

US illegality in Iraq: Where is the limit?

By [BRussells Tribunal](#)

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The United States-led occupation continues to demolish humanitarian law with impunity in Iraq

Occupying powers have bred a culture of insecurity that destroys the lives of ordinary Iraqis

International institutions, monitoring bodies and parliaments must act or risk irrelevance

Three years have passed since the United States launched an illegal war of aggression on the sovereign Republic of Iraq. Neither were weapons of mass destruction found nor democracy or human rights advanced. Within one month, Iraqis will enter their fourth year as a people under occupation, ruled by a puppet regime that sanctions death squads and torture.

The time has long passed for this to end.

In the words of John Pace — until recently head of the UN Assistance Mission in Iraq — “the ordinary Iraqi has absolutely no protection whatsoever from the state or from the authorities.” Pace adds that, “the prevalence torture is quite clearly established,” that “the degree of violence has increased exponentially since the invasion,” and that “the country has been blown apart in terms of its social structures and social fiber.”

In the absence of a sovereign Iraqi government — which cannot exist, by definition, under occupation — the US-led Multi-National Forces in Iraq (MNF-I) are legally responsible, and imputable, for the failure to protect even the most basic of all human rights principles: the right to life. The current situation is intolerable. Workers in the morgue of Baghdad alone report that on average 1600 corpses are brought in every month. Following the criminal destruction of Al-Askari mosque in Samarra, these same workers report that 1300 dead were brought in over a period of seven days.

The US-led occupation has consciously led Iraq to the verge of disintegration. The country is being plundered. Torture and assassinations are endemic. Women and children have borne an equal share of the violence. The occupation is running out of space for prisoners. Cities

have been targeted and destroyed in a programme of urbicide — Fallujah, Tel Afar, Al-Qaim, Haditha. US coordinated air strikes and related military interventions are the biggest killer in Iraq. Repeated polls in Iraq have shown that Iraqis believe they would be safer if foreign troops left.

A culture of intended destruction

As the year 2006 opens, we have no other conclusion to draw except that the United States has intended destruction upon the people of Iraq. The use of depleted uranium weaponry will leave a scar on Iraq for billions of years. All public services have collapsed — health, water, electricity, communications, justice and security. The occupation has done nothing to protect Iraqis. Refusing to safeguard civilians is as much a violation of international law as the criminal use of chemical agents — such as white phosphorus on Fallujah and Tel Afar. Criminal inaction, especially following the Samarra atrocity — the US military standing by as death squads roam the streets of Iraq — has highlighted with precision the underlying rationality of the US presence in Iraq: impoverish the country, break it up, foment sectarian hatred, stand back and watch the killing fields swallow the population.

Silence is complicity

The international community has failed Iraq, and the Iraqi people. A decade of silence over murderous sanctions has been compounded with timidity as the United States overturned a century of legal regulation and waged an illegal preemptive war on a state that was already on its knees.

The *BRussells* Tribunal, in solidarity with the Iraqi people and its struggle to recover sovereignty, calls on all international organizations and institutions that work towards upholding international law, as well as national parliaments and regional organizations, to act now and with purpose.

International institutions, monitoring bodies and parliaments must recognize the gravity of the situation and act to protect the life and person of all Iraq civilians, condemn US policies in Iraq, demand the unconditional and immediate withdrawal of all foreign forces, demand the US and all other occupying powers pay reparations to Iraq and compensation to Iraqis for the human and material destruction wrought, restore in full Iraqi sovereignty, recognize as null and void any treaty, law or contract passed under occupation, and bring again a semblance of credibility to the legal underpinnings of international society.

When the powerful claim a state of exception to law the rights and obligations of all are undermined. The situation in Iraq is disgrace to us all. It is time for all actors in positions of authority and influence to rediscover their conscience, as well as their mandate and legal obligations, and speak up and ensure the end of this atrocity now.

The *BRussells* Tribunal Committee

<http://brusselstribunal.org>

Support this appeal

The *BRussells* Tribunal calls on all to endorse this appeal, contact members of relevant institutions and parliaments, and diffuse this appeal within your organization or country, to

deputies and co-workers and colleagues and others.

Contact The *BRussels* Tribunal by email: info@brusselstribunal.org

Appendix: A catalogue of impunity

The legal responsibility of the occupying powers in Iraq extends 31 December 2006, as set forth in UN Security Council Resolution 1637. As occupying powers, the United States and other parties of MNF-I have violated, often systematically, and/or are complicit with violations of, numerous principles and obligations under international humanitarian and human rights law, and customary international law, including, but not limited to:

- Charter of the United Nations
- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Declaration on the Granting of Independence to Colonial Countries and Peoples
- General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief
- Declaration on Fundamental Principles concerning the Contribution to the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- Declaration on the Rights of the Child
- Convention on the Rights of the Child
- Standard Minimum Rules for the Treatment of Prisoners
- Basic Principles for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Basic Principles on the Independence of the Judiciary
- Declaration on the Protection of All Persons from Enforced Disappearances
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- Declaration on Social Progress and Development
- Universal Declaration on the Eradication of Hunger and Malnutrition
- Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind
- Declaration on the Right of Peoples to Peace
- Declaration on the Right to Development
- Declaration of the Principles of International Cultural Co-operation
- Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
- Geneva Convention relative to the Treatment of Prisoners of War
- Geneva Convention relative to the Protection of Civilian Persons in Time of War
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

<http://www.brusselstribunal.org/Statement120306.htm>

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