than the "rest of the world" all together! No doubt, the USA became the most dangerous threat to

¹ Washington, PNAC, September 27, 2000, online on www.newamericancentury.org/defsep2700.htm.

world peace characterized by permanent war-mongering against ever changing enemies.

The effect is increasing fear of the new 'evil empire' (term used by Reagan for the former USSR) and a general growth in anti-Americanism in the rest of the world. Bush became the 'new global monster' and is heading toward total isolation of the USA in the world community. It is part of the dialectics of world politics that rising anti-Americanism will help to ultimately defeat US suprematism—but this is not granted.

US-UK War for Oil in the Gulf was Illegal, Illegitimate and Immoral

The pretext for war, claims of Iraqi WMD and links to international terrorism, will now boomerang. No WMD have been used and nothing was found! Additionally the US government lied when talking of a link between Iraq and al-Qaeda. There was never a shred of evidence; the secular Bath party has traditionally tried to uproot Islamist tendencies. The two were clearly incompatible.

The US has committed massive war crimes in Iraq and has waged devastating terror bombing as in 1991, again without harming the regime leaders, who all escaped. For the third time the victims were the 23 million people of Iraq—since the USA had supported the aggression of Iraq against Iran 1980–1988. Again the USA systematically targeted civilian installations to make the life of the Iraqi people become hell on earth. Additional to the estimated 400.000 victims of the US coalition's war against Iraq in 1991 according to WHO 5,000 Iraqi children die of water-borne diseases and malnutrition each month, bringing the death toll to est. 1.5 million (according to UNICEF)!

The massive use of illegal radiological uranium weapons in 1991 has intoxicated large populations in southern Iraq, mainly the city population of Basra, and also parts of Kuwait and Saudi Arabia. The number of people, especially children, with tumours, cancers and deformations has grown 16 fold 1991-2001, according to inquiries carried out by Iraqi medical scientists Prof Husam Al-Jarmokly and

Dr. Jawad Al-Ali, who visited Hiroshima last year. A new aggression greatly compounded an already appalling situation. The difference is that this time an even larger mass of extremely toxic uranium, about 2,000 tons, was used. Because it was dropped into densely populated areas the long-term impact will be horrific. Douglas Rokke, the former head of the *Depleted Uranium Project* at the Pentagon, said that without a comprehensive clean-up the affected areas will be unfit for habitation for millions of years!

US Big Oil Had No Role in Iraq Before March 2003

The question is, why should the USA attack a country it has fully under military control since 1991, by slicing it in three zones, with a Northern and Southern no-fly-zone imposed for a decade now. Iraq has been the first systematic case of restricted sovereignty in military affairs and economic development (sanctions, never re-evaluated) since the era of colonization. The reply is: the real aim is not what US leaders claim. Instead the US wants to control Iraq's huge oil reserves, which are the second largest in the world next to Saudi Arabia.

In 2001 the USA imported over 50% of the oil it used, with about 25% coming from the Middle East. The following basic facts explain the rationale behind the US war plans:

- The USA spends \$20-40 billion a year to "defend" Middle Eastern oil resources.
- The USA spends \$200,000 overseas each minute to buy oil products.
- By 2020 US oil imports are projected to be 64% of total.
- Up to 75% of the world's oil reserves are in the Middle East (most of it Saudi Arabia and Iraq) and are controlled by the OPEC oil cartel.
- Oil price spikes from 1979 to 1991 cost the US economy about \$4 trillion; the economy went into recession after major price shocks.

The Hussein regime signed oil exploitation contracts with Russia, China and France to be effective after sanctions are lifted—cutting out the US Big Oil (together with the military-industrial complex the power base of Bush's regime). USA could only have a dominant role in the development of Iraq's huge oil reserves after a regime change. — The talk about weapons of mass destruction and cooperation with al-Qaeda were fabrications for the deception of the public opinion. The US was never seeking the return of the UN inspectors but a pretext for invasion.

The US Neo-conservative Agenda Excludes the United Nations and Violates all Rules

The aims of the USA in Iraq were the removing the Saddam Hussein regime, military occupation of Iraq, and the establishment of a wilful client regime under tight US control in the midst of the world's most important oil region. Meanwhile, Blair claimed that toppling the Hussein regime has to be followed by the imposition of an interim administration under a UN flag, to give the operation a modicum of legitimacy.

But geopolitics has changed dramatically. The US neo-conservative hawks are fiercely opposed to give the United Nations any role at all. The world order as we knew it, with its 'global' institutions, chiefly the UN system, the Breton Woods institutions (IBRD, IMF) and the 'new' WTO, is severely damaged—not yet beyond repair. The entire body of international law as the normative guidance for the mandatory rules for state behaviour has been massively violated. Bush Jr. and his hawkish team have made clear that they are ready to tear all multilateral institution apart and to violate even those rules that have previously been sacrosanct—in order to establish US supremacy. This can only be accomplished on the cost the world's leading economic power, the European Union, as well as against the other great powers in our multi-polar world, Russia, China, India and Japan. In asserting its narrow interests the USA has always been pretty ruthless but the invasion of Iraq has broken

several taboos at one time, and—as a novelty—it has badly shattered half a century of Trans-Atlantic cooperation between USA and Western Europe. The splits of the 1999 NATO war against Yugoslavia have grown deeper—beyond repair. The NATO, this only remaining Cold War supranational military organization, is finally ripe for the rubbish bin of history, and this opens the way for new future alliances against the US goliath in economic and military domains.

Before the Iraq war polls said that close to 80% of US Americans demanded for the UN to be involved. The Bush team wanted to use the UN as a prostitute for US interests. But this time it did not work. Intense US pressure failed due to France, Russia and China remaining opposed to another Gulf war. The US hawks needed the sell their war to the US public, which would be opposed to unilateral aggression. Hence the so-called "Coalition of the Willing" had to be formed. It has been described as a "Coalition of the Bullied and Bribe". The quasi-coalition can't cover-up the fact that opposition to aggressive US unilateralism is overwhelming. Even in states that support Bush's global cowboy policy, such as Britain or Spain, the large majority of the people are opposed to war. Anti-war demonstrations in Britain and the US were among the largest in the world.

Strategically, a unilateral aggression war by US-UK seemed unlikely for most of 2002 because of an outright breach of all rules in a volatile region of strategic interest. But the build-up of troops and material in the Gulf went on unabated. US military plans urban warfare became "thinkable". (US Department of Defense: Doctrine for Joint Urban Operations. Washington 16 September 2002.)

No war in recent history has been announced more than a year ahead, and no war ever has been rejected in such an impressive way before it was started. The masses of millions of demonstrators, under the slogan "No Blood for Oil!", could not make a difference against the plans of a tiny group of warmongers who control the Bush team. Might triumphed over

right. But the backlash for the warmongers is pre-programmed.

Some Preliminary Conclusions

All the warning against war and the use of nuclear weapons by USA-UK was in vain. It makes the crimes committed even more outrageous. Most alarming was the US-UK use of weapons of mass destruction. Among them were the largest DU bombs in their arsenals used in the center of urban areas! The use of other WMD such as cluster bombs and huge so-called 'therobaric' fuel-air bombs, was also confirmed. The use of MOABs is likely but not confirmed yet. This is the largest of what the Pentagon calls "conventional bombs" in use by the US military.

Regarding a series of research questions concerned with the significance of the invasion and occupation of Iraq at a recent round-table discussion at HPI we had a wide range of analytical comments and theorems on the nature of the perceived new era which might usher from it. The war for oil has been combined with the ideological and racist project of neoconservative extremists for US supremacy and hegemony (similar to the failed project of the fascists in the 1930s and 1940s).

The US has opened a Pandora's box and it might harvest hostile responses throughout the world as well as anarchy in Iraq and instability in the entire Middle Eastern region and beyond. The aggression against Iraq might give a great boost to international terrorism. No other aggression has been almost globally condemned and accused such as this one. As the US-UK hidden aims and crimes are becoming more known to the world, reactions might become fierce. In a workshop at HPI a participant said that Bush became the 'new global monster' for Japanese kids and house wives. 80% of the first year students said Bush is the most hated person in the world, according to a colleague who reported results from polls he made among his students. These are the signs on the wall.

The assault on Mesopotamia by US-UK was worse than the one by the Mongols. Systematic looting, including priceless exhibits of the

heritage of 8,000 of history of Mesopotamia (sic!), burning of 130 public buildings and destruction of infrastructure. We should see all these matters as related. It did not start in 2003. After genocide, democide and infanticide from 1991 to 2003 there was mass murder and "culturcide".

The Use of Uranium Weapons in Iraq: A Crime against Humanity

*By Christian P. Scherrer
Professor at Hiroshima Peace Institute, HPI*

"The reason why the Pentagon lies is to avoid any liability for the deliberate use of uranium munitions not only in Iraq, Saudi Arabia, Kuwait, throughout the Balkans and throughout all the sites in the United States. Again, the purpose of the war is to kill and to destroy. Uranium munitions are absolutely destructive... The US use of 'depleted' uranium is not confined to the total destruction of targets but extends to the destruction of the environment and human life in general in the affected regions. Such areas will be unfit for habitation for millions of years."

*Professor Douglas Rokke
Major USAAF, Former chief of Depleted Uranium Project at the Pentagon*

"Radioactive weapons used by the US and Britain rank among the worst crimes in the history of the world. DU ('depleted' uranium) is the most toxic substance on the face of the earth and has a half-life of 4.5 billion years. These are crimes against humanity committed against Iraqi's, Kosovars, Bosnians and Afghans especially woman and children. It is 'ethnic cleansing' as 'radioactive cleansing'."

*Glen A. MacFarlane
Independent Depleted Uranium Monitoring Group*

“It’s very difficult to debate military spending in this country today - which is unbelievable, because our military spending is absolutely, certifiably insane. Just to provide one example: We still have twenty-two commissioned Trident nuclear submarines, which are first-strike weapons. Any one of those submarines can launch twenty-four missiles simultaneously. Each of those missiles can contain as many as seventeen independently targeted, manoeuvrable nuclear warheads. And each of those warheads can travel seven thousand nautical miles (12,756 km) and supposedly hit within three hundred feet of its predetermined target. If we fire them in opposite directions, we can span fourteen thousand nautical miles: halfway around the world at the equator. This means we can take out 408 centres of human population, hitting each with a nuclear warhead ten times as powerful as the bomb that incinerated Nagasaki (all fired from a single one of the 22 Trident submarines).”

Ramsey Clark

Former US Attorney General, today legal defender of victims of oppression

Genocidal Mentality of US Super-power Militarism

The madness and genocidal mentality of superpower militarism is frightening. But nuclear warfare is not something of the past—it is done again today. Forensic and documentary evidence against the use of uranium is damning and compelling since the dropping of the first A-bomb in Hiroshima on 6 August 1945. On 2 March 2003 some 6,000 people from Hiroshima and other prefectures gathered in the center of Hiroshima city on an empty space one kilometer from ground zero, where the first nuclear weapon killed hundreds of thousands and devastated the city, to form a message with their bodies, which read from the sky as NO WAR, NO DU!

Our warning was against war and the use of nuclear weapons by USA-UK forces. Our fear was based on the fact that US-UK have used illegal nuclear munitions and weapons

containing Deadly Uranium or Dirty Uranium (DU), which is not “depleted” at all but solid, massive, dirty, and extremely toxic, as well as plutonium, americium and other toxic heavy metals. Starting in 1991 in Iraq US-UK have used these horror weapons five times since Hiroshima and Nagasaki were destroyed on 6 and 9 August 1945.

After Hiroshima and Nagasaki nuclear weapons were for the first time used again—46 years after—by the same United States of America against Iraq in 1991. Uranium ammunitions were first deployed during the Gulf War. The first independent studies of the effects of DU were conducted from 1993. They confirmed that the same devastating effects of radiation on public health had occurred in Iraq as earlier in Hiroshima and Nagasaki.

Responses on the New Nuclear Warfare by the UN System

The special agency of the United Nations system dealing with nuclear questions, the International Atomic Energy Agency (IAEA) has detailed knowledge of the impact of DU in Iraq. At the 42nd General Conference in September 1998, a document entitled “Radiation Effects” included information about the use of uranium against Iraq. IAEA document GC(43)/INF/20 of 29 September 1999 stated that “Diseases which do not commonly appear in the region such as various forms of cancer, and early pregnancy abortion, deformed babies in addition to the after effects which may damage hereditary genes and future effects of radioactive waste resulting from radioactive aerosols due to the bombardment. This effect may be transferred to other regions in the country due to natural phenomena.”

Based on the report of the 48th meeting issued by the UN Committee dealing with effects of Atomic radiation on 20th April 1999, noting the rapid increase in mortality caused by DU between 1991 and 1997, the IAEA document predicted the death of half a million Iraqis, noting that “...some 700-800 tons of uranium was used in bombing the military zones south of Iraq. Such a quantity has a radiation effect,

sufficient to cause 500,000 cases which may lead to death.”

Despite this red alert and explicit scientific evidence of the horrific effects of uranium weapons, the US continued to use DU weapons of mass destruction in Bosnia 1995, Yugoslavia/Serbia 1999 and Afghanistan from October 2001.

The 1996 UN Resolution banned DU as a Weapon of Mass Destruction (WMD)

The UN Commission on Human Rights / Sub 2 1996 session, declared that DU was already banned because it is incompatible with existing humanitarian law and qualifies as a Weapon of Mass Destruction (WMD). The UN body declared that DU weapons and ammunition were illegal, banned their use; and stated that use of DU weapons constitutes a crime against humanity.

The August 2002 report by the UN Human Rights Commission-Sub 2 stated that the use of DU shells and bombs by US-UK in four countries (Iraq, Bosnia, FRY, and Afghanistan) violated the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Nuremberg principles of 1945, the Charter of the United Nations, the Anti-Genocide Convention of 1948, the Universal Declaration of Human Rights of 1948, the four Geneva Conventions of 1949 and its Additional Protocol I and II 1977, the Convention Against Torture, the Conventional Weapons Convention of 1980, and the UN Human Rights Commission resolution of 1996.

These international law instruments expressly forbid employing “poison or poisoned weapons,” and “arms, projectiles or materials calculated to cause unnecessary suffering.” After the poison gas horrors of World War I, the Geneva Protocol of 1925 prohibited the use of radiation as a weapon. The 1977 Additional Protocol I to the Geneva Conventions outlawed radiological intoxication of the environment.

DU—an Illegal Weapon Causing Superfluous Injury and Unnecessary Suffering

A 2002 study of the UNCHR-Sub 2 on “Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering,” (E/CN.4/Sub.2/2002/38) concluded that in light of humanitarian law from all sources weapons are to be considered banned if their use:

- (a) has indiscriminate effects (no distinction between civilians and belligerents);
- (b) is out of proportion with the pursuit of legitimate military objectives;
- (c) adversely affects the environment in a widespread, long term and severe manner;
- (d) causes superfluous injury and unnecessary suffering.

All of these effects are clearly fulfilled in the case of mini nukes and bunker busters, especially the B61. The report expressed alarm at the instruction of the Nuclear Posture Review of the United States that includes plans for ‘first use’ against seven states, five of which do not possess nuclear weapons. The author finds the instruction contrary to human rights and humanitarian law, even relating to “mini nukes” or uranium “fortified bunker busters”.

Additionally, anti-personnel mines, cluster bombs and fuel-air explosives are banned “weapons of indiscriminate effect”, whose use violates the provisions of the Additional Protocol I relevant to such weapons. The report further warns of US-made third generation fuel-air explosives may use uranium powder. Owing to the sheer scale of the explosions from fuel-air explosives currently in use and keeping in mind the latest Massive Ordnance Air-burst Bomb (MOAB), which is the most powerful conventional bomb US has in its arsenal (first tested on March 11, 2003, with a 21,000-pound MOAB explosive device), they could not be used without indiscriminate effects.

In using DU weaponry in Iraq for the second time, the leaders of the US-UK have thus

flouted the UN resolution banning it, violated international law, and threatened the lives and health of millions of Iraqi people and of their own soldiers. Studies of veterans of the 1991 Iraq war reveal that many had children with severe illnesses, missing eyes, blood infections, respiratory problems and fused fingers. Shamefully, the US government has never acknowledged this fact and its clear link with DU. (See Horan P., L. Dietz L, A. Durakovic: "The quantitative analysis of uranium isotopes in British, Canadian, and U.S. Gulf War veterans", *Military Medicine*, Aug 2002, 167(8):620-7; also: Dai Williams: *DU Secret Unfolds. Part 1 DU investigations & briefings 2001*, p. 28.) 199,000 veterans, more than one in four who served in the Gulf from August 1990 to July 1991, have filed disability claims, according to the Department of Veterans Affairs. The Veterans' Administration (VA) had to admit that a study found Gulf war veterans are nearly twice as likely to develop amyotrophic lateral sclerosis (ALS) as other military personnel. (See Y.K.J. Yeung Sik Yuen: *Human rights and weapons of mass destruction*. Geneva June 2002, 34).

Meanwhile the death toll in Iraq and birth deformations among Iraqi children and the spread of all types of partly unknown cancers have reached catastrophic proportions. Long-term studies focusing on developments in the last 11 years by Dr. Jawad Al-Ali (Professor at Basra University Medical School) and Professor Dr Husam al-Jarmokly (Baghdad University) showed a rapidly increasing death toll in Iraq since 1991 due to cancer and leukaemia caused by US radiological warfare. (Presentation of Iraqi doctors, Dec 1, 2002, at Peace Memorial Hall, Hiroshima; PowerPoint presentation download from Visie Foundation website).

Despite these well-known facts, DU weapons are being rained down on Iraq yet again. During the current war, the US-UK forces used banned nuclear weapons in the most densely populated areas of Iraq against a defenceless population. From day 1 huge bunker buster DU bombs were used in Baghdad, a city of 5 million inhabitants. The city center may have to be closed due to massive nuclear contamination and radiation.

In 1999 the IAEA estimated that the effect of 700-800 metric tons of DU weapons will kill half a million Iraqis near and around Basra, a city of 1.5 million inhabitants. In the current war US-UK used a much greater load of DU across Iraq, estimated at above 2,000 tons as of early April. In 1991 the DU ammunition was mainly used against Iraqi tanks in the desert near Basra, while in the present war DU is being used all over Iraq and even right in densely populated areas.

Until today only estimates about the quantity of DU used in Iraq 2003 are available due to the cover-up by US-UK, knowing that DU weaponry are weapons of mass destruction as certified by UN. The estimate of 2,000 tons of DU dates back to when I wrote the article and this was after the first week of April. The uranium munitions used by US-UK in Iraq from 20 March 2003 to now were delivered by different means. Most of the ten thousands of used DU ammunition of a list of 21 suspected DU weapon systems were delivered by Bradley armoured vehicles, A-10 Warthogs aircraft, Abrams tanks, missiles and bunker busters:

- the Bradley armoured fighting vehicles fire 25 ml rounds, and each individual round consists of over 200 grams of solid uranium contaminated with other heavy metals;
- A-10 Warthog aircraft additionally fired 30 ml rounds; each individual round has 300 grams of solid uranium;
- Larger rounds were fired by the Abrams tank; each round is over 4500 grams of solid uranium contaminated with plutonium, neptunium and americium;
- Much larger quantities are carried by each cruise missiles which contain uranium components. The jacket of one long-range missile Tomahawk contains about 30 kg of uranium. Thousands of Tomahawks were used in Iraq 2003.
- The largest quantities of DU are contained in the giant bunker busters which again contain uranium, plutonium, neptunium and americium components since the producers

use waste from nuclear power plants. Bunker-buster BLU-118/B termed „thermobaric”, already used in Afghanistan, BLU 109, a one-ton bomb containing uranium, as well as GBU-15, GBU-24 and GBU-31, and AGM-130C.

In estimating quantities we have to consider that in recent years the used load of uranium plus other toxic metals was growing exponentially, mainly due to the fact that the DU bunker busters were growing bigger and bigger to become giant bombs. The missile heads also delivered large quantities of DU. Dai Williams made the comparison that the ammunition used by the US in the 1991 Gulf War weighed around 5 kilograms, and against Afghanistan they already used bombs and ammunition of up to 5,000 kilograms.

In March-April 2003 a much larger quantity than in 1991 (estimated more than 2,000 tons) was used in the immediate vicinity of the residential areas of millions of people in the heart of Baghdad, Basra, Hilla, Mosul, Tikrit and other Iraqi cities. Based on previous research on the impact of DU and the mortality estimates by the IAEA, it is likely that the death toll may surpass a million deaths over the next few years, with more to follow!

Moreover, the exponentially increasing number of birth deformities and cancer in Iraq in the past 12 years since the war of 1991 (cancer increased between seven and ten times and deformities between four and six times) will in all probability be greatly increased by my much higher quantities of DU weapons deployed in Baghdad and elsewhere in the present war. In full knowledge of the horrific impacts of uranium weapons, US-UK leaders are putting millions of Iraqis and hundred thousands of their own soldiers at a deadly risk.

Unfortunately radiological warfare is not the only massive threat against the lives of the Iraqi people. DU bombs are not the only form of terror weapons used by US-UK. A devastating impact on civilians is also achieved by other banned illegal weapons such as cluster bombs and “Daisy Cutter” *thermobaric* bombs used by US-UK forces. Particularly following the April

1 order to US troops to use tougher tactics, hundreds of civilians were shot down on the roads, in their homes, on their farms. Indiscriminate bombing was negated by US command even after missiles landed in markets and residential neighborhoods.

Indiscriminate Bombing—An 80 Years Dreadful History

All of us should urge the clear distinctions by combat troops between soldiers and civilians. This very distinction was first abolished in the British bombing of “unruly tribes” in their conquest of Mesopotamia in the 1920s and in the Guernica bombing by the German Legion Condor during the Spanish Civil War 1937.²

In the case of the US terror bombing was a constant feature from the 1940s until this very day, first most terribly in the firebombing of Tokyo, 63 other Japanese cities and the A-bombing of Hiroshima and Nagasaki. Iraq is just one of 21 countries the USA has been bombing since 1945. The largest-scale US bombings were in Korea, and the era of the B-52, which is ongoing, started in Indochina and continuing in all US wars since. High altitude bombardments by B-52 do not distinguish between soldiers and civilians. Contrary to what you have been told by the media about smart bombs the B-52s were back in Iraq. The distinction civilian/military is indeed a civilizational paradigm. The attempted destruction on the part of the Bush team of all effective international legal instruments and institutions to protect civilians paves the way for genocidal atrocities.

We have seen the professional and moral failure of the Western media, the Anglo-American in particular, to bring light into the atrocities committed in Iraq since 1991. Twelve years later the BBC news boss compared the “battle”

² Guernica, the cultural capital of the Basque people, seat of their centuries-old independence and democratic ideals, had no strategic value as a military target but was bombed during 3 hours with 32 tons of explosives, on a traditional Monday market day. The town was flattened. The planes strafed fleeing civilians with machine guns.

of Umm Quasr with the entertaining quality of a soccer game! Where are all the Human Rights NGOs? It is true, several US, British and other European human rights organizations are working on war crimes indictments for US-UK war leaders but where are the well-funded high-profile global NGOs? To ask with Joeden-Forgey, where are those “global human rights network that seeks to bring to light abuses and atrocities that the powers-that-be would like to keep hidden”?

Bombing of Civilian Infrastructure

Another form of mass killing is the systematic targeting of water supplies and purification plants in Iraq, a tactic already previously employed in the 1991 war. The situation is most appalling in Basra, where British troops surrounded 1.5 million people, who were starved and dehydrated; they remained without drinking water for weeks. In most of the larger cities the targeting the civilian infrastructure used in 1991 was repeated.³

The primary DIA document, “Iraq Water Treatment Vulnerabilities,” is dated January 22, 1991. In cold bureaucratic language it describes how the sanctions will prevent Iraq from supplying clean water to its citizens. The document predicts that “Failing to secure supplies will result in a shortage of pure drinking water for much of the population. This could lead to increased incidences, if not epidemics, of disease.” The document notes that the importation of chlorine “has been embargoed” by sanctions. And it concludes that “Poorer Iraqis and industries requiring large quantities of pure water would not be able to meet their needs.” The result became soon visible: a mass killing beyond imagination.

³ Documented in Thomas Nagy’s report, based on declassified US Defense Intelligence Agency documents and published in *The Progressive*, September 2001, “How the U.S. Intentionally Destroyed Iraq’s Water Supply.” The DIA documents mentioned in his article were found at the Department of Defense’s Gulfink site www.gulfink.osd.mil. To read or print these well-hidden documents follow the instructions given by Prof. Nagy in the above article

Early on in the mid 1990s UNICEF and WHO have spoken of 500,000 victims, mainly children, dying of diseases and under-nourishment in the Gulf War. In 1998 ‘excess deaths’ of children continue at the rate of 5,000 a month. UNICEF estimated in 2002 that 70 per cent of child deaths in Iraq result from diarrhoea and acute respiratory infections.

This is the result, as foretold accurately by US intelligence in 1991 (DIA reports), of the breakdown of systems to provide clean water, sanitation, and electrical power. Adults too, particularly the elderly and other vulnerable sections, have succumbed. The overall toll, of all ages, was put at 1.2 million in a 1997 UNICEF report. The intent to bring about such a genocidal low to the survival of the Iraqi people is clearly documented in the declassified documents by DIA-CIA. UN and UK diplomats designed the UN sanctions regime against the Iraq to be deliberately and intentionally deadly.

The evidence of the effect of the sanctions came from the most authoritative sources. Denis Halliday, UN Assistant General Secretary and UN humanitarian coordinator in Iraq from 1997 to 1998, resigned in protest against the operation of the sanctions, which he termed deliberate “genocide”,⁴ as did his successor Hans von Sponeck, who resigned in 2000, on the same grounds. Jutta Burghardt, head of the UN World Food Programme operation in Iraq, also resigned.

More than 1.5 million Iraqis have died from soaring mortality rates since sanctions were imposed in 1990. The July 1999 UNICEF Report on Mortality Rates from 1979 – 1999 revealed that IMR has increased from 47 deaths per 1000 live births for the period 1984-89, to 108 deaths per 1000 live births for the period 1994-99. Mortality rates for children under five increased over the same time period from 56 deaths per 1000 live births to 131 deaths per 1,000 live births.⁵

⁴ Quoted from Research Unit for Political Economy: *Behind the Invasion of Iraq*. Mumbai Dec. 2002/ Monthly Review Press, March 2003.

⁵ See www.unicef.org/reseval/pdfs/irqscont.pdf.

The Truth about Iraq's Weapons of Mass Destruction

The Reagan and Bush Sr. administrations had permitted the illegal transfer of US-made WMD and other arms technology to Iraq, in order to support it against the much stronger Iran in a costly war, the first Gulf War, which lasted from 1980 to 1988. Iran was also furnished with weapons by USA in order to reach a stalemate that was weakening both countries, which were seen as potential threat for the free flow of oil. This diabolic strategy resulted in one million people being killed during eight years of war. The second Gulf War, of the US-led coalition against Iraq, in 1991 and the 12 years of genocidal sanctions were even more deadly; according to various UN organizations the death toll reached over 1.5 million Iraqis, more than half of it children!

Shocking reports even in main stream media (NYT August 18, 2002) "disclosed" that in the 1980s president Reagan, Bush Sr. and national security aides had illegally exported WMD to Iraq. This was known since the report "USA Chemical and Biological Warfare-Related Dual Use Exports to Iraq and their Possible Impact on the Health Consequences of the Persian Gulf War" by the Senate Committee on Banking, Housing and Urban Affairs with Respect to Export Administration appeared in May 25, 1994 and October 7, 1994. The news was that Bush Sr. never withdrew their support for the highly classified program in which more than 60 officers of the US Defense Intelligence Agency (DIA) were secretly providing Iraq with detailed information on Iranian deployments, tactical planning for battles, plans for air strikes and bomb-damage assessments during the horrors of the Iraq-Iran Gulf war 1980-1988. Secretly Iran was also equipped with intelligence about Iraq and a somewhat reduced arsenal of weaponry, as we knew since the Iran-Contra scandal came to the open. The aim was to inflict horrendous death tolls on both parties, but mainly the Iran, by secretly providing both sides with WMD. Only one year later, during 1989, the same DIA, which was given the task

to prevent the breakdown of Iraq in a war against the much stronger Iran, began concentrating on how to destroy Iraq.

The most significant part — the furnishing of WMD containing chemical and biological toxic materials by the United States to Iraq which markedly enhanced Iraq's CBW capability — was left out in the NY Times story. (See William Blum: "Chemical Weapons, the US and Iraq: What the New York Times Left Out", in CounterPunch, August 20, 2002.) A Senate Committee Report of 1994 pointed out: "These biological materials were not attenuated or weakened and were capable of reproduction." More than a dozen different extremely deadly biological germs producing slow, agonizing deaths were used against Irani pasdaran. Dozens of other pathogenic biological agents were shipped to Iraq during the 1980s, probably starting before 1985 and ending 1989, when Bush Sr. was already president--and only three years before he decided to bomb his former ally. The UN weapons inspectors, headed by Rolf Ekéus 1991-1997, found these biological and a long list of chemical weapons produced by US, British and French corporations. Ekéus also revealed that the USA used the inspectors for espionage and bombed the places they indicated, probably to cover up and "leave no trace".

Shocking Double Standards: Israel Possesses All Types of WMD

The only country whose weapons of mass destruction (WMD) pose a permanent threat to the entire Middle Eastern Region is Israel. Bush's claims at UNGA were flawed: Israel has flouted many more UN Resolutions (about 40 since 1948) than Iraq (about a dozen). The double standards applied by USA could not be more appalling. Israel has constantly denied any inspection of its ever growing arsenal of nuclear, biological and chemical weapons. The nuclear threat is known since the mid 1980s: Detailed information leaked by the Israeli nuclear technician Mordechai Vanunu in 1986 (kidnapped by Mossad in Rome; since 17 years imprisoned, most in solitary confinement) and

satellite photos have exposed Israel's nuclear sites.

Israel's arsenals of horror are just a mouse click away (on US mainstream MSNBC media). Why Israeli WMD are being outed remains a secret and has led to some debate. See http://www.msnbc.com/news/wld/graphics/strategic_israel_dw.htm and you will be stunned by the nice presentation of all of Israel's horrors in a postcard-size interactive chart.⁶ The centers of horror are in Nes Zionyaa, Dimona, Soreq, Haifa-Rafael and Yodfat. Saddam only dreamt of such Frankenstein-style laboratories and facilities for all types of horrific WMD. Israel, meanwhile, is said to have more nuclear weapons than Britain. The imbalance of powers in West Asia could not be greater.

The Question of WMD in the Middle East

Hence, the question of WMD in the Middle East is entirely different from the US presentation of facts. It is Israel that has currently an estimated 200 weaponized nuclear devices and has the delivery systems. In the past it had threatened Egypt to bomb Cairo and the Aswan dam with the effect that Egypt signed a peace treaty. The comparison is telling: The Arabs did not pre-emptively attack the Dimona reactor as Israel did on June 7, 1981, when Israeli fighter-bombers destroyed the Osiraq nuclear reactor near Baghdad. While the Iraqi regime had complied with all IAEA guidelines, the Israeli nuclear facility at Dimona was not under IAEA safeguards, because Israel had not signed the NPT (as had Iraq) and had refused to open its facilities to UN inspections. Iraq had a

⁶ Neatly but not very comprehensively separated in air bases, strategic weapon plants and missile facilities pointing at places with red, blue and yellow dots. What is listed as among the seven 'strategic weapon plants' is in the case of three facilities a misnomer, of which two are only storages for nuclear and chemical and biological weapons and the third is the underground bunker complex for the central command at 'Bor', used in times of crisis, and situated underneath the defense ministry in Tel Aviv. Some of the places I used to know by name (working in Israel/Palestine for a while) without having been aware of the arsenals of horror right next to the highways I passed by.

long history of peaceful use of nuclear power since the construction of a Soviet supplied reactor in 1963 (four years before Israel started its nuclear program aided by France). Israel bombed IAEA-sanctioned activities; this was essentially an attack the entire NPT safeguards and UN security regimes. The Osiraq bombing greatly inspired the US hawks. They now want to bomb Iran's nuclear plant at Bushehr (as an option jointly with Israel or let the Israelis do it). Earlier in 2002 Iran gave Israel a stern warning.

The Jewish Lobby and Jewish hard-liners in the US government, in support of the aggressive Sharon government, are to main instigators and planners of the Iraq invasion that was long planned to take place early in 2003. It had to be postponed due to close to global resistance. In the US the Israeli lobbyists and conservative Christian fundamentalists have in effect censored all free discussion of Israel and the Middle East in the USA. Everyone who accurately reports the brutalities of Israel's military offensive in the occupied Palestinian territories and the illegal occupation will be vilified as an anti-Semite. One glance at the formidable and unprecedented position of right-wing pro-Likudists in mass media and US decision-making would suffice. While top government representatives such as Bush, Cheney and Rumsfeld are evidently representing the US mainstream population, neo-conservative Jewish hawks dominate all key decision-making positions in the Pentagon and some in the presidency (White House) as well as a good part of the US mass media; they form an influential 'war party' (war against Iraq, support for Sharon's assault on the Palestinians, and future wars against 'rogue states').

The Iraq War and the Revival of the Spirit of Hiroshima

The Iraq war and the atrocities committed against the Iraqi people brought it out. The 2003 anti-war movement in Hiroshima became a very important stage for Hiroshima's own identity as International Peace Culture City. I was always saddened by the fact that for most people (with

the exemption of a number of peace groups), until very recently, this identity was solely concerned with issues of the past – the a-bomb of 1945. The exclusive orientation to the past and the avoidance of current issues (as for instance exhibited in the peace culture museum for the most part) did nothing to appeal to the younger generation.

Some of the peace groups have built up relations with Iraq and Iraqi personalities. There were several well attended events on issues such as the announced Iraq war, the issue of uranium warfare (with two Iraqi doctors as main speakers) and the nature of the sanction against Iraq. Pro-peace statements by Hiroshima's mayor Akiba (www.city.hiroshima.jp/shimin/heiwa/statements.html), especially his recent 'Letters of Request' to Koffi Annan, and 'Letters of Protest' to Bush and Blair are worth reading. The language is clear, go for peaceful solutions and respect international law!

In the year 2003 the citizens of Hiroshima had their coming-out and began to link their experiences with the new nuclear wars being launched against other peoples far-away, in Iraq, Afghanistan and the Balkans, by the same United States. The spirit of Hiroshima got revived and the message from Hiroshima is loud and clear: NO WAR, NO DU!

Conclusions on the WMD Question

Besides the uranium bombs the cluster bombs are particular indiscriminate killer over decades. Such weapons still kill thousands of people every year—28 years after US imperialism was defeated in Indochina, where all of the mentioned types of horror weapons were used extensively. According to Human Rights Watch “about one-quarter of the bombs dropped on Iraq and Kuwait during the Gulf War”—written end of 2002 it meant the war of 1991 onwards—producing huge uncharted mine-fields in a vast area of Iraq. Only during 40 days “from January 17 to Feb 28, 1991, the United States and its allied coalition used a total of 61,000 cluster bombs, releasing twenty million bomblets”.⁷ This is number about the population for Iraq; meanwhile there is probably more unexploded ordinance laying in Iraq than there are people in this war thorn and ravaged country, where daily survival became full of incalculable hazards for the ordinary Iraqi citizen.

USA-UK have used illegal nuclear ammunitions and weapons containing Deadly Uranium (DU) that is solid (not 'depleted') as well as plutonium five times since the two cities Hiroshima and Nagasaki were destroyed on 6 and 9 August 1945. Since the dropping of A-bombs on Hiroshima and Nagasaki, the first time nuclear weapons were again used — after 46 years of shame! — by the same United States of America against Iraq in 1991 in a massive manner. During the military aggression on Iraq 1991 uranium ammunitions were used for the first time in history. 58 years after Hiroshima, in March to May 2003 such devilish weapons were used for the first time again in densely populated human settlement areas. Baghdad was made a radiating place with many ruins. Hundred thousands if not millions might die from cancers, leukaemia and deformations of DNA over the next years. (See interview with Prof. Douglas Rokke on DU in Iraq on Al Jazeera <http://english.aljazeera.net>.)

⁷ HRW: Fatally Flawed: Cluster Bombs and their Use by the United States in Afghanistan. NY: HRW Dec 2002.

Why the Use of Uranium Represents a Different Order of Crimes

The type of victimization is linked to the weapons used, in this case the specific weapons of mass destruction (WMD) used. It is about complicated matters such as how to judge the relationships between different weapons of mass destruction and assess their potential overkill capacity. WMD are weapon systems such as cluster bombs, so-called “Depleted” Uranium, and “normal nukes”. The threats from these weapons to humanity are very different. All are evil and horrific but some are mega-evil. As strange as it may sound, the uranium which is not consumed in nuclear fission or fusion is most dangerous since it remains in the atmosphere “for ever”, while the process of decay can be greatly accelerated in what is known as a chain reaction. Instead of disintegrating slowly, the atoms are forcibly split by bombardment with neutrons, for instance in an atomic bomb blast (which of course kills everyone in a certain distance to it) or in a nuclear power station.

There were series of warnings were against war and the use of nuclear weapons by USA-UK forces. The fear was based on the fact that US-UK have used illegal nuclear munitions and weapons containing Deadly Uranium or Dirty Uranium (DU), which is not “depleted” at all but solid, massive, dirty, and extremely toxic, as well as plutonium, americium and other toxic heavy metals found in nuclear waste; US-UK have used these horror weapons five times since Hiroshima and Nagasaki were destroyed on 6 and 9 August 1945. But some people do not yet understand why radioactive weapons used by US-UK rank among the worst crimes in the history of our planet.

Deadly Uranium, DU (PR term: ‘depleted’ uranium), is the most toxic substance on the face of the earth and has a half-life of 4.5 billion years. Humanity is in existence since only about one thousandth of this half-life period. What makes it especially vicious is the fact that uranium kills over generations. If not comprehensively cleaned, including the removal of top soil in all contaminated areas, it

will continue to kill—for ever! Additionally it is soluble. The toxicity of uranium greatly compounds its radioactive effects. If the uranium—as it happened in the Balkans, Afghanistan and Iraq—affects the ground water than it enters the food chain. Life is doomed in such areas. Some areas became unfit for humans. The only solution is to close these areas for billions of years.

Uranium attacks the DNA, thus the use of such a horror weapons is genocidal in expanded sense: it kills not only one generation but affects the unborn and future generations. Uranium just as the atomic bomb detonation has the hidden lethal potential of affecting the future generations of those who live through it. Leukemia, cancers and tumor are among the greatest of afflictions that are passed on to the offspring of people living in contaminated areas. Since the effects are known since long, though denied by the militaries, its use is conscious and stipulates intentional destruction. This fulfills the definition of genocide as issued in the UN convention, mainly article 2b, 2c and 2d.

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group.”

The use of uranium constitutes a crime against humanity and this crime was committed by US-UK in the past 12 years against Iraqis, peoples in the Balkans (Kosovars, Bosnians and Serbs) and Afghans.

The US-UK Engineered Genocidal Sanctions against Iraq 1990–2003

By Christian P. Scherrer

Professor at Hiroshima Peace Institute, HPI

Public debate on the genocidal-nature of the 13-years of manipulation of the UN sanctions regime against Iraq by the USA came late--after it already killed more than 1.5 million lives, mainly babies and children. These 13 years of the most severe Security Council sanctions in history have failed to dislodge the regime of Saddam Hussein but rather strengthened it. The sanctions against Iraq from August 1990 to May 2003—formally under the umbrella of the world’s peace organization, the United Nations—had a devastating impact on the most vulnerable sectors of Iraqi society and will be remembered as one of the most atrocious cases of collective punishment of an entire people for the misdeeds of its dictatorial regime.

The indefinite sanctions were not imposed in 1991 as it is often reported, but in August 1990, when the UN Security Council responded to Iraq’s invasion of Kuwait by adopting UN-SC Resolution no. 661 (1990), which placed a blanket ban on all imports and exports except for “supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs.”⁸ The blanket formulations of the resolution made its abuse possible. In practice not even the mentioned exceptions were honoured, as will be shown. The particular bureaucratic procedures of the UN administration of the sanctions gave the US and UK governments every possibility to ban or delay critical imports that could have saved hundred thousands of lives.

⁸ United Nations Security Council Resolution S/RES/0661 (1990), New York, 6 August 1990, article 3d and article 4 (“...except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs”. All UNSC resolutions in 1990, among them 12 on Iraq, see <http://www.un.org/Docs/scres/1990/scres90.htm>.

The UN Security Council on May 22, 2003, lifted the sanctions it had imposed only 13 years earlier. This is contrary to the very meaning of the resolution which should have expired after fulfilment of UNSC resolution 660 of 2 August 1990, article 3, which “Demands that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990” and res. 661 article 11, which said “Decides to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.” Iraq invaded Kuwait on Aug. 2nd, 1990 with 120,000 troops and 300 tanks. On January 17 the US-led coalition began its bombing campaign against Iraq which went on for 74 days. Iraq fulfilled both resolutions by withdrawing its forces from Kuwait on the night of February 26th to 27th 1991. The withdrawing troops were mercilessly massacred by the US-UK air force on the ‘Highway of Death’ between Kuwait and Basra. In this single largest massacre since the firebombing of Tokyo in the night of March 9 to 10, over 100,000 Iraqi soldiers and Iraqi, Palestinian and Kuwaiti civilians were incarcerated by DU and other bombs.⁹

The lifting of the sanctions against Iraq was linked with giving the United States and Great Britain authority to control the country and its oil—with no exit date given! The sanctions are lifted but continue to kill. In the context of the 2003 Iraq war, which is not over and done, and its large-scale assault on the civilian population and infrastructure, the results of the sanctions will be compounded and made more deadly than ever before. The climax of the perversion is that US-UK can also spend the over US\$5 billion which have been collected by the oil-for-

⁹ The US airforce with 334 B-29s raided on the night of March 9-10, dropping est. 1,700 tons of bombs; around 16 square miles of the city were destroyed and over 100,000 people are estimated to have died in the fire storms. It was the most destructive conventional raid of the war against Japan.

For the Highway masscre see Joyce Chediak’s report to the Commission of Inquiry for the International War Crimes Tribunal, in: Ramsey Clark et al: *War Crimes. A Report on United States War Crimes Against Iraq*. Washington, DC: Maisonneuve Press 1992: 90-94.

food programme from Iraq oil exports but blocked by US-UK for being spent on life-saving imports in the past years!

Despite the horrors I will describe hereafter, there are positive developments. One of the positive initiatives taken up recently is the campaign to indict Bush-Blair for committing crimes against humanity and breaching about 20 international law instruments. In my view the just elected prosecutor of the ICC must indict crimes against humanity such as the use of sanctions, illegal radiological weapons and other WMD, e.g. cluster bombs and fuel-air bombs, as well as assaults on civilians in general as committed by US-UK in Iraq since 1991. But he is prevented from doing so. Additionally the Belgian universal jurisdiction law has been completely wrecked recently.¹⁰ The only way to make Bush-Blair accountable is by people's tribunals.

(I have no time to elaborate on that. Please compare my paper "Perspectives of Accountability after the US-UK Invasion of Iraq" for the Hamburg Conference.)

Primitive emotionalization by the usual US media picture of Saddam Hussein as demonic dictator, the incarnation of evil as such, has distorted a serious debate on US-UK engineered genocidal sanctions against Iraq. Because Saddam had this very "qualities" he was used as a tool by the CIA-DIA for 40 years, until 1990, when he was successfully entrapped by US ambassador Gaspie to invade Kuwait.¹¹ Based

¹⁰ Since the Belgium parliament has adopted an amendment to their universal jurisdiction law that might have completely wrecked this law, which had such a positive influence in the case of accountability for Rwandan genocide and several others, the ICC the only institution worldwide to indict serious crimes. The revision allows trials to proceed in Belgium only if they originate from countries lacking democracy or fair trials. This would apply to Iraq. But a senior prosecutor will first have to approve cases that are based on events outside Belgium. The amendment will also be applied retrospectively! High-profile indictments like the one of Ariel Sharon will be retracted.

¹¹ The idea that the US entrapped (the legal term) Saddam Hussein into the crime of attacking Kuwait still seems fantastic to most people and an abyss of perfidy, though

on many credible reports received since 20 March 2003 it appears that the vast majority of the Iraqis do not feel "rescued" but rather invaded and occupied, and they want to get rid of the invaders as soon as possible.

the evidence is known: the damning transcript of a conversation between US ambassador in Baghdad April Gaspie and Saddam eight days before Iraq invaded Kuwait on Aug 2, 1990.

Gaspie: I have direct instructions from President Bush to improve our relations with Iraq. We have considerable sympathy for your quest for higher oil prices, the immediate cause of your confrontation with Kuwait. (...) I have received an instruction to ask you, in the spirit of friendship – not confrontation – regarding your intentions: Why are your troops massed so very close to Kuwait's borders?

Saddam: As you know, for years now I have made every effort to reach a settlement on our dispute with Kuwait. There is to be a meeting in two days; I am prepared to give negotiations only this one more brief chance. (pause) When we (the Iraqis) meet (with the Kuwaitis) and we see there is hope, then nothing will happen. But if we are unable to find a solution, then it will be natural that Iraq will not accept death.

Gaspie: What solutions would be acceptable?

Saddam: If we could keep the whole of the Shatt al Arab - our strategic goal in our war with Iran - we will make concessions (to the Kuwaitis). But, if we are forced to choose between keeping half of the Shatt and the whole of Iraq (i.e., in Saddam's view, including Kuwait) then we will give up all of the Shatt to defend our claims on Kuwait to keep the whole of Iraq in the shape we wish it to be. (pause) What is the United States' opinion on this?

Gaspie: We have no opinion on your Arab - Arab conflicts, such as your dispute with Kuwait. Secretary (of State James) Baker has directed me to emphasize the instruction, first given to Iraq in the 1960's, that the Kuwait issue is not associated with America.

(see www.dawn.com/2002/10/01/fea.htm#3). Comments see Research Unit for Political Economy: *Behind the Invasion of Iraq*. Mumbai Dec. 2002/ Monthly Review Press, March 2003 <http://www.rupe-india.org/>; www.monthlyreview.org/behindiraq.htm.

The episode must be seen within a carefully planned strategy to achieve two aims at the end of the Cold War, Bush Sr. claimed has been won by the USA, that are (1) the need for a new threat/regional war in order to justify undiminished military spending and the survival of NATO, and (2) an opportunity to install US troops permanently in the region with has the highest strategic value for USA and beyond, the oil-rich Middle Eastern Gulf region. For some insights see 'Iraq 1990-1991 Desert Holocaust', in William Blum: *Killing Hope*, London: Zed Books 2003 (updated ed), pp 320-337.

The Genocidal Nature of US-UK Manipulation of the U.N. Sanctions Regime against Iraq

US genocide scholars should consider reading the available evidence about the calculated and intentional manipulation of the UN sanctions regime by the US-UK during 13 years to achieve the intended result “to kill Iraqi children for being Iraqi”.

Bob Petrovitch, Alan Kuperman and I have earlier argued that the sanction regime resulted in “**Inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part**”, as the **UN Genocide Convention, art.2d**, reads. There is abundant unquestionable evidence for the intentional use of sanctions to inflict such conditions on the Iraqi as a national group, as it will be shown hereafter.

Four Types of Evidence for Intentional Mass Murder Revisited

Four types of evidence will be revisited:

1. In order to prove the intentional destruction of victims, as required by the UN Anti-Genocide Convention of 1948, one would ideally take the declaration of the highest officials directly involved, as in the case of Kambanda and Bagesora the UN Rwanda Tribunal. In this case there is similar evidence available by the highest official of the US government at the UN, who admitted in a public interview that the killing of (that time) half a million children in Iraq was “worth” the price, the alleged intimidation of the regime by the sanctions.
2. Equally valuable evidence would be written documents which prove intentional action aimed at “inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”.
3. A third set of evidence would be the actual quantitative and qualitative prove of such kind of conditions of life resulting in destruction. I will quote from some of the numerous studies by United Nations

agencies and independent groups that have documented dramatic increases in malnutrition and disease, leading to the deaths of hundreds of thousands of children under the age of five since 1991.

4. The last type of evidence comes from those high UN officials who had the most intimate knowledge about the abuse of the sanctions by US-UK since they were exercising the oversights and had the political responsibility in the administration of the Iraq humanitarian crisis.

Despite such evidence available in the public domain “there has been an astonishing lack of public debate over the moral and legal implications of a policy that imposes such enormous costs on a civilian population.”¹² The intentional inflicting on the group conditions of life calculated to bring about its physical destruction has not stopped since 1990!

The systematic targeting of water supplies and purification plants in Iraq was done again in March-April this year, as already done in the 1991 war against Iraq. The situation was most appalling in Basra, where British troops surrounded 1.5 million people, who were starved and dehydrated; they remained without drinking water for weeks. The criminal strategy of targeting the civilian infrastructure used in 1991 was repeated.

How to Prove Genocidal Intent by US-UK?

The Iraq sanctions, Ramsey Clark said, are particularly inhumane: “They’re like the neutron bomb, ... it kills the people and preserves the property, the wealth. So you get the wealth and you don’t have the baggage of the hungry, clamouring poor.”

In the case of the US-UK manipulated sanctions we have a rare case of evidence. It is public knowledge that senior US officials were talking

¹² Roger Normand: “Iraqi Sanctions, Human Rights and Humanitarian Law. Middle East Report”, 1996, www.merip.org/mer/mer200/normand.htm.

of the elimination of the Iraqi people as a worthy endeavour! Albright affirmed genocidal intent of the US-UK sanctions against Iraq by saying the killing of half a million Iraqi children was “worth it”, as she said on May 12 1996 in the CBS “60 Minutes” segment, “Punishing Saddam”.¹³

The admission of genocidal intent by Madeleine Albright, that time US Ambassador to the United Nations and later Clinton’s Secretary of State, came as a surprise. Later attempts to justify her incredible comments failed to repair the damage.

Albright’s Incredible Confession of the Mass Murder of Half a Million Children by 1996

CBS reporter Lesley Stahl (speaking of the sanctions imposed against Iraq) asked: “We have heard that a half million children have died. I mean, that’s more children than died in Hiroshima. And - and you know, is the price worth it?” — Madeleine Albright (at that time the US ambassador to the UN) replied: “I think this is a very hard choice, but the price – we think the price is worth it.”

Stahl won both an Emmy and a Du Pont-Columbia journalism award for this report. Albright’s comment went virtually unheard in the USA but received considerable attention in the Middle East and beyond. However, and significantly so, it did not hurt the career of Ms. Albright, herself a Jewish immigrant from the Balkans. Six months later Albright was unanimously approved by the Senate as the US Secretary of State, in which position she worked vigorously to commit more atrocities.

Indeed, Madeleine Albright did not initiate the elimination of the Iraqi people by sanctions, this was already started during the administration of Bush Sr., but she covered a critical period of the implementation of the US-UK sabotage of the sanctions. Later, as the Secretary of State she was eagerly engaged in eliminating other people, Serbs to be more precisely. It is safe to

say that without Madeleine Albright there would probably have been no war of NATO against the Federal Republic of Yugoslavia (called the ‘Kosovo crisis’) in 1999.

The Declassified Written Evidence of a Planned Infanticide and Mass Murder

Apart from publicly admitting the intent to destroy half a million lives by senior US officials in 1996, we have irrefutable written evidence of the genocidal intent by the US leaders, aided by their secret services. Thomas J. Nagy showed “How the U.S. Intentionally Destroyed Iraq’s Water Supply” (in: *The Progressive*, September, 2001), based on declassified documents produced by the US Defense Intelligence Agency (DIA). These documents prove that the US military intentionally engineered measures resulting in high death toll among civilians and children in particular due to massive disease outbreaks.

The documents prove that the United States officials knew that the US-UK bombing devastated the water treatment system of Iraq, they knew what the consequences would be, such as increased outbreaks of disease and high rates of child mortality, and they intentionally designed the sanctions regime and its enforcement to increase mortality among Iraqis in order to keep ‘conditions favourable for communicable disease outbreaks’¹⁴ 1991 the US air force deliberately hit reservoirs, dams, pumping stations, pipelines, and purification plants. The US then tried to limit the definition of “humanitarian goods” to food and medicine alone, preventing the import of items needed to restore water supply, sanitation, electrical power, and medical facilities.

The U.S. government intentionally used sanctions against Iraq to degrade the country’s water supply after the Gulf War, knowing the cost that civilian Iraqis, mostly children, would pay. Early on the UNICEF and the WHO spoke of hundred thousands of victims, mainly

¹³ See <http://home.attbi.com/~dhamre/docAlb.htm>.

¹⁴ For this revealing, partly declassified document see http://www.gulfink.osd.mil/declassdocs/dia/19950719/950719_60500007_91r.html

children, dying of diseases and under-nourishment. In 1998, the UN carried out a nationwide survey of health and nutrition. It found that mortality rates among children under five in central and southern Iraq had doubled from the previous decade. *That would suggest 500,000 excess deaths of children by 1998.* Excess deaths of children continue at the rate of 5,000 a month.

Ramsey Clark said in November 2000 when Bush was not yet declared president that “The sanctions against Iraq are genocidal conduct under the law, according to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide - which, by the way, the United States refused to endorse until 1988 and explicitly refuses to comply with to this day. The sanctions against Iraq have killed more than 1.5 million people, more than half of them children under the age of five, an especially vulnerable segment of the population.”

The Evidence Collected by the UNICEF and Other Studies

UNICEF estimated in 2002 that 70 per cent of child deaths in Iraq result from diarrhoea and acute respiratory infections. This is the result—as foretold accurately by US intelligence in 1991 (DIA reports, op.cit.)—of the breakdown of systems to provide clean water, sanitation, and electrical power. Adults too, particularly the elderly and other vulnerable sections, have succumbed. *The overall toll, of all ages, was put at 1.2 million* in a 1997 UNICEF report; it has passed the 1.5 million mark in 2000 and there was no end to the carnage since.

In an interesting article titled “Sanctions and childhood mortality in Iraq” the epidemiological and public health experts Mohamed M Ali (London School of Hygiene) and Iqbal H Shah (researcher the WHO, Geneva) analysed the 1999 UNICEF studies, which were carried out in cooperation with the government of Iraq and the local authorities in the ‘autonomous’ northern Kurdish region and included two surveys to provide regionally representative and reliable estimates of child

mortality and maternal mortality. In a cross-sectional household survey in the south/centre of Iraq in February and March, 1999, 23,105 married women aged 15 to 49 years living in sampled households were interviewed by trained interviewers with a structured questionnaire. Similarly in a survey in the autonomous region in April and May 14,035 married women of the same age were interviewed.

The findings were significant: “In the south/centre, infant and under-5 mortality increased during the ten years before the survey, which roughly corresponds to the period following the Gulf conflict and the start of the United Nations sanctions. Infant mortality rose from 47 per 1000 live births during 1984-1989 to 108 per 1000 in 1994-99, and under-5 mortality rose from 56 to 131 per 1000 live births. In the autonomous region during the same period, infant mortality declined from 64 to 59 per 1000 and under-5 mortality fell from 80 to 72 per 1000. Childhood mortality was higher among children born in rural areas, children born to women with no education, and in boys, and these differentials were broadly similar in the two regions.”¹⁵

In their interpretation they explain the critical regional difference in the findings as follows (op.cit.): “Childhood mortality clearly increased after the Gulf conflict and under UN sanctions in the south/centre of Iraq, but in the autonomous region since the start of the Oil-for-Food Programme childhood mortality has begun to decline. Better food and resource allocation to the autonomous region contributed to the continued gains in lower mortality. ... Despite a high amount of literacy in the south/centre compared with the autonomous region, childhood mortality rates are higher in the south/centre. Clearly, education of mother, suggested to be a determinant of infant-child mortality, has a limited effect in deteriorating

¹⁵ Mohamed M Ali (London School of Hygiene) and Iqbal H Shah (researcher the WHO, Geneva): “Sanctions and childhood mortality in Iraq” See www.thelancet.com/journal/vol355/iss9218/full/llan.355.9218.original_research.1380.1

socioeconomic and health conditions, as seen in the south/centre of Iraq.”

Evidence of the Effect of the Sanctions Came from the Most Authoritative Sources

Denis Halliday, UN humanitarian coordinator in Iraq from 1997 to 1998, resigned in protest against the operation of the sanctions, which he termed deliberate *genocide*.¹⁶ He said that the US and Britain are well aware of damning reports by the secretary-general that spell genocide.

We have to face the unbelievable. More than 1.5 million Iraqis have died from the massive escalation in the mortality rate since sanctions were imposed in 1990. The result of the July 1999 UNICEF Report on Mortality Rates from 1979 to 1999 “indicates that both the infant mortality rate (IMR) and the under-five mortality rate (U5MR) consistently show a major increase in mortality over the 10 years preceding the survey. More specifically the results show that IMR has increased from 47 deaths per 1000 live births for the period 1984-89, to 108 deaths per 1000 live births for the period 1994-99. U5MR has increased over the same time period from 56 deaths per 1000 live births to 131 deaths per 1000 live births.”¹⁷ In the period of the US-UK engineered sanction regime the death rates amongst infants and children more than doubled and passed the 1.3 million mark! The 2000 Bossuyt report (E/CN.4/Sub.2/2000/33) recommended changes of the sanction regime but US-UK blocked any attempt to implement such changes, which could have saved hundred thousands of lives.

¹⁶ Quoted from Research Unit for Political Economy: *Behind the Invasion of Iraq*. Mumbai Dec. 2002, Monthly Review Press, March 2003

¹⁷ Report on Mortality Rates from 1979 to 1999, p 10, www.unicef.org/reseval/pdfs/irqscont.pdf

Denial of Genocide and Conspiracy to Genocide

Genocide scholars should consider and study the evidence in the Iraq sanctions case. The blaming of Saddam for the impact of sanctions is a shame as well as non-sensical. We know that even medical aid, which should have been exempted from the sanctions, was disrupted with US dual-use claims.¹⁸ My questions to Helen Fein and others were, Do you consider to have been misled? Do you know which nations supplied the Hussein regime with most deadly weapons for a period of almost 10 years? Where are these arsenals of Iraqi WMD you were repeatedly talking about in your newsletter and articles? Or rather, did you truly believe the WMD lie of the American government?¹⁹ No

¹⁸ What about the blind spot of so many US genocide scholars for US crimes? I am referring to Helen Fein’s excusing reply of 10 March on Alan Kuperman’s message of 5 March 2003 on the H-genocide list, and for that matter David Mirams. Helen Fein, once an important contributor to genocide studies, now amongst the genocide deniers and supporters of warmongers? I still do not want to believe it. Instead of accusing the blind spot of so many US genocide scholars for US crimes--with Rudi Rummel as the most extreme case--some try to attest a blind spot to those not playing the game of blaming the victims or, in this case, the public enemy no. 1 in the USA, Saddam Hussein. To use terms such as the “wisdom of sanctions” by Fein seems unbelievable. She has contributed with each and every recent issue of the newsletter of her institute to “the presently proposed US intervention”.

¹⁹ The Powell interview, starting with the portion carried on the March 25, 2003, “48 Hours”, reveals that Powell remained vague about Iraqi WMD threats: he simply did not have what he claimed, ‘information’:

Lesley Stahl: “The Secretary of Defense said that there are intelligence reports that the chain of command in Iraq has been told to use chemical weapons against our soldiers once that battle of Baghdad starts.”

Powell: “We listen to such reports and we make sure that we have in our contingency planning how to handle such an attack. Our troops went into this battle knowing that they might be exposed to chemical weapons and, God forbid, biological weapons.”

Stahl: “But, so these reports are not so specific, they’re pretty vague or they don’t even exist?”

replies were registered. Meanwhile, after months of failed searches, some 1,600 US-UK weapons specialists could not find a single piece of what has been claimed to be Saddam's huge arsenals of WMD with would 'threaten' UK and even US citizen, so George W. Bush in his speeches, and would be deployable within 45 minutes, according to Tony Blair. Whatever WMD that would not have been destroyed by the UN weapons inspectors (if any were still hidden), must have been destroyed by Iraq, according to Blix, the former head of the UN inspector teams.

There can be no excuses on the question of WMD. But, very ironically and shamefully so, it is the US-UK invaders who used WMD against the Iraqi people—not the Iraqi in self-defence against the invaders. They had none! The literature of the criminal use of WMD by the USA is not minor, just to mention a few books, such as *War Crimes. A Report on United States War Crimes Against Iraq* (Washington, DC: Maisonneuve Press 1992) delivered by the International War Crimes Tribunal on the 1991 Gulf War by former US attorney general Ramsey Clark et al reported on the use of WMD by the USA, as Clark's book *The Fire This Time* (Thunder's Mouth Press), describing the crimes committed by US-UK and other forces during the 1991 Gulf War, and some parts of William Blum's *Rogue State*, especially part II on the United States Use of Weapons of Mass Destruction,²⁰ and Blum's long list of biological and chemical WMD or components for it delivered to Saddam Hussein's Iraq by the USA (besides UK, Germany and France), among them those used in Halabsha.

Genocide is Not a Matter for Interpretation and Political Manipulation

The definition the international community is obliged to use (and most genocide scholars stick

Powell: "They're pretty vague. I mean, they're reports, people say that such instructions have been given. We are quite good with our intelligence but not perfect."

²⁰ On pp 92-123 in the up-dated edition by Zed Books, London 2002.

to) is the codification of the crime of genocide in the Anti-Genocide Convention of 1948, defining scope, intent and four victim groups. The term 'genocide' shall not be abused as a political propaganda tool. Any exercise of redefining genocide is futile. We must be aware of the fact, if we like it or not, that genocide is already defined and that the UN definition is policy relevant, e.g., the only definition relevant in prosecuting the crime of genocide, currently by the UN International Criminal Tribunal for Rwanda (ICTR) and soon by the International Criminal Court (ICC).

We scholars do not have to define genocide. This worst possible crime is defined and codified in the UN *Convention on the Prevention and Punishment of the Crime of Genocide* of 9 December 1948, which entered into force on 12 January 1951. The definition reads in Article 2 as follows:

... "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

The US-UK manipulation of the sanction regime violate the Anti-Genocide Convention, Article 2c, "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part", 2d, as well as the Geneva Conventions and their Additional Protocols, particularly Protocol 1, Article 54, "Starvation of civilians as a method of warfare is prohibited." I made a case that the Convention's Article 2(c) is fulfilled in the case of the US-UK manipulation of the UN sanctions regime and 2(c-d) is fulfilled in the case of nuclear uranium dirty bombs used by US-UK since 1991 against the Iraqi people (with its PR term called "Depleted Uranium"), which kill indiscriminately over generations and result in

preventions of births and of the reproduction of a society. The evidence is in both cases compelling. The victims also include hundred thousands of coalition soldiers. The US casualty rate is at 30.8% according to Douglas Rokke. According to Rokke the US government murdered 10,000 of its own soldiers with US-made uranium used in combat in Iraq between 1991 and 2003.

My argument was not about the technical instruments but the acts committed. All of the Weapons of Mass Destruction US-UK used in Iraq (such as uranium weapons, cluster bombs, daisy cutters, fuel-air and MOAB bombs, etc.) are banned and blacklisted by UN. Their use is illegal and must be prosecuted. There is plenty of credible evidence, e.g. US Congress Inquiry reports, about the illegal export of WMD by the Reagan and Bush Sr. administrations. In an unprecedented attempt of censorship and to covering-up of evidence by US-UK, of the 12,000-page report of its alleged WMD sent by Iraq to the UNSC, three quarters of it, some 8,000 pages, were cut out! This was about US-UK made WMD, what they contained, when they were delivered and how they were destroyed. William Blum has provided some details on the US-made illegal horror weapons sent to Iraq. The details of the report will be difficult to establish since the evidence has been destroyed by the perpetrators.

The main argument, as I wrote in regards to evidence of the intentional and calculated genocide by US-UK in Iraq from 1990 to 2003, is that the purposeful destruction of water systems — a serious crime in itself and a contravention of the laws of war — was deliberately aggravated by blocking all means of repairing the damage in order to “very deliberately kill the children of Iraq”, as UN Under Secretary General and humanitarian coordinator for Iraq, Denis Halliday, has stated.²¹ Additionally, the mass murder of Iraqi children by manipulation of sanctions was

admitted as “worth-it” by the US representative at the UN. This Mass murder in Iraq was investigated and confirmed in numerous reports by UN agencies as well as by NGOs!

Iraq Was in No Position to Influence the Sanction Regime

The reproach by Alan Jacobs was that those who write of the US-British governments as perpetrators of genocide in Iraq would have “failed to include any mention of Saddam Hussein’s part in the death’s of all those children” (not only children, but mainly). The reply was that we did not fail to do so, it is simply an incorrect and futile argument if we look at the nature of the sanction. The Hussein regime had no part in that.

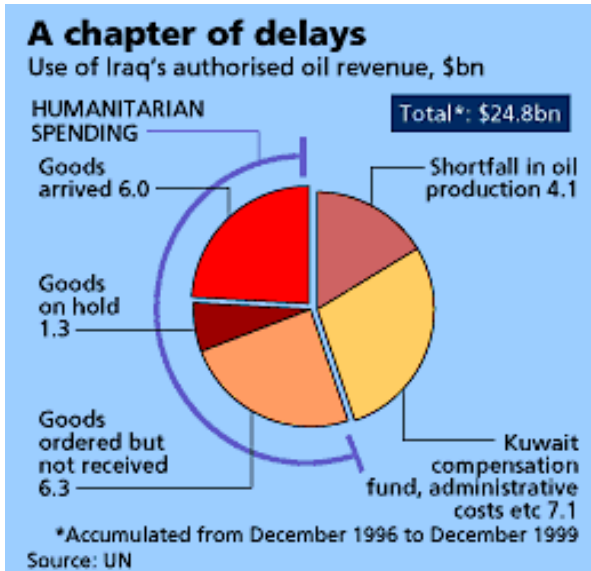
The scandal is that in most cases Iraq had already paid with its oil revenues for shipments of life-saving medicine and water purification equipments, which blocked from being delivered. By the time of the US-UK invasion in March 2003, huge masses of shipments of goods valued US\$ 5.2 billion—prepaid by Iraq’s oil revenues filling the UN administrated accounts—were delayed or simply blocked for years under any pretext by the UN representatives of the US and British governments of the day.

The argument that the ‘Oil-for-food’ programme was in place, as a humanitarian exception to Iraq’s economic embargo, is flawed. It allowed Iraq to export oil and import goods in return, but the condition was that all such purchases must be approved by the 661 Committee (which got its name from the UNSC Resolution by which it and the sanctions were established on Aug. 6, 1990).

There can be little doubt that the USA was responsible, solely or with the UK as partner, for 98% of all contract holds (as the second graph hereafter shows in all clarity). US-UK holds targeted almost all sectors of the economy and were typically highest in agriculture and food handling (over US\$700 million), and infrastructure, such as electricity production

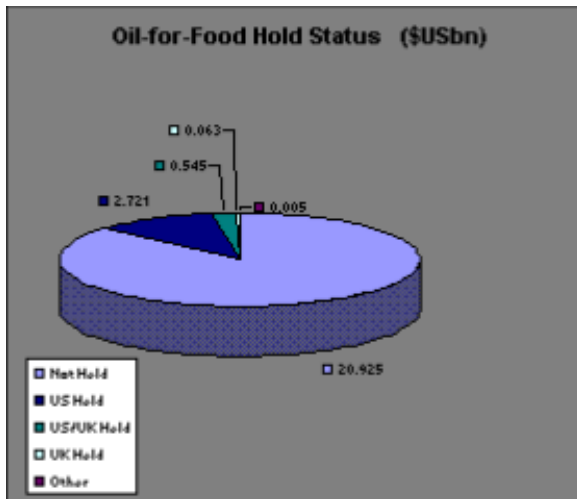
²¹ For more on Denis Halliday’s accusations see www.zmag.org/content/showarticle.cfm?SectionID=15&ItemID=2810

(over 500 m), water and sanitation (300 m) and telecom (300 m), as well as medicine (250 m)!²²



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The 661 Committee has operated in secrecy and was confronted by serious criticism. Only in early 2001 the full scandal was leaked.



This horrendous sabotage of UN sanctions made life in Iraq become hell and caused an artificially high mortality of the most vulnerable victims: babies and small children under the age of 5.

Iraq was in no position to influence the sanction regime, neither did the UN deal with US-UK

²² Drew Hamre: UN 661 committee revealed. March 2001 See <http://home.attbi.com/~dhamre/docUNXLS.htm>

formulation of unlimited sanctions in an adequate way, nor could the UN prevent the US-UK assumption of all powers to dictate or abuse the rules implementing it, mostly by simply blocking the procedures for treating specific allocations over years.

In Article 1 the UN convention declares that “The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.” Genocide scholars know that wars are used as smoke-screen to cover up large-scale slaughters.

What about the Crimes of the Hussein Regime?

As for the debate on how to deal with the crimes of the Hussein regime, I am afraid that it not only requires an acknowledgement of the crimes against humanity associated with Saddam Hussein and his regime. I agree with Richard Falk that this acknowledgement needs to be more than pro forma, but I disagree with him, it must be part of the tribunal proceedings.

I came to this conclusion after a long talk in Tokyo with the ICTI group. The persons who convinced me were Munir Chalabi, the “good Chalabi” as I called him, an Iraqi leader who is exiled for 20 odd years and who’s brother was tortured to death by Saddam’s henchmen, and Chris Coverdale, a British lawyer of Legal Action Against War, LAAW, an organization who wants to bring the entire UK government to jail by using criminal law procedures.

Reasoning on How to Deal with the Crimes of the Hussein Regime

The initial questions are: What is the issue about? Why has an international tribunal on the US aggression against Iraq to deal with Saddam Hussein’s crimes?

The following reasoning is about the key issue, the credibility of our tribunal, and it is about another key issue, the impact of the tribunal on the Iraqi people who suffered tremendously under the 35 years of dictatorship. It will

influence the readiness of the Iraqis to cooperate fully with our tribunal.

Follow-up questions: Are the two things, US aggression against Iraq and the Hussein regime, linked? and how are they linked?

The link is at the heart of the matter. Saddam Hussein was a tool of the CIA for 40 odd years, 1950 to 1990, until the day when he was entrapped by US ambassador Glaspie to invade Kuwait. Iraq was a client regime of the USA, even the rhetoric of the Baathists tried to cover this up. US-UK want to avoid by all means that the Iraqis and the world know more about their dreadful role of supporting the Hussein regime for decades, in particular its military adventures which caused 2 million deaths 1980–1988, in one of the most vicious and deadliest wars the world has seen after WW2.

Hussein as a Tool of the CIA—The Facts

Richard Sale/UPI wrote “Saddam Key in 1959 CIA Plot”,²³ an excellent piece of investigative journalism that is taking a look at how the CIA backed and actually used Saddam Hussein 40 years ago as its tool in an effort to assassinate Iraq’s prime minister Gen. Abd al-Karim Qasim. It was Oct. 7, 1959, when Saddam began firing too soon, killing the driver not Qasim. Saddam was contracted in Cairo; in Beirut, the CIA put Saddam through a training course. Qasim made the ‘mistake’ of abandoning the anti-USSR camp and signed a friendship treaty with the USSR. In February 1963 Qasim was killed in a Baath Party coup. Saddam became head of al-Jihaz a-Khas, the secret intelligence apparatus of the Baath. Like in 1979 in Khomeini’s Iran, 4,000 communists suddenly got killed. CIA/DIA relation with Saddam intensified after the start of the Iran-Iraq war in Sept 1980. Former U.S. diplomats, British scholars and former U.S. intelligence officials have told how the CIA helped to support Saddam Hussein since that time and for some 40 years and why the CIA had chosen the

authoritarian and anti-communist Baath Party ‘as its instrument’.

How and Why Did US-UK Intervene Indirectly?

The objective was to covertly/secretly support both sides, the aggressor state Iraq as well as Iran, were supplied with the most deadly WMD, chemical and biological WMD, only short of nuclear devices, including the vehicles for its delivery, as well as the intelligence needed by US-UK. The US posted dozens of agents of the DIA in Baghdad and elsewhere in the Gulf region and provided satellite pictures about the movements of the respective enemy forces to both sides the same time.

The aim was to weaken both regional power competitors and to allow the US to reassume the full dominance it had lost after the Iranian revolution.

Background to the Hussein-CIA Link—A Most Deadly Relationship

The protracted military conflict between Iran and Iraq 1980–1988 began on Sept. 22, 1980, after the green light was given by USA, with an Iraqi land and air invasion of western Iran, although Iraqi regime maintained that Iran had been engaging in artillery attacks on Iraqi towns since Sept. 4. Hussein claimed territorial issues as the reason for his attack on Iran but there were additional issues involved. The convenient pretext was a territorial dispute over the Shatt al Arab, a waterway that empties into the Persian Gulf and forms the boundary between Iran and Iraq. In 1975, a militarily weaker Iraq had to sign a ‘humiliating’ treaty which gave Iran partial control of the waterway, but after 1979, the fall of Reza Shah Pahlevi, the Iranian revolution and the resultant weakening of Iran’s military, Hussein seized the opportunity to reclaim the Shatt al Arab. His plans went further; he aimed at seizing the western Iranian region of Khuzestan, an area known for its extensive oil fields. Here his plans conflicted with the US plans. Khuzestan is an area which happens to be populated by Arabs. Hussein’s miscalculation was that the Iranian Arabs did

²³ Richard Sale: “Saddam Key in 1959 CIA Plot” April 16, 2003, at <http://www.alternatives.ca/article569.html>

not feel liberated. The Iraqi offensive was initially successful and soon changed to a WWI style fixed war with Iranian human waves being exterminated by Iraqi fire, and vice-versa. US shared satellite intelligence with both Iraq and Iran in an attempt to produce a deadly military stalemate. This evil plan succeeded completely. Masses of Iranian Pastaran died. CIA and DIA provided military assistance to Saddam's ferocious February 1988 assault on Iranian positions in the al-Fao peninsula by blinding Iranian radars for three days.

CIA-DIA used Saddam Hussein as a tool for more than 40 years, not just since 1980.²⁴ This sinister US intelligence alliance of convenience (using Saddam as communist killer and as a bulwark of anti-communism), as Sale wrote, "came to an end at 2 a.m. Aug. 2, 1990, when 100,000 Iraqi troops, backed by 300 tanks, invaded its neighbor, Kuwait". This and the last sentence are wrong: not Saddam Hussein became America's enemy; it was the other way round. Saddam had exhausted its usefulness for the CIA.

The Iraqi regime survived its war against Iran thanks to DIA and US WMD, mainly chemical and biological horror weapons. But Hussein was stupid as to be entrapped by US ambassador Glaspie to invade Kuwait. We know all of thanks to the damning transcript of the taped and video-taped conversation between US ambassador in Baghdad, Ms. April Glaspie, and Saddam Hussein.²⁵ Glaspie was playing a game which cost Iraqi 400,000 lives on behalf of Bush Sr., one of Hussein's former CIA bosses.

Analysis of Motive

In the background are the continuities of the historic project to control one of the world's most strategic regions. Since the Sykes-Picot agreement, a secret pact in 1916 by France and Britain, the colonial and neo-colonial powers saw the chance to carve up the oil-rich Arab

lands--that time from the Ottoman Empire after WWI, which led to British and French control of what is now Syria, Lebanon, Jordan and Iraq, and blocked early Arab nationalist dreams, today to establish US-UK full spectrum dominance in a region of most vital interest for Western economies. US-UK military occupiers now effectively control the world's second largest proven oil reserves and may rein into Saudi Arabia at a chosen time.

Proposed Secondary Focus of the Tribunal's Dealing with Crimes of the Hussein Regime

When the war ended, the Hussein regime continued the war against the Kurds. The name of Halabja (or Halabsha) is became a symbol for it. The massacre in Halabja was a crime against humanity; it was part of Hussein's Anfal Campaign in Iraqi Kurdistan, 1987-89. Some scholars claimed genocidal intent of the Ba'athist regime in the Halabja massacre case in 1989, which went at the time almost unnoticed in the USA because of involvement. This has to be proven; it is not enough to quote a much criticised Human Rights Watch report on the matter. If that can be proven than the US administration of Bush Sr. will be in the dock for conspiracy to genocide, which is conspiracy to the most serious crime a state can commit. Without the US supply of WMD, at the time chiefly organized the present foreign minister Donald Rumsfeld, the Halabja massacre would have been impossible to commit by the Hussein regime alone.

What some reports did was a simple twist-around, an attempt to deny crimes by US-UK by putting the finger to Saddam Hussein instead. They never bothered to mention who had put the chemical WMD that destroyed the Kurds in Halabja in the hand of their that-time ally Saddam Hussein.

The proposal is that the independent people's tribunal on the aggression against Iraq, which will look into all matters related with the US assault on Iraq, should also investigate Saddam Hussein's crimes—at least symbolically. The best known case would be the Halabja

²⁴ See <http://www.alternatives.ca/article569.html>.

²⁵ See www.dawn.com/2002/10/01/fea.htm#3.

massacre. The aim is to uncover the deadly cooperation between USA and its former client regime. The tribunal will show who was in complicity with Saddam and enabled the mentioned massacres as well as all the earlier war crimes and crimes against humanity committed during the Iraq-Iran Gulf War I, by using large quantities of chemical and biological weapons of mass destruction against Iranian armies, against Kurdish rebels supported by Iran and against civilians as well. These WMD were made in the USA and they were delivered by the Reagan and Bush Sr. administrations, in full violation of US and international laws. It was the USA who blocked a condemnation of Iraq by the UN Security Council for committing the heinous Halabsha massacre by vetoing it!

Indeed, US-UK were never interested in liberating anyone from dictatorship—this is just another pretext. But I disagree that focusing on Saddam would be a present to the New Imperial Ideology.²⁶ It depends on how this is being done. It has been said that we have to be offensive about it – not waiting for the attack on the credibility of our initiative. Indeed, the tribunal will have to solve the credibility problem, and it should it should be aggressively, not defensively, and this proposal is probably the best way to do it.

Perspectives of Accountability: The International Tribunal on Iraq

The invasion of Iraq was only the endpoint of a long and intensive campaign of aerial warfare against 22 million Iraqis in Mesopotamia—once the cradle of civilization. When exploring crimes committed against Iraq the time-scale is important. It was from mid-January to March 1991 when the USA, UK and other states first began to attack and systematically destroy life and life-support systems in Iraq. Since that time

US-UK aircraft and missiles continued to attack targets in two self-declared no-flight-zones.

Most Serious Breaches of Law

The aggressors used cruel weapons such as Deadly Uranium (DU) munitions. Probably as much as 2,000 tons were employed, leaving behind highly toxic contamination of extensive areas, especially heavily populated city areas! DU remains a threat to health and life for billions of years unless the radioactive materials are quickly collected and destroyed. (For a study that presents preliminary evidence of the most egregious crimes committed in Iraq, see <http://firstpeoplescentury.net/accounta.doc>). If such serious war crimes were to be overlooked without any form of accountability, then the legal and moral order of the international community would be undermined.

The Occupiers Failed to Establish any Degree of Security

The US has opened a Pandora's box, and it might harvest utter anarchy in Iraq and instability in the entire Middle Eastern region and beyond, as well as generating increasingly hostile responses throughout the world. Bush's premature "victory" declaration on May 1 was followed by a low-intensity war. The occupiers were unable to establish any degree of security. Indeed, the aggression against Iraq has given a great boost to international terrorism, and irregulars and terrorists started to infiltrate into Iraq, making it a lawless country.

Targeted strikes against US-UK occupation forces have killed dozens of soldiers. Since August, deadly bomb blasts have been directed against other targets as well. The massive bomb attack on the U.N. compound in Baghdad on August 19 killed twenty people, among them the UN Special Representative for Iraq. It was an assault on an institution that came to help to establish a post-war order. The bombing in the holy city of Najaf, which killed more than hundred people, aimed at a Shiite cleric considered by extremists as a collaborator.

²⁶ Argument used by Prof. Lieven De Caeter, Brussels, on the International Iraq Tribunal's listserve, inquire at iraq-tribunal-work@lists.riseup.net.

Backlash of Lies and Pretexts for War

Slowly but surely the deceptions and lies of the war leaders have come to light. The US and UK governments maintained that Saddam Hussein possessed what UN inspectors did not find, yet what the US and UK continue to stockpile and used to achieve Iraq's defeat: weapons of mass destruction (WMD). —Evidence of Iraq's possession of WMD was simply fabricated or grossly exaggerated. Tony Blair got into trouble and fired Alastair Campbell, his director of communications and strategy, as controversy raged over his own role in misrepresenting the nature of Iraq's threat to the West.

The US media portrayed Saddam as the incarnation of evil, and subsequently made him a scapegoat for 9-11, though meanwhile many US citizens became aware that this was an outright lie from the mouth of their president. (*Read my lips!*).—Operational links with al-Qaeda were excluded because of their ideological and political incompatibility – as assessed by the CIA. However, public outrage was modest. Americans seem to have shorter memories than the British, but they are now reacting against the high costs of the Iraq campaign.

The World Peace Movements call for Accountability

The most striking phenomenon that occurred during the run-up to the attack on Iraq was the emergence of a strong peace movement. No other war of aggression in modern times has been so close to universally condemned. Millions of people gathered to protest in Washington, Tokyo, Berlin, Tehran, Paris, Sao Paulo, New York, Cairo, Buenos Aires, London, Barcelona, Gaza, Beijing, Frankfurt, Boston, Brussels, Manama, Jakarta, Seoul, Torrejon, Athens, Canberra, and other cities. Bush became a “global monster” for outraged citizens worldwide. Never in the history of the peace movement has there been such a worldwide mobilization, not even against the Vietnam War or the nuclear arms race.

The protests also brought about an increasing intertwining of anti-war movements with social justice and anti-globalization movements. Projects such as the People's Tribunal on Iraq, the campaigns against US bases and for the upcoming World Social Forum, the “World Says ‘No’ to Bush” campaign in the coming 2004 US elections, etc., show the strength of popular movements on a global scale.

Among these projects, one to indict the warmongers in a legitimate way by independent people's tribunals is developing rapidly. It aims at preventing further wars of aggression, genocide, and the use of radiological weapons, and its popularity is growing fast.

The Hands of Mr. Ocampo are tied

The International Criminal Court (ICC) was established fairly recently. The Court's first Chief Prosecutor, Luis Moreno-Ocampo, elected in April 2003, must not close his eyes to crimes against humanity, war crimes, breaches of world peace, and violations of a long list of international agreements and norms committed in Iraq. However, in the case of Iraq the legal base of the ICC is narrow. Ocampo stated in a recent interview that “war crimes, crimes against humanity or genocide must have been committed either on the territory of a State Party to the Rome Statute or by a national of a State Party for the ICC to have jurisdiction” (*MoveOn Bulletin*, August 2003, <http://www.moveon.org/>).

ICC does not have universal jurisdiction, as Belgium had until recently. Currently 91 states are parties to the ICC- statute; the problem is that neither Iraq nor the USA are among them. Ocampo's hands are tied! He has already received hundreds of complaints about members of the US-led force in Iraq. In the case of British members of that force, the court could act, but only after determining that the national authorities concerned were unwilling or unable to investigate.

It is intolerable that Blair, Hoon and others could be indicted, while Bush, Rumsfeld et al would go free! This is one of the many reasons

why rights groups and legal experts decided to take action, culminating in an international campaign by attorneys and no-war groups in five countries to have Bush and Blair indicted for crimes against humanity.

Initiatives for People's Tribunals on Iraq

The International People's Tribunal on Iraq is a project involving a number of organizations around the world. The idea was first proposed by Action to Indict Bush-Blair et al based in Japan in March 2003 and by the Turkish International Tribunal Initiative – in parallel with many other proposals from around the world. The initiators have launched websites (in English

<http://justice.nowar.jp/english/index.htm>; in Japanese <http://justice.no-war.jp>; an Arabic version is under construction) and list-serves for facilitating discussions and planning for this global campaign.

The project was endorsed during the Jakarta peace conference and the Brussels conference of no-war groups and other NGOs from Europe and the Middle East in the summer of 2003. The initiator committee, formed in Brussels, subsequently earned support of the Bertrand Russell Foundation. It has since gained the cooperation of thousands of individuals and dozens of anti-war movements and organizations committed to peace, justice, and international law.

The movement for a people's court is thus gaining momentum. The initiative has been taken up independently in different countries by dedicated people willing to work for the project. To date the initiative to hold the USA-UK and/or individuals (as office-holders) accountable for their crimes is a NGO or citizens' project in five countries, but it is growing fast.

The planned peoples' tribunal will be a novelty: the first establishment of a shifting international criminal tribunal. The current plan is to hold tribunal sessions in New York, Brussels, Hiroshima, and elsewhere, ending in Istanbul, which, as the major city closest to Iraq and in

recognition for the Turkish refusal to aid the US-UK war—despite a US\$16 billion bribe and massive pressure, was chosen to be the site of the final session of the tribunal.

The International Criminal Tribunal on the Aggression against Iraq—A Novelty

A group of prosecutors will work out a water-tight indictment. A panel of up to 25 judges will be appointed by the tribunal conveners. The tribunal will receive evidence for crimes based on documents and statements of victims, other witnesses as well as leading experts and collaborators of international and national organizations involved in Iraq 1991-2003. Every court session will have five to ten sitting judges, presided over by the president or vice-president of the tribunal.

The Brussels tribunal will look into the ideology of the PNAC, a neo-conservative project of the US hard-right, which became government policy under Bush Jr.. The current administration implemented a whole-sale change of US foreign and military policies and doctrines as well as massive tax-cuts for the rich, cuts of welfare and increasingly totalitarian control of the US citizens.

The Hiroshima tribunal will chiefly deal with two main issues, the uranium weapons used in Iraq since 1991 and their devastating impact on the Iraqi people and future generations and the genocidal use of the UN sanctions by US-UK 1990 to 2003, which was the single most deadly onslaught on the Iraqi population, killing two million people, mainly babies, children and women.

The start of the shifting tribunal is planned to be in New York and it ends in Istanbul. These two tribunal sessions will look into the use of WMD other than uranium weapons, the assault on the civilian population during the 2003 war, the assault in the media (killing of independent journalists and TY-crews as well as all forms of censorship) and other crimes. The judgement of the tribunal will be based on the deliberations of the previous court sessions and will be issued at the final session in Istanbul.

Tentative Conclusions

The appalling situation for the civilian population in Iraq today was deliberately created in the past 13 years. First, US bombers systematically destroyed civilian infrastructure, such as water purification plants and electrical generators in both wars. As in 1991 and on a much higher scale US-UK used illegal and banned uranium bombs. Second, an embargo has been imposed against Iraq already in August 1990 and has mainly hit the poor sections of the Iraqi population. Iraq used to have one of the highest living standards in the Arab world; today it has one of the highest infant mortality rates in the world. According to UNICEF, 30% of Iraq's children no longer attend school. They became beggars or have to help their parent in the struggle for survival. Iraq used to have the highest literacy rate in the Arab world (95%).

The Iraqi people became victims of superpower aggression. How could that be justified? In the USA since 1990 consecutive governments and media propaganda machinery made Saddam into the incarnation of evil, and later he became the scapegoat for 9-11. We know that this is a big lie; any operational link with al-Qaeda was due to ideological and political incompatibility to be excluded. The US government also maintained that Saddam Hussein possesses what the UN inspectors did not find, but what US-UK stockpile and might even use in case of failing to achieve Iraq's surrender: weapons of mass destruction.

The use of terror weapons such as the extremely toxic and radioactive uranium, *thermobaric* and cluster bombs, the systematic targeting of water supplies and the use of sanctions to compound the impact on the Iraqi people; all of these barbaric acts constitute violations of the Anti-Genocide Convention, Article 2c, "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part", 2d, as well as the Geneva Conventions and their Additional Protocols, particularly Protocol 1, Article 54, "Starvation

of civilians as a method of warfare is prohibited."

Alarming was the US-UK use of weapons of mass destruction. Among them were the largest DU bombs in their arsenals used in the center of urban areas!²⁷ The use of other WMD such as cluster bombs and fuel-air bombs is confirmed.

What was the significance of the invasion and occupation of Iraq? -- The war for oil has been combined with the ideological and racist project of neoconservative extremists for US supremacy and hegemony (similar to the failed project of the fascists in the 1930s and 1940s). The US has opened a Pandora's box and it might harvest hostile responses throughout the world as well as anarchy in Iraq and instability in the entire Middle Eastern region and beyond. The aggression against Iraq already gave a great boost to international terrorism.

No other aggression has been almost globally condemned and accused such as this one. As the US-UK hidden aims and crimes are becoming more known to the world, reactions might become fierce. The assault on Mesopotamia by US-UK was worse than the one by the Mongols, e.g. systematic looting, including priceless exhibits of the heritage of 8,000 years of history of Mesopotamia (sic!), and the burning of 130 public buildings and destruction of infrastructure. We should see all these matters as related. It did not start in 2003. After

²⁷ Most alarming was the US-UK use of weapons of mass destruction. Among them were the largest DU bombs in their arsenals used in the center of urban areas! USA-UK have used illegal nuclear ammunitions and weapons containing Deadly Uranium (DU) and plutonium five times since the two cities Hiroshima and Nagasaki were destroyed on 6 and 9 August 1945. Since the dropping of A-bombs on Hiroshima and Nagasaki, nuclear weapons were again used against Iraq in 1991 in a massive manner. 1991 uranium ammunitions were used for the first time in history. 58 years after Hiroshima, in March to May 2003 such devilish weapons were used for the first time again in densely populated human settlement areas. Baghdad was made a radiating place with many ruins. According to Prof. Douglas Rokke hundred thousands if not millions might die from cancers, leukaemia and deformations of DNA over the next years and decades.

genocide and infanticide from 1991 to 2003 there was mass murder and “culturcide”.

The evidence of the intentional and planned mass killing over 13 years of more than 1.5 million Iraqis by a US-UK engineered sanction regime, which is a far cry from a so-called trade embargo, is massive. The sanctions not only meant the total interruption of all communication and exchanges with Iraq but it meant mass murder. The death toll has been established by several UN organizations and agencies beyond doubt. Huge mortality rates caused by the intentional destruction of the civilian infrastructure by US-UK is being compounded by a ruthless military campaign using weapons of mass destruction such as uranium and other WMD. Attempts of the US-UK governments to destroy evidence in Iraq will be unsuccessful. The crimes committed by US-UK since 1991 represent one of the most horrendous mass murder cases in the 20th century.

The pressure to indict Bush-Blair and other perpetrators of genocide, crimes against humanity and war crimes is increasing by the day. The International Criminal Tribunal (ICC) must not avert its eyes from crimes against humanity, war crimes, breaches of world peace, and violations of a list of international instruments currently being committed in Iraq. From day 1 the US-UK coalition forces used DU-hardened bunker busters while knowing about the devastating effects of such nuclear weapons on the population in Iraq since 1991 and on future generations. Increasing deliberations by rights groups and legal experts will soon culminate in an international campaign by attorneys and concerned groups in five countries to have Bush-Blair et al indicted for crimes against humanity.

The real reasons for the war become clearer as the lies used as pretext for war become public, such as the WMD lie, the link with terrorism and the dismantling of a dictatorship—while many others get support. The war was a *war for oil*. It has been combined with the ideological and racist project of neoconservative extremists

for US supremacy (similar to the failed project of the fascists in the 1930s and 1940s).

But US-UK opened a Pandora’s box and now harvest hostile responses throughout the world as well as anarchy in Iraq and instability in the entire Middle Eastern region and beyond. The aggression against Iraq already gave a great boost to international terrorism. No other aggression has been almost globally condemned and accused such as this one.

The assault on Mesopotamia by US-UK was worse than the one by the Mongols. We saw “culturcide”; the systematic looting, including priceless exhibits of the heritage of 8,000 of history of Mesopotamia (sic!), burning of 130 public buildings and destruction of infrastructure. We should see all these matters as related. It did not start in 2003. The recent war comes after the genocide, democide and infanticide from 1991 to 2003.

Recommendations for Action

It is time to figure out the significance of the horrors we saw happening in front of our eyes. Five general remarks about the aggression war against Iraq, the outcome, its significance and possibilities for action:

People died and will die in Iraq in the future, due to the criminal and heinous use of WMD, such as uranium and cluster bombs, by US-UK. The aggression against Iraq was illegal, illegitimate and immoral. There was an almost universal condemnation of this shameful act of unprovoked aggression. The response of the world community must be determined and swift. Across the globe millions demonstrated against war. Future aggression by US-UK must be stopped! The United Nations must act!

In the practical reality the war was and is targeting the Iraqi people. City-dwellers and farmers are in their large majority defenceless civilians, and, as we saw over and over again, pinpointing military targets is impossible. It was clear the USA would use Deadly Uranium weaponry massively, and US even announced it publicly, knowing about the horrible impact these radiological-cum- nuclear weapons have

on the middle and longer term health of the masses of the city populations in Iraq and even on their own soldiers (in the US called 'Gulf war syndrome'!). Thousands children died since 1991 a long antagonizing death due to nuclear intoxication and spread of all kind of cancers and leukaemia.

The real reasons for the aggression war are not alleged support for terrorism or possession of WMD. One of the known real reasons is the abundant Iraqi oil reserves, thus the will to cancel US\$-billion worth of oil contracts Iraq signed with France, Russia and China, the attempts to loot, to undermine OPEC and drive the oil price down. The other aim has been announced years ahead and is geopolitical: the 3rd gulf war ushers in a new era of unilateralism and anarchy of the state system in which the USA want to achieve supremacy. The world was warned; the neo-con extremists among Bush's advisors and officials have been open about their aims.

The infrastructure of Iraq—mostly in civilian use—was again targeted by massive US-UK air strikes. Under the eyes of US soldiers the destruction continuous. Some 31 ministries (except the Ministry for Oil, according to Fisk), the universities, hospitals and other public buildings have not only been ransacked by looters but burned down in an organized spree of utter destruction. Most shocking news showed the pillage and destruction of Iraq's world heritage. US-UK behave worse than the Mongols.

Certainly this unilateral war and possibly more in the future—if US military power will not be restrained soon by the world community—will have grave consequences for world peace and regional stability in West Asia. We are just starting to grasp the dangerous implications for the United Nations, the EU, NATO and the entire multilateral framework. We should not comfort ourselves and believe that the period of relapse into 19 century gun-boat imperialism will be short, due to the democratic possibility in the US-UK to change those at the helm. But the USA seem poised to transform into a new 'evil empire'. Regression into raw imperialist

onslaught must be outlawed. The world public opinion is the most important corrective.

What Needs To Be Done?

The threat can be overcome by a world-wide coalition against the USA-UK war criminals, based on some of the following objectives and aims (tentatively):

1. The peace movements had such a tremendous support from ordinary citizens all over the world unseen since the anti-Vietnam war demonstrations. Millions of people joined protest rallies in most countries on every continent. The peace movement should search for common ground with the social justice, ecologist, women, and other movements. Civil society actors should take the lead to establish and pressure for a global agenda, chiefly including disarmament, poverty eradication and international solidarity amongst the peoples and citizens of the world.
2. One of the most urgent tasks is the achievement of a military-political balance lost after the end of the Cold War. A world with one superpower becomes a dangerous place. The United Nations have failed to address today's unprecedented military imbalance. The NPT obliges the nuclear powers to disarm. A comprehensive disarmament process must be initiated under the auspices of the UN. WMD have to disappear from the face of the earth. The unrestrained military might of the USA is a threat to world peace. USA must be forced to slash military spending to acceptable standards. No country can be allowed to spend more than 0.7 % of GDP for military purposes.
3. Global norms must be respected. Aggression war is illegal by any standards. Global coalition building must be intensified by the launching of a broad-based campaign for the indictment by independent citizen courts and by the International Criminal Court (ICC) of Bush and Blair as war criminals—legally unproblematic in the case of Blair, Hoon et

al but more demanding in the case of Bush, Cheney, Rumsfeld, Wolfowitz et al.

4. An indictment could be accompanied by comprehensive UN sanctions against US-UK similar to those against Apartheid-South Africa. Consumer boycotts against US products in many countries already have an impact.
5. As for the US domestic politics the message for impeaching Bush, Cheney and Ashcroft has been conveyed by Francis Boyle and Ramsey Clark and is spreading since early-2003.
6. The surprise about the inactivity of the United Nations was not small. The UN Security Council did not meet for an emergency session after the invasion of one of its member states. The most representative forum, the UN General Assembly, must convene and debate the invasion of Iraq and condemn the outright breaches of international law committed by US-UK. Civil society actors, among them prominently American and British, should start intensive lobbying for an agenda including the points 1. to 4. of this tentative list of aims and objectives.
7. The UN system must react and declare its outrage in real terms: sanctions, embargo, temporary suspension of membership for the aggressor states, and other appropriate measures. Global governance in regards to world peace is urgent and nothing short of a matter of survival for the planetary society.

Let us unite against war, lawlessness and superpower arrogance. No time should be lost. The world opinion has to be mobilized. Bush-Blair and others can not be allowed to get away with large crimes! There is a shameful legacy of a 'strange inertia' to act in urgency in the face of an aggression war, crimes against peace, war crimes and large-scale crimes against humanity. This phenomenon has been seen during the Rwandan genocide took place in 1994, with the full knowledge of the world, televised into our homes, or a year later (Srebrenica).

The prosecutor of the International Criminal Court, Mr. Luis Moreno-Ocampo, who began his term in The Hague in mid June 2003, has the duty to act, and he is entitled to act at least on complaints against British war leaders.

My fear is that the ICC and for this matter the United Nations continue to be bystanders to crimes being committed, even if such crimes are wrongly blamed on it, as in the case of the UN sanctions against Iraq.

URLs on the Genocidal Uranium Bombing and Sanctions vs. Iraq / Action for the Indictment of US-UK War-mongers

Institutions and Individuals active in indicting Bush-Blair *et al*

The website of the Action to indict Bush-Blair et al <http://justice.no-war.jp> (most important documents are already translated into Japanese) has an English version, see new page at <http://justice.no-war.jp/english/index.htm> and plans a Arabic version soon.

- A reformulation of an appeal circulated on the Abolition Caucus and Globenet lists on 22 March 2003, "UN Sanctions Against US-UK, Bush-Blair must be Indicted for War Crimes by the ICC", of 9 April 2003, at http://www.transnational.org/features/2003/Scherrer_USUKsanctions.html; "Indict Bush-Blair for war crimes -- Sanctions vs. US-UK" to the Dialogue Webpage for Conflicts Worldwide at <http://www.dwcw.org/cgi/wwwbbs.cgi?Iraq&178>
- Center for Constitutional Rights, Michael Ratner, president, New York, <http://www.ccr-ny.org/v2/home.asp>
- Public Interest Lawyers, Phil Shiner, 50-54 St Paul's square, Birmingham, B3 1QS, UK, www.publicinterestlawyers.co.uk/about_us.htm
- Professor Hisakazu Fujita, International Law, Kasai University, Prof. Kenji Urata, Waseda University, Tokyo, <http://urataseminar.tripod.co.jp/Japanese/information/information.html>, former judge at International Court of Justice
- Center for Economic and Social Rights, Roger Normand, 162 Montague St., 2nd Floor, Brooklyn, New York, NY 11201, www.cesr.org/iraq
- World Citizens' Tribunal (WOCIT), Rikio Kaneko, <http://www.wocic.org>
- Lelio Basso International Foundation for the Rights and Liberation of Peoples, Permanent Peoples' Tribunal, Via della Dogana Vecchia, 5 - 00186 Rome Italy, <http://www.grisnet.it/filb/tribu%20eng.html>
- The Bertrand Russell Peace Foundation, European Network for Peace and Human Rights - Cordoba Network for Peace and Human Rights and its upcoming congress in Brussels 26-27 June 2003; <http://www.russfound.org/>
- International War Crimes Tribunal. Ramsey Clark, International Action Center, 39 West 14th Street, Room 206, New York, NY 10011, website www.iacenter.org
- Campaign Against Sanctions on Iraq (CASI), Jonathan Stevenson, <http://www.casi.org.uk/>
- The International Association of Democratic Lawyers [IADL], with members in 96 countries, consultative status with ECOSOC and other UN bodies, is seriously concerned with the invasion of Iraq and called on April 19, 2003, for Peoples' War Crimes Tribunals to be convened at the earliest by the movements for peace, to try Bush, Blair, Aznar, Howard and other leaders of the invader alliance for their crimes committed in Iraq; <http://www.lawyersagainststthewar.org/legalarticles/iadlapril1903.html>

- International Association of Lawyers Against Nuclear Arms (IALANA) in February 2003 issued an appeal against the “preventive” use of force against Iraq, which is “both illegal and unnecessary and should not be authorized by the United Nations”, see http://www.peacelawyers.ca/Documents/IALANA_appeal_Fb_2003.pdf; judge C.G. Weeramantry, former vice-president of the International Court of Justice and president of IALANA called for an *ad hoc* international criminal tribunal on Iraq war
- “War crimes case planned against U.S”, an article by Steven Edwards in the *National Post*, Toronto, April 15, 2003; the URL is <http://www.nationalpost.com/search/site/story.asp?id=ECE98D7D-B287-47A5-90FB-A76063AD1B4E>.
- The Jakarta Peace Consensus, the statement of the Jakarta Global Peace Movement's Conference May 2004, which endorses convening an international people's tribunal on Iraq, among other global anti-war campaigns. (English, Arabic, German, French, Italian, Spanish, and Japanese translations of this document in PDF format can be downloaded at www.focusweb.org).
- **Important personalities to support the Indictment Campaign:** Denis Halliday, former UN Assistant General Secretary; Philip Alston, NYU Law Professor; Hans von Sponeck, former UN Humanitarian Coordinator for Iraq; Glen Rangwala, CASI; Ramsey Calk, former US Attorney General
- Lawyers Against War (LAW) is an international group of lawyers opposing the illegal use of force against Iraq, Afghanistan and elsewhere. LAW informs about initiatives and legal action against war-mongers taken worldwide online at www.lawyersagainsthewar.org/legalaction.html

Evidence for Indicting Bush-Blair *et al*

General documents re Indicting Bush-Blair et al see:

- “Invasion of Iraq, the U.N., U.S. Unilateralism and Crimes against Humanity: Perspectives for Accountability” by C.P. Scherrer, June 2003, at <http://firstpeoplescentury.net/accounta.doc>. This June 2003 Brussels document is a study that contains preliminary evidence of the most egregious serious crimes committed by USA-UK in Iraq 1991 to 2003 and formulates a series of recommendations. See website of the Project for the First People's Century (PFPC) at <http://www.rrojasdatabank.info/pfpc> and scroll down half way and check in the right column for *Action for the Indictment of US-UK War-mongers*.

The use of uranium for lasting mass intoxication

- The most compelling reason for indicting Bush-Blair might be the use of illegal weapons causing indiscriminate killing or even killing over generations (as the Depleted Uranium dirty nuclear bombs), see “Depleted Uranium and the 'Liberation' of Iraq: A Report from Hiroshima”. Posted and uploaded on 12 April 2003, at <http://www.zmag.org/content/showarticle.cf?SectionID=15&ItemID=3453>.
- Also see “DU bombardments in Iraq — effects will be genocidal”, April 11, 2003, <http://www.dwcw.org/cgi/wwwbbs.cgi?Iraq&195>. Reminder for the unforgivable hazards of DU www.dwcw.org/cgi/wwwbbs.cgi?Iraq&211; www.dwcw.org/cgi/wwwbbs.cgi?Iraq&212.
- “Depleted uranium will affect Iraq for generations to come”, interview with Professor Major Douglas Rokke, former chief of Depleted Uranium Project at the

- Pentagon, by Ahmed Mansour, April 15, 2003, see http://english.aljazeera.net/topics/article.asp?cu_no=1&item_no=2565&version=1&template_id=273&parent_id=258
- “Human Rights and Weapons of Mass Destruction with indiscriminate effect or of a nature to cause superfluous injury or unnecessary suffering.” E/CN.4/Sub.2/2002/38, 27 June 2002, UN Sub-Commission 2 on the Promotion and Protection of Human Rights, by Yeung Sik Yuen, in accordance with SCRes 2001/36 <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/22481f4157de6274c1256c0004c29bb?Opendocument>
 - “International peace and security as an essential condition for the enjoyment of human rights, above all the right to life”. Sub-Commission resolution 1996/16. <http://www.unhchr.ch/Huridocda/Huridoca.nsf/0811fcbd0b9f6bd58025667300306dea/887c730868a70a758025665700548a00>
 - Health and safety hazards in Afghanistan due to reported and suspected Depleted Uranium weapons. <http://www.eoslifework.co.uk/du2012.htm>
 - Tables on the spread of cancers in Iraq on the International Atomic Energy Agency, IAEA, website, provided by the Permanent Mission of Iraq and discussed at an IAEA General Conference in September 1999. <http://www.iaea.or.at/GC/gc43/documents/gc43inf20.html>
 - “DU use worldwide”, Larry Johnson, http://seattlepi.nwsourc.com/national/95178_du12.shtml, and <http://seattlepi.nwsourc.com/iraq2002/>
 - The health hazards of depleted uranium munitions Part I from <http://www.royalsoc.ac.uk/files/statfiles/document-143.pdf>
 - “US Use of DU Illegal” By Neil Mackay, March 03, www.rense.com/general36/du.htm
 - The health hazards of depleted uranium munitions Part II <http://www.royalsoc.ac.uk/files/statfiles/document-167.pdf>
 - Report written by Drs. James B. Conant, Chairman, A. H. Compton, and H. C. Urey, comprising a Subcommittee of the S-1 Executive Committee on the “Use of Radioactive Materials as a Military Weapon” to Gen. Groves on Depleted Uranium-1943, <http://www.mindfully.org/Nucs/Groves-Memo-Manhattan30oct43.htm>
 - The World Uranium Weapons Conference, which will take place in Hamburg Germany, October 16-19, 2003, with many prominent scholars, activists and international lawyers, aims at contributing “work on a new and in some ways more prevalent and immediate nuclear threat: the issue of organizing an international campaign seeking the official ban of uranium weapons and their classification as weapons of mass destruction”. Many participants might be key witnesses for a war crimes tribunal on Iraq, see www.uraniumweaponsconference.de/.
- ### The use of genocidal sanctions by US-UK
- Campaign Against Sanctions on Iraq, see thematically organised set of hundreds of links and references on US-UK engineered UN sanctions against Iraq <http://www.casi.org.uk/info/themes.html>
 - Albright: “worth it”. Former UN ambassador and Secretary of State Madeleine Albright affirmed the genocidal intent of the US-UK sanctions against Iraq by saying the killing of half a million Iraqi children was “worth it” on CBS “60 Minutes”, “Punishing Saddam” (aired on May 12, 1996), video or audio on <http://home.attbi.com/~dhamre/docAlb.htm>

- Debate on genocidal sanctions on H-genocide net, ideally a “discussion network for scholars, survivors of genocide, authors, historians and other interested people devoted to the prevention, history, analysis, theory of genocide, all genocides, actual and potential”, in practice marred by censorship and blind spots of many participants and the editor for US-UK crimes. <http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=lx&sort=2&list=h-genocide&month=0305&week=&user=&pw>
 - The best piece on the abuse of sanctions against Iraq by US-UK is by the man who resigned in protest, UN Assistant General Secretary Denis Halliday, who gave an interview after four years having resigned from his post as chief UN relief co-ordinator for Iraq (the man who followed him, Hans von Sponeck, also resigned). If you want to know why, read “Scylla and Charbydris. An Interview with Dennis Halliday” by Nyier Abdou, Al Ahram Weekly, Dec 30, 2002, <http://www.zmag.org/content/showarticle.cfm?SectionID=15&ItemID=2810>
 - In Cairo both Dennis Halliday and Hans von Sponeck were attending an anti-war conference; two key witnesses for a future tribunal. Von Sponeck spent 36 years at the United Nations not to be a “glorified accountant” (Abdou), the role he found himself in when he ran the UN Oil-for-Food programme as the UN humanitarian co-ordinator for Iraq from October 1998 to March 2000. See interview by Nyier Abdou <http://weekly.ahram.org.eg/2002/618/sc5.htm>.
 - “The Secret Behind the Sanctions: How the U.S. Intentionally Destroyed Iraq’s Water Supply”, by Thomas J. Nagy, The PROGRESSIVE, Sept, 2001 www.progressive.org/0801issue/nagy0901.html based on partially declassified Pentagon documents dating back to 1991. Docs prove that the United States officials knew that the US-UK bombing devastated the water treatment system of Iraq, they knew what the consequences would be, such as increased outbreaks of disease and high rates of child mortality, and they intentionally designed the sanctions regime and its enforcement to increase mortality among Iraqis in order to keep ‘conditions favorable for communicable disease outbreaks’, see http://www.gulfink.osd.mil/declassdocs/dia/19950719/950719_60500007_91r.html;
 - Chomsky: “US and Britain tear up International Law”, Interview with Noam Chomsky, *FrontLine magazine*, a national Indian fortnightly, 8 Jan 1999. Chomsky said “We (the USA) do not care if we carry out mass slaughter; the deaths could, I think, properly be called a form of genocide.” <http://www.casi.org.uk/discuss/1999/msg00011.html>
 - Ramsey Clark: Report to UN Security Council re: Iraq, January 26, 2000, on <http://www.iacenter.org/rc12600.htm>. Also: *Genocide by Sanctions*. Video illustrating conditions in Iraq by former US Attorney General R. Clark, produced in 1997; see <http://www.geocities.com/iraqinfo/index.html?page=/iraqinfo/sanctions/holocaust.html>
 - Marc Bossuyt: The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights. Working Paper. Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned. (known as Bossuyt Report). E/CN.4/Sub.2/2000/33. Geneva: UNCHR/Sub2, June 21, 2000, see <http://www.globalpolicy.org/security/sanction/unreports/bossuyt.htm>
- General / Atrocities / Tribunals**
- “Neighborhood Bully. Ramsey Clark on American Militarism.” The Sun, Nov 2001, <http://www.thesunmagazine.org/bully.html>.

- A former U.S. Attorney General in the administration of Lyndon Johnson, Ramsey Clark was the convener of the Commission of Inquiry of the first International War Crimes Tribunal on Iraq in 1991 and a human rights lawyer of world-wide respect. See Clark et al: *War Crimes. A Report on United States War Crimes Against Iraq*. Washington, DC: Maitsonneuve Press 1992. The Commission of Inquiry focused “on U.S. criminal conduct because of its destruction of Iraq, killing at least 125,000 persons directly by its bombing while proclaiming its own combat losses as 148, because it destroyed the economic base of Iraq and because its acts are still inflicting consequential deaths that may reach hundreds of thousands” see <http://deoxy.org/warcrim2.htm>. Many of the crimes the tribunal dealt with were repeated in 2003.
- Afghan Massacre — Convoy of Death, video clips of massacre of 5,000 Taliban and alleged al-Qaeda fighters by US and UK Special Forces, CIA and Uzbek militia massacre of Taliban and al-Qaeda POWs at Sheberghan prison, Qala-i-Janghi fortress and the ‘Convoy of Death’ to Dasht Leile desert, Afghanistan, Nov. 2001; torture and killings of prisoners by US agents at <http://tv.oneworld.net/tapestry?story=584&window=full>
- “Trying Bush’s War Crimes, The International Criminal Tribunal for Afghanistan”, by Maeda Akira, a convener of the International Criminal Tribunal for Afghanistan, is available on www.zmag.org/content/showarticle.cfm?SectionID=49&ItemID=3173. The author is a professor of international law at Zokei University in Tokyo. This article appeared in *Kinyobi* 10, January 2003. No international organization was ready to try America for having invaded Afghanistan. The Tribunal convened the first of a series of hearings in December 2002 and will close its deliberations in December 2003. Concept of “Crimes of Aggression” as understood under modern international law will be applied. Several fact-finding missions were sent to Afghanistan. The tribunal is based on a statute and strict rules of procedure and evidence, see <http://afghan-tribunal.3005.net/>.
- “U.S. corporations, Rumsfeld, Reagan et al, the criminals who supplied Saddam Hussein with biological warfare-related material” by Robinson Rojas, June 2003, including documents such as the findings the U.S. Senate released on May 24 1994 about US exports of biological materials to Iraq. The study covers from Feb. 8, 1985 to Nov. 28, 1989, a period during which US corporations sent deadly biological ‘soups’ to the Iraqi Atomic Energy Commission and other agencies, see <http://firstpeoplescentury.net/usiraq01.htm>

Invasion of Iraq, the U.N., U.S. Unilateralism and Crimes against Humanity: Perspectives for Accountability

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