

# Extensive War Crimes: Wikileaks Iraq War Logs: Legal Action is Unavoidable

By [Ad Hoc Committee for Justice for Iraq](#)

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## PRESS RELEASE

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### WIKILEAKS IRAQ WAR LOGS: LEGAL ACTION IS UNAVOIDABLE

To all victims of the US-UK invasion of Iraq and their families,

To all Iraqis,

To all Parties of the Genocide Convention, the Four Geneva Conventions and the UN Convention against Torture,

To all progressive lawyers, legal associations and institutions, parliamentarians, international civil servants, and everyone who supports legal action to ensure redress for Iraqi victims of US-UK crimes:

Just over a year ago, we submitted a legal case before the Audencia Nacional in Madrid under laws of universal jurisdiction against four US presidents and four UK prime ministers — George H W Bush, William J Clinton, George W Bush, Barack H Obama, Margaret Thatcher, John Major, Anthony Blair and Gordon Brown — on charges of war crimes, crimes against humanity and genocide in Iraq. This case was based on our analysis of hundreds of documents available in the public domain, along with firsthand witness testimony that informed our effort and our designation of US-UK actions as genocide.[1]

The essence of our case was that the accumulated pattern of harm, stretching over 19 years, revealed a clear and specific “intent to destroy”, in whole or in part, the state and nation of Iraq. We catalogued the purposive dismantling of the Iraqi state and the imposition, incitement and engineering of sectarian conflict. We also described the systematic destruction of Iraq’s civil infrastructure, added to the massive use of depleted uranium, which from 1990 onwards led to millions of excess deaths. We outlined the use of disproportionate and indiscriminate force, the use of internationally prohibited weapons such as white phosphorus, and the use of prohibited means and methods of warfare. And we identified the use of death squads and armed militias associated with political forces promoted by and protected by Washington, the terror that led to the forced mass displacement of five million Iraqis, and the institutionalised regime of mass and arbitrary detention and torture, along with blackmail, kidnapping, rape and unfair trials, that characterised Iraq under US occupation.

## The Wikileaks disclosure

The near 400,000 classified documents that Wikileaks recently published substantiate the claims we made in our case and constitute official US evidence of elements of the case we presented: the existence in Iraq of a regime of systematic torture; rape used as a weapon of warfare and terror; incidence of arbitrary, summary and extrajudicial executions; the routine use by US armed forces of indiscriminate and disproportionate force; the alarming collapse of the division between military and civilian targets, with two thirds of the victims registered in the leaked documents being acknowledged as civilians. We will add these documents to our archive of evidence.

But these documents alone must be situated. While adding to the picture of the real war conducted, they do not contain it.

1. Inevitably, the leaked documents tell the story of the Iraq war from the perspective of — and within the confines of — the US military and its record-keeping practice. One cannot expect this practice to be anything but influenced by US Army culture and the operational goal of winning the war.
2. The leaked documents do not cover the actions of the CIA and other non-US Army agencies in the Iraq war, or similar agencies of foreign powers.
3. The leaked documents do not cover the role or actions of US security contractors, or mercenaries, in the Iraq war, which were granted legal immunity by the US occupation.
4. The leaked documents do not cover the role or actions of sectarian militias and death squads linked to foreign states and political forces in the US-sponsored and vetted political process, and that conducted campaigns of ethnic cleansing and crimes against humanity targeting Arab Sunnis, Turkmen, Christians, Yezidis, Sabeans, and Shabak as such, and even innocent Shia, in addition to the systematic assassination of middle class professionals.
5. The leaked documents provide raw data on day-to-day operations but do not contain information on the strategic planning or aims of the war.
6. The leaked documents only cover self-reported incidents, while the body count overall only encompasses the dead the US Army recovered.
7. The leaked documents do not collate the overwhelming bulk of the killing in Iraq, which involved militias incorporated into the new Iraqi Security Forces led by Iraq's puppet governments — among which that of Nouri Al-Maliki — and for which the US, as the occupying power, is legally responsible.
8. The leaked documents do not cover the orchestrated plunder of national and individual property, individual appropriation of state property, arbitrary dismissal and refusal of work, and the mass non-payment of salaries and withdrawal of social rights. Nor do the documents shed light on the collapse of Iraq's economy, and the consequent mass impoverishment and displacement of Iraqis.
9. The leaked documents do not cover non-violent excess deaths in Iraq, whether the result of the collapse of Iraq's public health system, the contamination of Iraq's environment, including by radioactive munitions, and the spread of disease amid the overall collapse of all

public services, including provision of electricity, a functioning sewage system, and clean water.

10. The leaked documents do not shed any light on the trauma induced by the US-led war on individual Iraqis and the Iraqi nation as a whole.

#### Demand for legal action

At present, there is a full-scale damage limitation effort ongoing, headed by the US Pentagon and involving: attempts to focus attention away from the detail of the leaked documents and onto the founder of Wikileaks and his person; to focus attention on the failure to act against torture when it involved Iraqi police and paramilitary forces, ignoring US practices of torture or the culture of violence the US occupation has promoted overall (including by specifically training and arming death squads and militias); and to divert attention to the role of Iran while failing to contextualise the cooperative relation between the United States and Iran in the destruction of Iraq.

Despite US manoeuvres, the United States administration and the government of Iraq stand equally accused. Neither can be trusted to investigate the facts contained in the classified documents Wikileaks has brought into the public domain. Only action that invokes the universal jurisdiction of the conventions the US and Iraqi governments have violated in Iraq can be satisfactory and objective. And only by stepping back and reviewing the whole period, from 1990 through until now, can one adequately situate the Wikileaks Iraq War Logs and understand their importance.

Wikileaks has done a tremendous service to truth in times of war, and has placed before us raw evidence that is compelling, undeniable, and that tells — in part — the story of the Iraq war in a way until now untold. We salute Wikileaks and its sources for the courageous act of releasing the classified Iraq War Logs. We call on all lawyers, judges and juridical institutions to display equal courage, and in coalition to work towards the swift prosecution of US and UK war crimes, crimes against humanity and genocide in Iraq. We believe that only by coordinated action can those responsible for grave crimes and rights violations in Iraq be held accountable.

We therefore call for the formation of an international coalition of lawyers, legal specialists and antiwar and anti-occupation progressive forces to realise this obligation.

We are ready to cooperate with and join any effort that aims to ensure redress and reparations for Iraqi victims of US and UK crimes.

There is no excuse now for failing to take legal action everywhere it is feasible, both at the national level — where the universal jurisdiction of international conventions permits — and beyond. But legal action must be informed by an analysis of the nature of the war as a whole, and by the testimony not only of the US Army, but also Arab and international solidarity groups and associations, and foremost the Iraqi people — the victims of the US-led war of aggression on Iraq.

#### Ad Hoc Committee for Justice for Iraq

#### Contacts:

We are not taking signatures for this call to action; rather we ask those with requisite skills

to commit to building a new coalition to pursue legal action, which we also commit to join. Please inform us of your efforts, in the hope that together we can build towards effective legal action:

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