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Fundamental Problems 833 (London 1950) (enforcement of guarantees of integrity and independence of autonomous territory).

(208) Shaw, Security Council, supra, n. 165, 234.

(209) The prohibition of genocide has been recognized as jus cogens for more than half a century. Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, ICJ Rep. 23 (1951). Crimes against humanity are also contrary to jus cogens prohibitions. Ian Brownlie, Principles of Public International Law 515 (Oxford: Oxford University Press 5th ed. 1998). War crimes are contrary to jus cogens prohibitions. Alfred Verdross, Jus Dispositivum and Jus Cogens in International Law 60 Am. J. Int'l L. 55, 59 (1966) (citing example of rights of prisoners of war); Decision of the Constitutional Court of Hungary, Case No. 53/1993 (X.13) (cited in Péter Mohacsi & Péter Polt, Estimation of War Crimes and Crimes against Humanity According to the Decision of the Constitutional Court of Hungary, 67 Revue International de Droit Pénal 33, 335 (1996); M. Cherif Bassiouni, International Crimes: Jus Cogens and Obligatio Erga Omnes, 59 Law & Contemp. Prob. 63, 68 (1996).

Although the concept of jus cogens is often seen as part of customary international law, as the original proponents of this concept made clear, it is better seen as sui generis and a general principle of law that prevails over conventional and customary international law. Alfred von Verdross, Forbidden Treaties in International Law, 31 Am. J. Int'l L. 571, 573 (1937). (rooting concept of jus cogens in general principles of law). The primary examples of jus cogens cited by the proponents were prohibitions against states depriving persons of the means to protect themselves from harm, such as the ability to maintain law and order, Ibid., exactly the problem posed by Resolution 1422, which deprives victims of the International Criminal Court as a deterrent when it acts as a court of last resort. Thus, the concept of jus cogens is reflected in the Martens clause, which is found in the Preamble to Hague Convention (IV) Respecting the Laws and Customs of War on Land of 1899 and in almost every international humanitarian law treaty since. As worded in common Article 63/62/142/158 of the four Geneva Conventions, it provides that a denunciation of one of the conventions "shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience."

(210) Vienna Convention on the Law of Treaties, supra, n. 138, Art. 53.

(211) Case concerning application of the Convention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Further requests for the indication of provisional measures, Order of 13 September 1993, 1993 I.C.J. Rep., Separate opinion of Ad Hoc Judge Elihu Lauterpacht, para.

(216) Tadiæ, 1995 Appeals Chamber Decision, supra, para. 42.

(217) Ibid., para.45.

(218) Ibid., para. 46.

(219) Gill, supra, n. 184, 79 (at a minimum, Security Council is bound by non-derogable human rights norms, including the right to life and integrity of the human person, the prohibition of torture and ill-treatment, the prohibitions of discrimination, slavery and genocide, the right to freedom of conscience and religion and the right to a fair trial); Shaw, Security Council, supra, n. 165, 230; Paust, supra, n. 165, 140 (Security Council cannot require member states to violate human rights, even those not implicating jus cogens norms because their obligations under Article 25 would be limited by their obligations under Articles 55 and 56 of the UN Charter).

(220) The right to a remedy is recognized in Article 2 of the International Covenant on Civil and Political Rights. The right to reparations is guaranteed in Article 75 of the Rome Statute and it is also recognized in the Van Boven-Bassiouni Principles. UN Commission on Human Rights Independent Expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, Draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of International Human Rights and Humanitarian Law (Final Draft), 18 January 2000, U.N. Doc. E/CN.4/2000/62/Rev.1 (2000).

(221) Christopher Greenwood, Scope of Application of Humanitarian Law, in Dieter Fleck, ed., The Handbook of Humanitarian Law in Armed Conflicts (Oxford: Oxford University Press 1995).

(222) Secretary-General's Bulletin on "Observance by United Nations Forces of International Humanitarian Law", U.N. Doc. ST/SGB/1999/13, 6 August 1999.

(223) Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict, U.N. Doc. S/1999/957, 8 September 1999, para. 61 (Rec. 30).

(224) S.C. Res. 1296 (2000), para. 19.

(225) Tadiæ (Appeals Chamber judgment on jurisdiction), supra, n. 159, para. 93.

(226) Institut de droit international, Resolution on the Conditions of Application of Humanitarian Rules of Armed Conflict to Hostilities in which United Nations Forces may be Engaged, Zagreb, 1971, Art. 2, in 54 (II) Annuaire de l'Institut de droit international 465 (1971).

(227) Christopher Greenwood, International Humanitarian Law and United Nations Military Operations, 1 Y.B. Int'l Hum. L. 3, 15-17 (1998).

(228) Dapo Akande, The International Court of Justice and the Security Council: Is There Room for Judicial Control of Decisions of the Political Organs of the United Nations?, 46 Int'l & Comp. L. Q. 309, 320 (1997) (explaining that these constraints are part of the basic principle noted above that the Security Council is bound by international law except to the extent that it is permitted by the UN Charter to derogate from international law and that "the Security Council is empowered to use force in the maintenance of international peace but this does not relieve it of its duty in using such force to respect international humanitarian law in armed conflict (the jus in bello))"; Michael Bothe, Peace-Keeping, in 1 Simma (2nd ed.), supra, n. 124, 695 ("The UN is bound by general international law, the laws of war being no exception. . . . The fact that the UN is not a State and does not possess certain organs which a State normally possesses is no excuse for not applying the laws of war."); Judith Gardam, Legal Restraints of Security Council Military Enforcement Action, 17 Mich. J. Int'l L. 285, 319 (1996) ("It is inconceivable that with the current emphasis on human rights and humanitarian principles, the Security Council can be regarded as operating outside the constraints on the conduct of armed conflict that have been painstakingly developed over the years by States."). Gill, supra, n. 184, 82 (1995) ("Humanitarian law, like human rights law forms part of the core values and principles of the Organization, referred to in Chapters I and IX of the Charter. . . In founding the UN as primary repository of collective security, the Member States could not, in transferring or conferring the power to wage war and conduct military operations as an instrument of international policy, invest the Organization with the power to maintain international peace and security by means which would violate these fundamental precepts."); Shaw, Security Council, supra, n. 165, 230 (footnote omitted) ("One cannot easily envisage it being acceptable that the Council should by decision consciously breach the norms of the law of armed conflict."); Schrijver, supra, n. 184, 156 (concluding with respect to the applicability of international humanitarian law and its relationship to obligations under Security Council resolutions under Chapter VII imposing economic sanctions, "[e]nforcement action should find its limit where the survival of the civilian population is at stake").

(229) Other states emphasized that the Security Council did not have the power to amend treaties that were consistent with the UN Charter. Costa Rica, on behalf of the 19-member Rio Group, stated on 10 July 2002 that "any initiative attempting to substantially modify the provisions of the Statute by means of a Council resolution . . . would exceed the competence of the Security Council". On the same date, Iran stated that the Security Council was "not authorized to interpret or amend treaties concluded among States in accordance with the law of treaties – a law that recognizes that only parties to a treaty are competent to amend it." Also on the same day, Canada said that if the Security Council were to adopt the proposed resolution it would be "acting beyond its mandate" and "would set a negative precedent under which the Security Council could change the negotiated terms of

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(216) Tadic, 1995 Appeals Chamber Decision, supra, para. 42.

(217) Ibid., para.45.

(218) Ibid., para. 46.

(219) Gill, supra, n. 184, 79 (at a minimum, Security Council is bound by non-derogable human rights norms, including the right to life and integrity of the human person, the prohibition of torture and ill-treatment, the prohibitions of discrimination, slavery and genocide, the right to freedom of conscience and religion and the right to a fair trial); Shaw, Security Council, supra, n. 165, 230; Paust, supra, n. 165, 140 (Security Council cannot require member states to violate human rights, even those not implicating jus cogens norms because their obligations under Article 25 would be limited by their obligations under Articles 55 and 56 of the UN Charter).

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(224) S.C. Res. 1296 (2000), para. 19.

(225) Tadic (Appeals Chamber judgment on jurisdiction), supra, n. 159, para. 93.

(226) Institut de droit international, Resolution on the Conditions of Application of Humanitarian Rules of Armed Conflict to Hostilities in which United Nations Forces may be Engaged, Zagreb, 1971, Art. 2, in 54 (II) Annuaire de l'institut de droit international 465 (1971).

Sagittarius

Van: "Hans Hupkes"
Aan: "Nico Steijnen" <sagitar@hetnet.nl>
Verzonden: maandag 26 mei 2003 21:24
Onderwerp: Fw:

Hoi Nico,

Hoe gaat het jongen? Lang niet van je gehoord.
Deze mail kreeg ik zojuist van Nidaa Adel, een Irakese dochter van een vermoorde communist. Haar moeder is met haar gezin uitgenodigd vluchteling (via de UNHCR) en woont in Apeldoorn.
Nidaa studeert inmiddeld in Groningen en verklaard critica van het Anertikaanse imperialime, maar was ook tegen de Baath-partij die haar vader vervolgde.
(De communisten waren de eerste partij met een onafhankelijke krant in Bagdad nadat de stad door de Amerikanen was bezet.)
Misschien kun je haar benaderen als je informarie uit Irak nodig hebt.
Schrijf dan maar dat je haar mail via mij hebt gekregen. Ik ken haar alleen van de mail en de telefoon.

Vr. gr. Hans.

----- Original Message -----
From: "nidaa adel" <nidaaadel@hotmail.com>
To: <Els.vanDriel@ikon.nl>; <gertjan.pool@eo.nl>; <hans.hupkes@planet.nl>; <jbudding@uni-one.nl>; <kees.schaap@vara.nl>; <Koen.vanGroesen@avro.nl>; <Lotje.Dercksen@ikon.nl>; <Mirjam.Gulmans@ikon.nl>
Sent: Monday, May 26, 2003 7:34 PM

> beste mensen:
> via deze weg wil ik jullie op de hoogte houden dat ik op 06 junie vertrek
> naar Irak toe, als jullie boodschap of wat informatie daar vandaan nodig
> hebben mail mij terug of bel me op het vlogende nummer: 0655153495, let op
> mijn nummer is gewijzigd
> groetjes
> Nidaa Adel
>
> _____
> Hotmail en Messenger on the move
> http://www.msn.nl/communicatie/smsdiensten/hotmailsmsv2/
>

Deze e-mail is door E-mail Virus Scan van Het Net gecontroleerd op virussen. Zie voor meer informatie: http://www.hetnet.nl/evs/

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Our Readers Most Forwarded Article of the Week
'A Chill Wind is Blowing In This Nation...'
by Tim Robbins

Published on Friday, May 16, 2003 by the San Francisco Chronicle

Iraqi Troops Say US Owes Them Back Pay

Bitter Soldiers Threaten Attacks on American Forces, Sabotage

by Robert Collier

BAGHDAD – The 100 or so former military officers standing in the midday sun didn't look like much of a menace. But the threat was there: Pay up, or else.

As the temperature soared well above 100 degrees, they waited sullenly at the entrance to the former presidential palace compound, where the U.S. occupation government headquarters are located behind coils of razor wire.

"We're not asking for the Americans' money," said Lt. Gen. Muhammed Abdelkadim, a former commander of the Baghdad air defense. "It's our money. It's our pay."

None of the nearly half-million members of Iraq's military, he said, had been paid since March 1.

But Abdelkadim and his colleagues, a dapper group in neat slacks and pressed shirts, are likely to be disappointed. From the sound of recent American statements, they may be unemployed for a long time.

U.S. Refuses to Pay Salaries

On Wednesday, U.S. officials said they will not pay past or current salaries of the former army, secret police and presidential guard. The move essentially disbands those forces – but does not provide any formal means of disarming the ex-combatants.

The risks of such a policy were apparent Thursday as Abdelkadim and his colleagues stood in protest outside the U.S. compound. One of their members had been allowed through the razor wire to deliver a petition. They expected prompt action, he said, in the matter-of-fact tone of someone who doesn't expect to be disobeyed.

Informed of the American announcement that former civilian government workers would soon be paid but military members would not, Abdelkadim spluttered. The men around him exploded.

"The Americans can't cheat us," yelled Lt. Col. Basem Al-Lamy, another former officer of Baghdad's air defense.

"We couldn't do anything against American technology during the war," said Al-Lamy, referring to the U.S. missiles that made mincemeat of Iraqi anti- aircraft defenses. "But now, there's nothing between me and the U.S. soldiers on the street. Their technology won't stop me from killing them."

"We thought the Americans were going to get rid of our oppressor," said Col. Al-Saadi, explaining why so many of Saddam Hussein's soldiers chose not to fight.

"But now we see they just wanted to take our money. What will we eat? We will have no choice but to fight."

Some of Al-Saadi's former comrades may already be doing just that.

Reports of Sabotage

On Wednesday, the U.S. commander in Iraq, Lt. Gen. David McKiernan, said loosely organized groups of "regime elements" have waged a campaign of attacks on U.S. troops and sabotage of the country's tottering infrastructure.

The officers' unhappiness is one more example of how sentiment on Baghdad's streets has swung dramatically in recent weeks from gratitude to anger. With increasing bitterness, residents complain about the Americans' failure to bring the city back to anything resembling normality.

Gangs still roam freely, looting, stealing, mugging and kidnapping. Power blackouts are common and gasoline is scarce. Most businesses remain closed and nearly every government office is a burned wreck.

Mobs of unemployed people gather daily around the U.S. compound and around the Palestine Hotel, as former laborers, scientists, clerks and soldiers clamor for jobs.

"The Americans don't realize what they're playing with," said Abdelkadim. "The people are desperate. What will the people do if a leader comes again to fight against the Americans? We will follow him."

Asked if they would support the return of Hussein, there was an immediate reply of "no, no, no!" from the crowd. "If Saddam Hussein comes again, we will kill him."

First Public Appearance

The officers' protest was the first time since Baghdad fell last month that former military officials have felt emboldened enough to appear in public. Those who aren't in hiding or in U.S. custody seem to be surveying the chaos, trying to decide their next move.

In a downtown restaurant, Gen. Alaa Abdelkadeer, a commander of the Republican Guard's Baghdad Brigade, warned that time is running out for the Americans to demonstrate improvement in people's daily lives.

"Look at that," he said, pointing out the window at a disheveled teenager begging at the restaurant entrance. "He never was a beggar before. Nobody in Baghdad was. But now he is capable of doing anything. Who knows? Even fighting and dying."

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1-9-2003 DU weapons

In 1996 the UN Sub-Commission on the Promotion and Protection of Human Rights passed Resolution 96/16 which included weapons using depleted uranium as of "indiscriminate effect".

datum

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CONTACTS:

If you want to submit news stories that could help us confirm an incident involving *civilian* deaths in the invasion of Iraq please email news item links to:

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The IRAQ BODY COUNT Project Team are:

HAMIT DARDAGAN (Principal researcher and site manager) is a freelance researcher currently working in London. He has made an in-depth study of the research methods of Professor Marc Herold, who pioneered a media-based methodology for estimating civilian deaths in the Afghan war of 2001-2. He has written for Counterpunch, and has undertaken research for a number of organisations, including Greenpeace. He has been chair of "Kalayaan" a human rights campaign for overseas domestic workers in the UK, which led to significant enhancement in their legal rights.

JOHN SLOBODA (Associate researcher and archivist) trained as a research psychologist and is currently Professor of Psychology at the University of Keele, UK. In 1999-2000 he worked with the Committee for Peace in the Balkans, and researched effects on the civilian population of the NATO bombing campaign. Since September 11th 2001 he has been responsible for the daily peaceuk.net mailing list disseminating critical non-violent perspectives on "the war on terror". He is a founder member of the Network of Activist Scholars of Politics and International Relations (Naspir), and a local delegate to the Stop the War Coalition. He is currently Web Resources Manager

for Peace News, and is undertaking consultancy work for the Oxford Research Group.

BÜLENT GÖKAY (Associate researcher) is a Senior Lecturer in International Relations at Keele University. He is co-founder and core researcher of the Keele Southeast Europe Unit. He has authored many books and articles on global politics, the Middle East, Balkans and Central Asia, including *A Clash of Empires: Turkey between Russian Bolshevism and British Imperialism* (1997), *The Politics of Caspian Oil* (2001), *Eastern Europe Since 1970* (2002), and *The Most Dangerous Game in the World: Oil, War, and US Global Hegemony* (2002), and is co-editor of the forthcoming book, *War, Terror and Judgement: 11 September 2001* (Feb 2003).

TORBEN FRANCK (Webmaster) is a musician and peace activist. He is webmaster for www.peaceuk.net, www.humanshields.org as well as Iraq Body Count. He has recorded a track (with Joe Wilson) for the recent Stop the War CD compilation, issued in December 2002. He is a delegate to the Stop the War National Conference.

MARC HEROLD (Research consultant) is an Associate Professor of Economic Development, International Affairs and Women's Studies at the University of New Hampshire, USA, where he has taught since 1975. He holds a Master's degree in international business and finance and a Ph.D in Economics from the University of California in Berkeley, as well as an engineering degree in electronics from the Swiss Federal Polytechnic University. He has focused his writings upon social and economic changes in the Second and Third Worlds and his current research interests are on Brazil and Afghanistan, including the latter country's post-war situation. In December 2001 he released a widely cited study of the human costs of the U.S. military campaign in Afghanistan "A Dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan: A Comprehensive Accounting"), updates to which may be found at: http://pubpages.unh.edu/~mwherold.

GLEN RANGWALA (Legal consultant) is a lecturer in politics at Newnham and Trinity Colleges, Cambridge University. He is trained in political theory and international law. His doctorate, from Cambridge University, was in political and legal rhetoric in the Arab Middle East. He is also published on a number of other themes,

including international humanitarian law, comparative human rights law, Iraq and nuclear weapons.

DAVID FLANAGAN (Technical consultant) is author of JavaScript: The Definitive Guide (among other standard works) and wrote the JavaScript code for Iraq Body Count that keeps our Web Counters updated while making them easy for webmasters to install.

PETER BAGNALL (Tech consultant & user support) is currently a postgraduate student at Lancaster University studying computer science and psychology. He spent two years working as a software design consultant in Silicon Valley, and before that four years as a network research engineer for British Telecom. His professional interest is using technology to provide real benefit to society, rather than just to develop flashy gadgets. His thoughts on ethics, politics and technology can be found on his website.

TRANSLATORS FOR PEACE is a free association of translators from all countries and of all nationalities. The Association was founded in 1999, during the Kosovo war, by a group of Italian translators who decided to dedicate a portion of their time to translate and publish information regarding the costs of modern technological wars in terms of human lives, the environment, democracy and human rights.

JOHN BUCCHERI (Assistant researcher) is co-founder of MOW (Musicians Opposing War) at the School of Music, Northwestern University, Evanston, Illinois, and a Charles Deering McCormick Professor of Teaching Excellence in the Music Theory program. His scholarly interests center on teaching and learning, with emphasis on the practical application of analytical technique as a tool for learning and interpreting music. He is currently the Immediate Past President of The College Music Society. John has marched in Washington DC on Jan 18, in New York City on Feb 15 and Washington DC on March 15, and believes during these bad times, a PERSISTENT STRONG VOICE OF OPPOSITION must be heard.

ERIC CLARKE (Assistant researcher) is professor of music at the University of Sheffield, where he does research and teaching in the psychology of music. He was an

active member of Camden CND in the 1980s, and is a member of Amnesty International.

NIKKI DIBBEN (Assistant researcher) is a lecturer in music at Sheffield University where she carries out research into music perception, and gender representations in popular music.

JOSHUA DOUGHERTY (Assistant researcher) is a guitarist, private instructor and a graduate student in music at the University of the Arts in Philadelphia, PA, USA.

CHARLIE FORD (Assistant researcher) was awarded a doctorate for his holistic critique of Mozart's Cosi fan tutte in 1989 and has since published on popular music. He is an active member of Amnesty International and an occasional contributor to peaceuk mailings.

SEBASTIAN HALLIDAY was a university psychology teacher and researcher in Cambridge, Sussex and Manchester. He took early retirement four years ago and now lives in St Ives, Cornwall, where he was brought up. He was active in CND & END in the early eighties and has been reactivated by this war.

JORDANA LIPSCOMB (Assistant researcher) is a retired litigation attorney and mother of two. Supporting member and event coordinator of Musicians Opposing War (MOW). She received her Bachelors of Arts degree from New York University in Russian Language and her Juris Doctorate Degree from Southwestern University School of Law. She is currently researching the legalities and criminal implications of this war and welcomes information and sources on this subject.

SCOTT LIPSCOMB (Assistant researcher) is a co-founder of Musicians Opposing War, a collective of Northwestern University faculty, staff, & students in the United States who came together for the purpose of expressing opposition to the War on Iraq, who believe that U.S. military aggression is likely to increase - not deter - terrorism on American shores, and who advocate seeking non-violent solutions to the world's problems through a consensus of peace-minded nations. Scott is an Associate Professor

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in the School of Music at Northwestern, where he teaches in the Music Education and Music Cognition programs and carries out research related to the processes involved in music listening and their affect upon the listener. He is also co-author of "Rock and Roll: Its History and Stylistic Development" (2003, 4th edition, Prentice-Hall) and has been extremely concerned about the lack of response to this issue from the musical community. The recent appearance of organizations like Musicians United to Win Without War (Russell Simmons, Rosanne Cash, Michael Stipe, Dave Matthews, Peter Gabriel, Suzanne Vega, and others) is a welcome occurrence and hopefully only the first of many more that will follow.

DOUG STOKES (Assistant researcher) is a doctoral candidate in International Relations at Bristol University. His primary area of research is on US foreign policy in Colombia, the post-Cold War continuities in North-South relations, and the use of force by Western states in the developing world. His publications and teaching interests can be found on his website at www.dougstokes.net .

DARELL WHITMAN (Assistant researcher) is a post-graduate student with the School of Politics, International Relations and the Environment at Keele University. He holds a Master's degree in Government from California State University, Sacramento, a Master's degree in Political Sociology from Southern Oregon University, and a Juris Doctorate in law from the University of Santa Clara. He is an attorney licensed to practice law in California and U.S. federal courts. He has been a long-time peace and environmental in the U.S., and served on the national organizing committee of the Emergency Committee to Stop the War (Gulf War I) from 1991-1992.

KAY WILLIAMS (Assistant researcher) is a recently retired librarian, who worked most recently as Head of Acquisitions in Keele University Library. She runs a mailing list for those in the Keele and Newcastle-under-Lyme area of Staffordshire who are interested in local and national anti-war activities.

ROWAN WILLIAMS (Assistant researcher) is a graduate in Modern Languages from the University of Cambridge. For a number of years she was Justice and Peace representative for the Anglican Community of St Francis, and a member of the steering

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group of the Justice and Peace Links of the interdenominational Conference of Religious. She is currently training for the priesthood in Cambridge.

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US decree strips thousands of their jobs

Anti-Ba'athist ruling may force educated Iraqis abroad

Jonathan Steele
Saturday August 30, 2003
The Guardian

Tarik al-Kubaisy, vice-president of the Iraqi Society of Psychiatrists, is a worried man. It's not just that the queue of patients suffering from severe stress disorders in Iraq's war-torn society is growing longer by the day.

Nor that a country of 25 million has fewer than 100 psychiatrists and many are planning to emigrate now that Saddam Hussein's restrictions on foreign travel have gone.

The other concern for Dr Kubaisy, who was awarded a London University PhD after four years at the Maudsley hospital, is that the Americans have taken away his job.

Like many young Iraqi professionals, he joined the Ba'ath party several years before Saddam became its leader and turned Iraq into a one-party state. But under Order Number One, issued by Paul Bremer, Iraq's US administrator - the so-called "de-Ba'athification" decree - Dr Kubaisy's position as a professor in Baghdad University's college of medicine has ended.

When Baghdad University and Iraq's other colleges re-open next week, around 2,000 senior staff have been told to stay at home, Dr Kubaisy estimates. Although they were Ba'ath party members, none was connected to the former regime's security apparatus.

"It's collective punishment. It's conviction without any charge," Dr Kubaisy said yesterday. "I'm becoming a bit paranoid but I think the Americans intend to force Iraqi brains to go abroad".

Coalition officials argue that every Ba'athist has not been purged. Only those who held one of its top four ranks are barred from public service.

"The de-Ba'athification decree is the most popular thing we have done here," a senior coalition official said.

It was strongly promoted by Washington neo-conservatives like Paul Wolfowitz, the deputy secretary of defence, and his friend, Ahmed Chalabi, a businessman convicted in Jordan of fraud who is now a member of Iraq's governing council.

"The problem is they didn't look at who were really leaders. They made the issue of rank too important and went down too low," said Husam al-Rawi, a member of the Royal Institute of British Architects and a professor in Baghdad University's architecture department. "Instead of targeting a thousand or a few hundred people, they targeted 80,000."

Prof Rawi joined the Ba'ath party as a 15-year-old in 1958 and was a section head, the third rank down. Dr Kubaisy was even lower, a secretary of a branch.

He was never asked to spy on other faculty members, he insisted. "We weren't involved in policing. We had no association with the security organisation. They had their own informers, who didn't have to be party members," he said.

"If you wanted to go abroad to attend a conference, you had to apply to the dean of the faculty and then the university and then the ministry of the interior. It didn't depend on us. I was often refused permission myself."

Prof Rawi joined the Ba'ath party when it stood for socialism and opposition to religious extremists. "After Saddam Hussein took power, the party became a skeleton with no spirit." By then it was too late to get out.

The de-Ba'athification decree is also causing turmoil in government ministries, hospitals and other bodies considered part of the civil service. Anyone in the top three levels of management loses their job if he or she was a party member, regardless of rank.

"History teaches us that victors have to be magnanimous, but what are we seeing here? A new society created on the basis of hatred and revenge," said a senior official who declined to be named.

"When I joined the party in the 1970s, it was the party of oil nationalisation, eradicating illiteracy, autonomy for the Kurds, and national reconciliation ... Then Saddam destroyed the party. He executed more Ba'athists than anyone else ... Most of us felt relieved when he was overthrown.

"When this war began to loom, we were in an intellectual dilemma. Mounting an insurrection against the regime meant helping the powers which wanted to invade us. But if we supported the dictatorship, it was against our basic interests."

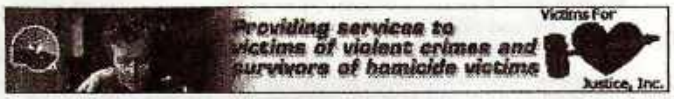
Anger was the prevailing mood among large sections of the Baghdad middle class, he said. People felt criminalised.

The de-Ba'athification decree provides for appeals and exemptions, if a person has the support of staff, for example, and their jobs are judged indispensable. A petition for Prof Rawi, signed by 350 students and 30 staff, was sent to the US administration two months ago, so far to no avail.

With the weeks ticking by and universities about to re-open, most sacked academics have lost hope. The decree says nothing about protecting pensions and they may not be paid. At least half the 2,000 university staff who have been dismissed are likely to lose their government housing too.

Prof Rawi said this violated the fourth Geneva convention. "An occupier cannot dismiss people from jobs, administer collective punishment, and discriminate against people on the basis of political belief".

A coalition spokesman said that only between 15,000 and 30,000 people had been affected: "The suggestion that there are lots and lots of innocent people who have been unfairly dismissed is not true. Less than 5% of the Ba'ath party members are covered".



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U.S. soldiers fire into Baghdad crowd, killing 1

By TAREK AL-ISSAWI, Associated Press
(Published: August 13, 2003)



A small group of dozens of Iraqis shout anti-American slogans after claiming that U.S. forces attacked them in the Al-Sadr City district in Baghdad, Iraq, on Wednesday, Aug. 13, 2003.

BAGHDAD, Iraq (AP) - U.S. soldiers shot into a crowd of thousands of demonstrators in a Baghdad slum on Wednesday, killing one civilian and wounding four after a rocket-propelled grenade was fired at them, the military said. North of Baghdad, guerrillas killed two American troops.

In Sadr City, a Shiite Muslim slum, about 3,000 demonstrators gathered around a telecommunications tower where they said American forces in a helicopter tried to tear down an Islamic banner. U.S. military spokesman Sgt. Danny Martin said it was apparently blown down by rotor wash from a helicopter.

However, amateur video footage obtained by Associated Press Television News showed a Black Hawk helicopter hovering a few feet from the top of the tower and apparently trying to tear down the banner. Later, U.S. Humvees drove by and the crowd threw stones at them. Heavy gunfire could be heard and demonstrators were seen diving to the ground.

Martin said U.S. forces opened fire after stones, gunfire and one rocket-propelled grenade were directed at soldiers of the 1st Armored Division. One civilian was killed and four were wounded, he said. He said no soldiers were hit.

Sadr City, formerly known as Saddam City, is a Shiite stronghold in the otherwise Sunni Muslim-dominated capital.

"We're peaceful people, but one edict (from the imams) and the entire American Army will become our prisoner," said Hassan Azab, a member of the local district council.

Also Wednesday, an attack 15 miles south of Tikrit, Saddam Hussein's hometown, killed one U.S. soldier and wounded a second when their four-vehicle convoy hit a roadside bomb, according to Maj. Josslyn Aberle, spokeswoman for the 4th Infantry Division.

The military also reported a soldier killed and two wounded in a bomb attack Tuesday near Taji, 12 miles north of Baghdad. The attack was in the same region where an oil pipeline fire sent flames 200 feet into the air on Tuesday.

It was unclear whether the pipeline fire was the work of saboteurs. Many pipelines across Iraq have been hit by guerrillas seeking to destabilize U.S. reconstruction efforts.

The military also reported killing two Iraqis in separate incidents in the Baqouba region, 45 miles northeast of Baghdad. Aberle said the two killed after firing on U.S. troops.

Officials at the 4th Infantry Division said they had released 10 men detained Tuesday in a sweep through the outskirts of Tikrit, but four remained in custody.

The military has not made public the names of those held, but said they include a Republican Guard corps-level chief of staff, a Republican Guard division commander and a paymaster for the Fedayeen militia.

All those detained were members of a family described as a pillar of support for the ousted regime, said U.S. Lt. Col. Steve Russell.

"They were trying to support the remnants of the former regime by organizing attacks, through funding and by trying to hide former regime members," he said.

Also Wednesday, the U.S.-led coalition said it had sent in 6.6 million gallons of gasoline, much of it to southern Iraq. Fuel and power shortages had been particularly acute in the southern city of Basra, where weekend protests left at least three people dead.

"There is no shortage of petrol and we are able to fully meet the demand," coalition spokesman Charles Heatly said.

The American administrator for Iraq, L. Paul Bremer, met Wednesday with the U.S.-picked Governing Council about local efforts on restarting the shattered economy and creating jobs, Heatly said.

Bremer also urged the 25-member council to submit names for the so-called "de-Baathification council," which is charged with purging government offices of Saddam's Baath Party.

Heatly said the coalition has fulfilled a number of goals, including establishment of the Governing Council, which on Monday appointed a committee to study ways of writing a democratic constitution.

The spokesman said the benchmark for the departure of U.S.-led forces "remains having Iraqi people write a new constitution for this country and having it approved in a referendum, holding democratic elections and then hand over power to a sovereign, elected Iraqi government."

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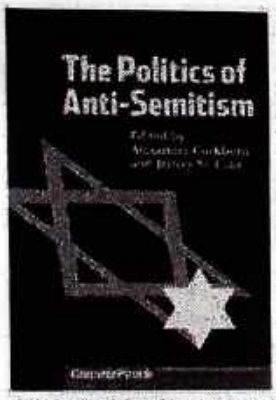
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From Common Courage Press

August 28, 2003

Shooting Ali in the Back

Why the Pacification is Doomed

By DAVID LINDORFF



The Politics of Anti-Semitism
Edited by Alexander Cockburn and Jeffrey St. Clair

Today's Stories

August 28, 2003

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Occupied Iraq Will Never Know Peace

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If you want to know why the U.S. campaign to pacify Iraq and make the country into a docile puppet state is doomed to failure, just look at what happened to 17-year-old Ali Muhsin.

Shot and killed by American soldiers on Tuesday, he died on his family's front stoop as neighbors gathered around, and frightened American soldiers pointed their guns at anyone who got too close.

According to Iraqis, including several who worked with the boy at a tire repair shop, Ali Muhsin was simply a kid in the wrong place at the wrong time, who, because of the color of the shirt he was wearing, was mistaken for someone who had just dropped two hand grenades onto a U.S. military patrol.

But even the account given in the New York Times on Aug. 27 by American troops involved in the incident raises serious questions about just what is going on in Iraq. According to those troops, a U.S. soldier, Sergeant Ray Vejar, saw something dropped from the street above as his Humvee approached a tunnel. Vejar didn't recognize the dropped object as a grenade until it exploded near him, but he did claim to have seen two men overhead on the street--one dressed in white and one in green, the latter of whom had "moved toward the railing."

August 27, 2003

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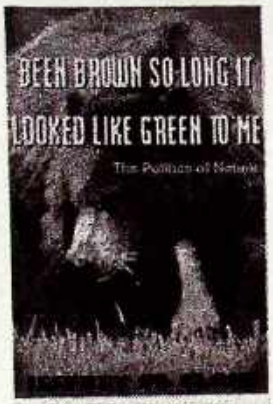
Vejar says when his team raced up onto the street after exiting the tunnel, to pursue their attackers, they saw two figures in white and green start running. He says the man in green stopped and turned. "He looked right at me and I positively ID'd him as the guy who was at the railing," he says. Such a positive ID sounds surprising, considering that earlier, Vejar says he couldn't even tell what was being dropped, and surely was more focussed on what was dropping, than on the face of whoever it was up on the street.

In any event, what happened next is particularly troubling.

Vejar says he and another soldier chased the fleeing man in green into an alley. But it was another group of soldiers in a Humvee who found Ali (who of course may or may not have been the same man Vejar was chasing).

When Ali tried to flee the Humvee, the soldier manning that vehicle's powerful mounted machine gun fired a warning shot, causing him to stop. As a soldier from the Humvee approached the boy, he tried to flee again. This time, the machine gunner shot him, hitting him several times.

Ali managed to stagger two blocks to his family's home before collapsing on the front stoop, where he died slowly.



Been Brown So Long, It Looked Like Green to Me: The Politics of Nature by Jeffrey St. Clair

August 26, 2003

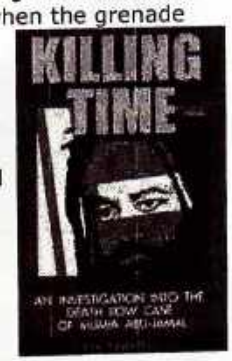
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It was at that point that Sgt. Vehar arrived, pushed his way through the gathering crowd (which included the boy's wailing mother), and identified him, saying "I know he was at the railing."

Okay. If this account is correct (and the boy's neighbors say it is not--claiming that in fact he had been working at his job when the grenade was dropped, and had only gone out to see what the commotion was), we have to ask what kind of rules were being followed when the soldier in the Humvee decided to shoot an unarmed fleeing boy in the back.



If this was rules of war, then perhaps it could be justified. Nasty perhaps, but a fleeing combatant can be shot in wartime. But is this a war or an occupation? In a war, the very outcome of the conflict is in question, making it perhaps necessary to shoot first and ask questions later. But at the point that, as our Commander-in-Chief claims, "major conflict is over," and the outcome of the battle has been determined, such wild west behavior is no longer called for.

If what we have now in Iraq is an occupation, the

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occupier has to be a lot more restrained and careful about who gets terminated with extreme prejudice. An unarmed person fleeing a military patrol cannot automatically be presumed to be an enemy combatant. Fleeing a group of soldiers might be the logical and understandable--even if foolish--response of many innocent people. It is not a mistake for which anyone should be executed. And clearly the soldiers in the Humvee, including the one who fired the fatal shots that executed Ali, were not the ones who claimed to recognize him. They were purely guessing he was the one. It was only Sgt. Vehar, who was not on the scene at the time of the shooting, who claims he could identify the boy.

Bad enough that another young person, combatant or not, has died in this American war of aggression. Worse yet that it may have been an innocent lad who was shot and killed.

But even from the point of view of American policy makers, this incident must be viewed as indicative of a disaster in the making.

Consider the situation in the U.S. We have a functioning Constitution, a set of laws and courts, and a whole bunch of legally constituted law enforcement agencies. Yet even with all the protections that are in place, our police all too often kill unarmed and innocent people in the heat of action. How much worse then in a country



Weapons of Mass Deception by Sheldon Rampton & John Stauber

where there are no laws, are no courts to control the people doing the enforcing, and where those enforcers are not people who are trained in law enforcement, but rather are soldiers, trained in the art of killing.

Unless the Pentagon and Iraq viceroy Paul Bremer set a clear policy instructing occupying troops that they are not to shoot unarmed citizens--even those who are fleeing--the inevitable slaughter of innocents will produce a groundswell of hatred and blood vengeance within Iraq that will engulf occupying American soldiers, and eventually lead to the defeat of any efforts to create a new society and government in that benighted land.

August 25, 2003

Dave Lindorff is the author of Killing Time: an Investigation into the Death Row Case of Mumia Abu-Jamal. A collection of Lindorff's stories can be found here: http://www.nwuphilly.org/dave.html

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Rebuilding Iraq will cost tens of billions of dollars in next year alone, US admits

By Justin Huggler in Baghdad

28 August 2003

In a startling admission that the cost of occupying Iraq is spiralling out of control, the US administrator in the country, Paul Bremer, said yesterday that rebuilding Iraq would need "several tens of billions of dollars" in the next year alone.

President George Bush's administration is reportedly preparing to ask Congress for a "huge" new injection of cash for Iraq, even as it is preparing to post a record budget deficit of $480bn (£300bn) next year.

The predictions were made as two American soldiers were killed in separate attacks in Iraq, a day after George Bush vowed America would not retreat from the country in the face of a guerrilla insurgency and terror attacks.

Just to fix the constant power cuts in Iraq and meet current electricity demand will cost $2bn, Mr Bremer said in an interview with The Washington Post. He said Iraq's economic needs were "almost impossible to exaggerate". Providing clean water across the country alone will cost $16bn over the next four years.

This is on top of the $1bn a week the Pentagon says it costs to keep numbers of US soldiers in Iraq at their current levels. And this is the occupation that was supposed to pay for itself, with revenues from Iraq's vast oil reserves. But Mr Bremer said yesterday that Iraqi revenues would not be enough. US efforts to get Iraq's oil flowing are not going well, plagued by sabotage, looting and the power shortages.

Under US occupation, Iraq is only producing about 1.7 million barrels per day, Mr Bremer admitted, far less than its output of 2.5 to 3 million bpd

before the war. And Mr Bremer does not expect to get oil production back to pre-war levels by October next year.

It means that Mr Bush will have to justify spending billions of American money in Iraq as he seeks re-election in 2004. Washington wants to get foreign governments to help pay the bill for Iraq, and is preparing for a donors' conference in Madrid in October. But the US may get the same answer it is getting from foreign governments to its requests for soldiers to serve in occupation forces: not unless the United Nations is given a say in running Iraq. Mr Bremer is sticking to the US line, however. "What ... makes things better if the UN is in charge of reconstruction?" he asked.

Meanwhile, the US will have to find the $13bn that Mr Bremer said engineers need to fix Iraq's antiquated power grid over the next five years. He called electric power "in many ways the key to reconstruction".

Power cuts have slowed progress in pumping oil and have led to severe fuel shortages. The power cuts and fuel shortages have added to growing resentment of the occupation.

Iraq is producing about 3,330 megawatts a day, says Mr Bremer, less than the 4,000mw a day under Saddam Hussein and well short of the 6,000mw needed to meet demand. The US administration has ordered a 400mw generator for Baghdad but does not expect to meet demand until next year.

"I keep reading stories about how it's a country in chaos," Mr Bremer said. "This is simply not true. It's not a country in chaos."

Events yesterday did little to support his case. The killing of the two US soldiers brings to 64 the number killed in combat since President Bush declared on 1 May that the war was over. The total now exceeds the number of US troops killed during the main combat phase of the invasion.One of the soldiers was killed in Fallujah, a town 30 miles west of Baghdad that has become a main resistance centre. Witnesses said a convoy drove over landmines planted in the road. Three other soldiers were wounded in the incident. Another American soldier was killed in an attack on a US convoy in Baghdad.

Several attacks are believed to take place every day, but the occupation forces only confirm those in which their soldiers die. They will not confirm those in which soldiers are injured or failed attempts.

In another incident three civilians and two Iraqi police officers were killed in a shoot-out with criminals in Kahramaneh Square in the centre of Baghdad. Witnesses said the Iraqi police caught the criminals in the middle of a robbery and when they tried to stop them a gunfight ensued.

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Background

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For decades the people of Iraq have suffered appalling human rights abuses and the devastating consequences of war and economic sanctions. For decades Amnesty International's members and supporters have campaigned tirelessly for the rights and dignity of Iraq's people.

In a climate of fear, many thousands of Iraqis were killed over the years by the security forces. Similar numbers "disappeared" after arrest. Countless people were tortured, imprisoned or executed for daring to oppose the government or for simply belonging to a particular community.

The 1980-88 war between Iraq and Iran cost the lives of hundreds of thousands of young conscripts. After Iraq invaded Kuwait in August 1990, the US-led military intervention to force Iraq's withdrawal led to the deaths of thousands more. The uprisings by Shi'a Muslims in the south and Kurds in the north that followed the 1991 war were brutally crushed by Iraqi forces.

The UN-imposed economic sanctions on Iraq from 1990 contributed to the early deaths of countless people, particularly children, and to widespread hardship. From 1998, UK and US military forces carried out repeated air strikes, causing civilian casualties, while maintaining "no fly zones" in the north and south of the country.



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The March/April 2003 war on Iraq by US and UK forces saw large numbers of Iraqi civilians killed.

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With the end of the war, peace and security remained elusive as widespread lawlessness and violence persisted. Unexploded cluster bombs posed a continuing risk, as did the lack of water and electricity supplies to towns. Hospitals, already starved of supplies, struggled to provide the most basic help to the sick and injured.



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Long-term stability and human rights protection in Iraq require the rule of law and transparent, accountable systems of government that are based on respect for human rights and recognition of the particular needs of women as well as ethnic and religious groups without discrimination.

Amnesty International's efforts to draw attention to the human rights of all the people of Iraq over the decades have frequently been greeted by indifference or hostility from government leaders who put their own political interests first.

This Briefing, published in the wake of the 2003 war, shows that human rights must not be subject to political, economic and military interests if the long suffering of Iraq's people is to end. People must come first.

IRAQ: BACKGROUND

Iraq borders Iran, Turkey, Syria, Jordan, Saudi Arabia and Kuwait. It gained independence in 1932 and became a republic in 1958. The Ba'ath Party took power in 1968, led first by Ahmad Hasan al-Bakr and from 1979 by Saddam Hussain.

More than half the estimated population of 24 million are Shi'a Muslims who live mainly in the south. Most of the rest are Sunni Muslims, although there is a sizeable Christian community.

In February 2003, before the start of the war, Amnesty International handed to the UN a petition signed by more than 60,000 people in nearly 200 countries and territories calling on the Security Council to assess the human rights and humanitarian impact on the civilian population of any military action against Iraq.

Ethnic minority groups include Assyrians, Kurds and Turkmen. Kurds are the largest ethnic minority and live mostly in the north. After a 1970 autonomy agreement broke down in 1974, fighting resumed between Kurdish Pesh Merga and Iraqi forces. In 1991 the Iraqi government withdrew from the Kurdish region, and since regional elections in mid-1992 Iraqi Kurdistan has been relatively autonomous.

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Our Readers Most Forwarded Article of the Week

Ways to Win

by Jonathan Schell

Wednesday, September 03, 2003

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Published on Friday, July 4, 2003 by Agence France Presse

US Breaching Geneva Conventions Over Iraq Nuclear Plant: Greenpeace

Environmental group Greenpeace accused US-led authorities in Iraq of breaching international law and refusing to allow United Nations experts to assess contamination at a nuclear plant near Baghdad.

The group says it has detected worrying levels of radioactivity in schools and homes around the Tuwaitha nuclear plant, around 20 kilometers (12 miles) east of the capital, but that the coalition refuses to recognize the problem.



A US soldier pushes a Uranium 'yellow cake' barrel which was brought by Greenpeace activists for a protest outside the former Iraqi Presidential Palace, which now houses the US Administration office in Iraq, Friday July 4, 2003 in Baghdad. The environmentalist group is calling the attention of the US civilian administration to take action in safeguarding the nuclear facility in Tuwaitha which allegedly can be disastrous due to high radiation levels after it was looted during the war. (AP Photo/Bullit Marquez)

The head of the group's Iraq investigation team, Mike Townsley, said the US-led occupation authority was breaching the Geneva Conventions "by failing in its responsibility to ensure the public health of the Iraqi people".

The conventions lay out the legal obligations of an occupying power, as well as the rules of war and treatment of prisoners.

Townsley said that coalition authorities were ignoring what he called an urgent environmental health crisis caused by a "frightening array of radioactive material".

The group brought a barrel containing a radioactive sample of yellow cake – one of the main ingredients used for making nuclear fuel – to coalition headquarters in Baghdad to press its case.

Radioactive material was looted from the plant in the chaos that followed the collapse of Saddam Hussein's regime on April 9.

Greenpeace says it has noticed an increase in reports of illnesses with symptoms

consistent with radiation poisoning, adding that local doctors are ill-equipped to deal with the situation.

The group brought the barrel together with a letter addressed to the top US civil administrator, Paul Bremer, to his offices in a former palace in central Baghdad, but was refused entry, Townsley told AFP.

In the letter, which was accepted by a coalition official, the group said: "We urge you to immediately meet your obligations to protect the health of those who live around Iraq's nuclear sites.

"We urge you to immediately meet your obligation to protect public health by calling on the International Atomic Energy Agency (IAEA) to mount an urgent investigation into radioactive contamination around Al-Tuwaitha."

The group said it believed there was sufficient evidence for Bremer to reassess his view there was no health risk posed by the plant.

The group says Bremer's administration has repeatedly denied that the Tuwaitha plant represents a threat to public health and says it has blocked efforts to allow the IEAE to access the plant.

The Iraqi atomic energy commission, along with the IAEA and the US army's own radiation protection unit's chief, Colonel Mark Melanson, has recommended that a UN team be allowed to assess the situation at the plant, Townsley said.

"The reason they (the IAEA) can't get in is because their entry is being blocked by the US administration," Townsley said.

Greenpeace said last week that it had uncovered radioactivity in a number of buildings, including one source measuring 10,000 times above normal and another, outside a primary school, measuring 3,000 times above normal.

Locals were still storing radioactive barrels and lids in their houses and several objects carrying radioactive symbols lay discarded in the community.

But an IAEA team last month found most of the uranium feared stolen from Tuwaitha, Science magazine reported on June 20.

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AI INDEX: MDE 14/166/2003 29 August 2003

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: MDE 14/166/2003 (Public)
News Service No: 201
29 August 2003

Iraq: Occupying powers have a duty to protect civilians and prevent an escalation of violence

Amnesty International today expressed concern that four months after the US announced the end of hostilities, the security situation in Iraq was degrading rather than improving, and warned that the recent spate of violence threatened to develop into a civil strife.

"The Occupation Powers must stand up to their obligations and maintain security, law and order in Iraq," Amnesty International said. "They have a duty to avert any escalation of violence and reprisal killings."

At least 80 people were killed and 240 injured in a car bomb Friday in the city of Najaf. Those killed included senior Shi'a cleric Mohammed Baqer al-Hakim, leader of the Supreme Council for

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Annual report entries: 2003, 2002, 2001, 2000, 1999, 1998, 1997

the Islamic Revolution in Iraq (SCIRI) who died when the bomb exploded after the Friday prayers. Three people were killed last Sunday in a bomb attack on the office in Najaf of Shi'a cleric Ayatollah Mohammed Saeed al-Hakim who was wounded.

Twenty-three people died in an attack on the United Nations compound in Baghdad 19 August. Sergio Vieira de Mello, the Special Representative of the United Nations (UN) Secretary-General in Iraq was killed in the attack.

"Civilians must never be a target," Amnesty International said. "This cycle of violence can only further destroy hopes for peace and justice for Iraqis."

Those who have organized such attacks must be brought to justice and tried according to international standards for fair trial, the organization stressed.

Amnesty International cautioned before the beginning of war in Iraq of the danger of a cycle of reprisal killings that would lead to civilian casualties in the event of military intervention.

"The only future for Iraq is one of justice and the rule of law," Amnesty International said. "Iraqi people deserve stability, security and peace, not more bloodshed."

For more information please contact Kamal Samari on +44 7778 472 126 or Nicole Choueiry on +44 7831 640 170

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: http://www.amnesty.org

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Climate of Fear:
Sexual Violence and abduction of Women and girls in Baghdad

Printer-friendly version (432 Kb)
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Summary

At a time when insecurity is on the rise in Baghdad, women and girls in Baghdad told Human Rights Watch that the insecurity and fear of sexual violence or abduction is keeping them in their homes, out of schools, and away from work and looking for employment. The failure of the occupying power to protect women and girls from violence, and redress it when it occurs, has both immediate and long-term negative implications for the safety of women and girls and for their participation in post-war life in Iraq.

Reports of sexual violence and abduction of women and girls abound in Baghdad. Medical practitioners, victims, witnesses, and law enforcement authorities have documented some of these crimes. Human Rights Watch is concerned that many other cases go unreported and uninvestigated. Some women and girls fear that reporting sexual violence may provoke "honor" killings and social stigmatization. For others, the obstacles to filing and pursuing a police complaint or obtaining a forensic examination that would provide legal proof of sexual violence hamper them from receiving medical attention and pursuing justice. Without a referral from the police, women and girls cannot receive forensic examinations and, in some cases, women and girls who have sought assistance for sexual violence were refused medical attention because some hospital staff do not regard treating victims of sexual violence as their responsibility, or give such care low priority given their limited resources due to the war and in its aftermath. Whatever the reason, both documented and rumored stories of sexual violence and abduction are contributing to a palpable climate of fear.

Many of the problems in addressing sexual violence and abduction against women and girls derive from the U.S.-led coalition forces and civilian administration's failure to provide public security in Baghdad. The public security vacuum in Baghdad has heightened the vulnerability of women and girls to sexual violence and abduction. The police force is considerably smaller and more poorly managed when compared to prior to the war. There is limited police street presence; fewer resources available to police to investigate; little if any record keeping; and many complaints are lost. Many hospitals and the forensic institute are unable to operate twenty-four hours a day as they did before the war, thus preventing women from obtaining medical treatment and the forensic examinations necessary to document sexual violence in a timely manner.

The Coalition Provisional Authority (CPA) has announced a commitment to train and educate police, including training on human right standards.[1] In the meantime, as the occupying power, U.S.-led coalition forces have the responsibility to ensure public order and address Iraq's law enforcement needs.

Other problems in addressing sexual violence and abduction in Baghdad, and Iraq more broadly, are long-term problems that have needed to be addressed for many years. Women and girls live in an atmosphere where, if they are raped or even believed to have been raped, they have poor legal recourse and have well-grounded fears of social ostracism, rejection by their families, and even physical violence. Although rape and

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abduction are serious crimes under Iraqi law, there is a long-standing cultural stigma and shame attached to rape that position victims as the wrongdoer and too frequently excuses or treats leniently the perpetrator.

Moreover, there are provisions in Iraqi law that address sexual violence and abduction but do not adequately protect the human rights of women and girls from these violations. Some of the more notable of these are provisions in the Penal Code that allow a man to escape punishment for abduction by marrying the victim, and allow for significantly reduced sentences for so-called honor killings, for rape and other cases of sexual violence. In addition to these barriers in the law, Human Rights Watch investigated cases where police were reluctant to investigate cases of sexual violence and abduction and other cases where the police have blamed the victim, doubted her credibility, showed indifference, or conducted inadequate investigations. For these reasons, many women are reluctant to file a complaint.

At the time of writing, plans for Iraq's reconstruction are taking shape and the rights of women and girls are at stake. It is essential that all parties involved in these plans address the state's inadequate protection of the rights of women and girls. Those involved in the reconstruction process should ensure that any existing and new trends toward treating women and girls unequally before the law and discouraging women and girls from reporting sexual violence, or punishing women and girls for being the victims of crimes of sexual violence, are countered.

Methodology

This report is based on research conducted by Human Rights Watch in Baghdad, Iraq, from May 27, 2003 to June 20, 2003. A female researcher conducted over seventy interviews with victims of sexual violence and abduction, Iraqi police officers, U.S. military police officers, U.S. civil affairs officers, health practitioners, nongovernmental organizations, intergovernmental organizations, and members of the CPA. Human Rights Watch found twenty-five credible reports of women who were victims of sexual violence or abducted, and took direct testimony from four victims. Because of the extreme consequences that face victims of sexual violence, all victims' names in this report are pseudonyms, and other details have been omitted in order to protect the confidentiality of the women and girls who agreed to share their experiences with Human Rights Watch.

Recommendations

To the Coalition Provisional Authority (CPA) and Iraqi authorities:

- Abide by international standards that ban sexual violence and discrimination against women and children, with particular regard to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.
- As part of general judicial reform, examine legislation that in intent or effect treat women and girls unequally, and legislation relating to rape and other sexual violence against women and girls to ensure its compliance with international standards. In particular, repeal Iraqi Penal Code articles 398 and 427.
- Take measures to include women into the police force, including by establishing special units with women staff to deal with sexual crimes.
- Establish a clear protocol for investigating sexual violence. This protocol should specify, among other things, how and where victims of sexual violence are to receive forensic medical attention. Distribute this protocol to all relevant Iraqi or other officials.
- The Ministry of Labor and Social Affairs should strengthen support services for victims of rape and sexual violence, such as counseling, testing, heath and medical services, legal and financial services.

3-9-03

- The Ministry of Interior and its coalition advisors should ensure that investigating officers handling sexual violence, abduction, and rape cases specialize in such investigations and be trained in the issues surrounding gender violence and the use of medical and other forensic evidence.

To the U.S.-led coalition military forces:

- Until the Iraqi police are fully capable of doing so, the U.S. should deploy a special investigative unit to investigate sex-based and trafficking crimes against women and girls. This unit should comprise experienced individuals trained in such work, and should employ female as well as male investigators and translators.
- Train military and Iraqi police about the need for sexual violence victims to have access to immediate medical and forensic attention for the collection of evidence.
- Clarify lines of communication between civil affairs officers, whom many women, girls, or their relatives may approach to report crimes of sexual violence, and the military police and Iraqi police, to ensure maximum coordination and information-sharing about cases, leads, and patterns.
- Until Iraqi police forces are able to do so, publish and widely disseminate crime statistics, which would include both crime reports received as well as perpetrators apprehended. Work with the Iraqi police to ensure that Iraqi record-keeping matches that of coalition forces.

To the donor community:

Special priority should be given to programs that:

- Review and reform existing laws to ensure that they are consistent with Iraq's obligations under international human rights standards, do not discriminate on the basis of sex or gender, and afford women and girls equality of access and opportunity.
- Train law enforcement and judicial personnel in recognizing, investigating, and prosecuting sexual violence, including sexual violence against children, and assist law enforcement agencies in acquiring necessary forensic skills and equipment for investigating cases of sexual violence.
- Provide financial and technical assistance to civil society organizations providing services to women and girls who have suffered sexual violence, trafficking, forced marriage, or who fear reprisals from their families in the form of "honor" killings. Such services may include shelter, legal services, counseling and testing, and medical assistance, and should be sensitive to the special needs of street children, internally displaced persons and refugees, and members of other disadvantaged social groups.

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July 2003

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News

Global Anti-War Groups Monitor Occupation Abuses In Iraq



The new Watch Center is expected to highlight atrocities against Iraqi civilians

BAGHDAD, July 9 (IslamOnline.net & News Agencies) - After failing to stop the Iraq occupation, the global anti-war movement announced Wednesday, July 9, it had established a center in Baghdad to monitor abuses by the U.S.-led coalition forces occupying Iraq.

The "International Occupation Watch Center" will investigate and report on abuses such as "illegal detentions, the dismissal of more than 100,000 employees, improper searches, illegal seizures of properties," according to Ted Lewis of non-governmental organization Global Exchange, reported Agence France-Presse (AFP).

"There were 40 million people in the streets against the war," said Medea Benjamin of United for Peace and Justice, an organization that groups some 600 anti-war non-governmental organizations.

"This is a reorganization of the anti-war movement to say 'no' to the occupation," she told AFP.

Coalition forces "must provide basic security and deliver basic services," Lewis of Global Exchange added.

On the political level, Benjamin said the 25-member "transitory governing council" which U.S. overseer of Iraq Paul Bremer said he will unveil in the next two weeks would be nothing more than a "puppet government."

"A government selected by the coalition in a totally secretive process (is) a puppet government," she said, lamenting the lack of transparency that was also applied to business contracts to help rebuild Iraq.

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"They give the contracts to U.S. corporations with close ties with the Bush administration," she said.

The U.S.-led campaign to invade and occupy Iraq drew world-wide unprecedented criticism on all levels. It even caused a rift in the United Nation's Security Council with the anti-war camp, led by Germany, France and Russia, blocking a resolution authorizing the war by the invasion camp, led by Washington and London.

Three months now have passed since the fall of Baghdad and the occupation coalition is coming under heated criticism inside Iraq for failing to meet its promises of "liberating" the Iraqis and granting them a "new, secure, prosperous and democratic life".

It is also under harsh criticism internationally for failing so far to come up with any tangible evidence backing up the case for launching the invasion in the first place; namely, the Iraqi weapons of mass destruction.

Both U.S. President George W. Bush and British Prime Minister Tony Blair are under fire at home for reportedly 'misrepresenting information and - in some cases - using forged documents to win domestic support for the controversial occupation.

Before the end of the invasion, the Swiss Foreign Ministry had decided to document U.S.-British war crimes against Iraqi civilians on a separate section within its website.

Swiss Foreign Minister Micheline Calmy Rey Monday, March 31, was quoted by the German paper *Frankfurter Allgemeine Zeitung* as saying that the section - operational since Monday morning - gathers information and data from credible and documented sources, adding names of new victims would be added on an hourly basis.

The initial data available so far reveals the dirtiness of U.S.-British warmongers, the fakeness of their claims about a clean war, as well as their indifference to the lives of innocent, unarmed Iraqi civilians, Rey, member of the ruling Socialist, Democratic Party, was quoted by the paper as saying.

However, the move was killed before it even got started, due to huge pressures and the difficulty of obtaining related documents.

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Red Cross tells horror of war

The International Committee of the Red Cross (ICRC) is reporting high numbers of civilian casualties throughout Iraq.

ICRC spokesman in Baghdad Roland Huguenen-Benjamin says an average of 100 civilian casualties a day are being recorded at hospitals in the capital.

Mr Benjamin says he and his staff have also been shocked by the numbers of dead and injured in a hospital in the town of Hila, 100 kilometres south of Iraq.

"That hospital where we had a chance of travelling with our own surgeon was utterly overwhelmed by hundreds of civilian casualties brought in, in just over 48 hours," he said.

"And there were lots and lots of dead bodies that were practically dismembered by the violence of the explosion they had been subjected to."

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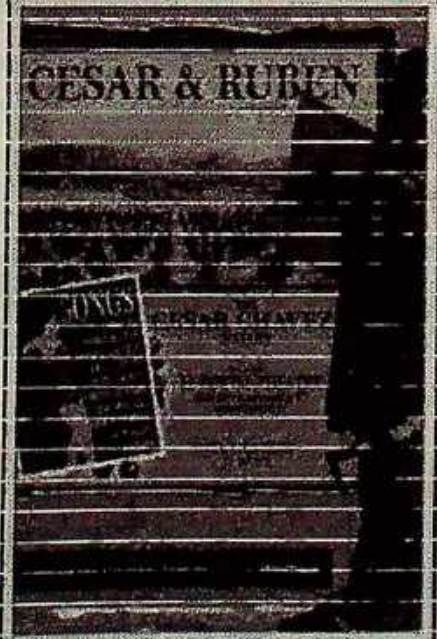
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April 9, 2003

CounterPunch Special Report

Secret Bechtel Documents Reveal:

Yes, It *Is* About Oil

By DAVID LINDORFF

Is the war against Iraq all about oil? Not to hear Defense Secretary Donald Rumsfeld tell it. Back on Nov. 15, he called the notion that oil was the real reason behind the Bush administration's drive against Saddam Hussein "nonsense," saying, "It has nothing to do with oil, literally nothing to do with oil."

But a new study released by the Institute for Policy Studies, based upon secret diplomatic cables just declassified by the National Archives, and internal communications of the Bechtel Corporation, suggests just the opposite?that oil is the

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underlying cause of this war.

The study, which discloses the intimate links between the Bechtel Corporation and Bechtel executives and U.S. policy towards Iraq, also shows that some key players in the push for America's war against Iraq, including Rumsfeld, Vice President Dick Cheney, and other former Reagan administration officials Roger Robinson, Judge William B. Clark and Robert McFarlane, have been intimately involved in issues relating to Iraqi oil as far back as the1980s.



Titled "Crude Vision: How Oil Interests Obscured US Government Focus on Chemical Weapons Use by Saddam Hussein," this report traces an intense effort by Reagan officials in the mid-OE80s to win Hussein's approval for a $2-billion oil pipeline to be built by Bechtel, running from the Euphrates oilfields in southern Iraq westward to Jordan and the Gulf of Aqaba.

A key player in that effort was Rumsfeld, then the CEO of Searle drugs, the giant phramaceutical company.

One particularly revealing 1983 memo, declassified for the first time in February by the National Archives, concerns a trip by Rumsfeld to Iraq. Acting as a special White House "peace envoy" allegedly to discuss with Hussein and then foreign minister Tarik Aziz the bloody war between Iran and Iraq, Rumsfeld turns out according to this memo to have been talking not about that war, but about Bechtel's proposed Aqaba pipeline.

In his memo to Secretary of State George Schultz reporting on the meeting with Hussein, Rumsfeld talks at length about the pipeline discussion, but makes no mention of having discussed either the war or charges that Hussein's army was using chemical weapons against the Iranians.

The intense focus of Rumsfeld, Schultz (a former

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president of Bechtel), Cheney and other Reagan officials, in concert with Bechtel, on the pipeline, reads like an abbreviated, or mini "Pentagon Papers," laying the groundwork for a collapse in relations between the U.S. and Iraq, and eventually to

war. The documents also cast Bechtel's current position as one of two top candidates for the lucrative contract to "rebuild Iraq" in a troubling light.

As American troops press into Baghdad, and Iraqi casualties run into the thousands, Counterpunch speaks with Jim Valette, director of research at the Sustainable Energy and Economy Network, and one of the three authors of "Crude Vision."

Q: What prompted this study?

A: We were examing the interconnections between private corporations and the U.S. government in the pursuit of oil worldwide since 1995--principally the U.S. financing --through the World Bank and US agencies like the Export-Import Bank and the Overseas Private Investment Corporation (OPIC), etc.?of that pursuit. But what has clearly occurred in recent months has been clearly an even more serious expression of this pursuit of fossil fuels for the benefit of Big Oil, which is an extention of this relation into the military role. And so we're looking at the deployment of troops and paramilitaries financed by the U.S. government worldwide, and of course the most serious conflict of interest is in Iraq. In the course of that research we saw the beginning and end of the story of American efforts to gain control of Iraq's oilfields, the beginning being Rumsfeld's meeting with Saddam Hussein in Deecemer 1983 to the end, which was the Independent Counsel's investigation of the Attorney General, at the time, Edwin Meese, and his relationship with one of the brokers of the pipeline, E Robert Wallachs. Before this nobody had connected the dots between Rumsfeld and the Meese investigation and nobody had examined exactly how dominant this pipeline project was in the diplomacy and the burgeoning relationship between the Reagan administration and Saddam Hussein. It was in that context that we came

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across corporate records and government memoranda related to the Aqaba pipeline project. It was a real eye-opener to us to see how interwomen Bechtel's interests were with the Reagan Administration.

Q. We1re talking about stuff that happened almost 20 years ago. How is this relevant to what's happening in Iraq now?

A: This story, I think, is timely even though it's 20 years old because Bechtel is back now, as the likely winner of the contract to rebuild Iraq's infrastructure, and many of those Reagan administration officials are back, and they are poised to get their hands on Iraq's oil again.

Q: So what is new here?

A: The release in February by the National Archives of cables back and forth between Washington and U.S. diplomats in the Middle East around the time of 1983 and 1984 disclose for the first time what really transpired in Rumsfeld's meetings with Saddam and other Iraqi officials. What had previously been reported was that Rumsfeld had a cozy meeting with Saddam in Baghdad in December 1983. In the past, the focus was on whether or not he had raised the issue of Saddam's use of chemical arms against Iran. But what the actual memoranda show is that a big part of Rumsfeld's discussion with Saddam Hussein was this new proposal from Bechtel to build a pipeline form Iraq to Jordan. I mean Rumsfeld was executing the marching

orders of George Schultz, who was the Secretary of State, but who came directly from the presidency of Bechtel to the Reagan administration. The documents released by the National Security Archive suggest that what was going on then had quite a bit to do with oil--certainly more than had been known before.

Q: Before the release of those documents we didn't know that Rumsfeld was talking about a pipeline?

A: Right. Right. I mean it was reported that when

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he was there he didn't raise an issue with Saddam about the use of chemical weapons, even though there were reports coming out of Iran that Saddam was dropping chemical bombs on Iranian troops.

Q: So we knew before what he didn't talk about, but not what he was talking about?and that was the pipeline?

A: .Right, he was there sort of as a bagman for Bechtel. And then there were documents I found in the government's National Archives that showed the extensive involvement of Reagan officials and the very close relationship they had with Bechtel officials, in pursuing this pipeline over the next two years. We sort of connected the dots between what was in these National Security Archives and what was known in the general coverage over the last 15 years.

Q: How important was this pipeline in terms of <U.S.-Iraqi> relations?

A: It was the focus of U.S. relations with Iraq for several years, right through the period that Iraq was locked in a bitter war with Iran. In one 1984 internal company memo, Bechtel executive H. B. Scott exhorts his colleagues at Bechtel, after it appeared that all this diplomacy by Rumsfeld seemed to be paying off, "I cannot emphasise enough the need for maximum

Bechtel management effort at all levels of the U.S. government and industry to support this project. It has significant political overtones. The time may be ripe for this project to move promptly with very significant rewards to Bechtel for having made it possible." And in these documents we see how tightly interwoven this management effort is with their former colleagues such as George Schultz in the State Department in implementing this initiative. It shows how corporations take advantage of U.S. geopolitics in the region and how they try to profit from those geopolitical developments. Another important memo was in July of 1985, after Bechtel had run into some difficulties in assuaging Saddam's fears about potential Israeli threats to the pipeline. Bechtel

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and the State Department were having trouble getting the right degree of assurance from the Isreaeli Labor Party [then the ruling party in Israwl] that the pipeline would be off limits to attack. Bechtel and the Reagan administration officials were trying to get absolute assurance from the Labor Party that the pipeline would absolutely not be

attacked. There were some frustrations to that approach in 1985, and so Bechtel hired a couple of very close friends of the Reagan administration to sort out the deal. In July of 1985, pipeline promoters hired Judge Jim Clark, who was considered Reagan's right hand man. He had just left government to go into private business. There's a memo from Judge Clark saying that he's "on board" and laying out the terms of his involvement, which were $500 an hour, and saying he'd be flying to Baghdad, not as a private consultant, but representing himself as a White House representative. That memorandum, which is avialable on our website (<www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB82>), shows how blurry that revolving door had become. He's working for the government while he's simultaneously getting paid as an agent for Bechtel.

Q: Okay, so we have the evidence that there was this big concern about getting this big pipeline for Bechtel, and the interest in getting oil out without it having to go through the Persian Gulf. But wasn't that a legitimate national security concern for the U.S., given Iran's political situation and its hostility towards America?

A: Well, it has been long-standing US national security policy on paper

that threats to the free flow of oil are threats to national security, and this is what we're getting at here. Is this pursuit of oil or the pursuit of empire? Some folks define what's going on in Iraq as U.S. pursuit of empire, but right now it's really two sides of the same coin. And this policy of

pursuing oil and empire is coming up against all sorts of realities now that weren't well understood

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back in the 1980s. On the National security side, this pursuit of oil wealth at all costs has huge costs to democracy and human rights. It's creating a backlash in the Middle East and elsewhere that has had some horrible expressions recently.

Q: The pipeline never got built though. What happened?

A: In the end, Saddam decided that Bechtel was trying to charge too much for the project, and so he killed the project and instead went with a pipeline connecting into pipelines in Turkey and into Saudi Arabia, but avoiding the Straits of Hormuz.

Q: Do you expect to see the Aqaba pipeline revived?

A: Maybe, maybe not. I've seen reports now of Israel looking to build a pipeline from Iraq to the Golan Heights. It's not the same project as Bechtel's Aqaba pipeline idea. Bechtel asked the Commerce Department to keep the Aqaba pipeline registered as an active project for years, but it's probably less necessary now for the U.S. and Bechtel. The pipelines to Saudi Arabia and Turkey give an alternative route for oil to the Persian Gulf, and Bechtel gets into Iraq as a contractor to rebuild Iraq after the war. Right now, according to an article in the Wall Street Journal, Bechtel is one of the two finalists for the Iraq reconstruction job, along with Parson's group, which has Halliburton as a secondary contractor. Halliburton is Vice President Cheney's former company [Note: Cheney is still receiving payments from Halliburton]. That was reported in the Wall Street Journal

today (April 2). They're both on the short list. Halliburton sort of stepped back for obvious reasons but they1re still in there with Parsons.

A: Aside from the unseemly picture of two well connected companies getting an inside track for all that post-war business in Iraq, why do you find the Bechtel involvement in this situation so troubling?

Q: Schultz worked at Bechtel. So did (Reagan Defense Secretary) Caspar Weinberger. There

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were a lot of Bechtel people in the government in the '80s at the same time that the Iraqi's were gassing the Iranis. The same people are now formulating the plans for a coming U.S. occupation of Iraq, and in turn, the same people will be given the spoils of war--whether it's Parsons and Halliburton or Bechtel. It's all kind of circular back to the 1980s, you know -- completing unfinished business--getting American companies back in there after their being shut out since 1991 and the first Gulf War. Bechtel was also listed by Iraq in its report to the U.N. weapons inspectors as one of the companies that helped supply Saddam with equipment and knowledge for making chemical weapons. Bechtel in the 1980s was prime contractor on PC 1 and 2, two petrochemical plants constructed in Iraq which had dual-use capacity. So I guess the bottom line is that the Bush-Cheney-Rumsfeld squad are now holding Saddam Hussein accountable for chemical weapons of mass destruction--the same weapons which these same officials ignored in pursuit of the Aqaba pipeline project. And now we are going to reward the pipeline promoter with massive contracts for reconstruction resulting from this policy. There is just such hypocricy in all this.

Q: This all seems like a kind of mini-Pentagon Papers, laying out the early roots of this war.

A: It's not as much of a blue-print as was the Pentagon Papers, but these memos and documents do show how business gets done in Washington, how it was conducted in the 1980s and how it's probably being conducted now behind closed doors under secret bidding processes. And it shows how the origins of American conflict with Iraq involve control of and access to oil.

Q: Can you see any signs that the current war is linked directly to oil? I mean the administration has given so many reasons for going to war I'm surprised they haven't gotten to oil. I remember in 1991, the first Bush said it was about jobs, which equates pretty quickly to oil. But they didn't say that this time around.

A: Yeah, they've redacted any reference to oil from their language. Maybe that's the best evidence

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that that's what it's really about, because it's logical. I mean Bush the first in his national security papers defined the free flow of oil as a national security priority, as did President Clinton in his final months in office. He released a national security paper that said that the free flow of oil is a national security priority that must be enforced with military might if necessary. The current Bush came out with the national security strategy that redacted this long-standing text dating back to the Carter administration, but at the same time you had this Cheney energy policy that continues this idea of the necessity of a "diverse and free supply of oil" without the military language. And actually you had Cheney kind of kick off the whole war fever last August in a speech to the Veterans of Foreign Wars. He cited the specter of Saddam Hussein with his weapons of mass destruction threatening the flow of oil from the region. Then immediately afterwards, any kind of reference like that vanished from the Bush administration's rhetoric, to the point that Secretary of Defense Rumsfeld called any kind of association of the current conflict with oil to be an "absurdity." So there is no document or strategy paper now that says "we must invade

Iraq because our US oil companies have been shut out of this second largest reservoir of oil for the last 20 years," but who knows what we'll find in the National Archives 20 years from now? It's a circumstantial case, but that's as good as we can do now. And logic certainly has its place as well. I mean, the question is why are the weapons of mass destruction today a cause for war when these very same weapons were ignored by the same officials 20 years ago when they were being used. What has changed is that other national oil companies--French, Russian and Chinese--have gotten into Iraq, while U.S. companies were being frozen out. I'm sure there are other factors. Certainly the Kuwait invasion didn't help U.S relations with Saddam, and since Kuwait, Saddam signed very lucrative oil contracts with the French, Russians, Chinese and others.

Q: You made the point in your paper that US relations started to tank with Iraq after the rejection of the oil pipeline.

A: That's true. There was a shift away from Iraq to Iran right at that time, but I should say that Reagan and Bush the First both played both sides of the fence for a while, even after the pipeline project collapsed. You had the Iran Contra deal, but at the same time the U.S. was providing Iraq with intelligence about Iranian troop movements. And the U.S. did extend commodity credits through the Agriculture Department that Saddam then parlayed into arms. And there were the chemical plants that Bechtel helped build. So it's been quirkier than that. But certainly the end of the pipeline destroyed oil relations.

Q: What do you think led to the current war. What's the oil link?

A: Look at what's in Iraq and what's undeveloped. Iraq represents a major insurance package against any kind of political overhaul in Saudi Arabia or problems elsewhere in the Middle East. Look at the policy that people like Rumsfeld and others were recommending in the 1990s leading up to this war and they certainly cited the threat of Saddam Hussein to regional oil supplies as a cause for war. Certainly if the Bechtel pipeline had been built, the course of Iraqi-U.S. relations would have been much different. The failure of that pipeline set into motion a much different course for those relations.

A: So having control of Iraqi oil is still a key issue?

Q: It's the sole reason why the Persian Gulf region and Iraq have been a United States national security concern for so long. It's not geography.

Q: So what would you say is the lesson of all this?

A: The lesson is that when it comes to oil, a dictator is friendly to the U.S. when he's willing to do business and he's a mortal enemy when he's not. That has been the driving force behind national security policy, especially since the fall of the Soviet Union. Oil and national security policy were all submerged in the context of the Cold War. But once that Cold War collapsed, now it's a no-holds-barred battle for oil globally, and the U.S. has seen itself cut out of the world's second largest reserve of oil--and oil that is very

inexpensive to extract. So with the U.S. shut out of Iraq, certainly it makes the trigger fingers of U.S. policy-makers itchy. And whether it's a blood feud or a war for oil, it's just a tragedy that the people of Iraq and our own sons and daughters and brothers and sisters are paying the price.

Dave Lindorff is the author of Killing Time: an Investigation into the Death Row Case of Mumia Abu-Jamal. A collection of Lindorff's stories can be found here: http://www.nwuphilly.org/dave.html

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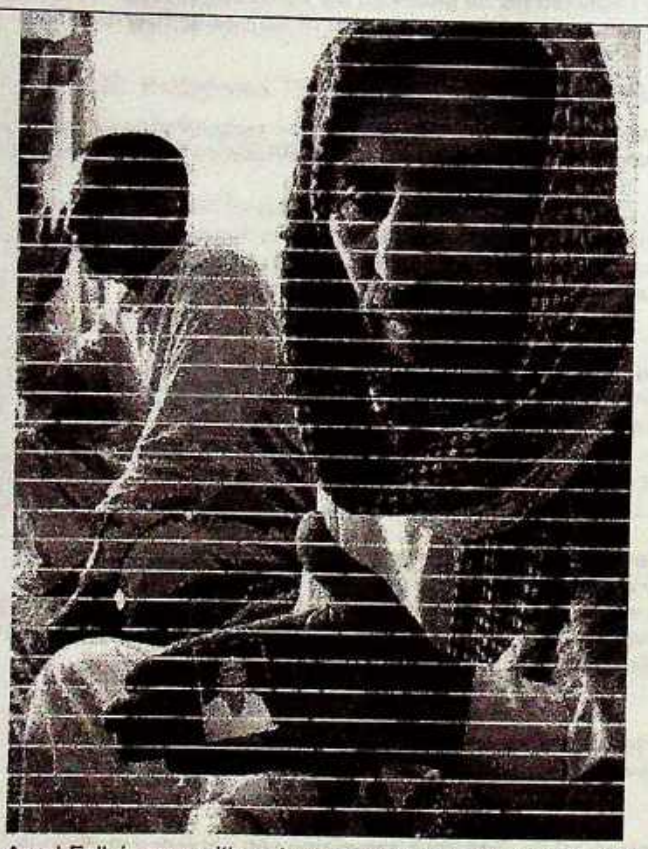
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An al-Falluja man with a photograph of his son, killed by U.S. troops during the April 28th demonstration.
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All the children came back and I asked if 'Abd al-Qadir is with them. They did not know where he was, they thought he had come home before them. I was searching for my boy near the school but I could not find him. As I heard from the mosque loudspeakers, there were some wounded on the streets and people must give blood. So I went to the hospital to look for my boy. When I got to the hospital, I saw my brother 'Isam getting the body and he gave it to me.

Testimony to Human Rights Watch

VIOLENT RESPONSE: THE U.S. ARMY IN AL-FALLUJA

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VIOLENT RESPONSE: THE U.S. ARMY IN AL-FALLUJA

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Welke kosten zullen door de verschillende overheden (rijk, provincies, gemeenten) moeten worden gedragen, en welke door particulieren?

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In hoeverre is duidelijk en zeker dat de particuliere sector financieel de overheid zal volgen in de beleggings- en investeringssfeer in het actieve initiërende beleid dat is gericht op het bijsturen van de markt? Is het bij voorbeeld niet juist zo dat particuliere beleggers en investeerders, die ± 75% van alle investeringen voor hun rekening nemen zich in hoofdzaak richten op grootschalige ontwikkelingen in slechts één of twee economische centra in Nederland in plaats van verspreid over grote delen van Nederland (uitzonderingen daargelaten)?

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Wat vindt de regering van de gedachte om over te gaan tot instelling

Under international humanitarian law, the United States, as the occupying power in Iraq, has the obligation to restore and ensure public order and safety, in conformity with international human rights standards. When engaged in law enforcement functions, such as crowd control, law enforcement standards should govern their response. The United Nations Basic Principles on the Use of Force and Firearms, by Law Enforcement Officials applies to all those who exercise police powers, particularly the powers of arrest and detention, including soldiers when they are acting in this capacity. Law enforcement officials may use lethal force only "when strictly unavoidable in order to protect life." When doing so, they must: act with restraint and in proportion to the seriousness of the offence and the legitimate objective to be achieved; minimize injury; and respect and preserve human life.

Human Rights Watch's findings of excessive use of force by U.S. troops point to the need for a full, independent and impartial investigation of the al-Falluja incidents by U.S. authorities. Such an investigation should aim to determine the full circumstances that led to the killing of as many as twenty Iraqi civilians in these two incidents, and to hold accountable anyone found to have violated international humanitarian law. Human Rights Watch's own findings are not a substitute for a full independent and impartial investigation, which would have access to classified evidence, such as communications between U.S. commanders, debriefings of the soldiers involved and other intelligence sources. An investigation should also focus on the possible role of provocateurs within the crowd, in order to determine their responsibilities in the incidents.

Methodology

Human Rights Watch conducted an in-depth investigation in al-Falluja on May 3-9 and May 14, 2003. During that time, two researchers interviewed thirty-one people, most of them direct witnesses or victims of the April 28 and 30 incidents. They visited the three main hospitals in town—the main al-Falluja hospital, a private hospital run by Dr. Talib Matar al-Janabi, and a Jordanian military field hospital on the outskirts of town—to collect the names of those injured and killed. They spoke with al-Falluja city officials, including the mayor of the town and religious leaders, and spent hours inspecting the sites of the shootings. Human Rights Watch's senior military analyst also inspected the site of the April 28 shooting for ballistics evidence.

Interviews were conducted with three of the U.S. soldiers directly involved in the April 28 incident, as well as two commanders. On May 8 and 9, Human Rights Watch interviewed soldiers of the 1st Batallion, 325th Airborne Infantry Regiment of the 2nd Brigade of the 82nd Airborne Division, as well as their commander, Lieutenant Colonel Eric Nantz.[1] Three soldiers present in the school on April 28 were interviewed in a group with Lt. Col. Nantz present: platoon Sergeant Crosson, platoon leader Second Lieutenant Wesley Davidson and Radio Telephone Operator Specialist Cory Brassien. On May 13, Human Rights Watch interviewed Colonel Arnold Bray, commander of the 82nd Airborne's 2nd Brigade, with responsibility for the al-Ramadi district.

II. RECOMMENDATIONS

Investigation

- U.S. authorities should conduct a full, independent and impartial investigation into the April 28 and April 30 violent incidents in al-Falluja to determine the circumstances that led to the shootings, and to hold accountable anyone found to have committed violations of international humanitarian law.

- The investigation should assess the crowd control measures used by U.S. troops, and elaborate ways to avoid violence and minimize civilian casualties in the future.

- The investigation should also examine the law enforcement training provided to U.S. troops in Iraq to determine if it meets the standards of international humanitarian law.

[1] A battalion consists of approximately 300 to 1,000 troops; a brigade headquarters commands the tactical operations of between two and five battalions; and a division consists of approximately three brigade-sized units, or 10,000 to 15,000 troops.

- The findings of the investigation should be made public.

Use of Force

Under international humanitarian law, the United States as the occupying power in Iraq is obligated to restore and ensure public order and safety. Achieving security must however be in conformity with international humanitarian law and human rights standards. As such, the U.S. military should ensure the following:

- U.S. security forces, in law enforcement situations, only use law enforcement means. In particular, when facing civilian demonstrations or protests, U.S. forces should abide by the standards set forth in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials, and be provided with the equipment and training necessary for this purpose.

- Deployment of adequate numbers of coalition and other military police or constabulary units trained in international law enforcement standards, and provide these units with the resources and equipment to meet Iraq's postwar law enforcement needs.

- U.S. security forces not use firearms in situations of civilian protest except where this is strictly unavoidable to defend U.S. personnel or others against the imminent threat of death or serious injury. Whenever firearms are used, great care should be taken not to inflict injury on civilians.

- If there are exchanges of fire, U.S. security forces avoid disproportionate harm to civilians or civilian objects.

- U.S. government provides compensation to victims of unlawful use of force by U.S. security personnel where this has caused death, disablement, or destruction of property.

- U.S. Army soldiers be trained to defuse tense non-combat situations without resorting to lethal force. Lethal force should be used intentionally only when necessary to meet an imminent threat to life and only in proportion to the actual danger presented in conformity with international standards.

- U.S. troops in Iraq be equipped with adequate crowd control devices to avoid a resort to lethal force. Efforts to enhance communication with local communities should be intensified, starting with adequate provision of translators.

III. BACKGROUND: THE ENTRY OF U.S. FORCES IN AL-FALLUJA

Al-Falluja is a town of about 300,000 residents located some sixty kilometers west of Baghdad. The town forms part of the Sunni Muslim center of the country, one of the main areas of popular support for former Iraqi President Saddam Hussein, himself a Sunni Muslim from Tikrit.

Al-Falluja had generally benefited economically under the previous government. Local residents told Human Rights Watch that many of them had worked for the military, police or intelligence. However, Human Rights Watch did not find overwhelming sympathy for Saddam Hussein following the collapse of his government. Many al-Falluja residents told Human Rights Watch that they considered themselves victims and opponents of his repressive rule.

To this one must add the tense atmosphere in the town, which combines strong Islamic codes of honor and hospitality, as well as strong social conservatism. Al-Falluja is known as the "city of mosques."

From the arrival of U.S. troops, residents told Human Rights Watch, they viewed the soldiers as disrespectful of their values and religion. Poor communication between the U.S. Army and al-Falluja's residents may have been an important underlying reason for the escalation to violence. What the U.S. military saw as attempts to assist the town were sometimes misunderstood or poorly communicated.

Al-Falluja was bombed by coalition forces during the war, but was spared ground fighting. The Iraqi military and *fedayeen*[2] in and around town melted away once Baghdad, Kirkuk and Mosul fell on April 9-11, residents in al-Falluja and the U.S. military said. U.S. Special Forces patrolled the region and then, on April 23, soldiers from the 82nd Airborne's 2nd Brigade rolled in. "We came in to show presence just so the average citizen would feel safe," said Col. Arnold Bray, commander of the troops with responsibility for the region. "We were given the authority to defend people and infrastructure, and obviously ourselves."[3]

Col. Bray also told Human Rights Watch that soldiers of the 82nd Airborne in Iraq received training for what he called their "peacekeeping role" after combat. "We rehearsed for months preparing for no-fight," he said.[4]

By the time U.S. forces arrived, tribal and religious leaders in al-Falluja had already selected a Civil Management Council, including a city manager and mayor. The quickly-formed local government was having success in minimizing the looting and other crimes rampant in other parts of Iraq. Different tribes[5] took responsibility for the city's assets, such as banks and government offices. In one noted case, the tribe responsible for al-Falluja's hospital quickly organized a gang of armed men to protect the grounds from an imminent attack. Local imams urged the public to respect law and order. The strategy worked, in part due to cohesive family ties among the population. Al-Falluja showed no signs of the looting and destruction visible, for example, in Baghdad.

The 1st Battalion of the 82nd Airborne Division's 2nd Brigade, five companies comprising approximately 700 soldiers, took responsibility for security in al-Falluja, setting up a command post at the local headquarters of the Ba'th Party on al-Falluja's main street. Approximately 150 soldiers from the Charlie Company occupied the al-Qa'id primary school, a few hundred yards south of the main road.[6]

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[2] Literally, those who sacrifice themselves, in this case for Saddam Hussein.

[3] Human Rights Watch interview with Col. Arnold Bray, Baghdad, May 13, 2003.

[4] Human Rights Watch interview with Col. Arnold Bray, Baghdad, May 13, 2003. In September 2000, the U.S. Army issued an 800-page report on the conduct of the 504th Parachute Infantry Regiment of the 82nd Airborne Division during peacekeeping operations in Kosovo. The inquiry, sparked by the January 2000 rape and murder of an eleven-year-old Kosovar Albanian girl by a member of the regiment, found incidents of misconduct by some soldiers, including use of excessive force, inappropriate touching of Kosovar women, and problems with the crowd control methods used by the troops. Four officers and five enlisted men were punished. The inquiry concluded that the troops were not adequately trained for peacekeeping missions, and that they had experienced difficulty adjusting their combat mentality to a peacekeeping role. The army ordered all troops involved in future peacekeeping missions to go through a full "mission rehearsal exercise" before deployment to ensure they receive proper training.

[5] The strength and political relevance of tribe and clan-based social structures have waxed and waned in Iraq throughout the modern era. British authorities promoted tribal sheikhs as allies of colonial rule. The spread of land reform, increasing urbanization, and ideology-based political movements gradually undermined the relevance of tribal relations, though they continued to figure in recruitment into special security and military services established by successive republican governments. After 1991 the government of Saddam Hussein recognized the authority of sheikhs to regulate local affairs in return for their loyalty, in some cases allowing them to arm their followers. At a moment when the central Iraqi political authority has collapsed, such social identifications appear to have become even more salient. The principal tribe in the al-Falluja/al-Ramadi area is al-Dulaim. Others are al-Jubbur, al-Shummar, al-'Ubaidat and al-Hamdan.

[6] Human Rights Watch interview with Mahdi al-Qubaisi, manager of al-Falluja municipality, al-Falluja, May 3, 2003; "Iraqis Said to Be Killed as U.S. Forces Fire on Protest," Associated Press, April 29, 2003.

From the beginning, the local community was agitated and concerned. "We just wanted them to be far from the city's center because of the conservative attitude of our people," said al-Falluja's new mayor, Taha Badawi Hamid al-`Alawani.[7]

According to the commander of the 1st Battalion, Lt. Col. Eric Nantz, his forces entered the school in order to be closer to the community. "The only reason we occupied the school is [that] we were trying to find a location where we could communicate with the people," he said.[8] He did not indicate that he saw any tension between his community relations objective and the possible unfavorable response of townspeople to the fact that troops were occupying a school.

Lt. Col. Nantz also explained that the battalion under his command had discovered schools full of arms in other cities of Iraq, especially al-Samawa, where the 82nd Airborne had faced Iraqi resistance. "With that experience, we went to reduce the weapons flow and remove them," he said. "They were a danger to coalition forces and to civilians."[9] However, his soldiers found no weapons in the al-Falluja school.

In addition to being near the community, the two-story school was also a defensible structure, with a seven-foot high perimeter wall around the compound and sweeping views from the roof.

Worried local leaders met with U.S. commanders on April 24, explaining that al-Falluja was a religious city and requesting sensitivity from U.S. troops. Al-Falluja residents resented the aggressive street patrols of the soldiers, they said. That same day, a crowd of 400-500 people protested the U.S. military presence in nearby al-Ramadi, Col. Bray said. Someone threw a grenade on top of a Humvee, he told Human Rights Watch, injuring two U.S. soldiers. In the following days, U.S. convoys were often pelted with stones.

In al-Falluja, stories began to circulate about U.S. soldiers inappropriately eyeing Iraqi women, a serious offense to the community. Rumors spread that soldiers were using night vision goggles to look at women as they hung clothes out to dry, or that soldiers were giving children bubble gum with pornographic pictures.[10] Some people were apparently convinced that U.S. troops were detaining children at the school. Some local religious leaders reportedly gave credence to such rumors by repeating them in sermons. Human Rights Watch spoke with residents for whom these stories had become hard fact.

In the words of Imam Muhammad al-Zuba`i, responsible for the Nazal mosque next to the al-Qa'id school: "The U.S. soldiers didn't behave very well with the people of al-Falluja. They were using their night-vision equipment to see who was on the roofs of the houses, watching the families of the neighborhood. This disturbed the privacy of the people. And there were intensive American patrols."[11]

Imam al-Zuba`i said he did not have any meetings with U.S. military personnel for fear of upsetting the neighborhood. "People did not like me talking to them," he said. "They would think I am a spy or agent."

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[7] Human Rights Watch interview with Mayor al-`Alawani, al-Falluja, May 6, 2003.
[8] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[9] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[10] The manager of al-Falluja municipality, Mahdi al-Qubaisi, told Human Rights Watch: "We explained that this is a religious city and they had to respect our traditions. But some of the soldiers were watching the women putting out the washing with their goggles. This is a religious city and people didn't accept this. Some children were given some bubble gum wrapped in striptease pictures. It wasn't right to do this." Human Rights Watch interview with Mahdi al-Qubaisi, al-Falluja, May 3, 2003.

One of the wounded men from the school shooting, Ahmad Khatim, told Human Rights Watch: "The soldiers were on the roof of the school, and they used their goggles to see our wives, daughters, and sisters when they were washing the clothes. In their hands were bottles of beer. They used to watch our women. I also heard they gave children strip-tease pictures." Human Rights Watch interview with Ahmad Khatim, al-Falluja, May 3, 2003.
[11] Human Rights Watch interview with Muhammad al-Zuba'i, Imam of Nazal Mosque, al-Falluja, May 5, 2003.

U.S. soldiers did regularly survey the area around the school with binoculars and night-vision equipment, a standard practice of perimeter security. Residents took this to be unduly invasive of their privacy. Soldiers also gave children candy, but Human Rights Watch saw no evidence of candy wrappers with pictures of women, let alone pornographic images.

U.S. soldiers may have believed that they were simply engaging in standard security and patrolling practices, but some in the local community resented their presence and actions.

Lt. Col. Nantz said he tried to communicate with the community as best he could, even inviting individuals inside the school to see that no children were being held. "Presence patrols" worked the neighborhood on foot to meet residents, although troop security was always a concern. He was limited, he said, by a lack of translators.[12]

Tension ran particularly high at the al-Qa'id school occupied by Charlie Company. Schools in al-Falluja were scheduled to reopen on April 29, and parents in the neighborhood wanted the soldiers out.[13] On April 27, a group of children and young men playing soccer in a lot behind the school threw stones and shot slingshots at the soldiers on the roof. The soldiers dispersed the group with a smoke bomb.[14]

The 1st Battalion was open to withdrawing from the school, and they asked the mayor for an alternative location to base the troops. According to Lt. Col. Nantz and his commander, Col. Bray, Charlie Company had decided to withdraw from the al-Qa'id school on April 29. On the day of the shooting, April 28, their bags were already packed.

For the recently arrived U.S. soldiers in al-Falluja, the city seemed like a hostile place, while for many local residents the soldiers were unwelcome occupiers. At least three weapon markets continued to function in town—at one market visited by Human Rights Watch, AK-47 assault rifles were available for U.S. $40, and heavier .50 caliber machine guns were also on sale. Gunfire was regularly heard throughout the city, as residents fired into the air to celebrate the return of electricity or other momentous events. On April 28, tensions ran even higher: it was Saddam Hussein's birthday, and many expected pro-Saddam demonstrations in the center of the country.

IV. APRIL 28 SCHOOL PROTEST AND SHOOTING

By all accounts, a protest demonstration against the U.S. occupation in al-Falluja began around 6:30 p.m. on April 28th. Approximately 150 people gathered in front of the Ba`th Party headquarters on the main street, where U.S. troops in al-Falluja were based. The city hall is next door.

According to participants in the demonstration, the protest was peaceful and no one had guns. They chanted slogans like "God is great! Muhammad is his prophet!" They also chanted a slogan heard often at protests around Iraq: "No to Saddam! No to the U.S.!"

Lt. Col. Nantz was in a meeting with Mayor al-`Alawani at the time. "You could hear what sounded like a firefight," Nantz said. There had been regular shooting in al-Falluja, even pot shots at U.S. troops, but this was "not usual."[15]

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[12] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.

[13] The al-Qa'id primary school has 950 male pupils and 850 female pupils. The boys have class in the morning and the girls in the afternoon. Human Rights Watch interview with Muhammad Ahmad al-'Isawi, manager of the al-Qa'id School, al-Falluja, May 3, 2003.

[14] Human Rights Watch interview with2LT. Wesley Davidson, Platoon leader in Charlie Company, Baghdad, May 9, 2003; Muhammad al-Zuba'i, Imam of Nazal Mosque, al-Falluja, May 5, 2003; Human Rights Watch interview with Ahmad Khatim, al-Falluja, May 3, 2003.

[15] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.

According to Lt. Col. Nantz, he got into a Humvee with a loudspeaker and drove up and down al-Falluja's main road broadcasting a warning, through his translator, that he said could be heard for 900 yards: "The firing of weapons is considered dangerous to coalition forces and locals. It could be considered a hostile act and you may be confronted with deadly force."[16]

The shooting mostly stopped but an aggressive crowd reconvened thirty minutes later, chanting slogans in front of the U.S. base at the local Ba`th Party headquarters and the mayor's office. "They started to throw rocks at the U.S and our building," Mayor al-`Alawani said. U.S. forces fired a warning shot over the demonstrators, which once again dispersed the crowd.

One of the demonstrators, Falah Nawwar Dhahir, mostly agreed with this version of events, although he claimed the warning shot was an attack. "Near the intersection at the traffic light, the tanks shot at us, so we attacked them," he said. "We started to shout at them: "God is great!" and America is God's enemy!"[17] Human Rights Watch found no impact marks on the street or nearby buildings to suggest a tank attack on the crowd in front of the main base.

At 10:00 p.m., the crowd regrouped again, this time heading in the direction of the school, a few-minute walk from the main street. Participants and U.S. soldiers estimate the crowd between 100 and 250 people.

According to every Iraqi witness and participant interviewed by Human Rights Watch, twenty people in total, no one in the demonstration had arms. Many admitted, however, that there was shooting in other neighborhoods of al-Falluja, including on the main street. "I am sure that if we had had weapons we would have killed them," said Ahmad Hatim Karim, one of the demonstrators. "We wanted to enter the school and kill them."[18] In contrast, U.S. soldiers say that individuals in the crowd had weapons. From his position in the U.S. base at the Ba`th headquarters, Lt. Col. Nantz said he saw "at least ten AKs" in the crowd, meaning AK-47 assault rifles.[19]

As soon as the demonstration reached the school, shooting began. Again, the versions of events differ widely.

The participants in the demonstration and Iraqi witnesses interviewed by Human Rights Watch were emphatic that they had been attacked without provocation. All of the individuals said that U.S. troops fired excessively and indiscriminately as they arrived at the school.

Falah Nawwar Dhahir, a twenty-four-year-old worker whose brother was killed in the incident, said the demonstrators had no weapons. People far from the school were shooting in the air, he said, but not at U.S. soldiers. "They suddenly started shooting at us," he said. "There was continuous shooting until people fled. They shot at people when they came out to get the wounded. Then there was individual shooting, like from snipers."[20]

One of the demonstrators, Mu`taz Fahd al-Dulaimi, saw his cousin, Samir `Ali al-Dulaimi, get shot. He told Human Rights Watch: "There was no shooting and they suddenly started shooting at us. There were four [U.S. soldiers] on the roof—I saw them with my own eyes. There was a heavy machine gun. It was full automatic shooting for ten minutes. Some of the people fell to the ground. When they stood up, they shot again."[21]

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[16] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[17] Human Rights Watch interview with Falah Nawwar Dhahir, al-Falluja, May 4, 2003.
[18] Human Rights Watch interview with Ahmad Hatim Karim, al-Falluja, May 3, 2003.
[19] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[20] Human Rights Watch interview with Falah Nawwar Dhahir, al-Falluja, May 4, 2003.
[21] Human Rights Watch interview with victim's cousin, Mu`taz Fahd al-Dulaimi, al-Falluja, May 5, 2003.

As`ad Mirhij Rashid al-`Ubaidi, who lives behind the school, said he went out with his three brothers when they heard the demonstrators going to the school. "We reached the front school door," he said. "We were without weapons. They started shooting right away, intensively at the people. The crowd dispersed."[22]

Many of the witnesses said there was gunfire in al-Falluja at the time of the demonstration, but not near the school. "There was shooting all the time," As`ad Mirhij Rashid al-`Ubaidi said. "Kalashnikovs shooting in the air, but so far from the school."[23]

`Umar al-Qubaisi, who lives in the neighborhood and watched the protesters approach the school, also stressed that there had been no shooting from the Iraqi side. "The shooting from the Iraqi side started after the U.S. soldiers opened fire," he said. "But it was from another area and in the air."[24]

Three brothers of the al-`Ani family were hardest hit. The brothers live in three adjacent houses across the street from the school. The eldest, Muthanna, was shot in the foot while in his garden, and the other two brothers were hit while trying to carry him into the house. The middle brother, Walid, died from his wounds.

The brothers' cousin, Riad al-Khatib, aged thirty-five, said he was having dinner with his wife and child at Walid's house when the demonstration arrived. "It wasn't our business, he said. "We did not know about them."[25]

According to al-Khatib, the diners heard heavy gunfire on the street, and then someone yelling from inside Muthanna's house. Al-Khatib ran out to see what had happened and saw that Muthanna had been shot in the foot. He told Human Rights Watch:

> We tried to take Muthanna from the house to the hospital. Usama [the youngest brother] and I took him to the door. Walid came to help us. While Walid was helping us he was hit in the heart. He was shot in front of the door of Muthanna's house. We left Muthanna on the pavement. I took Walid and brought him to the garden. And I went back to Usama, telling him to get the car. Meanwhile, the shooting was ongoing at Muthanna. So Muthanna was crawling back into his brother's house [Walid's]. I took Muthanna and put him inside the garden of Walid's house and waited for Usama to bring the car. I did not know that Usama was hit in his car. So I took off my shirt to wrap Muthanna's leg. Meanwhile, the shooting was ongoing. Usama ran inside toward Walid's house. At that point, he was hit in the head. I noticed I could not go outside. I took off my undershirt to use as a white flag but still they shot at me. Fragments hit my fingers.

Human Rights Watch separately interviewed the wounded brother Usama, who gave a corroborating account:

> After the shooting started, I heard some shouting from my brother Muthanna's house. His children and his wife were shouting, and he was also shouting loudly. I decided to go out and see what was happening. I entered his house and saw him in the garage. He told me that he was shot inside his house in the foot, and that his foot was gone.
>
> I pulled him out into the street to bring him to another house. But he is very heavy, so I stopped to rest. Walid came out to help me, and I saw Walid fall to the ground [after being shot]. I carried Walid and took him inside the house. I could not carry Muthanna myself, so I ran to my house to get my taxi. I opened the garage door and started bringing the car outside. Two bullets grazed the back of my head as I was trying to reverse the car backwards. After that I got out of the car and started to crawl. I was pulling

[22] Human Rights Watch interview with As`ad Mirhij al-`Ubaidi, al-Falluja, May 5, 2003.
[23] Human Rights Watch interview with As`ad Mirhij al-`Ubaidi, al-Falluja, May 5, 2003.
[24] Human Rights Watch interview with `Umar Haj Yassin Walid al-Qubaisi, al-Falluja, May 5, 2003.
[25] Human Rights Watch interview with Riad al-Khatib, May 4, 2003.

myself along and turning over until I reached the middle of the street. During this time, they shot more than thirty bullets at me.

I raised myself and started to run away. I took another shot from the back, hitting my colon, which was removed in an operation. I entered my parents' house and saw some people I did not know. I was covered in blood from head to toe.[26]

The sequence of events described by Riad al-Khatib and Usama `Abd al-Latif al `Ani—the initial shooting of Muthanna and then the subsequent shooting of Usama and Walid during the rescue effort—lend credence to the protesters' estimate that U.S. soldiers shot over a period of approximately ten minutes, rather than the thirty seconds estimated by U.S. soldiers.[27]

Human Rights Watch also saw the injured Muthanna, who was wounded in both feet. His left foot had been amputated. Usama's car, described above, was struck with more than thirty rounds (see section below on Ballistic Evidence at the School).

The three U.S. soldiers and two commanders interviewed by Human Rights Watch had a different version of events. The most detailed account was provided by 2LT Wesley Davidson, who was in command of the Charlie Company platoon responsible for security at the school when the crowd arrived.[28]

Charlie Company was already on high alert, 2LT Davidson said, partly because it was Saddam's birthday, but especially because the soldiers had been following that day's demonstration in town. They had also heard Lt. Col. Nantz's warnings (translated into Arabic) over the loudspeaker.

As the crowd headed towards the school, armed soldiers got into position on the roof and in the second floor windows. "Machine guns were on the roof because they have the best field of fire," Davidson said. M-4 carbines, a short version of the M-16 rifle, were also on the roof and in the windows, as well as M-249 machineguns, both of which use 5.56 mm ammunition.

Davidson reported "sporadic gunfire into the air but not at us" as the crowd approached from the main street. But the shooting increased as demonstrators reached the street corner. "You could tell the rounds were picking up," he said.

The unit had a sniper named Mack who understood Arabic. According to Davidson, Mack said the crowd was chanting something about blood and Saddam. The soldiers threw a smoke canister in an attempt to disperse the crowd, Davidson said, but it had no effect, perhaps because of the dark. They shot illumination rounds from mortar tubes, but the crowd still did not disperse. The soldiers then claimed they saw men with weapons on the roofs of the three houses across the street. "They had weapons but were not shooting, so we just watched them," 2LT. Davidson said. "We had our lasers on them." The sniper Mack, he said, shot out a bright light on top of one of the houses that was shining in the soldiers' eyes.

At this point, the soldiers' claim they came under what they considered to be "effective fire." Two armed men fired from behind a taxi that was rolling down the street from south to north, while four or five other armed men mingled into the crowd. "The bullets started coming at us, shooting over our heads, breaking windows," 2LT. Davidson said. "It was coming from the street, the guys behind the taxi cab and some in the crowd. They were shooting at our guy on the northeast corner of the schoolhouse."

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[26] Human Rights Watch interview with Usama `Abd al-Latif al-`Ani, al-Falluja, May 4, 2003.

[27] According to 2LT. Davidson, "the whole engagement lasted about one minute." According to Lt. Col. Nantz, the shooting "lasted about thirty seconds."

[28] Human Rights Watch group interview with 2LT. Wesley Davidson Sgt. Crosson and RTO Specialist Cory Brassien, Baghdad, May 9, 2003.

All three U.S. soldiers interviewed together by Human Rights Watch, as well as their commanders, Lt. Col Nantz and Col. Bray, were adamant that the soldiers had come under fire from gunmen in the crowd and on the roofs across the street, hearing the crack of bullets snapping over their heads. "Rounds were hitting the building, hitting the window and flying over our heads," Davidson said.

Considering themselves under attack, the soldiers fired back with powerful force. A soldier firing a 7.62 mm machinegun—the M-60—targeted primarily the men shooting from behind the taxicab, the U.S. soldiers said. Other soldiers using M-4 carbines shot at the armed men in the crowd. Lt. Col. Eric Nantz, rejected any suggestion that his men fired without need. "They [armed Iraqis] fired at us and we returned precision and lethal fire," he stressed.[29]

U.S. Central Command on April 29 issued a statement claiming that U.S. troops had come under fire, although it gave a number of Iraqi shooters that is higher than that given by the soldiers interviewed by Human Rights Watch. "U.S. Army paratroopers from the 82nd Airborne Division were fired upon during the night of April 28 by approximately twenty-five armed civilians who were interspersed among and on rooftops above approximately 200 protesters," the statement said. "The paratroopers received hostile gunfire from elements mixed within the crowd and positioned atop neighboring buildings."[30]

Col. Bray told Human Rights Watch that his soldiers had "engaged" seven shooters: five in the crowd and two on the roofs across the street. "The response was proportional to the threat as it was perceived at the time," he said.[31]

Once the shooting stopped, Iraqi witnesses and ambulance drivers claimed it was impossible to reach the wounded in the street as U.S. forces shot into the air and ordered the ambulances to leave. The injured were dragged into houses and taken through the gardens to ambulances, they said. According to the al-Falluja Hospital ambulance driver, Jum`a `Abid Muthin: "My lights were on. We got out and shouted "We're an ambulance!" and they [U.S. soldiers] said 'Go away!' They shot in the air."[32] While the intentions of the U.S. soldiers in denying passage to the ambulances is unclear, this should be part of the investigation. Under international humanitarian law U.S. soldiers had an obligation to allow the wounded access to medical care as soon as practicable.

An ambulance from the Jordanian military hospital arrived at the scene thirty minutes after the shooting. "At the school I saw a lot of U.S. soldiers on the roof and many injured [Iraqis] on the ground," the driver Ahmad Isma`il Thnainan said. "The Americans said 'Go! Go!' Iraqi people brought the injured to me. I took two to the hospital, both with bullet wounds."[33]

At the hospital, al-Falluja residents tried to beat the Jordanian driver because they mistook him and his armed escort for U.S. troops. "People hit me at the hospital because they thought I was American," Thnainan said.

By that time, relatives and friends of the demonstrators were beginning to show up at the hospital, eager for news. The area mosques had also asked residents to donate blood. It was only then that many of them learned of the wounded and killed.

"I was searching for my brother, I thought he was one of the injured," Falah Nawwar Dhahir said. "When I was in front of the emergency entrance [of the hospital], as they were taking bodies in, one of the bodies was my brother's. He was shot in the middle of the chest."[34]

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[29] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[30] "U.S. Paratroopers Fired Upon During Protest in Iraq," Central Command Report, April 29: Iraq Operations," April 29, 2003.
[31] Human Rights Watch interview with Col. Arnold Bray, Baghdad, May 13, 2003.
[32] Human Rights Watch interview with Jum`a `Abid Muthin, al-Falluja, May 14, 2003.
[33] Human Rights Watch interview with Ahmad Isma`il Thnainan, Jordanian ambulance driver, al-Falluja, May 6, 2003.
[34] Human Rights Watch interview with Falah Nawwar Dhahir, al-Falluja, May 4, 2003.

One of the victims was thirteen-year-old `Abd al-Qadir `Abd al-Latif al-Jumaili, a student, who had heard the demonstration pass his house and decided to join. The child's father did not learn until later that his son had been killed by a bullet to the chest. The father told Human Rights Watch:

> All the children came back and I asked if `Abd al-Qadir is with them. They did not know where he was, they thought he had come home before them. I was searching for my boy near the school but I could not find him. As I heard from the mosque loudspeakers, there were some wounded on the streets and people must give blood. So I went to the hospital to look for my boy. When I got to the hospital, I saw my brother `Isam getting the body and he gave it to me.[35]

V. BALLISTIC EVIDENCE AT THE SCHOOL

In all its statements, the U.S. military asserts that soldiers came under effective fire, and only returned fire in response. Lt. Col. Nantz stressed this repeatedly in an interview with Human Rights Watch, rejecting any possibility that his soldiers mistook shooting in the air for shooting at them. "There is no doubt in my mind that my soldiers were fired upon," he said. "I know that these soldiers know the difference between fire in the air and being fired upon."[36]

In the view of the soldiers, they acted appropriately to the threat as perceived at the time. "That night there was an escalation of force," platoon Sgt. Crosson said. "We don't want to wait until one of our guys gets hit. You can only take so much before you respond."[37]

In addition, they responded in accordance with the rules of engagement, the soldiers said, which were described as the "seven S's": shout, shove, smoke, spray, show, strike and shoot. "We fired precision fire at those who were firing at us from inside a crowd—and they chose that environment," Nantz claimed.[38]

U.S. soldiers gave a similar account to journalists who visited al-Falluja in the aftermath of the incident. 2LT. Davidson, for example, according to the *New York Times*, said that twenty to thirty protesters were shooting rifles mostly in the air, and that soldiers had responded with smoke grenades before several more armed people appeared from homes across the street and began shooting directly at the soldiers, forcing the soldiers to return fire.[39] U.S. soldiers, according to the *Jerusalem Post*, said that the school compound was fired upon from three directions and that "armed militants no more than six meters outside the compound blasted away at the school."[40] An unnamed soldier gave a similar account of the battle, according to the *Guardian*:

> We've been sitting here taking fire for three days. It was enough to get your nerves wracked. When they [protesters] marched down the road and started shooting at the compound there was nothing for us to do but defend ourselves. They were firing from alleyways and buildings where we couldn't see. Guys were in line with hot chow. When bullets fell into the compound, people in that chow line ran for cover. From that moment it was all business. We started putting on body armor and went up on that roof.[41]

As detailed as these accounts are, the physical evidence at the school does not support claims of an effective attack on the building as described by U.S. troops.

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[35] Human Rights Watch interview with `Abd al-Latif al-Jumaili, al-Falluja, May 5, 2003.
[36] Human Rights Watch interview with Lt. Col. Nantz, Baghdad, May 9, 2003.
[37] Human Rights Watch group interview with Sgt. Crosson, 2LT. Wesley Davidson and RTO Specialist Cory Brassien, Baghdad, May 9, 2003.
[38] Human Rights Watch interview with Lt. Col. Nantz, Baghdad, May 9, 2003.
[39] Ian Fisher and Michael R. Gordon, "G.I.'s Kill 2 More Protesters in an Angry Iraqi City," *New York Times*, May 1, 2003.
[40] Matthew Gutman, "US troops fire on Iraqi Protest, Killing 15," *Jerusalem Post*, April 30, 2003.
[41] Jonathan Steele, "To the US troops it was self-defense. To the Iraqis it was murder," *Guardian* (London), April 30, 2003.

Human Rights Watch researchers and the organization's senior military analyst spent several hours at the al-Qa'id school, closely inspecting all rooms of the school, the exterior walls and perimeter wall for evidence of bullet damage that would support the soldiers' contention that gunmen had fired at the school. Human Rights Watch found no compelling evidence to support that claim.

The inspection found two spots on the schools façade facing the street that might indicate bullet impact. The southern side of the wall near the second floor had two shallow pockmarks that might have been caused by bullets, but could also have come from thrown rocks. Three pockmarks on the northern corner of the front wall (below where the machine gun had been placed on the roof) might also have been caused by bullets. Given the lack of deep penetration into the wall, the bullets in both places, if that is what caused the marks, must have had a soft lead core. No damage was seen in any of the school's rooms or the perimeter wall.

The bullet holes that some journalists reported seeing on the perimeter wall turned out to be holes left by nails—some of the nails were still in the holes, and the square patterns formed by the different holes showed they had been used to hang posters or signs. Human Rights Watch found no evidence of the "bullet holes in a second-story window" or the school façade "pocked with bullet holes" described by one journalist.[42]

There was, however, evidence of rock-throwing. Human Rights Watch found numerous broken windows at the school, chipped walls and rocks both inside the classrooms and at the base of the school (possibly thrown from outside). Such evidence was particularly clear on the north side of the building.

One explanation for the lack of bullet marks provided by Lt. Col. Nantz was that, shooting low from the ground to the roof and second floor of the school, the gunmen were more likely to miss and fire in the air. But this does not account for the gunmen U.S. troops say were across the street on the roofs. Col. Bray suggested that if the gunmen had been poorly trained they would likely fire too high at night. Human Rights Watch's senior military analyst confirmed this possibility. The soldiers in the school did report hearing the "snap" of bullets whipping over his head.

The lack of bullet marks on the school and perimeter wall contrasts sharply with the walls across the street, which bear the marks of more than 100 rounds—smaller caliber shots as well as heavy caliber machine gun rounds—shot by U.S. soldiers. The facades and perimeter walls of seven of the nine homes across from the school had significant bullet damage, including six homes that had been hit with more than a dozen rounds each.

In many of the houses, the machine gun rounds were clustered in one spot, suggesting that U.S. soldiers were shooting at a target, rather than firing indiscriminately. The field of fire was wide, but concentrated in areas.

No bullet marks were found on the upper levels of the houses, despite U.S. soldiers' claims that they had targeted gunmen on the roofs across the street. It is possible that U.S. soldiers shot high, thus accounting for the lack of damage.

Human Rights Watch also inspected the taxi behind which U.S. soldiers said people were firing weapons. The car was struck with more than thirty high caliber rounds, consistent with U.S. claims that soldiers had targeted it with an M-60 machine gun—a 7.62 mm weapon. A steel core from a 5.56 mm bullet, the ammunition for both the M-4 carbine and the M-249 machinegun, was also found in the trunk.

All of the bullets that hit the car entered from the back, and many exited through the front window, indicating the car was shot from the rear. This ballistic evidence is more consistent with the testimony of Usama `Abd al-Latif al-`Ani, the wounded driver of the taxi, who claimed he was backing the car out of the driveway to help his wounded brother when he was shot. The ballistic evidence is inconsistent with the version of U.S. soldiers, who claimed the taxi was moving north to south on the street with armed gunmen behind it when they shot, as this would have caused the bullets to strike the side of the taxi rather than the back.

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[42] See Matthew Gutman, "US troops fire on Iraqi Protest, Killing 15," *Jerusalem Post*, April 30, 2003.

The Nazal mosque on the south side of the school had also been hit with small arms fire. U.S. troops told at least one journalist that they had come under fire from the mosque. The mosque's imam, Muhammad al-Zuba`i, rejected that claim, although he was not present at the time of the demonstration.[43] "The mosque was locked and there were guards," he told Human Rights Watch.[44] A guard present during the interview with the imam said that no one had entered the mosque that night.

During his interview with Human Rights Watch, Lt. Col. Nantz clarified the claim that gunmen had fired from the mosque during the school incident, explaining that his troops had come under fire from the area of the mosque early that day. He had denied their request to return fire, he said, because his soldiers had not come under "effective fire."[45]

VI. POSSIBLE PROVOCATEURS IN THE CROWD

Iraqi participants and witnesses of the demonstration are adamant that no one fired at U.S. soldiers, although there was shooting along the nearby main street. al-Falluja's mayor, however—who was not present at the time of the shooting—said he had subsequently collected information in the town that supporters of Saddam Hussein provoked a conflict by shooting at the U.S. troops based in the school. Taha al-`Alawani told Human Rights Watch:

> Some of the bad people from the remains of the previous regime, on the day of Saddam's birthday, some people in the cover of the demonstration, some Islamic extremists and also some believers in Saddam, wanted to create problems between Islamic extremists and American troops... Some of Saddam's people carrying his picture and some weapons like Kalashnikovs were benefiting from the slogans. They started to shoot at the school... They left immediately and ran away. The Islamists remained in the street. The response [of U.S. soldiers] was intensive and heavy."[46]

U.S. military commanders and intelligence officers also believe there were provocateurs in the crowd who took advantage of an otherwise peaceful demonstration. Perhaps former Ba`th Party officials paid people to shoot at the base, they said. "I believe I was in an IO [information operation] campaign that I didn't understand until it was too late," said Lt. Col Nantz. "I believe someone was trying to get us to do what we ended up doing."[47]

Given the complex politics in al-Falluja, such a scenario is possible. Human Rights Watch witnessed pockets of hostility toward U.S. troops, although this was after these confrontations on April 28 and April 30. However, the presence of provocateurs in the crowd does not negate the responsibility of U.S. soldiers to prevent civilian casualties to the greatest extent possible, and to ensure that their response when carrying out law enforcement functions is proportionate and discriminate.

VII. THE DEAD AND WOUNDED

Like most aspects of this incident, the number of dead and injured is also open to debate. According to the director of al-Falluja's General Hospital, Dr. Ahmad Ghanim al-`Ali, a total of seventeen persons were killed from the school shooting and seventy-five persons were wounded.[48] Thirteen persons were killed at the scene, he

[43] See Matthew Gutman, "US troops fire on Iraqi Protest, Killing 15," *Jerusalem Post*, April 30, 2003.
[44] Human Rights Watch interview with Muhammad al-Zuba'i, imam of Nazal Mosque, al-Falluja, May 5, 2003.
[45] Human Rights Watch interview with Lt. Col. Eric Nantz, Baghdad, May 8, 2003.
[46] Human Rights Watch interview with Taha Badawi Hamid al-`Alawani, al-Falluja mayor, May 6, 2003.
[47] Human Rights Watch interview with Lt. Col. Nantz, Baghdad, May 8, 2003.
[48] Human Rights Watch interviews with Dr. Ahmad Ghanim al-`Ali, director of al-Falluja General Hospital, al-Falluja, May 3 and May 6, 2003.

said, and their corpses were brought to the hospital for collection, where they were counted personally by Dr. al-`Ali. An additional four persons died in the hospital over the following days.

Unfortunately, the names of all the victims are not known, hospital officials said, because some family members quickly took the bodies away. Some were buried outside al-Falluja.

Human Rights Watch was able to locate the families of ten victims, considered "martyrs" in the town, and interviewed relatives of the deceased and witnesses to their deaths. All of the families and witnesses told Human Rights Watch that the deceased had been an unarmed protester. The ten dead identified by Human Rights Watch are:

1. `Abd al-Qadir `Abd al-Latif al-Jumaili, thirteen-year-old student[49]
2. Walid Salih al-`Ani, forty-year-old taxi driver and father of two[50]
3. Hussein Merhij al-`Ubaidi, eighteen-year-old student[51]
4. Samir `Ali al-Dulaimi, twenty-one-year-old student[52]
5. Muhammad `Imad Abu Yassin, twenty-two-year-old industrial worker[53]
6. Anis Muhammad `Alwani, seventeen-year-old shopkeeper[54]
7. Sabah Nawwar Dhahir, twenty-seven-year-old worker, tinsmith[55]
8. `Aifan Hussein `Ulaij, twenty-five-year-old student[56]
9. Muhannad Fadil al-Tamimi, twenty-six-year-old student[57]
10. Saleh Qudr `Abbas Farhan, thirty-one-year-old tinsmith.[58]

According to Col. Bray, U.S. soldiers "engaged" seven people, five on the ground and two on the roofs. Others might have been wounded or killed from ricochets, he said. Both he and Lt. Col. Nantz suggested that other gunmen might have caused some of the deaths. It is necessary to examine the victims to see "if they were shot front or back, and what caliber bullet," Col. Bray said.

The total number of injured was also difficult to obtain, but records from the town's three main hospitals suggest the number was significant. Fifteen wounded were treated at al-Falluja's main hospital, according to the medical log. An additional twelve persons were treated at the Jordanian field hospital. The private hospital run by Dr. Talib Matar al-Janabi treated twenty persons, but the hospital did not keep a record of their names. Most of the patients were transferred to the al-Falluja main hospital after receiving first aid, Dr. al-Janabi said, so some of these patients might have been counted twice.[59] Human Rights Watch interviewed seven of the wounded and saw two others in the hospital.

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[49] Human Rights Watch interview with victim's uncle and father, Rushdi and `Abd al-Latif al-Jumaili, al-Falluja, May 5, 2003.

[50] Human Rights Watch interview with victim's cousin, Riad al-Khatib, al-Falluja, May 4, 2003 and brother, Muthanna al-`Ani, al-Falluja, May 7, 2003.

[51] Human Rights Watch interview with victim's brother, As`ad Mirhij al-`Ubaidi, al-Falluja, May 5, 2003.

[52] Human Rights Watch interview with victim's cousin, Mu`taz Fahd al-Dulaimi, al-Falluja, May 5, 2003. According to Mu`taz, Samir was shot in the left chest and the back of the neck.

[53] Human Rights Watch interview with victim's father, `Imad `Abbud Jasim, al-Falluja, May 4, 2003.

[54] Human Rights Watch interview with victim's father, Muhammad `Abdallah `Alwani, al-Falluja, May 4, 2003.

[55] Human Rights Watch interview with victim's brother, also a witness, Falah Nawwar Dhahir, al-Falluja, May 4, 2003.

[56] Human Rights Watch interview with victim's two brothers, `Adnan and `Aftan Hussein `Ulaij, al-Falluja, May 5, 2003. According to the brothers, `Aifan was shot three times. He died in the operating room after being transferred to a hospital in Baghdad.

[57] Human Rights Watch interview with victim's cousin, Fadil al-Tamimi, al-Falluja, May 5, 2003.

[58] Human Rights Watch interview with victim's brother, also a witness, Majid Qudr `Abbas Farhan, al-Falluja May 4, 2003.

[59] Human Rights Watch interview with Dr. Talib Matar al-Janabi, al-Falluja, May 6, 2003.

VIII. ARMS SEARCH THE FOLLOWING DAY

The day after the school shooting, at 5:30 a.m., U.S. soldiers from Charlie Company conducted a search of the buildings across the street from the school. According to press reports at the time and interviews with Human Rights Watch, they found arms and ammunition—not a surprise, given that most al-Falluja residents are gun owners. According to a report filed by the company, soldiers found the following items in the houses on the street of the school:

Two AK-47s
Two light machine guns
Twenty-five expended 7.62 mm shells (AK-47)
Eleven expended shot gun shells
Seven crates of 7.62 mm ammunition[60]
2,500 .22 caliber rounds
Fifteen 30 round magazines (half of them full)
One seventy-five round drum from a light machine gun

Human Rights Watch did not inspect the confiscated weapons. However, one of the residents of the street facing the school who had weapons confiscated that morning, stressed that the weapons confiscated from his home had not been used on the day of the shooting. Basim Muhammadi, a former Iraqi army major, told Human Rights Watch that the U.S. soldiers had come to his home that morning and confiscated his army-issue AK-47, about 150 AK-47 rounds, some AK-47 clips, empty AK-47 crates used for furniture, and several thousand .22 caliber rounds he used for hunting.[61] Muhammadi said he had not used any of the confiscated weapons to shoot at U.S. soldiers.

IX. APRIL 30 SHOOTING

With tension running high in al-Falluja, another demonstration took place on April 30 to protest the U.S. presence and the violence of April 28. Again, all of the participants stressed that they had no weapons as they protested in front of the U.S. Army's main al-Falluja base, although some people admitted to throwing stones. While they were on the street, a U.S. Army convoy rolled by, heading from al-Ramadi to Baghdad. The U.S. military claimed the convoy came under fire, and that U.S. troops returned fire. The result was three more protesters dead and at least sixteen wounded.

The city manager, Mahdi al-Qubaisi, was in his municipal offices when a crowd of 100 people arrived around ten in the morning. He told Human Rights Watch:

> The next day, some peaceful civilian groups came to the street, holding signs that they rejected what happened [the previous day]. They reached the Ba`th headquarters, across the street. They did not use any weapons—I am a witness. There was a kind of chaos or disturbance inside the crowd. One man came into the group from Saddam's regime. The demonstrators pulled him out and beat him, and the Americans were watching. An American tank or Humvee saw this disturbance and it immediately attacked them with guns. It was not from the base but a patrol from another street."[62]

`Abd al-Aziz Hamid Dawud al-Nu`aimi, one of the protesters who was shot in the hip, breaking his pelvis. He said the peaceful and unarmed crowd was chanting "Allah is great!" and other Islamic slogans when a U.S. military convoy came from the direction of al-Ramadi on the main street—many Humvees with machine

[60] The 82nd Airborne could not confirm for Human Rights Watch whether the ammunition crates were full or empty. Empty ammunition crates are often used for storage or seating in Iraq.
[61] Human Rights Watch interview with Basim Muhammed Mahdi Muhammadi, al-Falluja, May 8, 2003. Muhammadi did not possess a .22 caliber weapon, so the bullets could not have been used to shoot at the soldiers. Muhammadi told Human Rights Watch that he had taken the .22 bullets from military stocks and had planned to purchase a .2 rifle soon.
[62] Human Rights Watch interview with Mahdi al-Qubaisi, al-Falluja city manager , May 3, 2003.

guns mounted on top. One of the vehicles fired a warning shot in the air. "The convoy was big when I heard the shot," al-Nu'aimi said. "I left the demonstration and the fourth or fifth vehicle struck me [with a bullet] from behind."[63]

Another witness was an imam, Ahmad `Abdallah al-Jumaili, whose son Ghanim was shot and killed. According to the imam, the demonstration was led by local intellectuals and Islamic scholars who wanted the U.S. forces to leave. He told Human Rights Watch:

> They stood in front of the place demanding the Americans leave al-Falluja because it is a land of mosques. Suddenly they opened fire from the armored personnel carrier, from the convoy and the base… I was on the side of my car. When the shooting started, I left. My son was shot in the head and he died immediately. He was one of the leaders holding a sign. He was just chanting.[64]

Human Rights Watch did not speak in detail with Lt. Col. Nantz or the other soldiers about the April 30 incident because they were not present, but they asserted that the convoy driving through town had come under attack. A statement by U.S. Central command said that coalition forces had "exercised their inherent right to self-protection in accordance with the rules of engagement."[65]

Lt. Col. Tobin Green, commander of the Second Squadron of the Third Armored Calvary Regiment, which was taking over al-Falluja from the 82nd Airborne, told the press that a six-vehicle convoy had opened fire after coming under attack.[66] An intelligence officer from the Second Brigade, Maj. Michael Marti, said the convoy opened fired after a vehicle window was broken.[67] "Then fire came from the crowd, directed at the convoy," he told the BBC. "It was at that point that they returned fire… It was well aimed fire."[68]

Col. Bray, commander of the 82nd Airborne's 2nd Brigade, said he was in a meeting at the former headquarters of the Ba'th party with Mayor al-`Alawani and four imams to discuss reducing tension in town when the protesters arrived. He told Human Rights Watch that the lead vehicle in the convoy was struck with a rock, hitting a soldier in the head. Another soldier lost a tooth. The lead vehicle fired a warning shot into the air, he said, which is consistent with witness reports. The trail vehicle then fired with its M249 machinegun.[69]

According to al-Falluja Hospital director Dr. Ahmad Ghanim al-`Ali, two people were killed right away and a third died during transfer to the hospital in al-Ramadi. Sixteen people were wounded.[70] The persons killed were:

> Ghanim Ahmad `Abdullah al-Jumaili, twenty-two-year-old college student[71]
> Muhammad `Imad `Abbud, twenty-two-year-old metalworker[72]
> 'Umar Hathari al-'Uqaili.[73]

X. THE INVESTIGATION

[63] Human Rights Watch interview with `Abd al-Aziz Hamid Dawud al-Nu`aimi, al-Falluja, May 3, 2003.
[64] Human Rights Watch interview with Ahmad `Abdallah al-Jumaili, al-Falluja, May 3, 2003.
[65] Headquarters United States Central Command, News Release, May 1, 2003.
[66] Ian Fisher and Michael Gordon, "U.S. Troops Fire on Iraqi Protesters Again; Two Reported Dead," *New York Times*, May 1, 2003.
[67] Ibid.
[68] "Protesters Shoot in al-Falluja," BBC News, April 30, 2003, http://news.bbc.co.uk/1/hi/world/middle_east/2988823.stm.
[69] Human Rights Watch interview with Col. Arnold Bray, May 13, Baghdad, 2003.
[70] Human Rights Watch interviews with Dr. Ahmad Ghanim al-`Ali, director of al-Falluja hospital, , May 3 and May 6, 2003.
[71] Human Rights Watch interview with victim's father, Ahmad 'Abdullah al-Jumaili, al-Falluja, May 3, 2003.
[72] Human Rights Watch interview with witness Hakim Khalil, al-Falluja, May 5, 2003.
[73] The victim's name was taken from a death announcement hanging in al-Falluja's market on May 4, 2003.

Col. Bray informed Human Rights Watch that, in compliance with U.S. Army procedure, commanders performed an After Action Review (AAR) following the incidents in al-Falluja. In addition, he conducted a higher-level Commander's Inquiry into the events. The report made it to "the highest levels," he said. He was not able to provide Human Rights Watch with a copy of the report, because higher approval was required. Human Rights Watch submitted a Freedom of Information Act Request to the U.S. Army to obtain the AAR and Commander's Inquiry, but had not received response at the time of writing. The Commander's Inquiry is a low- to mid-level investigation, not as high, for example, as an Army Regulation 15-6.[74]

A task force was sent to al-Falluja to investigate, although it is not clear if this was part of the Commander's Inquiry. According to one U.S. officer in al-Falluja, who asked not to be identified, the task force is focusing on identifying the hostile elements among the al-Falluja population rather than the response of U.S. soldiers. The soldiers in the school "thought they were being fired upon, so they fired back," this officer said.[75]

Human Rights Watch also had informal discussions with other officers in the area, including some responsible for intelligence. Based on their information, they said, there were extremists in al-Falluja who paid people to take part in anti-American demonstrations, although they did not provide details.

Although al-Falluja's mayor agreed with this analysis, he also called for a full investigation. The local government, some imams, and U.S. soldiers met to discuss the incidents, he said, but mostly on how to calm the situation down.

Human Rights Watch believes that the information provided by U.S. officers in al-Falluja regarding the scope and focus of the Commander's Inquiry, as well as the April 29 statement by U.S. Central Command headquarters asserting that U.S. troops had been fired on by twenty-five armed individuals amid the demonstrators and on rooftops, underscores the need for a thorough, independent, and impartial investigation into these incidents. If the required investigation is carried out by U.S. military authorities, it should be by a body that is fully independent and has no links to those units implicated in the incidents or previous investigation, including the 82nd Airborne Division and the Central Command.

XI. ATTACKS ON U.S. SOLDIERS IN MAY AND JUNE

Since the first two incidents documented in this report, U.S. soldiers of the 3rd Armored Cavalry Regiment, which replaced the 82nd Airborne Division in al-Falluja, have come under further attack, with four U.S. soldiers killed and twenty wounded. On the night of April 30, after the second demonstration, unidentified people approached the U.S. base at the Ba`th Party headquarters, and threw three grenades at the compound. Two of them landed inside, injuring seven soldiers. Machine gun rounds were also fired to provide cover, Col. Bray said.

Around 11:00 p.m. on May 21, unknown gunmen opened fire with machine guns and rocket propelled grenades (RPGs) on a U.S. armored vehicle in al-Falluja, the press and U.S. Centcom reported. In the return fire, U.S. soldiers killed two Iraqis.

In the early morning of May 28, gunmen attacked a U.S. military convoy in town with machine guns and RPGs, killing two U.S. soldiers and injuring nine. Two Iraqis were killed and six captured. By now local residents were speaking openly about their armed resistance. "We want to revenge all of the martyrs that al-Falluja gave and we will not allow American forces to occupy Iraq," said Barakat Jassim al-Zuba`i, a former brigadier in the Iraqi Republican Guard.[76]

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[74] For information on the Army Regulation 15-6, see:
www.wood.army.mil/sja/ADLAW/army_regulation_15.htm#PURPOSE

[75] Human Rights Watch interview with U.S. army officer, al-Falluja, May 5, 2003.

[76] Patrick E. Tyler, "Gunmen Kill Two U.S. Soldiers in a Firefight in Central Iraq," *New York Times*, May 28, 2003.

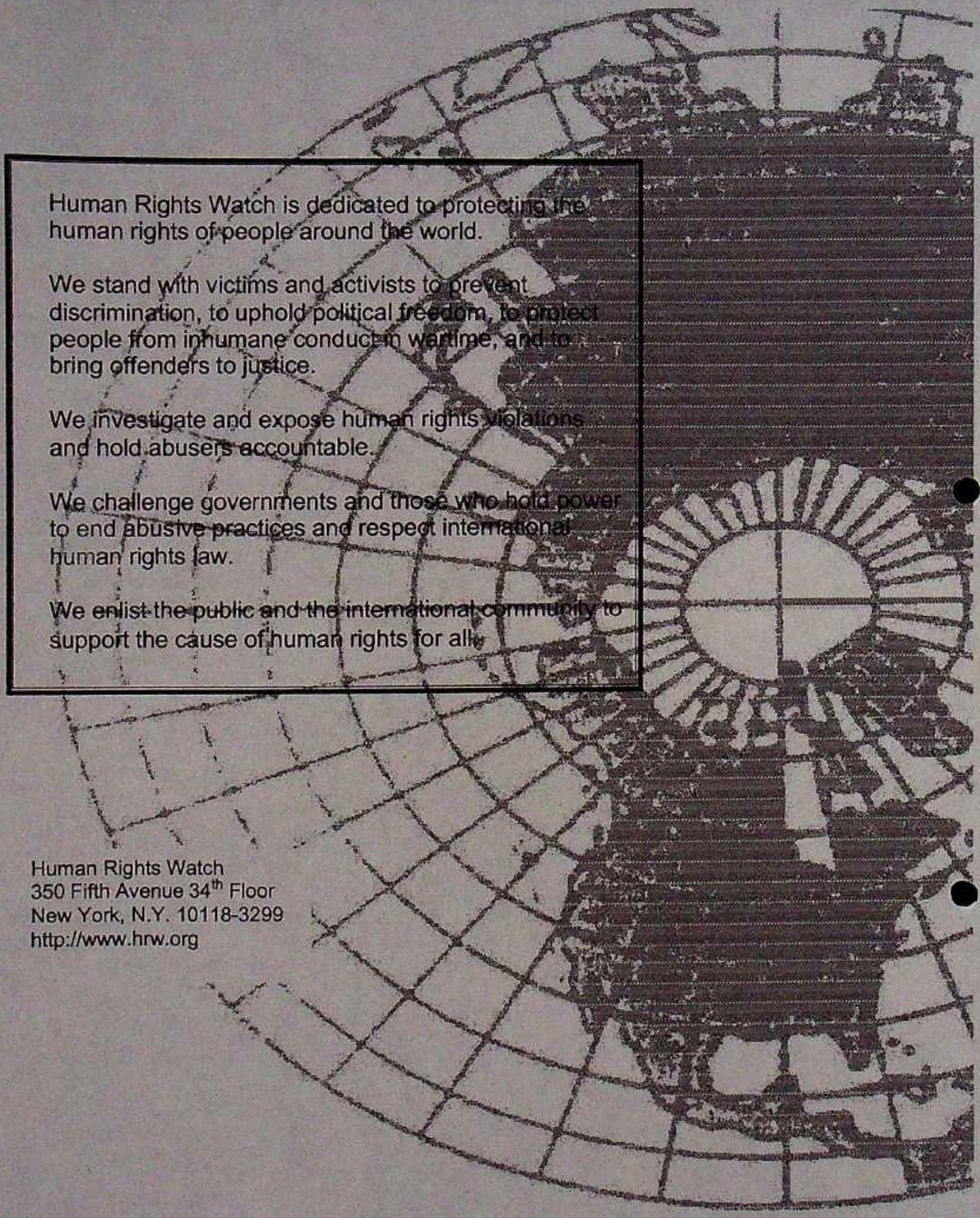
On June 4, in response to the continuing armed attacks, the U.S. Army deployed an additional 1,500 soldiers from the Third Infantry Division in al-Falluja and nearby al-Habaniyya. Hours later, U.S. soldiers again came under attack. In the early morning of June 5, assailants opened fire with RPGs on soldiers from the 101st Airborne Division manning a checkpoint, killing one and wounding five.

ACKNOWLEDGEMENTS

This report was researched and written by Peter Bouckaert, Human Rights Watch senior emergencies researcher, and Fred Abrahams, a consultant to Human Rights Watch. Human Rights Watch senior military analyst Marc Garlasco conducted an investigation of the April 28 shooting scene.

Hanny Megally and Joe Stork, the executive director and Washington director respectively of Human Rights Watch's Middle East and North Africa Division, and Iain Levine, program director, edited the report. Human Rights Watch legal and policy director Wilder Tayler provided a legal review. Human Rights Watch associates Leila Hull and Mohamed Abdel Dayem, and program coordinator Jonathan Horowitz provided research assistance. Jonathan Horowitz, Patrick Minges, publications director, and Veronica Matushaj, photo editor and associate director of creative services prepared the report for publication.

Human Rights Watch would like to thank all those who expressed their views. The residents of al-Falluja were eager to share information; grieving families and the injured took time to give their version of events. The U.S. military in Iraq also cooperated with our requests for information. Lt. Col. Eric Nantz gave a lengthy interview and allowed Human Rights Watch to speak with three soldiers under his command. His immediate commander, Col. Arnold Bray, also gave an interview and offered further help. Human Rights Watch would also like to thank the Rockefeller Brothers Fund, Stichting Vluchteling, ACT Netherlands, J.M. Kaplan Fund, Oak Foundation, the Ruth McLean Bowers Foundation, and the many individuals who contributed to Human Rights Watch's Iraq emergency fund.



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Saddam's army and apparatus sacked

US gives 400,000 soldiers and security officials the boot

Rory McCarthy in Baghdad
Saturday May 24, 2003
The Guardian

Hours after the UN sanctions on Iraq were finally lifted, US officials in Baghdad imposed a new order on the country yesterday, sacking about 400,000 soldiers and security officers.

Paul Bremer, the Pentagon-appointed official running Iraq, issued an order dissolving the army, the defence and information ministries, the security services, and their courts.

The US commander of land forces in Iraq, Lieutenant General David McKiernan, admitted that the action could create security problems.

But the occupation administration, which now calls itself the coalition provisional authority, said in a statement: "These actions are part of a robust campaign to show the Iraqi people that the Saddam regime is gone, and will never return."

The CPA will create a new Iraqi army corps, "Under civilian control...professional, non-political, militarily effective and representative of all Iraqis."

All the dismissed civil servants and some of the 375,000 soldiers will receive one month's salary, as a form of pension.

Those on and above the rank of colonel will get nothing: they are considered to be senior Ba'ath party officials, the CPA said.

Government employees who are being allowed to stay in employment will get their first salaries today since the war began in March.

Teachers and policemen are to get 100,000 dinars a month (about £70 at yesterday's fluctuating rate), four times their pay under Saddam Hussein. Today's salary is for March and payments for April, May and June will be made next month.

Senior army officers prospered under Saddam Hussein and can hardly have expected to have remained in post after the defeat of the regime.

But the more junior officers and other ranks are likely to be angered by the decision. There have been some small-scale protests by officers and soldiers in demand of payment since the war ended six weeks ago.

Gen McKiernan admitted that several hundred thousand frustrated and now unemployed former soldiers on the streets presented a formidable security risk."This is a concern not only from a security standpoint but from an economic one," he said.

"It is a concern when you see a large segment of the Iraqi population that are young male Iraqis, that are former soldiers who are right now walking the streets."

He said the new army would absorb some, but not all, of the unemployed soldiers. But he admitted that it would not begin to be trained until later this summer.

There are no specific plans to try to re-employ the soldiers before then. "It is a priority. We have got to do something soon," he said.

"The answer is all different kinds of economic stimulus to create opportunities for them."

Few will mourn the demise of the mukhabarat and the special security organisation, the feared intelligence

agencies which intimidated Iraqi people for years.

But at the information ministry the new policy means that 6,800 civilian staff who were responsible for the regime's crude propaganda operations, many of them well educated and some of them seconded from the intelligence agencies, will also be left without work.

At the same time as dissolving the army, the CPA is preparing a new weapons policy. Only Iraqis with the correct weapons permit will be allowed to keep guns. This will include the private security militias protecting senior political figures including men such as the Pentagon-backed former exile and potential future leader of Iraq Ahmad Chalabi.

The Kurdish armies in the north will be allowed to keep their heavier weapons, and possibly their tanks.

Small calibre weapons kept in homes and offices will be allowed for "self-defence". A 14-day gun amnesty will begin within the next two weeks, during which the occupation forces will collect as many weapons as possible.

The US military command insists that it is increasing the number of its patrols, particularly in Baghdad.

There are now 956 Iraqis in US prisons in Baghdad, most at the former international airport. They have not been brought before any court

Most Iraqis still have guns in their homes and many brought them out late on Thursday night, shooting into the air to celebrate the lifting of 13 years of UN sanctions.

The sanctions have caused unprecedented hardship to the Iraqi people, which was made worse by the corruption and mismanagement of Saddam Hussein's regime. I

In 1999 the UN estimated that about 500,000 Iraqi children had died as a result of the sanctions.

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Iraq Police System 'Broken,' Canadian Experts Say

Thu May 22, 2003 05:10 PM ET

By David Ljunggren

OTTAWA (Reuters) - Iraq's corruption-ridden judicial system has many serious problems and making it work properly will take a considerable effort, Canadian experts in Baghdad said on Thursday.

They also said the country's policing system was "broken" and stressed the need to reduce the number of guns in the hands of criminals in Baghdad.

The U.S. authorities running Iraq in the wake of the war that deposed former leader Saddam Hussein are under fire for not doing enough to restore law and order, particularly in Baghdad.

Serge Lortie from the Canadian Department of Justice -- in Iraq with police and prisons experts from Ottawa to assess how to help rebuild the country -- said the legal system had numerous flaws.

"Under a totalitarian regime such as the one that was there before a lot of these institutions were not functioning as they should," he said by telephone from Baghdad.

Lortie -- saying the only option was to try to "jump-start" the existing system to ensure at least a rudimentary level of justice -- told reporters the first challenge was to actually find judges and others who used to work in courthouses.

But he added: "A major problem that plagues the system is that of corruption, so we'll have to assess how widespread it was. But it seems corruption of judges and even of lawyers was a major issue."

U.S. authorities have started a process of interviewing senior members of the courts and the justice ministry and will dismiss those whose ties to Hussein's administration are deemed to have been too close, he said.

Another challenge is that the old justice system was fee-based, which limited public access.

"It seems that the fees for filing a suit in court were in some instances very high, so that...prevented many people from accessing the system of justice," Lortie said.

"Above all it should be understood that there is a particular problem with infrastructure. For example, according to our information, there were 40 courthouses in Baghdad. Of these 40, 35 were destroyed, and that complicates things."

Royal Canadian Mounted Police superintendent David Beer -- in Baghdad with Lortie -- said the Iraqi policing system must be rebuilt.

"It's a broken system in the sense that it is not one that supports democratic institutions or transparency. But there is indeed a system in place, which provides at least a starting point," he said.

"Security is an issue. It's an immediate concern. There are a lot of weapons on the street and certainly establishing a certain level of security in Baghdad will be important."

In recent years some 1,200 Canadian police have been sent to trouble spots such as Haiti and Kosovo to help train law enforcement officers.

The four Canadian experts will return to Ottawa next month with an assessment of what help can usefully be given. Canada has already committed C$300 million ($220 million) in aid to help rebuild Iraq.

($1=$1.37 Canadian)

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The Christian Science Monitor csmonitor.com

from the May 22, 2003 edition - http://www.csmonitor.com/2003/0522/p01s02-woiq.html

Surveys pointing to high civilian death toll in Iraq

Preliminary reports suggest casualties well above the Gulf War.

By Peter Ford | Staff writer of The Christian Science Monitor

BAGHDAD - Evidence is mounting to suggest that between 5,000 and 10,000 Iraqi civilians may have died during the recent war, according to researchers involved in independent surveys of the country.

None of the local and foreign researchers were willing to speak for the record, however, until their tallies are complete.

Such a range would make the Iraq war the deadliest campaign for noncombatants that US forces have fought since Vietnam.

Though it is still too early for anything like a definitive estimate, the surveyors warn, preliminary reports from hospitals, morgues, mosques, and homes point to a level of civilian casualties far exceeding the Gulf War, when 3,500 civilians are thought to have died.

"Thousands are dead, thousands are missing, thousands are captured," says Haidar Taie, head of the tracing department for the Iraqi Red Crescent in Baghdad. "It is a big disaster."

By one measure of violence against noncombatants, as compared with resistance faced by soldiers, the war in Iraq was particularly brutal. In Operation Just Cause, the 1989 US invasion of Panama, 13 Panamanian civilians died for every US military fatality. If 5,000 Iraqi civilians died in the latest war, that proportion would be 33 to 1.

US and British military officials insisted throughout the war that their forces did all they could to avoid civilian casualties. But it has become clear since the fighting ended that bombs did go astray, that targets were chosen in error, and that as US troops pushed rapidly north toward the capital they killed thousands of civilians from the air and from the ground.

There are no figures at all for Iraqi military casualties, which Iraqi officials kept secret. One factor that led to many civilian deaths, and which complicates the task of counting them accurately, is that irregular fedayeen militia hid in civilian homes as they fought advancing coalition troops, and dressed as civilians.

Nor are hospital records - kept in the heat of war under intense pressure on doctors and staff - necessarily accurate, some observers warn. That means they probably underestimate the real scale of civilian deaths, although at the same time they may have recorded some combatant casualties as civilian ones.

"We had some figures from hospital sources but we realized very quickly that they were very partial," says Nada Doumani, an official with the International Committee of the Red Cross in Baghdad. "It is very difficult to keep track of everyone who was killed, and we were afraid the numbers could be misinterpreted, so we refrained from giving them out."

"During the war, some people brought bodies to the hospitals to get death certificates; others just buried them where they were found in the street, or in schools," adds Faik Amin Bakr, director of the Baghdad morgue. "I don't think anyone in Iraq could give you the figure of civilian deaths at the moment."

House-to-house survey

The chaos of the war and the confusion that persists in Iraq, where central government is still not functioning, have led one US human rights group with experience in counting civilian casualties in Afghanistan to launch a nationwide house-to-house survey of areas where fighting was fierce.

The Campaign for Innocent Victims in Conflict (CIVIC) has mobilized 150 surveyors to carry out detailed interviews with victims of the war; recording deaths, injuries, and damage to property with a view to securing assistance from US government funds.

A full accounting could take months, says CIVIC coordinator Marla Ruzicka, and the group is still compiling its data. But its volunteers have already recorded more than 1,000 civilian deaths in the southern town of Nasariyah, and almost as many in the capital.

"In Baghdad, we have discovered 1,000 graves, and that is not the final figure," says Ali Ismail, a Red Crescent official. "Every day we discover more" where local residents say civilians were buried.

Researchers say they have found particularly high levels of civilian casualties along the Euphrates River, between Nasariyah and Najaf, where US Marines fought their way toward Baghdad.

"The biggest contrast between Afghan- istan (where an estimated 1,800 civilians died during the US-led campaign there in 2001) and Iraq is that Afghanistan was predominantly an air war and this was a ground/air battle," says Reuben Brigety, a researcher for Human Rights Watch.

"Air wars are not flawless, but if you have precision weapons you can do a lot to make them more accurate," he adds. "The same is not yet true of ground combat. It is clear the ground battle took a toll; ground war is nasty."

A focus on cluster bombs

Dr. Brigety and his colleagues in Baghdad say they are especially concerned by the wide use of cluster bombs during the war in Iraq.

They say they have found evidence of "massive use of cluster bombs in densely populated areas," according to Human Rights Watch researcher Marc Galasco, contradicting coalition claims that such munitions were used only in deserted areas.

Dispersing thousands of bomblets that shoot out shards of shrapnel over an area the size of a football field, such weapons become indiscriminate and thus illegal under the laws of war, if used in civilian neighborhoods, Human Rights Watch has argued during past conflicts.

"At one level it is unhelpful to talk about large or small numbers" of civilian casualties, says Brigety. "It is more important to ask if the deaths were preventable."

The combination of cluster-bomb use, inaccurate artillery fire at Iraqi troops concentrated near civilian areas, and street fighting in towns throughout Iraq means that the number of civilian deaths might be as high as 10,000, say two researchers from two different teams who asked not to be identified until the evidence was clearer.

Also waiting for clearer evidence are US government agencies mandated by Congress

to assist civilian victims of the war in Iraq.

At the instigation of Sen. Patrick Leahy (D) of Vermont, the Iraq war supplemental bill, signed by President Bush April 16, directs that an unspecified amount of the $2.4 billion appropriated for relief and reconstruction in Iraq should pay for "assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations."

"Perhaps it is impossible to eliminate these kinds of mistakes, but you can do something for the victims after the fact," says Tim Rieser, an aide to Senator Leahy.

Mourning his children

But that is little comfort to Mahmoud Ali Hamadi. Hugging his 18-month-old son, Haidar, to his breast for comfort, he cannot hold back his sobs as he recounts how a US missile that landed by his front gate killed his wife and three elder children on the night of April 5.

"My children were the brightest in the whole school," he recalls, looking fondly at an old family photograph through his tears. "Eleven years I spent raising them, and in one instant I lost them."

Mr. Hamadi's family died in Rashidiya, a village of palm groves and vegetable plots on the banks of the Tigris, half an hour north of Baghdad.

Nearly 100 villagers were killed by US bombing and strafing on April 5, including 43 in one house, for reasons that they do not understand. "There was no military base here," says Hamadi. "We are not military personnel. This is just a peasant village."

The need to provide assistance

Civilian victims of US military action in Afghanistan - identified by a team led by Ruzicka - are also supposed to receive assistance. So far, however, USAID has not disbursed any of that money, citing security risks and other problems in the parts of Afghanistan where the money is meant to be spent.

"We have a responsibility to provide assistance, especially when we were the cause," says Mr. Rieser.

"It is in our interest to make the point that this was not a war against the Iraqi people," he says. Senator Leahy's hope, he adds, is that the aid will "build goodwill for the US, which seems to be shrinking by the day in Iraq."

That would appear to be a vain hope in the case of Hamadi, as he mourns the loss of his family. "The Americans are assassins," he says wearily, his face worn by grief. "I haven't complained to the Americans. What would I get if I complained to them? I have complained only to God."

Iraqi civilian deaths

• Nongovernmental and media organizations have produced widely varying figures on the number of Iraqi civilians killed during the recent conflict. The range is a result of incomplete, unconfirmable, and unavailable information.

• Iraqbodycount.net, a website that draws on media accounts and eyewitness reports, estimates that between 4,065 and 5,223 Iraqi civilians have been killed as a result of coalition military action, both during and after the war.

• A May 15 Associated Press report gives an estimate of 2,100 to 2,600 civilian deaths, without citing sources.

• The US Department of Defense has refused to give any sort of estimate on deaths.

• Two news organizations have produced estimates of civilian casualties in just the Baghdad area by canvassing hospitals and tallying their records. The Los Angeles Times reported on May 18 that probably between 1,700 and 2,700 civilians were killed in and around Baghdad. The Knight Ridder agency published an estimate of between 1,100 and 2,355 on May 4.

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OPINION

Thursday, May 22, 2003

U.S. weapons will be taking their toll long after war

By CONN HALLINAN
GUEST COLUMNIST

When the Bush administration totals up the cost of the war in Iraq it better be prepared to tack on billions of dollars more to clean up the toxic residue left over from this conflict, specifically its widespread use of cluster weapons and Depleted Uranium (DU).

While the shooting may be winding down, the consequences of the United States using these controversial weapons will be around for a long time to come, with clusters taking a steady toll on the unwary and DU poisoning the air and water.

Cluster munitions bombs, shells and rockets that release highly explosive canisters that shred everything from people to tanks have been an environmental nightmare since the war in Southeast Asia. Some 90 million cluster munitions were dropped on tiny Laos from 1964 to 1973, of which 30 percent failed to explode.

The result is a national minefield that has killed and maimed more than 12,000 people, and which continues to exact a yearly toll of 100 to 200.

The United States used more than 50 million clusters in the 1991 Gulf War. In the two years following the conflict, unexploded bomblets killed 1,400 Kuwaiti civilians. This deadly legacy continues, while there are no figures on the number of cluster weapons or DU ammunition used, they were deployed in the first Gulf War, Kosovo and Afghanistan and it is assumed they were used in Gulf War II. For example, the British humanitarian Mines Advisory Group reported in late April that unexploded munitions caused 52 deaths and 63 injuries in one week after the "liberation" of the Iraqi city of Kirkuk.

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OUR AFFILIATES



Almost as deadly, Depleted Uranium is ubiquitous on any recent American battlefield. The United States used 320 tons of it during the first Gulf War, and 10 tons of it in Kosovo. Its resistance to enemy projectiles and its ability to turn hardened armor into margarine gives the United States an enormous advantage over any opponent who lacks it.

Anywhere from 30 percent to 70 percent of DU turns into tiny dust particles, which may travel as far as 40 kilometers. DU is not very radioactive -- about the same as naturally occurring uranium -- but if ingested, according to the U.S. Environmental Policy Institute, it "has the potential to generate significant medical consequences."

12-5-2003

DU has long been a suspect in Gulf War Syndrome, the melange of physical woes afflicting up to 30 percent of the veterans from the 1991 conflict. The Department of Defense doesn't consider low-level radiation a threat, but a recent study by the Armed Forces Radiobiology Research Institute may force a re-evaluation.

"People have always assumed low doses are not much of a problem," Alexandra Miller of the Institute told The Guardian (a British newspaper), "but they can cause more damage than people think." The study indicates that DU damages bone marrow chromosomes.

Another worry are DU "misses," where the enormous weight and speed of DUs drive them as deep as 24 inches into the ground. "A major concern of the potential environmental effects by intact (DU) penetrators or large penetrator fragments," notes the World Health Organization, "is the potential contamination of ground water after weathering."

Besides being radioactive, DU also is a toxic metal that can damage kidneys and livers. That's a poor legacy to leave behind in a country we are trying to win the hearts and minds of.

Cluster bomb and DU cleanup is likely to be enormously expensive, and who pays for it is an open question. The Bush administration is depending on Iraqi oil sales to foot most of the bill, but the figures don't add up.

12-5-2003

At most, Iraqi oil could bring in $18 billion a year, barely enough to feed the 60 percent of the population dependent on food handouts.

Nor does this even address rebuilding the country's infrastructure, ravaged by 12 years of sanctions and the recent war. The price tag, according to PFC Energy, a Washington consulting firm, will probably run in excess of $300 billion.

Iraq also has a debt burden that may be as high as $383 billion, and no one seems to be stepping forward to write it off. Unlike in Gulf War I, where the allies picked up most the tab, the Bush administration's "Coalition of the Willing" is flat broke, and the White House has only allotted $2.4 billion to the Office of Reconstruction and Humanitarian Assistance. On top of that, the International Monetary Fund and the World Bank have been hesitant to step in without United Nations authority.

In the end it likely will be Iraqi civilians and U.S. occupation troops who pay the price for the way we choose to use radioactive weapons and cluster bombs when we wage war.

Conn Hallinan is the provost at the University of California at Santa Cruz and an analyst for Foreign Policy In Focus: www.fpif.org.

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TIMES ONLINE in association with KPMG



May 23, 2003

Victims of the peace decide Americans are worse than Saddam

FROM ANTHONY BROWNE IN KHAN BANI SAAD

THE small dank cells with cold stone floors, tiny windows and iron bars for a door used to house criminals and the victims of Saddam Hussein's regime. Now Khan Bani Saad prison, overlooked by watchtowers and surrounded by razorwire, is filled with families who are victims, not of the war, but of the peace.

Sabrir Hassan Ismael, a mother of six, held her three-year-old daughter Zahraa in the cell that is now their living room and bedroom, and cried: "Look at me; look at my family. We live in prison. We can't buy food because we don't have money. We have no gas to cook.

"We can't sleep because it's very hot. There are huge insects that bite us. All night my daughters cry and they can't sleep. I live without any hope. Just look at us."



Outside children play in the foetid puddles, swirling dust and searing heat of the prison courtyard, where prisoners once walked in dread.

Before the end of the war Mrs Sabrir lived with her husband, a local mayor, on a farm in the town of Khanaqin, close to the Iranian border. They are members of the Arab Saraefien tribe that had survived unscathed through the Iran-Iraq war, the Gulf War in 1991 and the invasion of Iraq. As opponents of Saddam they even welcomed the American invasion.

But it is the peace, and the disintegration of Saddam's grip, that has destroyed their lives. On April 11, two days after the fall of Saddam, Kurdish fighters entered Khanaqin, ordering all 15,000 Arabs to leave within 48 hours.

"There were so many Kurdish fighters we couldn't count them. They came into our house, and fired into the air, and grabbed me by the shoulder and said we had to leave in 48 hours or they would kill us," said Mrs Sabrir's son, Amar Hassan Tahar, 26.

The tribal elders insist that Jalal Talabani, leader of the PUK Kurdish political party, was behind the purge. They went to the local governor, also a Kurd, to plead for more time. "But he said if Talabani gives us 48 hours, he will give us just 24, or else he would send in the bulldozers to flatten our houses," said Fadhel Jasas, one of the elders.

The following day Mrs Sabrir and her family had not left, and the

Kurds returned, installing eight armed men and women to live in their house. "They ordered us to cook for them, and slept there, and said they would kill us if we didn't leave the next day. The next morning they threw all our belongings out in the street, and we left," Mr Amar said.

After seven days of travelling by foot and by donkey from Khanaqin, 1,500 of the tribe ended up in the abandoned prison, 30 miles north of Baghdad. They had nowhere else to go.

They are part of the rising tide of internal refugees in Iraq, forced out of their homes by the ethnic conflict that yesterday resulted in more gunfights between Kurds and Arabs in the town of Kirkuk.

Every day on Iraq's highways, Arabs who have been forced out of their homes are drifting south hoping to find somewhere to live. Many, but not all, of the Arabs in Khanaqin had been forced to move there in 1975 from southern Iraq because they opposed Saddam's regime.

Saddam wanted to Arabise the predominantly Kurdish towns close to the Iranian border. The dictator gave the tribe houses and land, which he reportedly bought off the Kurds, but now the Kurds have taken them back as part of a drive to reverse the process.

The occupants of Khan Bani Saad prison, forced to leave their land for a second time, just want somewhere they call their own.

"I want a home to live in and land to farm" said Mrs Sabrir's husband, Hassan Tahar Yassim. They have identified land nearby that used to belong to Saddam, but others have already occupied it.

The tribe has appealed for help to the coalition forces, but no one has even visited them. They have eaten or sold almost all their animals, and have only a week left of food. Now they hate the Americans.

"None of the American promises has happened. It is unbelievable what has happened," Mr Yassim said.

His son concludes: "We have discovered that Saddam is better than the Americans."

Hadeb Hamed Hamed, the tribe's sheikh, sat on mats on the prison officer's porch, and said: "The Americans promised us food and medicine and freedom. But we have lost our homes, our land, our crops. Now we live in prison with nothing, and they ignore us.

"It is the allied forces that have done this to us. When we run out of food, I don't know what we will do."

In fact, he does know, because with starvation looming, he has been talking about it with the other elders.

"If we don't have a solution, we will fight the Americans even if they kill us. It is better than sitting here with nothing and just dying," he said.

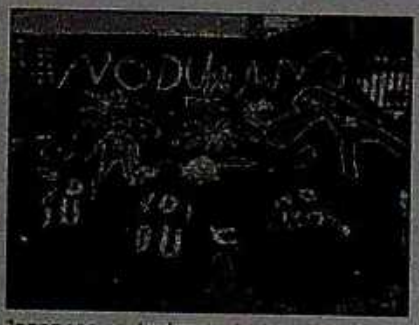
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Coalition 'must reveal DU targets'

By Alex Kirby
BBC News Online environment correspondent

People in Iraq need urgent advice on avoiding exposure to depleted uranium (DU), the United Nations has said.

It wants the US and UK to provide precise details of sites targeted with DU weapons.



Japanese protestors reject depleted uranium

The Royal Society, the UK's national science academy, is also demanding targeting data to enable a clean-up to begin.

It says it is "highly unsatisfactory" to continue using DU without knowing people's exposure levels.

The UN Environment Programme (Unep) expressed its concern about DU in a report on Iraq.

It says humanitarian issues like restoring water and power, and cleaning up waste sites to reduce health risks, are priorities.

Another priority activity is "a scientific assessment of sites struck with weapons containing DU".

It wants guidelines distributed immediately to military and civilian personnel, and to the Iraqi people, on how to minimise the risk of accidental exposure to DU.

Vital cooperation

The report, the Unep Desk Study on Environment in Iraq, was prepared by Unep's Post-Conflict Assessment Unit.

Unep said: "The intensive use of DU weapons has likely caused environmental contamination of as yet unknown levels or consequences.



"Conducting a DU study would require receiving precise coordinates of the targeted

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> **"The coalition needs to acknowledge that DU is a potential hazard"**
>
> Professor Brian Spratt, Royal Society

The Royal Society says details of the DU used in Iraq are essential to allow "an effective clean-up and monitoring programme of both soldiers and civilians".

While Unep had extensive experience, it said, it was vital for Iraq to acquire the capability to undertake long-term monitoring itself.

Concern for civilians

Professor Brian Spratt chaired a Royal Society working group which published two reports on DU's health hazards.

He said: "The coalition needs to acknowledge that DU is a potential hazard and make inroads into tackling it by being open about where and how much has been deployed.

"Fragments of DU penetrators are potentially hazardous, and the Royal Society study recommended they should be removed, and areas of contamination around impact sites identified and where necessary made safe.

"Impact sites in residential areas should be a particular priority. Long-term monitoring of water and milk to detect any increase in uranium levels should also be introduced in Iraq."

The society's study concluded that few soldiers or civilians were likely to be exposed to dangerous DU levels. But it is now calling for tests for soldiers exposed to "substantial" levels.

No time to waste

Professor Spratt said: "It is only by measuring the levels of DU in the urine of soldiers that we can understand the intakes of DU that occur on the battlefield, which is a requirement for a better assessment of any hazards to health.

"It is vital that this monitoring takes place, and that it takes place within a matter of months."

Professor Spratt called as well for monitoring of DU levels in a wide sample of soldiers, including "foot soldiers and field hospital staff across Iraq", and Iraqi civilians.



DU is an effective tank-killer

He said: "It is highly unsatisfactory to deploy a large amount of a material

that is weakly radioactive and chemically toxic without knowing how much soldiers and civilians have been exposed to it."

The UK has said it will make available records of its use of rounds. It offers veterans voluntary DU tests.

Long-lived deposits

The US says it has no plans for any DU clean-up in Iraq. It does not test all exposed veterans.

DU, left over after natural uranium has been enriched, is 1.7 times denser than lead, and effective for destroying armoured vehicles.

When a weapon with a DU tip or core strikes a solid object, like the side of a tank, it goes straight through before erupting in burning vapour which settles as dust.

Unep found DU traces in air and water in Bosnia-Herzegovina up to seven years after the weapons had been fired there.

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UK soldiers to be tested for toxic exposure

April 26 2003

Soldiers returning to Britain from the Gulf will be offered tests to check levels of depleted uranium in their bodies to assess whether they are in danger of suffering kidney damage and lung cancer as a result of exposure, the Ministry of Defence says.

The ministry was responding to a warning on Thursday from the Royal Society, Britain's premier scientific body, that soldiers and civilians might be exposed to dangerous levels. It challenged earlier reassurances from the Defence Secretary, Geoff Hoon, that depleted uranium was not a risk.

A ministry spokeswoman said that if soldiers followed instructions correctly and wore respirators in areas where depleted uranium might have been used they would not suffer dangerous exposure, but all would be offered urine tests. The overall results would be published.

The ministry said it would also publish details of where and how much depleted uranium was used, and hoped the United States would do the same. Professor Brian Spratt, chairman of the society's working group on depleted uranium, said: "It is highly unsatisfactory to deploy a large amount of a material that is weakly radioactive and chemically toxic without knowing how much soldiers and civilians have been exposed to it."

Civilians in Iraq should be protected by checking milk and water samples for depleted uranium over a prolonged period, he said.

Some soldiers might suffer kidney damage and increased risk of lung cancer if they breathed in substantial amounts.

The Guardian

*This story was found at: **http://www.smh.com.au/articles/2003/04/25/1050777410835.html***

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Iraq

Responsibilities of the occupying

INTRODUCTION

At the time of writing, the situation in Iraq is one of great uncertainty. Sporadic l continuing. The Iraqi government and governmental agencies have collapsed, l has been widespread, and in some areas people have been forcibly displaced, the hardship of the Iraqi population. The forces of the United States of America Kingdom (UK) have yet to restore order and ensure the provision of humanitari areas they control. Beyond these immediate concerns, the duration of the milit USA and UK is unknown, and prospects for an effective Iraqi transitional autho

Despite appearances, the present situation is not a "legal vacuum". The forces UK, as occupying powers under international law, have clear obligations to pro population. These obligations derive from international humanitarian law, whicl the rules on belligerent occupation, complemented by human rights law, which exercising jurisdiction or control over a territory. The USA and UK must fulfil th continue to do so for as long as they exercise military authority over Iraq.

By definition, however, the authority of the occupying powers is transitional anc protection and assistance to the occupied population in the emergency created and UK cannot, for example, change the legal system or introduce the radical r criminal justice system that are needed to ensure respect for human rights. Onl established Iraqi government, or a United Nations (UN) transitional administrati Security Council, would have such authority under international law.

At the moment, there is no clarity as to what arrangements will be in place to e transitional or permanent governmental authority in Iraq. There is disagreemen the UN. Amnesty International believes that ensuring full respect for human rigl to any arrangements. In this regard the UN must play a leading role in at least t beyond the provision of humanitarian assistance.

First, the UN should deploy human rights monitors throughout Iraq as soon as situation allows (see Amnesty International, *Iraq: The need to deploy human ri* 14/012/2003, March 2003).

Second, the UN should establish a commission of experts to develop, in close Iraqi civil society, proposals for a comprehensive program to ensure justice for human rights abuses, centred on the need to reform the Iraqi criminal justice sy International, *Iraq: Ensuring justice for human rights abuses*, MDE 14/080/200

In this paper, Amnesty International focuses on the responsibilities of the USA occupying powers to protect the fundamental rights of the Iraqi population. The international legal framework and sets out in some detail those obligations that relevant to protect the rights of Iraqis. Specific recommendations are addresse the UK

The most immediate challenge in Iraq is still to ensure respect for the laws of w
the conduct of hostilities. The broader task is to secure order and ensure that o
and any interim authority respect their obligations to all of the people of Iraq. Th
challenge, however, lies ahead: to ensure that in the post-conflict period humai
centre of reconstruction efforts. In this regard, addressing impunity for past viol
fair and effective justice system, ensuring respect for the rights of all without di
grounds of religion, ethnicity or gender, and insisting that the Iraqi people them
process forward, will be of central importance.

I. THE INTERNATIONAL LEGAL FRAMEWORK

Over the years international law has developed a framework which, while assig
occupying power the authority it needs to administer the territory it controls, at t
codifies the rights of the occupied territory's inhabitants. One key aim of the int
belligerent occupation is to enable the inhabitants of an occupied territory to pu
way of life as possible in such circumstances.
To this effect, and recognizing the transitional nature of the occupation, the occ
required to administer the territory as far as possible without making far-reachir
existing order, while at the same time ensuring the protection of the fundament
inhabitants.

International law on belligerent occupation does not address the question of the
occupation. Its rules apply to any occupying power for the sole fact that it is in c
territory, whatever the reason for this situation. Recognizing the applicability of
given situation does not constitute a judgment on the legal status of the territor

The provisions of the law on belligerent occupation are found in international hu
also known as the laws of war or the laws on armed conflict. As such, they take
military and security concerns of the occupying power, balancing them against
who find themselves under its authority. The sources for the obligations under i
humanitarian law applicable to belligerent occupation are found in:

- The Hague Convention (IV) respecting the Laws and Customs of War o
Convention) and its annexed Regulations respecting the Laws and Cus
Land (Hague Regulations) of 18 October 1907;
- The Fourth Geneva Convention relative to the Protection of Civilian Per
War (Fourth Geneva Convention) of 12 August 1949;
- Article 75 of the 1977 Protocol Additional to the Geneva Conventions of
and relating to the Protection of Victims of International Armed Conflicts
- Rules of customary international law.

In fact, most of the basic rules on occupation are of a customary law character,
binding. None allow for any derogation.

A key provision of international humanitarian law which outlines the obligations
fundamental rights of those under occupation, such as the right to humane treat
discrimination, is Article 27 of the Fourth Geneva Convention:

> "Protected persons are entitled, in all circumstances, to respect
> their honour, their family rights, their religious convictions and pr
> manners and customs. They shall at all times be humanely treat
> protected especially against all acts of violence or threats there
> insults and public curiosity.
>
> Women shall be especially protected against any attack on their
> particular against rape, enforced prostitution, or any form of ind
>
> Without prejudice to the provisions relating to their state of healt
> protected persons shall be treated with the same consideration
> conflict in whose power they are, without any adverse distinctio
> particular, on race, religion or political opinion.
>
> However, the Parties to the conflict may take such measures of
> in regard to protected persons as may be necessary as a result

The authoritative commentary to the Fourth Geneva Convention published by t
Committee of the Red Cross (ICRC) points out (pages 200–201) that this articl
principle of respect for the human person and the inviolable character of the ba
individual men and women." It continues:

> "The right of respect for the person must be understood in its wi
> covers all the rights of the individual, that is, the rights and quali
> inseparable from the human being by the very fact of his exister
> and physical powers; it includes, in particular, the right to physic
> intellectual integrity - an essential attribute of the human person

At the domestic level, the provisions of international humanitarian law have bee
instructions for members of national armed forces in military manuals. They inc
the armed forces of the UK (The Law of War on Land, Part III, 1958) and the U
Land Warfare, FM 27-10, Department of the Army Field Manual, 1956).

In line with international humanitarian law, any occupying power is also under t
respect the provisions of the human rights treaties to which the country whose
or totally occupied is a party, especially when, as in the case of Iraq, such treat
incorporated in the occupied country's legal system. The Human Rights Comm
monitors the implementation of the 1966 International Covenant on Civil and P
(ICCPR), has also affirmed in 1997 that the "rights enshrined in the Covenant t
living in the territory of the State party" (General Comment No. 26, Continuity o
4).

Further, the Human Rights Committee, and other bodies monitoring the implem
of their human rights obligations under the treaties they have ratified, have con
that such obligations extend to any territory in which a state exercises jurisdicti
including territories occupied as a result of military action. In administering Iraq
must therefore respect their own international human rights obligations in addit
international humanitarian law.

International human rights law complements provisions of international humani
example by providing content and standards of interpretation, such as on the u
respond to disorders outside combat situations. In some respects, for example
applicable to anyone held in detention, human rights standards offer greater pr
provisions of international humanitarian law and should be applied. The result i
framework firmly embedded in international obligations.

II. GENERAL ASPECTS OF BELLIGERENT OCCUPATION

The definition of belligerent occupation is given in Article 42 of the Hague Regu

> "Territory is considered occupied when it is actually placed unde
> the hostile army.
> The occupation extends only to the territory where such authorit
> established and can be exercised."

The US manual FM 27-10 (para 351) simply refers to that definition. The UK m
follows the same line by underscoring that invading forces must have taken the
national authorities in the exercise of actual control over a territory.

The sole criterion for deciding the applicability of the law on belligerent occupat
facts: the *de facto* effective control of territory by foreign armed forces coupled
to enforce their decisions, and the *de facto* absence of a national governmenta
effective control. If these conditions are met for a given area, the law on bellige
applies. Even though the objective of the military campaign may not be to conti
presence of such forces in a controlling position renders applicable the law pro
inhabitants. The occupying power cannot avoid its responsibilities as long as a
government is not in a position to carry out its normal tasks.

The international legal regime on belligerent occupation takes effect as soon as
of a foreign power have secured effective control over a territory that is not its c
the occupying forces have relinquished their control over that territory.

C

The question may arise whether the law on occupation still applies if new civilia by the occupying power from among nationals of the occupied territories are ru territory's daily affairs. The answer is affirmative, as long as the occupying forc in that territory and exercise final control over the acts of the local authorities.

The responsibility of the occupying power does not mean responsibility for eacl the local civilian administration. But if the local administration lacks, for exampl provide adequate health care, it is the duty of the occupying power to take rem cannot relinquish its basic responsibility for the well-being of the territory's inha that local authorities are in charge.

In the language of the Fourth Geneva Convention (Article 4), civilians in occupi find themselves "in the hands of a Party to the conflict or Occupying Power of v nationals" are the "protected persons" whose rights are included in the Conven are inviolable and cannot be renounced (Article 8). Any such renunciation woul irrespective of whether the person has taken that decision of his or her own fre coercion by the occupying power.

The core idea of international law on belligerent occupation is that occupation i occupying power assumes, for a limited period, responsibility for the security a occupied territory's inhabitants. The Hague Regulations state in Article 43 that:

> "The authority of the legitimate power having in fact passed into occupant, the latter shall take all the measures in his power to r as far as possible, public order and safety, while respecting, unl prevented, the laws in force in the country."

D

As a caretaker for the absent national government, the occupying power has tc responsibility for the functions which are directly related to the administration o such it may set up a temporary civil administration, but has no right to change t structures of the state. For example, it cannot engage in a major reform of the system, even though in Iraq this is badly needed to bring it in line with internati law and standards. Amnesty International is calling for a UN commission of ex working immediately, in close consultation with Iraqi civil society, to develop pr These proposals will have to be implemented either by a new Iraqi government transitional administration.

If several occupying powers allocate control and administration of different part each one of them (as in occupied Germany after 1945), each state is fully resp happens under its authority. However, one fundamental obligation of internatio law, reflected in Article 1 common to all four Geneva Conventions, is the under respect but also to "ensure respect for the present Convention in all circumstar the USA and UK, and all other parties to the Geneva Conventions, must take r each other should there be a need to prevent or redress violations of internatio law. They must also ensure that any armed group allied to them respect fully in humanitarian law.

E.

III. OBLIGATIONS OF THE USA AND THE UK AS OCCUPYING POWERS

1. Duty to restore and maintain law and order

The occupying power has the duty to restore and maintain public order and saf controlled by its forces, in accordance with Article 43 of the Hague Regulations

In order to carry out this duty, the occupying power is entitled to "take such me and security in regard to protected persons as may be necessary as a result of language of Article 27 of the Fourth Geneva Convention. Such measures may force. However any use of force in circumstances outside combat, whether by officers, must be consistent with international law enforcement standards, inclu Code of Conduct for Law Enforcement Officials (Code of Conduct) and the 199 Principles on the Use of Force and Firearms by Law Enforcement Officials (Ba

Article 3 of the Code of Conduct reflects the principles of necessity and proport enforcement officials "may use force only when strictly necessary and to the ex performance of their duty." The Commentary to this article specifies that the us extreme measure.

> " Every effort should be made to exclude the use of firearms, es
> children. In general, firearms should not be used except when a
> offers armed resistance or otherwise jeopardizes the lives of oth
> extreme measures are not sufficient to restrain or apprehend th
> offender. In every instance in which a firearm is discharged, a re
> made promptly to the competent authorities."

E.2

According to the Basic Principles, law enforcement officials faced by disorders, assemblies,

> "shall not use firearms against persons except in self-defence o
> against the imminent threat of death or serious injury, to preven
> a particularly serious crime involving grave threat to life, to arres
> presenting such a danger and resisting their authority, or to prev
> escape, and only when less extreme means are insufficient to a
> objectives. In any event, intentional lethal use of firearms may o
> strictly unavoidable in order to protect life."

F

Combat troops do not usually have the training or the proper equipment for per functions, and should not be expected to do so. However, occupying powers hi for the breakdown of law and order in the areas where they establish military c common occurrence in armed conflict and one repeatedly predicted in the case planning and resources seem to have been devoted to securing Iraqi oilfields. I scarce evidence of similar levels of planning and allocation of resources for sec other institutions essential for the survival and well-being of the population. The disorder has been shockingly inadequate.

Amnesty International calls on the USA and the UK to deploy forces in su and with the right training and equipment to restore law and order, until l can operate effectively. An effective and fair vetting procedure for membe police forces should be set up urgently, so as to reduce the chance of res duties officials who may have been involved in human rights violations. I supervising policing functions, the USA and the UK must ensure that the of expression and assembly are not arbitrarily restricted.

2. Duty to provide food, medical care and facilitate relief assistance

The occupying power has the obligation to ensure, if necessary, the provision c supplies to the inhabitants of the occupied territories. According to Article 55 of Convention:

> "To the fullest extent of the means available to it, the Occupying
> duty of ensuring the food and medical supplies of the population
> particular, bring in the necessary foodstuffs, medical stores and
> resources of the occupied territory are inadequate."

With regard to medical care, Article 56 says that the occupying power:

> "has the duty of ensuring and maintaining, with the cooperation
> local authorities, the medical and hospital establishments and s
> health and hygiene in the occupied territory, with particular refer
> adoption and application of the prophylactic and preventive mea
> combat the spread of contagious diseases and epidemics. Medi
> categories shall be allowed to carry out their duties."

More generally, under Article 59, "If the whole or part of the population of an oc inadequately supplied, the Occupying Power shall agree to relief schemes on b population, and shall facilitate them by all the means at its disposal." Such sch undertaken by states or impartial humanitarian organizations such as the ICRC especially consist of foodstuffs, medical supplies and clothing." Every effort sha protect such consignments. However, relief consignments in no way relieve the of their responsibilities (Article 60).

Amnesty International calls on the USA and the UK to intervene to ensure functioning of hospitals and other public services, as well as the prompt and water to those in need. Every effort must be made to facilitate the wo and other humanitarian organizations, including by assisting them in get access to all those in need. In particular, the ICRC and the Iraqi Red Cres be able to pursue their activities in accordance with the principles of the Cross and Red Crescent Movement.

3. Penal legislation: limited scope to introduce changes

In line with the transitional nature of belligerent occupation, Article 64 of the Fo Convention stipulates that the "penal laws of the occupied territory shall remain exception that they may be repealed or suspended by the Occupying Power in constitute a threat to its security or an obstacle to the application of the present

The Commentary to this Article (pages 335-336) stresses that a basic principle occupation is the "idea of continuity of the legal system" of the occupied territor to the whole of the law (civil law and penal law)". It explains that the reason for reference in the Fourth Geneva Convention "only to respect for penal law was sufficiently observed during past conflicts; there is no reason to infer *a contrari* occupation authorities are not also bound to respect the civil law of the country constitution."

There are only two exceptions to the rule of preserving existing penal laws. The security of the occupying power, which, as the ICRC Commentary explains, "m permitted to cancel provisions such as those concerning recruiting or urging th resist the enemy." The second "is in the interests of the population" and makes abrogate, for example, discriminatory measures. The occupying powers canno suspend the penal laws for any other reason - and not, in particular, merely to their own legal conceptions."

Article 68 of the Fourth Geneva Convention permits the death penalty to be im particularly serious offences, but not on people who were under 18 years of ag offence. However, this provision was adopted in 1949, when the death penalty Today more than 100 countries have abolished it in law or practice. The death as a punishment in all international and mixed courts and tribunals for the wors world, such as genocide, war crimes and crimes against humanity. It should no

In line with these provisions of international humanitarian law and with their obl international human rights law, the USA and UK should not observe provisions law which are contrary to international law. Amnesty International has long bee Iraqi legislation inconsistent with international law and standards, such as num decrees issued by the Revolutionary Command Council providing for the death mutilations for a wide range of offences (see Amnesty International, *Iraq: Syste political prisoners*, MDE 14/008/2001, August 2001).

Amnesty International calls on the USA and the UK to suspend the applic or decrees which contravene international law, while respecting their resp other legislative changes as required by the Fourth Geneva Convention. I prescribing corporal punishments and the death penalty should be suspe abolition.

4. Limited legislative powers of the occupying power

An occupying power has a limited scope to enact its own legal provisions. Artic Fourth Geneva Convention states that the occupying power may "subject the p occupied territory to provisions which are essential to enable the Occupying Pc obligations under the present Convention, to maintain the orderly government to ensure the security of the Occupying Power, of the members and property o forces or administration, and likewise of the establishments and lines of commu them."

The Commentary (page 337) sets out the matters in which an occupying powe legislative power. They are limited to provisions "required for the application of areas such as child welfare, labour, food, hygiene and public health; other prov maintain the "orderly government of the territory", and penal provisions "for its

Under Article 65, any "penal provisions enacted by the Occupying Power shall

before they have been published and brought to the knowledge of the inhabitar language. The effect of these penal provisions shall not be retroactive."

Amnesty International calls on the USA and the UK to limit their exercise powers to the scope provided for by the Fourth Geneva Convention. All e made to properly inform the public of any laws or regulations enacted in terms of the broader task of reforming the legal system, a UN commissio should be established to develop proposals for implementation by whate replaces the USA and the UK in Iraq.

5. Criminal jurisdiction

Under the Fourth Geneva Convention, the status of judges, like that of public o altered by occupying powers (Article 54). Existing tribunals shall continue to fu their jurisdiction over offences of domestic criminal law by inhabitants of the oc (Article 64.1). However, in the absence of a functioning judicial system, the occ establish its own courts to perform the functions of the ordinary judiciary, provic existing laws.

Article 66 provides that in case an occupying power enacts legislative provisior establish its own "properly constituted, non-political military courts", which shall territories, while courts of appeal shall "preferably sit in the territories." (Article

Military courts set up by the occupying power must respect detailed procedural down in Articles 67 and 69 to 75. Moreover, under the heading *fundamental gu* (1) of Protocol I has codified all the guarantees of fair trial. The content of Artic including by the USA, which has not ratified Protocol I, as reflecting customary These guarantees are likewise the essence of modern international human rig in Article 14 of the ICCPR and other international standards.

The Fourth Geneva Convention affirms the principle of individual criminal respc prohibits collective penalties (Article 33).
Persons accused or convicted of a criminal offence must be detained in humar kept in detention facilities within the occupied territory (Article 76). They have t visits by the delegates of the ICRC.

Amnesty International has long been concerned at the operation of the Iraqi cri system, including the lack of independence of judges; the use of torture; and g by Iraqi special and other courts. However, Amnesty International believes that established by the USA and the UK would be undesirable, since they risk being "victors' justice". Amnesty International believes that military courts should not civilians or to try members of armed forces for crimes under international law. proposals such as the use of US military commissions, which are not even cou grossly unfair under international law.

Amnesty International calls on the USA and the UK to suspend the operat Iraqi tribunals which have been operating in violation of international hun standards. It also calls on the USA and the UK to ensure that ordinary Ira violate international law and standards. The USA and the UK should not e tribunals. They
should allow a UN commission of experts to develop proposals at the ear date, in close consultation with Iraqi civil society, for transitional tribunal judicial approaches, pending the reform of the Iraqi criminal justice syste

6. Assigned residence or administrative detention (internment)

According to Article 78 of the Fourth Geneva Convention, if the occupying pow necessary, for imperative reasons of security, to take safety measures concern persons, it may, at the most, subject them to assigned residence or to internme such cases Article 78 requires that:

> "Decisions regarding such assigned residence or internment sh according to a regular procedure to be prescribed by the Occup accordance with the provisions of the present Convention. This include the right of appeal for the parties concerned. Appeals sh the least possible delay. In the event of the decision being uphe subject to periodical review, if possible every six months, by a c up by the said Power."

Administrative detainees have the right to receive visits by the delegates of the

Amnesty International recognizes that temporary restrictive measures su allowed by the Fourth Geneva Convention may be necessary, especially i widespread disorders. However, it calls on the USA and the UK to hold ar civilians for the shortest possible time and release them unless they are t a recognizably criminal offence and brought to trial.

Amnesty International believes that judicial review of temporary detentio frequent, individualized basis. All detainees must have the ability to seek administrative – review at any time of the legality of their detention and tc detention is unlawful, as guaranteed by Article 9 (4) of the ICCPR.

7. Prohibition of coercion, torture and other forms of brutality

"No physical or moral coercion shall be exercised against protected persons, ir information from them or from third parties" (Article 31).

Also prohibited is "any measure of such a character as to cause the physical su extermination of protected persons in their hands. This prohibition applies not c torture, corporal punishments, mutilation and medical or scientific experiments the medical treatment of a protected person, but also to any other measures of applied by civilian or military agents" (Article 32).

Amnesty International calls on the USA and UK to ensure that civilians ar against any coercion, torture or other forms of brutality.

8. Prohibition of deportation and transfer

Protected persons, whether detained, serving a prison sentence, or not in custo forcibly removed from occupied territories. According to Article 49 of the Fourth Convention:

> "Individual or mass forcible transfers, as well as deportations of from occupied territory to the territory of the Occupying Power o
>
> that of any other country, occupied or not, are prohibited, regarc motive."

Article 49.2 of the Fourth Geneva Convention also prohibits forcible transfers o population within the occupied territory unless "the security of the population or reasons so demand". According to recent reports, supporters of the Patriotic Ur and the Kurdistan Democratic Party, groups operating in close cooperation with forcibly displaced Arabs from their homes. The USA and UK, as occupying pov obligation to ensure that any forcible displacement happens only in the narrowl circumstances permitted under Article 49.

Amnesty International calls on the USA and UK not to remove any Iraqi ci occupied territories and take them to their own territories or to those of o regardless of the reason. In particular, the USA must not transfer any pro Guantanamo Bay, and the UK should not hand over any protected persor without guarantees that their rights under occupation law will be fully res and UK must also ensure that allied armed groups respect the rules of im humanitarian law in these and all other circumstances.

9. Protection of property and natural resources

The Hague Regulations require the USA and UK to respect "private property" ("shall be regarded only as administrator[s]" of publicly owned buildings and of r such "forests, and agricultural estates" (Article 55). As such, the USA and the U appropriate or otherwise dispose of public property or of the natural resources

The "extensive destruction and appropriation of property, not justified by militar carried out unlawfully and wantonly", is a war crime, specifically a grave breach Geneva Convention (Article 147).

Amnesty International calls on the USA and the UK to safeguard the prop

persons. As caretakers of Iraqi public property and natural resources, the appropriate them or otherwise dispose of them.

10. Role of the International Committee of the Red Cross

A fundamental safeguard for the protection of civilians in occupied territory is c work of the ICRC. Under the Fourth Geneva Convention the occupying powers services of the ICRC (Article 143.5). Its delegates have the right to take up any the law of occupation. They must be granted free movement throughout the en territory. In particular, they must be given free access to all detention facilities a of detainees.

Amnesty International calls on the USA and the UK to fully cooperate wit it can fully exercise its mandate in Iraq.

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Amnesty International, International Secretariat, 1 Easton Street, WC1 United Kingdom

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Red Cross denied access to PoWs

Up to 3,000 Iraqis - some of them civilians - believed to be gagged, bound, hooded and beaten at US camps close to Baghdad airport

Ed Vulliamy in Baghdad
Sunday May 25, 2003
The Observer

The United States is illegally holding thousands of Iraqi prisoners of war and other captives without access to human rights officials at compounds close to Baghdad airport, The Observer has learnt.

There have also been reports of a mutiny last week by prisoners at an airport compound, in protest against conditions. The uprising was 'dealt with' by the Americans, according to a US military source.

The International Committee of the Red Cross so far has been denied access to what the organisation believes could be as many as 3,000 prisoners held in searing heat. All other requests to inspect conditions under which prisoners are being held have been met with silence or been turned down.

There is circumstantial evidence that prisoners are being gagged and hooded, in the manner of the Afghans and other captives held at Guantanamo Bay in Cuba - treatment in itself questionable under international law.

Unlike the Afghans in Cuba, there is no doubt about the status of these captives, whether PoWs or civilians arrested for looting or other crimes under military occupation: all have the right, under the laws of war, to be visited and documented by the International Red Cross. 'There is no argument about the situation with regard to the Iraqi armed forces and even the Fedayeen Saddam,' said the ICRC's spokeswoman in Baghdad, Nada Doumani.

They are prisoners of war because they have been captured during a clear conflict between two states. If they served in the armed forces or in a militia with distinctive clothing which came under the chain of command of one of the warring states, they are protected under article 143 of the Geneva Convention.'

The ICRC has gained access to prisoners held in camps at Umm Qasr in the south. But with regard to the larger numbers reportedly held in Baghdad, said Doumani, 'we are still waiting for the green light, more than a month after the end of the conflict. This is in breach of the third Geneva Convention.' She said the laws of war should give the ICRC access 'as quickly as possible'.

The airport camps are also said to contain many hundreds of civilians detained for looting, who, Doumani said, 'do not fit into the category of prisoners of war, according to the Americans'.

Civilians held, she said, have similar rights because they have been detained by an occupying power, which the ICRC insists the Americans to be, even if they do not use those words of themselves.

'Civilian prisoners under a military occupation have the right to be visited and documented,' she said, 'and for their next-of-kin to be informed. Hundreds of families are looking around Baghdad for members of their families who have gone missing and are believed to have been arrested. They are being taken somewhere, but no one knows where.'

A US military source said a mutiny occurred at the beginning of last week at one compound at the airport zone - for the most part a sealed-off area and the site of some of the heaviest civilian casualties as the Americans surged into the Iraqi capital.

The rebellion was 'dealt with' by the US authorities, said the source, with no confirmation or denial of deaths.

Witnesses to the camps are few, since no Iraqi prisoners taken to them have been released. But a cameraman for the France 3 television channel, arrested at the Palestine Hotel, did manage a glimpse. Leo Nicolian has documentation signed by a Lieutenant Brad Fisher saying he was wrongly arrested (and beaten, with a black eye to prove it) for the alleged theft of a bag from an American reporter.

He was held at the tennis court compound along with, he said, about 50 other prisoners, and told he was detained 'for investiga tion'. On his way out, Nicolian said he passed a bigger encampment in which he saw 'hundreds of men' hooded, with their arms tied behind their backs.

A worker for a non-governmental aid organisation, who asked not to be named, told The Observer that he saw men in a similar state aboard a truck, apparently in transit from one place to another. The aid worker said he managed to video the scene.

Doumani said there was no specific wording in the Geneva Convention on the American practice of hooding and gagging, but that the law did specify that prisoners be treated humanely. 'We have to assess what is humane,' she said.

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MIDDLE EAST AND NORTH AFRICA IRAQ



ICRC delegation ICRC sub-delegation ICRC office ICRC-supported prosthetic/orthotic centre

CONTEXT

Iraq was the object of intensive international pressure to prove that it had rid itself of weapons of mass destruction or face the full-scale military action threatened by certain States that continued to contest Iraq's claim that it was complying with United Nations resolutions.

Iraq allowed UN arms inspectors back into the country in November following a four-year suspension of their activities. It did so in accordance with UN resolution 1441, which found Iraq to be in "material breach" of the relevant UN resolutions passed after it invaded Kuwait in 1990. The resolution warned Iraq of "serious consequences" if it failed to cooperate with the inspectors.

Tension was heightened by the largest United States and British military build-up in the Gulf region since the 1991 war.

Pressure on Iraq was further increased by an intensification of US and British air attacks over the Iraqi northern and southern "no-fly zones" imposed after the 1991 war with the stated aim of protecting Kurdish communities in the north and the Shi'ite population in the south.

Meanwhile, the threat of war aggravated the already dire plight of the Iraqi population, which continued to suffer from the effects of two wars and 12 years of exacting sanctions. Levels of unemployment, poverty and deprivation remained high.

with many still depending on government food rations for day-to-day survival.

Iraq's war-damaged and dilapidated water and sewage networks further deteriorated and constituted a growing threat to public health. Iraq continued to sorely lack adequate medical supplies, health-care facilities and equipment, as well as trained medical personnel to care for a widening range of serious disorders affecting growing numbers of people.

Changes to the UN oil-for-food programme increased the availability of certain goods for the civilian population but nevertheless fell far short of covering basic needs. Most of Iraqi society still suffered from inadequate basic services and goods. The need for humanitarian aid therefore remained substantial throughout the country.

Iraq agreed in November to resume direct talks in the framework of the Tripartite Commission – suspended since late 1998 – to establish what had happened to people unaccounted for since the 1991 war. This followed years of discreet diplomatic effort by the ICRC to restore direct dialogue in order to accelerate progress on these issues. The first round of talks was expected to take place early in 2003.

As in previous years, the ICRC remained one of the very few international organizations with humanitarian projects and a regular presence throughout Iraq. Given the volatile situation as 2002 drew to a close, the ICRC enhanced its emergency-response capability in Iraq and neighbouring countries.

ICRC ACTION

Key points in 2002

- ICRC emergency-relief capability in Iraq and neighbouring countries was reinforced in preparation for any sudden increase in needs
- following a 4-year hiatus, the ICRC facilitated a resumption of direct dialogue between Iraq, Kuwait and Saudi Arabia to discuss issues still outstanding from the 1991 war
- the ICRC supervised the repatriation of 527 Iraqi POWs captured during the Iran-Iraq conflict and of 188 Iraqi servicemen detained in Iran since 1991

CIVILIANS

The ICRC continued extensive aid begun in mid-1999 to focus on urgent needs not covered by the UN oil-for-food programme. ICRC programmes mainly concerned the repair and maintenance of health-care, water and sanitation facilities, and training and capacity-building in the health-care sector. The primary aim was to keep selected vital facilities functioning and to guarantee basic hygiene.

Maintaining water and sanitation systems

Insufficient clean water supplies and inadequate sewage disposal facilities remained a major source of concern, as reflected in high levels of water-borne diseases. Access to clean water and adequate sanitation remained particularly difficult in rural areas. Raw sewage continued to contaminate rivers and lakes and the water available to the population in many areas was unfit to drink.

The ICRC's water and habitat programme in Iraq had become one of its biggest worldwide. ICRC engineers and their Iraqi counterparts continued to gauge the growing needs in this sector and to devise appropriate technical means of repairing or upgrading water and sewage treatment plants nationwide. Increased emphasis was placed on ensuring that water distribution networks function smoothly and supply a maximum number of people.

The ICRC:

- renovated or increased the capacity of 22 water treatment and pumping stations and 5 sewage treatment plants, serving millions of civilians
- continued major repair and renovation work at 6 water treatment and 3 sewage disposal sites in various parts of the country
- had by year's end renovated 282 water treatment plants and pumping stations and 7 sewage evacuation stations since the programme began in 1993, and more than 5 million people had gained access to regular and safe supplies of drinking water as a result of this programme

Basic equipment, such as pumps and pipes, continued to be obtained under the oil-for-food programme, while other spare parts were purchased from the local market.

Supplying drinking water to small rural communities, through an easily manageable chemical-free system, was a technical challenge that was met by a process known as roughing filtration. ICRC engineers adapted this technique to local conditions in five governorates, providing villages with direct access to safe drinking water for the first time.

In addition to regular maintenance and repair, ICRC engineers also responded to numerous sudden breakdowns, thus preventing entire communities from being deprived of water for long periods.

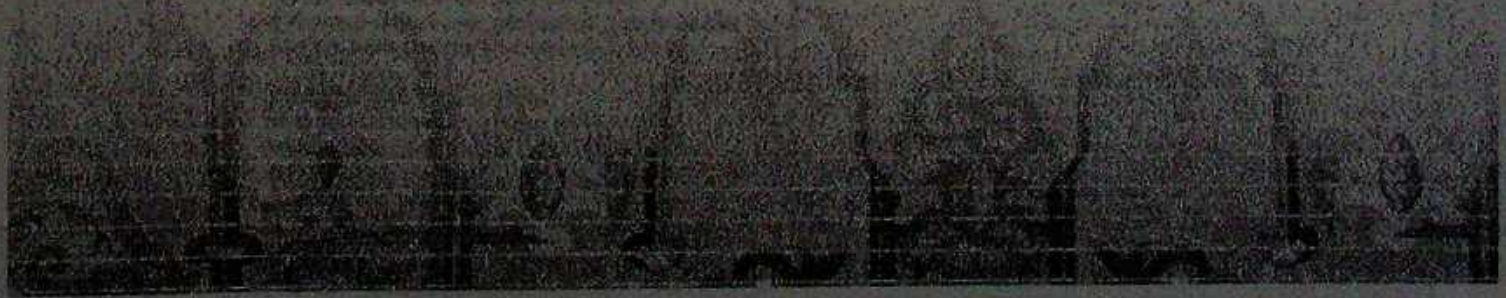
Protecting civilians

In view of the uncertainty that prevailed in Iraq throughout the year, the ICRC developed its contingency planning and built up relief supplies in Baghdad and other parts of the country – and in neighbouring countries – in preparation for sudden events adversely affecting the civilian population.

The Situation of Children in Iraq

An Assessment Based on the United Nations Convention on the Rights of the Child

Reprinted March 2003
with updated
Malnutrition Information



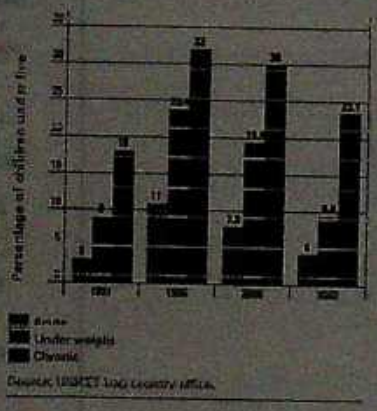
Update on Child Malnutrition Figures in Iraq March 2003

The trend of increasing malnutrition among children under five years of age seen throughout the 1990s has changed. As shown below, preliminary figures from a UNICEF-supported survey carried out in 2002 show that acute and underweight malnutrition are now at less than half the levels of 1996, while chronic malnutrition has fallen by nearly 30 per cent during the same period.[1] This decline should be seen in the context of the overall humanitarian programme in Iraq, including the UNICEF-supported Targeted Nutrition Programme (TNP). Despite the current decline, child malnutrition levels are still higher than levels in 1991, and those were already elevated after a year of sanctions. Furthermore, roughly 60 per cent of Iraqi families are completely dependent on the monthly government-distributed food ration to meet their nutritional needs, and malnutrition rates could increase dramatically once again if this distribution were to be disrupted or cut.

A contributing factor to the very high rate of malnutrition and mortality throughout the 1990s was the breakdown of key Iraqi infrastructure such as power grids and water distribution networks as a result of two major wars and over a decade of comprehensive international sanctions. In the south/centre of Iraq, the rates of malnutrition steadily increased between 1991 and 1996, before the onset of the Oil for Food Programme (OFFP). Chronic malnutrition rose from 18.7 to 32 per cent; the percentage of underweight children shot up from 9.2 to 23.4 per cent; and acute malnutrition increased from 3 to 11 per cent.

Factors that have contributed to the drop in malnutrition among children under five years of age include increased electricity production, improved access to potable water, increased access to food, improvements in the OFFP and the 2,600 UNICEF-supported community child care units (CCUs). These CCUs screen children for malnutrition to ensure that those who are effected are treated early to improve their chances for a quick and full recovery.

Trends in malnutrition in south/centre Iraq, 1991–2002



Source: UNICEF Iraq country office.

For more information on child malnutrition in Iraq, please visit the UNICEF web page at: http://www.unicef.org/media/publications/malnutritionnov2002.doc

[1] Acute malnutrition (weight-for-height) is an indicator of acute wasting caused by a severe, recent onset of adversities such as rapid reductions in food availability or interference with food intake due to infections.
Under weight (weight-for-age) is an indicator of general malnutrition, a composite of chronic and acute malnutrition (either or both of these can result in under weight). It is the most widely understood indicator for a nutritional status assessment.
Chronic malnutrition (height-for-age) is an indicator of "stunting" and is generally attributed to long-term malnutrition. This type of malnutrition results in poor physical and intellectual growth and development. It reflects the accumulated detrimental effect on child growth by adverse economic conditions and by poor health, feeding and caring practices.

Acknowledgment

UNICEF Iraq acknowledges the outstanding contribution of the author of this report Nadia Hijab. UNICEF Iraq would also like to thank and acknowledge the support the Planning Commission/Manpower Planning Department of the Government of Iraq for facilitating the development of this report and in particular for organizing the initial multi-sectoral participatory workshop where the report's outline was discussed and new insights were developed.

Abbreviations

ARI	Acute Respiratory Infections
CCCUs	Community Child Care Units
CSO	Central Statistical Office
EPI	Expanded Programme on Immunization
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GFIW	General Federation of Iraqi Women
GNP	Gross National Product
ICRC	International Committee of the Red Cross
ID	Iraqi Dinar
MOE	Ministry of Education
MOH	Ministry of Health
MOLSA	Ministry of Labour and Social Affairs
MOU	Memorandum of Understanding
NGO	Non-governmental organization
NRC	Nutrition Rehabilitation Centre
PHC	Primary Health Care
RCC	Revolutionary Command Council
SCR	Security Council Resolution
TNP	Targeted Nutrition Programme
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
WHO	World Health Organization

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The Unthinkable Is Becoming Normal

Do Not Forget The Horror...

The saving of one little boy must not be a cover for the crime of this war.

By John Pilger
The Independent - UK
4-21-3

Last Sunday, seated in the audience at the Bafta television awards ceremony, I was struck by the silence. Here were many of the most influential members of the liberal elite, the writers, producers, dramatists, journalists and managers of our main source of information, television; and not one broke the silence. It was as though we were disconnected from the world outside: a world of rampant, rapacious power and great crimes committed in our name by our government and its foreign master. Iraq is the "test case", says the Bush regime, which every day sails closer to Mussolini's definition of fascism: the merger of a militarist state with corporate power. Iraq is a test case for western liberals, too. As the suffering mounts in that stricken country, with Red Cross doctors describing "incredible" levels of civilian casualties, the choice of the next conquest, Syria or Iran, is "debated" on the BBC, as if it were a World Cup venue.

The unthinkable is being normalised. The American essayist Edward Herman wrote: "There is usually a division of labour in doing and rationalising the unthinkable, with the direct brutalising and killing done by one set of individuals ... others working on improving technology (a better crematory gas, a longer burning and more adhesive napalm, bomb fragments that penetrate flesh in hard-to-trace patterns). It is the function of the experts, and the mainstream media, to normalise the unthinkable for the general public."

Herman wrote that following the 1991 Gulf War, whose nocturnal images of American bulldozers burying thousands of teenage Iraqi conscripts, many of them alive and trying to surrender, were never shown. Thus, the slaughter was normalised. A study released just before Christmas 1991 by the Medical Educational Trust revealed that more 200,000 Iraqi men, women and children were killed or died as a direct result of the American-led attack. This was barely reported, and the homicidal nature of the "war" never entered public

consciousness in this country, let alone America.

The Pentagon's deliberate destruction of Iraq's civilian infrastructure, such as power sources and water and sewage plants, together with the imposition of an embargo as barbaric as a medieval siege, produced a degree of suffering never fully comprehended in the West. Documented evidence was available, volumes of it; by the late 1990s, more than 6,000 infants were dying every month, and the two senior United Nations officials responsible for humanitarian relief in Iraq, Denis Halliday and Hans von Sponeck, resigned, protesting the embargo's hidden agenda. Halliday called it "genocide".

As of last July, the United States, backed by the Blair government, was wilfully blocking humanitarian supplies worth $5.4bn, everything from vaccines and plasma bags to simple painkillers, all of which Iraq had paid for and the Security Council had approved.

Last month's attack by the two greatest military powers on a demoralised, sick and largely defenceless population was the logical extension of this barbarism. This is now called a "victory", and the flags are coming out. Last week, the submarine HMS Turbulent returned to Plymouth, flying the Jolly Roger, the pirates' emblem. How appropriate. This nuclear-powered machine fired some 30 American Tomahawk cruise missiles at Iraq. Each missile cost £700,000: a total of £21m. That alone would provide desperate Basra with food, water and medicines.

Imagine: what did Commander Andrew McKendrick's 30 missiles hit? How many people did they kill or maim in a population nearly half of which are children? Maybe, Commander, you targeted a palace with gold taps in the bathroom, or a "command and control facility", as the Americans and Geoffrey Hoon like to lie. Or perhaps each of your missiles had a sensory device that could distinguish George Bush's "evil-doers" from toddlers. What is certain is that your targets did not include the Ministry of Oil.

When the invasion began, the British public was called upon to "support" troops sent illegally and undemocratically to kill people with whom we had no quarrel. "The ultimate test of our professionalism" is how Commander McKendrick describes an unprovoked attack on a nation with no submarines, no navy and no air force, and now with no clean water and no electricity and, in many hospitals, no anaesthetic with which to amputate small limbs shredded by shrapnel. I have seen elsewhere how this is done, with a gag in the patient's mouth.

One child, Ali Ismaeel Abbas, the boy who lost his parents and his arms in a missile attack, has been flown to a modern hospital in Kuwait. Publicity has saved him. Tony Blair says he will "do everything he can" to help him. This must be the ultimate insult to the memory of all the children of Iraq who have died violently in Blair's war, and as a result of the embargo that Blair enthusiastically endorsed. The saving of Ali substitutes a media spectacle of charity for our right to knowledge of the extent of the crime committed against

the young in our name. Let us now see the pictures of the "truckload of dozens of dismembered women and children" that the Red Cross doctors saw.

As Ali was flown to Kuwait, the Americans were preventing Save The Children from sending a plane with medical supplies into northern Iraq, where 40,000 are desperate. According to the UN, half the population of Iraq has only enough food to last a few weeks. The head of the World Food Programme says that 40 million people around the world are now seriously at risk because of the distraction of the humanitarian disaster in Iraq.

And this is "liberation"? No, it is bloody conquest, witnessed by America's mass theft of Iraq's resources and natural wealth. Ask the crowds in the streets, for whom the fear and hatred of Saddam Hussein have been transferred, virtually overnight, to Bush and Blair and perhaps to "us".

Such is the magnitude of Blair's folly and crime that the contrivance of his vindication is urgent. As if speaking for the vindicators, Andrew Marr, the BBC's political editor, reported: "[Blair] said they would be able to take Baghdad without a bloodbath, and that in the end the Iraqis would be celebrating. And on both of those points he has been proved conclusively right."

What constitutes a bloodbath to the BBC's man in Downing Street? Did the murder of the 3,000 people in New York's Twin Towers qualify? If his answer is yes, then the thousands killed in Iraq during the past month is a bloodbath. One report says that more than 3,000 Iraqis were killed within 24 hours or less. Or are the vindicators saying that the lives of one set of human beings have less value than those recognisable to us? Devaluation of human life has always been essential to the pursuit of imperial power, from the Congo to Vietnam, from Chechnya to Iraq.

If, as Milan Kundera wrote, "the struggle of people against power is the struggle of memory against forgetting", then we must not forget. We must not forget Blair's lies about weapons of mass destruction which, as Hans Blix now says, were based on "fabricated evidence". We must not forget his callous attempts to deny that an American missile killed 62 people in a Baghdad market. And we must not forget the reason for the bloodbath. Last September, in announcing its National Security Strategy, Bush served notice that America intended to dominate the world by force. Iraq was indeed the "test case". The rest was a charade.

We must not forget that a British defence secretary has announced, for the first time, that his government is prepared to launch an attack with nuclear weapons. He echoes Bush, of course. An ascendant mafia now rules the United States, and the Prime Minister is in thrall to it. Together, they empty noble words ö liberation, freedom and democracy ö of their true meaning. The unspoken truth is that behind the bloody conquest of Iraq is the conquest of us all: of our minds, our humanity and our self-respect at the very least. If we say and do nothing, victory over us is assured.

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Why Bombs Don't Make Democracies

By John Laughland

There has been much hand-wringing over the widespread looting in Iraq following the Anglo-American invasion. Evidence that the looting was permitted, and perhaps even encouraged, by coalition troops has not quelled the party line that this is a transitional stage and that reconstruction is proceeding apace. But could creation of chaos be a deliberate and even lasting policy? Recent events in Serbia, the last country to have democracy imposed on it by force, indicate that the lawlessness and anarchy that now terrorize the civilian population of Iraq are not a regrettable transitory stage in the onward march towards the New World Order. They are instead the very essence of that order.

It was Pierre Vergniaud, a Girondin, who correctly predicted that the French Revolution, like Saturn, would devour its own children. That certainly happened on the morning of March 12, 2003 in Belgrade, when an assassin's bullet dispatched the Serbian prime minister in a few swift seconds.

Few men incarnated the revolutionary force of the New World Order better than Zoran Djindjic—Marxist philosopher, bootlegger, and spook. Djindjic left Yugoslavia in the early 1970s to study at the feet of Jürgen Habermas, the extreme left-wing ideologue who, like his pupil, was later to become a prophet of globalism the end of the nation-state. In 1984, Djindjic wrote that he had gone to study in Germany because Yugoslav Marxism had been fatally weakened by Marshall Tito's policy of openness to the West. But his esoteric academic activities—which were in any case abandoned in the 1990s when he became an extreme Serb nationalist and, later, an extreme supporter of Euro-Atlantic integration and world-wide free trade—were in part a front for his business activities. He started off with a covert export-import business, involving the sale of textiles produced in his numerous sweatshops, and went on to become a major cigarette smuggler during the 1990s, something finally revealed by sections of the Serbian press, now closed down, in 2001.

If the various and contradictory ideologies Djindjic adopted all had one thing in common—the destruction of the existing order in the name of total revolution—it was his status as a *capo dei capi*, one of the richest men in a region thick with wealthy and ruthless criminals, which made him attractive to the West. Here was a man who cared only for his own personal gain and not for his country. Moreover, his comings and goings between Germany and Yugoslavia had enabled him to work, it is said, for both the German and Yugoslav intelligence services. So in October 2000, Djindjic helped the Americans to organize the *coup d'état* that overthrew Slobodan Milosevic. According to two of his fans who wrote a history of that day, Oct. 5, 2000, Djindjic had carefully studied both Trotsky and Curzio Malaparte's *Techniques of a Coup d'état*—based on Mussolini's March on Rome—in preparation for his own march on Belgrade. He trousered some $100 million of U.S. taxpayers' money for the purpose and did not hesitate to employ in this task other members of the criminal gangs of which he was a product.

These gangsters who helped him, as he was later to brag, included one Milorad Lukovic, alias Legija, the man who was accused of killing him in March. Legija had commanded a murderous paramilitary unit in Bosnia, which was later integrated into the Yugoslav police under the terms of the Dayton Accords in 1995. It was Legija's agreement to support Djindjic that enabled the Oct. 5 coup to be successful. In April 2001, Legija's men stormed Slobodan Milosevic's residence and carted him off to the central prison in Belgrade, whence he was arrested and taken to The Hague. Throughout 2001 and 2002, moreover, Legija's unit, according to the admission of the Serbian deputy prime minister, assisted the regular Yugoslav police in their anti-terrorist operations against Albanian insurgents in southern Serbia. Most Serbs, therefore, regarded it as a sick joke when Western governments claimed that Djindjic had been assassinated by Legija's men because he was fighting organized crime. Although spivvery had certainly existed under Milosevic, an inevitable consequence of sanctions and war, it had only really let rip under Djindjic.

Serbian society is now so totally criminalized, indeed, that Serbs naturally assume that the West itself was somehow implicated in Djindjic's murder. They speculate that Djindjic may have been finally getting too big for his boots; that he was starting to get awkward over the West's failure to pay promised aid; and that several big contracts were about to go to German interests rather than American ones. They also point out that Djindjic was one of the few Eastern European leaders who refused to sign a letter of support for the Anglo-American position on Iraq in March. If such conspiracy theories seem outlandish, it should be remembered that the West had already brought Mafia regimes to power in neighboring Albania, Kosovo, and Montenegro, while it has also strenuously and successfully supported the integration into the Macedonian government of Albanian terrorists, drug-runners, and people-traffickers.
It was therefore natural that Djindjic and his American minders should have jointly conceived a plan to impose social chaos in Yugoslavia before and after the overthrow of Milosevic. In order to promote genuine revolution, or what Michael Ledeen of the American Enterprise Institute extols as "creative destruction," the rebels did everything to prevent the Yugoslav presidential elections in 2000 from going to a necessary second round. They thus ensured that there would be a period of total social collapse, just as there had been in Kosovo when the Serbs were forced to withdraw in June 1999, just as there was to be this year in Iraq. This created fertile ground for grabbing the key points of political control of the state, as well as for stealing its riches. The seizure of factories and enterprises all over Yugoslavia by men with guns in the aftermath of the Oct. 5 coup was merely repeated when mass looting spread across Iraq in April.

Subsequent events in Serbia have only underlined this alliance between Western-sponsored New-World-Order governments and organized crime. Following the assassination of Djindjic, the Serbian government promptly declared a state of emergency, something that did not happen after the assassinations of Jack Kennedy, Olaf Palme, or Rajiv Gandhi. Using powers the West had attacked as dictatorial when Milosevic made provision for them in 1992, but that he never used, some 8,000 people were taken in for questioning, 2,000 of whom were detained by police with no access to lawyers, no access to their families, and without even being charged. In Belgrade, I interviewed two opposition politicians who had been detained for 30 days on the basis that their liberty "could pose a threat to the security of other citizens, and to the Republic." This is little but George W. Bush's policy of pre-emptive war applied to domestic policing.

As former President Vojislav Kostunica also put it to me when I met him in Belgrade, the government clearly treated Djindjic's assassination as Stalin had treated the murder of Serge Kirov on Dec. 1, 1934—as a pretext for eliminating its political opponents. After declaring that the so-called "patriotic forces" had conspired to kill Djindjic, the Serbian Interior Minister proudly told a congress of European Youth leaders on April 18, "The imposition of the state of emergency gave the Serbian government the opportunity to rid itself of all remnants of the Milosevic regime." Even though the Socialist Party of Serbia has never been declared illegal, this use of state organs to suppress political opposition was enthusiastically welcomed by Western governments. Colin Powell made a special trip to Belgrade last month to say how much the U.S. supported the mass arrests, and Serbia-Montenegro (as Yugoslavia is now officially known) was admitted to the Council of Europe, the human rights body, even as thousands were being detained.

Politicians from Milosevic's Socialists and Vojislav Kostunica's Democratic Party of Serbia figured prominently among the arrestees, as did any journalists who "incited the prime minister's assassination" by criticizing him before it happened. Television stations, newspapers, and magazines were closed down, and the remaining media were obliged to publish only official government press statements. Their flowery language about the "heroic" efforts of the police prompted those Serbs old enough to remember Tito to joke that the state journalists from that period must have been brought out of retirement to write them.

As in the War on Terror, the principal culprits originally fingered for the crime have got away. Legija remains at large—like Osama bin Laden and Saddam Hussein—and although many of his Zemun gang have indeed been caught, the head of the rival Surcin gang was taken in for questioning and then politely released without charge. Given that the background of the present prime minister of Serbia is in running gambling joints in the southern Serbian town of Nis and that many believe one of the deputy prime ministers is a heroin addict, the suspicion of most Serbs is that the post-Djindjic government is using the instruments of the state to suppress

one gang for the benefit of another. With foreign investment and foreign aid drying up, there is simply less money around for such crooks to steal: the battles between them are therefore becoming all the more bitter. Amidst all this chaos, the only thing that continued unperturbed was the privatization process, a euphemism for the sale of national assets to foreigners. At the height of the purges, U.S. Steel bought a gigantic factory in Serbia, with 10,000 employees, for the paltry sum of $23 million, a deal made all the sweeter because the factory's $1.7 billion debt is being assumed by the Serbian taxpayers.

Much has been made in the last decade of the sudden conversion of so-called communists to the virtues of capitalism. But the equal and opposite trend has gone largely unnoticed—the adoption by Western policy-makers of the key tenets of the discredited Communist creed. Foremost among these is the myth of revolution. From Bucharest via Belgrade to Baghdad, highly organized or totally artificial events are presented as the spontaneous actions of "the people," like the silly charade organized outside the Palestine Hotel in Baghdad last month. In keeping with its new revolutionary ideology, the West encourages chaos and criminality, in order to tear down the old order and in order to keep the population too preoccupied with daily cares to organize any effective political resistance. Social chaos forces the population of an occupied country, like Iraq, to make a Hobbesian pact with its invaders and to look to the coalition soldiers for protection, thus lending them an apparent legitimacy they would otherwise lack.

Both Iraq and Serbia were subject, for a decade, to a stringent regime of sanctions. This gave rise, in both cases, to the same dramatic increase in criminality and to the same sense that the whole country is up for sale. Now, the U.S. State Department is backing Ahmad Chalabi in Iraq, a man sentenced to 20 years in prison for bank fraud in Jordan, while our allies in Iraqi Kurdistan are essentially gangs of people-smugglers. If the electricity in Kosovo has not been repaired after four years of occupation, there is little prospect of the lights soon coming back on in Baghdad; and with the West continuing strenuously to support criminal regimes across the Balkans, a peninsula it also occupies militarily, the message for the Iraqis is clear.

John Laughland is a London-based writer and lecturer and a trustee of the British Helsinki Human Rights Group.

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NEWS LATEST

Civilian deaths in Iraq could be as high as 10,000

Final body count could be biggest since Vietnam war, writes IAN BRUCE

AMERICAN guns, bombs and missiles killed more civilians in the recent war in Iraq than in any conflict since Vietnam, according to preliminary assessments carried out by the UN, international aid agencies and independent study groups.

Despite US boasts this was the fastest, most clinical campaign in military history, a first snapshot of "collateral damage" indicates that between 5000 and 10,000 Iraqi non-combatants died in the course of the hi-tech blitzkrieg.

Organisations such as the Red Cross, the Muslim Red Crescent, Amnesty International, Human Rights Watch, and the UN are all still carrying out surveys and are reluctant to commit themselves to a final figure.

All agree, however, the toll will exceed the 3500 civilians killed in the 1991 Gulf war and the 1800 to 2000 innocent Afghans known to have perished during the 2001 invasion to oust the Taliban and wipe out al Qaeda's training camps. US government figures for Vietnam claimed that 300,000 died in the south and 65,000 in the north of that divided country.

Haidar Taie, who runs the Red Crescent's tracing department in Baghdad, said: "We just don't know for certain. But thousands are dead, thousands more injured or missing. It will take time to reach a definitive count. It was certainly a disaster for civilians caught in the fighting."

A spokesman for the Red Cross said: "We are piecing things together slowly. Hospitals and doctors were overwhelmed by the numbers arriving for treatment, so records are patchy. The indicators from those records which were kept is a high civilian bodycount and many, many more injured."

The independent US-based Campaign for Innocent Victims in Conflict (Civic) has sent out 150 volunteers to interview victims' families and record injuries and damage to property. The group is also cross-checking stories with grave sites.

Marla Ruzicka, Civic co-ordinator, said: "Our people have already found more than 1000 graves in the town of Nasariyah in the south, where fedayeen resistance meant days of heavy street fighting and air strikes, and at least another 1000 fresh graves in the Baghdad area."

The Red Crescent says there are many more civilian graves between Nasariyah and Najaf along the Euphrates River. Pro-Saddam militia made a number of stands and ambushes in built-up areas to slow the US advance on the capital and tanks, bombers and artillery were all used to dislodge them from populated areas.

Professor Mark Herold of New Hampshire University, who is also a spokesman for Iraqbodycount, a website dedicated to revealing the civilian cost of the war,

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...vilian deaths in Iraq could be as high as 10,000

says the running tally is "in excess of 5000 and still climbing".

The site draws on media and witness accounts for its figures. Reporters for news agencies based in Baghdad during the invasion are fairly consistent in claiming between 2300 and 2600 civilian victims of the US-led air attacks on the city.

There are no official figures for Iraqi military deaths, estimated at anywhere between 4000 and 7000.

A Pentagon source said: "It was inevitable there would be regrettable civilian losses. Our forces made every effort to minimise innocent casualties, often to the point of putting their own lives at risk.

"We have no hard facts and figures for such losses. Any non-governmental tally will include a lot of guesswork."

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3 June 2003

depleted uranium

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Brief introduction to the actual IUS IN BELLO concerning Depleted Uranium Weapons

by Joachim Lau

"The King must not poison the spear"

A GREEK PHILOSOPHER around 2500 years ago wrote this rule since in these times it was already a recognised norm of existing customary law according to which the unique legitimate objective of a war, is fighting the military force of the enemy. In 1868 this ancient rule has found its form in the famous declaration of St. Petersburg, the so-called Martens clause that states that "the only legitimated object which states should endeavour to accomplish during war is to weaken the military forces of the enemy."

The same principle was established in article 22 of the Hague Convention (1907). "The right of belligerents to inflict damage on the enemy is not unlimited."

The explosion of the first nuclear bomb and half a century of mutual assured destruction by the nuclear powers, has in a certain sense put international law and its fundamental rules in a deep and continuing crisis because it denies the survival and the future of the humanity it entails.

In 1996 however it was revitalised when, as the result of a project initiated by a coalition of "non governmental organisations," including the *International Association of Lawyers Against Nuclear Arms*, the highest international judicial authority, the International Court of Justice in The Hague declared, in answer of the request for an advisory opinion of the General Assembly of the UN, that the use and the threat of nuclear weapons is generally forbidden and represents a violation of international humanitarian law applicable in armed conflict.

Now, once again we are faced with the use of radioactive material for military means and the question whether or not this is illegal under international law.

The specific facts are as follows: NATO after years and months of public lies, has admitted the use of Depleted Uranium weapons in Iraq, Somalia, Bosnia and Kosovo. On that last occasion NATO used around 10 tons of Depleted Uranium in around 32,000 bullets.

When the DU bombs and bullets explode, they develop a temperature level that rises up to 5000 degrees Celsius which together with the developed energy through pressure causes the pulverization of the Uranium. Consequently the uranium-dust aerosol is spread out in the environment and falls onto the ground or on the plants. With the wind this material can be transported up to distances of 40 km or more. The particles that weigh around 5 my (micron) can be inhaled easily and

therefore enter the biological cycle. The DU has a toxic and radioactive effect on the cells with which it makes contact. One of the most toxic effects for the people exposed to DU is the damage of the kidney(s), which will have deadly consequences in most cases. Part of the ingested or inhaled DU-dust will leave the human body in the normal natural way.

With the passing of time DU particles enclosed in the body cause the emission of radiation alpha, beta and gamma, which can slowly damage the metabolism of a cell or its DNA code and create cancer and other illnesses related to the exposure to certain levels of radioactivity, above all leukaemia.

During the past decades the soldiers of NATO have become acquainted with these effects. Canadian Doctors could still find relevant quantities of DU- isotopes in the urine of Golf-war veterans, 10 years after the exposure.

According to art. 22 of the Hague Convention of 1907, as well as according to art. 35 paragraph 1, additional protocol (Geneva Protocol), parties to the convention cannot choose their methods and means of warfare without limits. These rules are imperative and are not derogative, not even before the military occurrence. Each State has the obligation to examine the compatibility of its new arms with the legal norms in question. Therefore the bullets have to meet the conditions of article 23 par. 1 Hague Convention 1907 and [art] 35 [com]. 2 of the Geneva Protocol I. DU- weapons increase the amount of suffering and the severity of the wounds inflicted on the enemy in a disproportionate and unnecessary way. Moreover, the diffused DU in the environment in time also damages the belligerents and non-belligerents in an indiscriminate way and therefore represents a violation of the [art] 51 [com] 4 c and 5 b of the Geneva Protocol I.

Art. 35 com.3 and [art]. 55 Geneva Protocol I contains specific prohibitions concerning damage to the environment and the DU-bombs are also illegitimate under these rules.

One of the principal rules of international law ([ius cogens]), contained also in art 23 §a of the Hague Convention of 1907, is the prohibition of the use of toxic weapons. This prohibition also applies to damage done with toxic weapons to a states own soldiers or neutral states. Once the DU-bombs explode, their radioactivity can not be limited to for instance the territories of Kosovo or Serbia; the wind will also bring radioactive particles elsewhere and therefore the use of these weapons violates the principle of neutrality too.

The International Court of Justice has underlined in its advisory opinion of 1996 that all new weapons have to be compatible, at all times, with the generally recognised law applicable in armed conflict which comprises:

- the Martins clause
- article 22 and 23 of the Convention of The Hague of 1907
- the statute of the military court of Nuremberg
- the Geneva Convention of 12 August 1949 on the protection of victims of war and of civilians (specifically art. 55 (environment))
- Genocide Convention

The DU weapons evidently don't compare to nuclear weapons to the extent that the latter generate an uncontrolled chain reaction. However, the radiation effects on health and environment are similar, although in a smaller quantity.

At this point it is worth mentioning, that according to the convention of Moscow of 5 August 1963 the prohibition of nuclear experiments in the atmosphere is not limited to bombs that generate a chain reaction (therefore the sub critical nuclear tests at the NEVADA Test site will all be conducted underground), which makes it possible to consider this convention applicable to DU-Weapons, because the principal purpose of the convention was the realisation of the desire of the parties involved, to put a definite end to the radioactive pollution of the environment.

Another issue that demands attention is one in light of the Non-Proliferation Treaty and Chemical Weapons Convention. The non-nuclear weapon states, which produce electric energy with uranium have no right to use, to transfer or to sell waste material for war-related activities. In part the purpose of these treaties is a rigid limitation of the use of nuclear isotopes other than pacific.

Therefore we have to examine the question, if a specific prohibition of the use of Depleted Uranium for purposes of war exists: Given that the most visible effect of depleted uranium when it is burnt in the environment, is its toxic effect, art. 23 § a of the Hague Convention of 1907 would have to be applicable.

In its decision of 8 July 1996 the International Court has examined the question if nuclear weapons revert under this prohibition and the court has denied it in so far as that state praxis does not show them to be considered as toxic weapons.

Independent of this, it needs to be underlined that as early as the year 1954 the NATO-states have implicitly recognised the toxic nature of nuclear arms in the additional protocol of the North-Atlantic Treaty, in so far as Germany at that time declared its renouncement "of designing, getting or using nuclear material or radioactive isotopes which through an explosion or in an other way of uncontrolled transformation are able to cause destruction of masses, lesions or **poisoning of masses**," with respect to nuclear weapons.

The fact that DU-Weapons don't cause the typical chain reaction of a nuclear weapon, which creates an enormous amount of destructive energy and subsequent radiation, does not close the door for the possibility to consider these weapons to be comprised under the prohibition of toxic weapons, and in case of a violation to consider its use as a war-crime.

NATO rejects the accusations with the simple affirmation that proof for the causality between the illness (both of the civic population and of the soldiers) and the use of depleted uranium doesn't exist. In my opinion this affirmation is not reasonable. Nor in a factual sense, nor in a juridical sense.

In an open letter to the American government the Prof. Emeritus for Molecular Biology and Cell-Biology, John W. Gofmann of the Berkley University stated in 1999: "By any reasonable standard of biomedical proof, there is no safe dose, which means that just one decaying radioactive atom can cause permanent mutation in to cell's genetic molecules" - see also Gofmann 1990 "Radiation Cancer Induced from Low Dose Exposure"-

The effect of genetic mutation by radiation was discovered in 1927 by Prof. Josef Hermann Müller. A reasonable and correct application of this actual state of science, is seen in the regulation and legislation of the European Community regarding the protection of the civilian population and the personnel in the nuclear sector, which led to the relative security norms.

Article 8 and 9 of the directive 96/ 29/ Euratom of 1 May 1996 establishes the explicit prohibition for people under the age of 18 to be exposed to **any kind of radiation** in a work area where uranium and its by-products including depleted uranium (waste material) are processed.

Furthermore the directive establishes that people above 18 can be exposed to a maximum of 100 millisievert (mSv) radiation in a period of five years with an effective dose of not more than 50 mSv in a single year. It seems to me that the data that was collected by several organisations, which have done research in Kosovo and in Iraq, shows figures that hugely exceed these limits. In any case, the exposure to low radiation is considered a health risk by the directive for any operator subject to this kind of exposure and therefore these people must be checked periodically.

The danger that derives from this type of arms (DU) and from the low radiation effects of nuclear weapons was recently reconfirmed legally in a judgement of the Japanese Supreme Court of 18 July 2000, in the case Hideko Matsuya v. The Minister of Public Health. In a peace treaty, the Japanese State has, to a certain extent, assumed civil responsibility for the damages caused by the bombs of Hiroshima and Nagasaki.

Mrs. Matsuya was exposed to a level of radiation that is considered low while she was in a position several kilometres away from the epicentre of the explosion of the bomb that hit Nagasaki. Her health problems and specifically her psychological problems had not been recognised by the Japanese State as an effect of the nuclear bomb.

A lower court and a court of appeal had recognised the causality of the damage and the relative obligation of Japan to provide psychological and social assistance.

The Supreme Court has confirmed the judgement of these courts. However, it did so in a motivation that differs substantially from the ones given by the lower courts and which in my opinion is very interesting for the judicial evaluation of DU-Weapons.

In substance, the Court refused to consider a specific direct causality regarding the low radiation caused by the Nagasaki bomb and the suffering of the victim, but it did establish, that the principal danger and the damaging effect of radiation as a consequence of the use of nuclear material in war with respect to the health of human beings, is scientifically recognised and incontestable and that therefore the burden of proof rests with the State of Japan, which means that the State of Japan had to prove that the illness of the plaintiff had been caused by other factors.

Perhaps the Generals of NATO think that they can escape penal responsibility even if NATO has civil responsibility regarding the victims of DU-Weapons.

However, I think that in the future an Italian District Attorney or his colleague in an other NATO-country, will be able to show the penal responsibility in the sense of article 85 of the Geneva Convention of 12 August 1994, First Protocol, because as early as 1993 the Pentagon issued an internal memorandum on DU-Weapons and how to use them safely, in which was written: "When soldiers inhale or ingest DU-dust, they incur a potentially increased risk of cancer…".

Considering all these norms and specifically article 8 b of the Statute of the Military Court of Nuremberg, article 3 b of the Statute of the Yugoslavia Tribunal, article 85 paragraph 3 b Protocol I of the Geneva

Convention and last but not least article 8 nr.2 b of the Statute of the International Court (Rome), we have to state that the responsible commanders of NATO and the NATO-soldiers that operated in the Kosovo-war, have committed multiple crimes of war, for which they can be prosecuted.

Florence, 26 February 2001, DU-Conference

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Wed, Jun 04, 2003, 13:34 GMT

Group Disputes U.S. Report of Iraq Attack

NEW YORK, May 28, 2003 (AP Online via COMTEX) -- A report by a journalists' advocacy group disputes the Pentagon's account of a U.S. attack on a Baghdad hotel that killed two cameramen in April.

Spanish cameraman Jose Couso, of Telecinco, and Taras Portsyuk, a Ukrainian cameraman for Reuters, were killed April 8 when U.S. forces struck the Palestine Hotel.

The Pentagon has said the shelling was in response to hostile fire from the hotel, where Couso, Portsyuk and about 100 other journalists were staying.

But the report, released Tuesday by the Committee to Protect Journalists, said journalists monitoring the fighting from their balconies disputed that U.S. troops had been fired upon from the hotel.

"There is simply no evidence to support the official U.S. position that U.S. forces were returning hostile fire from the Palestine Hotel," the report said.

Instead, the report suggests that U.S. forces fired while searching for a suspected Iraqi "spotter," or forward observer, near the Palestine Hotel on the east side of the Tigris River.

According to the report, members of the Fourth Battalion, 64th Armored, Third Infantry Division, located on the Al-Jumhuriya Bridge, came under intense fire.

Brigade commander Col. David Perkins asked Associated Press reporter Chris Tomlinson and Greg Kelly of Fox Television, embedded with the U.S. forces, to help identify the hotel so that the Americans could avoid it in the event of an air strike, the report said.

Tomlinson called the AP office in Doha, Qatar, to get a description of the hotel and to reach people staying there. He planned to relay a message, telling the journalists to hang bed sheets out their windows to make the hotel easily identifiable.

While Tomlinson was trying to locate the hotel, a tank officer radioed to say that he had located a person with binoculars. It is not clear whether tank commander Sgt. Shawn Gibson then received an immediate order to fire or whether his superiors gave the order after some deliberation, the report said.

A single round of shell fire was unleashed, striking a 15th-floor balcony of the hotel.

The immediate reaction to the attack from U.S. commanders was "anger and consternation," the report said. Lt. Col. Philip DeCamp told Capt. Philip Wolford, "You're not supposed to fire on the hotel," Tomlinson recounted in the report.

Wolford has since given different statements, saying in some instances that the tank was firing at a spotter with binoculars and in others that the tank was "returning" fire, the report said.

The report said a CPJ request to the Defense Department to interview Wolford is pending.

Journalists staying at the hotel said that American troops had not been fired on from within the hotel.

The report said that the attack on the hotel, "while not deliberate, was avoidable," and called on the Pentagon to provide a "full, public accounting" of the incident.

U.S. STOCKS

In a letter to Spanish Foreign Minister Ana Palacio in April, Secretary of State Colin Powell said the U.S. review of the incident "indicates that the use of force was justified and the amount of force was proportionate to the threat against United States forces."

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US blamed for Baghdad tension

Britain says American military failure to secure capital threatens to delay reconstruction

Nicholas Watt and Richard Norton-Taylor
Saturday May 24, 2003
The Guardian

Britain believes that heavy-handed tactics by the US military are to blame for America's failure to secure Baghdad, which threatens to delay the reconstruction of Iraq as foreign companies steer clear of the capital.

Tony Blair has been told in stark terms that American forces have exacerbated tensions because they have refused to mingle among the local population in the same way as British forces in Iraq's second city of Basra.

The finger of blame is being pointed at troops from the 3rd Infantry Division, the main US forces in Baghdad, who are said to be desperate to return home after bearing the brunt of the military campaign.

One source said: "In the capital the US forces have not adopted the mingling profile with the populace that has been a success in other cities. That is not the instinct of a heavily armoured division that has gone through a tough war."

The failure to secure Baghdad, which contrasts with successes by US and British forces in other parts of Iraq, will have grave consequences for reconstruction. It is understood that US corporations, such as Bechtel and the USAid government department, are reluctant to start repairing Iraq's infrastructure until Baghdad is safer.

Britain is pinning its hopes on the US 4th Armoured Division, which is due to replace the 3rd Infantry Division. "The US knows what they have to do but it is a question of effecting it," the source said.

There are signs that America is changing its tactics before the arrival of the new troops. In the past week US forces have stepped up patrols to crack down on crime and there is said to be evidence that random crime is reducing.

The change in American tactics is understood to be behind a decision by British commanders not to send troops to Baghdad. After days of agonising - and growing resistance from soldiers and their families - Britain has decided that the US can cope without UK reinforcements, though a final decision has yet to be made.

Senior defence sources said that British commanders have been caught between a desire to maintain good relations with the Americans and concern about being sucked into a situation it would be hard to get out of. "It is not in our interests to be drawn in," one source said.

British commanders have been discussing the issue with their American counterparts for days, prompting speculation earlier this week that elements of Britain's 16 Air Assault Brigade, including paratroopers, would be deployed to Baghdad from bases in southern Iraq. "The Americans were war weary and scratching their heads" about how to deal with the situation in the Iraqi capital, sources said.

John Sawers, the main British representative in Baghdad, underlined the challenges when he warned that the capital was a long way behind the rest of the country. Restoring power, water and other serviceswas proving difficult.

"Baghdad has not moved forward to anything like the same extent as the rest of the country," he said during a visit to London.

Mr Sawers added that he was encouraged by the appointment of Paul Bremer as President George Bush's envoy to Iraq to replace Jay Garner, who was widely seen as a disaster. Describing Mr Bremer as a "good thing", he said that he was beginning to "get a grip".

The difficulty in restoring normality to Baghdad mirrors the political challenges in forming an interim Iraqi authority as the first step towards establishing a sovereign government. Mr Sawers said that a national Iraqi conference, which will choose a broad based interim authority, would not be held until July at the earliest.

Amid the difficulties, Mr Sawers said that people should not lose sight of the "overwhelming sense of relief" in Iraq that Saddam Hussein has gone. But he added that he had no idea about the leader's fate.

"People would like to see his head on a stick to make sure he has gone. He is going to be like Elvis for a long time with rumours about his continued existence."

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Analysis

Body counts

The western media focused on the number of civilians killed in Iraq, but the country's ill-prepared armed forces suffered far greater losses

Jonathan Steele
Wednesday May 28, 2003
The Guardian

All over Baghdad on walls of mosques or outside private homes, pieces of black cloth inscribed with yellow lettering bear witness to the thousands of Iraqis killed in the American-led war. Only if they were officers do these notices make clear whether the victims were soldiers or civilians. As far as Iraqis are concerned all the dead are "martyrs", whether they fell defending their country or were struck when missiles or cluster bombs hit their homes.

Iraqis argue that in a war launched against their country illegally, every casualty is an innocent who deserves equal mourning. Yet the few western newspapers and human rights groups which have begun to calculate the war's death toll focus on civilians.

The website - www.iraqbodycount.net - calculates the civilian toll as between 5,425 and 7,041. A Los Angeles Times survey of 27 hospital records in Baghdad and its outlying districts found that 1,700 civilians died in this area.

The bias in these counts may be influenced by the trend of wars in the Balkans, Chechnya and Africa, where civilians were at greatest risk. Evidence from Iraq suggests this war was different.

The Los Angeles Times itself contacted four mosque-based burial societies which reported interring 600 bodies of civilians, and many more of soldiers. Haidar Tari, director of tracing missing persons for the Iraqi Red Crescent, estimated up to 3,000 such undocumented burials, perhaps two-thirds involving soldiers.

Interviews I did with officers and soldiers in Baghdad also suggest the military death toll exceeded the civilian. The imbalance was not as marked as in the first Gulf war when around 3,500 Iraqi civilians were killed, compared with 100,000 soldiers.

In this war no more than 10% died in most units. The resistance American and British forces met as they advanced into Iraq was mainly confined to the first week. After that men ran away in huge numbers.

Lt Col Adel Abdul Jabar commanded an air defence unit on the eastern approach to Baghdad. "We had 250 men moving about in the area manning 57mm anti-aircraft guns. American planes were hitting us day and night. We shot down some cruise missiles and morale initially was high," he recalls.

After a missile scored a direct hit on an underground bunker killing four soldiers on March 24, three days into the war, many deserted. "We were down to 175 men out of 250 after a week," he says. On April 4 a cluster bomb landed on part of the air defence force at Doura. "It really frightened the men. A captain, a first lieutenant, and 19 soldiers were killed or wounded. You could not approach the injured because of the unexploded bombs lying on the ground. The wounded were dying where they were."

The shock caused a new exodus. By April 9 the unit only had 13 officers and one soldier, wounded in the arm. More than 80% had fled. Twenty-five, exactly 10%, had died.

Stationed at the al-Taji airbase north of Baghdad, Private Abbas Ali Hussein was a private in an artillery unit. He and 200 others were ordered to move to the capital's western outskirts as the Americans approached. Half slipped off on the way or deserted in the first days.

On April 5 US planes attacked. "Seven of our 18 guns were hit in one hour," says Hussein. "They were in civilian areas on the main road. The others were quickly moved under palm trees. Between seven and 10 of us were killed. Others ran. I experienced bombing as a child but had never been near anything like this. It was terrible."

Two of his close friends had died and he felt he could not abandon his post. "I thought I had to carry on to avenge them," he says. Military honour also played a role, plus the fact that his father was a retired army officer and a member of the Ba'ath party. By April 8, when US forces were in Baghdad, he and five others were the only ones left from the unit of 200. Like many other Baghdad soldiers, Private Hussein used to go home during the war for food and clean clothes. The army supplied nothing. Desertions in his unit were at 90%. Around 5% were killed.

One of the biggest battles took place at Baghdad airport. Adel Ali, 29, was with 950 airforce troops guarding the perimeter. There were 1,000 infantry and another 1,000 Republican guards outside the airfield. After US land forces reached it on April 5, he estimates that about a hundred Iraqis died. The death toll was 3%.

To try to stop desertions, soldiers had to sign a declaration saying they understood they would be executed. In practice, no interviewee knew of such cases. Mass desertions affected every unit including the Special Republican Guards, who experts predicted would mount the fiercest resistance. Many were members of Saddam Hussein's tribe in Tikrit. In fact, they abandoned Tikrit even before Baghdad fell.

Before the war, thinktanks estimated that the Iraqi military had 389,000 men, including 80,000 members of the Republican Guard. Iraq was also believed to have up to 60,000 paramilitaries and 650,000 reservists, though how many of the latter answered the call is unclear.

Extrapolating from the death-rates of between 3% and 10% found in the units around Baghdad, one reaches a toll of between 13,500 and 45,000 dead among troops and paramilitaries. The heaviest fighting took place around Baghdad and in a few places on the route from the south. The overall casualty rate may lie closer to the lower figure.

Postwar calculations are rough, but they are all there is since Iraqi officials kept no tally. The US also avoided the issue. "We don't do body counts", said General Tommy Franks, the US commander.

j.steele@guardian.co.uk

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PROFIT FROM THE TREND.

Wed, Jun 04, 2003, 13:24 GMT

No bunker where U.S. bombs targeted Saddam-CBS REUTERS

WASHINGTON, May 28 (Reuters) - The Baghdad bunker which the United States said it bombed on the opening night of the Iraq war in a bid to kill Saddam Hussein never existed, CBS Evening News reported on Wednesday.

The network quoted a U.S. Army colonel in charge of inspecting key sites in Baghdad as saying no trace of a bunker or of bodies had been found at the site on the southern outskirts of the Iraqi capital, known as Dora Farms.

"When we came out here, the primary thing they were looking for was an underground facility, or bodies, forensics, and basically, what they saw was giant holes created. No underground facilities, no bodies," Col. Tim Madere said.

CBS, saying it was the first news organization to visit the site, reported that the CIA had searched it once and Col. Madere had searched it twice as part of efforts to find traces of DNA that could indicate if Saddam or his sons had been killed or wounded.

The network said the main palace in the compound remained standing despite the surrounding destruction. It quoted Madere as saying anyone who had been in the building could have survived the raid.

Shortly after the attack, U.S. Defense Secretary Donald Rumsfeld told reporters: "There's no question but that the strike on that leadership headquarters was successful. We have photographs of what took place. The question is, what was in there?"

The United States effectively acknowledged that the March 20 raid failed to kill Saddam when it launched a second air attack aimed at the Iraqi president on April 7.

The fate of Saddam and his sons Uday and Qusay is still unclear.

Rumsfeld said earlier this month, "If you don't have evidence he's dead, you've probably got to assume he's alive." ((Written by Anton Ferreira, edited by Bette O'Connor; Americas Desk +1 202 898-8464))

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Wed, Jun 04, 2003, 13:44 GMT

U.S. firms lead second looting of Iraq

KNIGHT RIDDER

May 27, 2003 (Knight Ridder Newspapers - Knight Ridder/Tribune News Service via COMTEX) – The second looting of Iraq makes the first wave of lawlessness look like child's play.

Iraqis continue to break into government buildings, businesses, homes, libraries and museums and walk off with everything they can carry. The U.S.-led military invasion that ousted Iraqi President Saddam Hussein also destroyed law and order.

The second looting is more extensive than the first. It's by U.S. corporations with ties to the Bush administration.

These companies are walking off with megamoney contracts to "rebuild" that war-torn country. The U.N. Security Council on Thursday helped, voting to allow the United States and Britain to govern Iraq and use its oil to fuel the multibillion-dollar reconstruction.

Bechtel Corp. this spring received a contract worth possibly $680 million from the U.S. government to revamp Iraq's sewer, power and water systems ravaged by war and 12 years of U.S.-led sanctions.

The San Francisco-based company, which built the Hoover Dam in the 1930s, is a high-rolling Washington insider. It has employed several top former GOP officials, including Caspar Weinberger, former defense secretary, and George Shultz, a former secretary of state.

Democrats complained that the Bush administration did not open the second looting of Iraq to competitive bidding. But the U.S. Agency for International Development said the action to go with Bechtel was to get help to Iraq quickly.

The second looting includes lucrative contracts going to Halliburton Co. Vice President Dick Cheney was chief executive of Dallas-based Halliburton from 1995 to 2000 before he joined George W. Bush's GOP ticket to the White House.

The Defense Department has given KBR, a Halliburton Co. subsidiary, nearly $90 million to serve Americans assisting in the rebuilding of Iraq. That includes redoing a presidential palace. KBR also is getting $24 million to get Iraq's oil facilities working and distribute the fuel in that gasoline-starved nation.

Then the Pentagon created a stir, picking MCI for a $45 million contract to build a small wireless phone network in Iraq with 19 towers serving 5,000 to 10,000 mobile phones used by reconstruction and aid workers. MCI, also known as WorldCom Inc., is still drawing fire for its massive accounting fraud problems.

Critics have called the deals preferential treatment. U.S. officials deny the allegation.

British troops fought alongside U.S. forces, however British companies have been excluded from this second looting. They're not happy either.

The second looting of Iraq could grow to multibillion-dollar spoils of war. The reconstruction could reach $100 billion and become the largest since World War II.

But throughout this bigger, more extensive looting of Iraq in the name of "freedom" and "liberation," Americans need to ask what's happening to the Iraqi people. The second looting is resulting in truckloads of supplies flowing into that impoverished nation, but for Americans.

Little spending has taken place to benefit Iraqis. They're slated to get $2.4 billion that Bush

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has earmarked for the repair of that cored out country.

It shouldn't be that way. Former Soviet President Mikhail Gorbachev this month accused the United States of "imperial behavior." He called on the Security Council to take control of postwar Iraq.

The United Nations should govern the reconstruction to honestly repair the damage that the U.S.-led military action caused. The United Nations should open contracts to bids from companies worldwide to ensure that the process is competitive.

Fairness and openness must be embedded in the effort to ensure that the lowest and best bids are picked for the rebuilding of this once fabulous nation. The United Nations' involvement also would ensure that law and order are re-established in Iraq in a respected way.

Good humanitarian aid, health care, education and the reconstruction of Iraqi businesses must become a priority for the people to regain their footing, have jobs to support their families and establish their independence. The Bush administration would turn over the rebuilding of Iraq to the United Nations if it wanted good things for the people it "liberated."

Otherwise the second looting of Iraq will continue, hurting that country, its people and America's international reputation even more.

ABOUT THE WRITER

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By Lewis W. Diuguid Knight Ridder Newspapers

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'1,700 civilians died as US took Baghdad'

By Andrew Gumbel

19 May 2003

A tally of Baghdad hospital records published yesterday suggested that at least 1,700 civilians died in the Iraqi capital during the US invasion and another 8,000 were injured. Several hundred other civilian deaths went undocumented because of the chaos of the conflict and the destruction of some hospital records. As many as 1,000 people are still missing, according to Islamic burial societies and humanitarian groups.

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May 22, 2003

Blair 'ignored advice that occupation is illegal'

BY TOM BALDWIN

TONY BLAIR has ignored the Government's own legal advice that the British-American occupation of Iraq is in breach of international law, it was alleged last night.

The *New Statesman* magazine published what it claims is a leaked memo from Lord Goldsmith, the Attorney-General, warning that any occupation would be illegal without approval from the United Nations Security Council.

The disclosure will reinforce similar claims made by Clare Short, who also questioned the legality of the current operation in Iraq when she resigned as International Development Secretary.

The memo to Mr Blair was written on March 26, eight days after military action began. The magazine says Lord Goldsmith made clear that all post-war US and British activity in Iraq, beyond essential maintenance of security, would be unlawful without UN authorisation.

A UN resolution on the occupation has been tabled at the Security Council and Downing Street said last night it was optimistic that this would soon by agreed.

A spokesman said: "We do not comment on leaks but we would point out that the Attorney-General is on record saying the military action in Iraq was legal."

He also read out a statement by Lord Goldmsith last week which said: "I am satisfied that the Government has acted in accordance with international law. It has made clear that it will continue to do so."

However, Lord Goldsmith's use of past tense in this statement has already led to calls from the Tories for him to publish his full advice.

According to the *New Statesman*, the Attorney-General's memo stated: "My view is that a further Security Council resolution is needed to authorise imposing reform and restructuring of Iraq and its Government."

Citing the two main pillars of international law, the Geneva Convention and the Hague Regulations, Lord Goldsmith, who is the Government's legal adviser and sits in the Cabinet, listed the "limitations placed on the authority of an Occupying Power". These included attempts at "wide-ranging reforms of governmental and

administrative structures, any alterations in the status of public officials or judges", except in exceptional cases, changes to the penal laws, and "the imposition of major structural economic reforms".

Lord Goldsmith emphasised that any military action must be limited to achieving Iraqi disarmament. He said: "The more the tasks undertaken by an interim administration depart from the main objective, the more difficult it will be to justify the lawfulness of the occupation."

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US Colonel Admits 500 Tons of DU Were Used In Iraq
Thursday, 8 May 2003, 10:53 am
Article: Jay Shaft

U.S. Colonel Admits 500 Tons of D.U. Were Used in Iraq

By Jay Shaft
Coalition For Free Thought In Media
5 May 2003

In three separate interviews a U.S. Special Operations Command Colonel admitted that the U.S. and Great Britain fired 500 tons of D.U. munitions into Iraq.

He has also informed me that the G.B.U.-28 BLU 113 Penetrator Bunker Buster 5000 pound bomb contains D.U. in the warhead. Until now, as far as I know, the materials used to make the warhead of the G.B.U-28 have remained shrouded in mystery.

He also admitted that privately the Pentagon has acknowledged the health hazards of D.U. for years.

He asked to remain unnamed for obviously apparent safety reasons, and so that he may remain a valuable source of information. (I will admit that I will jealously guard his identity to keep him as a source.)

I have verified his identity and that his information is mostly accurate.

Some things I could not verify due to top secret classifications of certain weapons.

The following is a transcript of questions I asked him. I will refer to him as U.S.C. from here on.

J.S.: I understand you are a Colonel in the U.S. military, is that right?

U.S.C.: You are correct; I work for the U.S. Special Operations Command attached to Central Command. My job is to plot coordinates for targets and decide what is the best way to destroy the target.

I have a large network of analysts at my disposal to analyze each target and figure out what weapons would best destroy it.

J.S.: Do you know how much D.U. was just used in Iraq, and what types of munitions were used?

U.S.C.: Yes I am aware of at least 500 tons of D.U. munitions that were used by combined coalition forces. I also know that many cities were

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heavily bombarded with D.U. munitions.

J.S.: 500 tons? Are you absolutely sure?

U.S.C.: Oh, most sure on that matter. I know it was a little over 500 tons, but you can round off your figures to the nearest hundred tons (chuckles).

J.S.: What about the cities? Did you deliberately use D.U. on them?

U.S.C.: Let's just say that we didn't do anything to avoid using D.U. in cities or heavily populated areas. I know that I selected some D.U. bunker busters because of the fact that they have a high penetration factor. I used D.U. weapons exclusively on some targets so as to ensure maximum damage on those targets. You don't want to just halfway destroy some targets, you want maximum damage.

J.S.: Hold on here, I didn't know that the Bunker Busters were D.U. How do you know that? I have to make sure this is for real.

U.S.C.: Well the specs on the B.B.s are top secret, so good luck on verifying it. To answer your question I will ask you one. How do you think they can penetrate a steel hardened bunker with a bomb unit? There has to be D.U. in the warhead or else you wouldn't get the penetration of the target that is buried underground.

J.S.: Oh I see your point. Well can you tell me which of the B.B.s have D.U. warheads?

U.S.C.: Well..... (long pause) I think I will tell you about one and leave it at that. The G.B.U.-28(guided bomb unit) BLU 113B 5000 pounder is capable of being fitted with a D.U. warhead and dropped. It is not solely a D.U. warhead; they still use them with conventional non-D.U. warheads.

If you were watching T.V. and you saw any bombs hit there was an easy way to tell if it was D.U.

If you saw all those little secondary white fires burning in the air in the blast: that was D.U. burning off. D.U. burns with a whitish orange flame, almost looks like a firework shell burning.

J.S.: Any other B.B.'s using D.U. warheads?

U.S.C.: I don't think I'll answer that, I've already said too much. Next question!

J.S.: Back to the 500 tons of D.U., did the D.O.D. / Pentagon deliberately target civilian areas? And if they did, why?

U.S.C.: I answered that already, but I will tell you that there were a lot of Iraqi armored vehicles in and around most major cities. Our own tanks and vehicles use D.U. penetrator rounds to destroy those enemy vehicles. We are aware that over 100 tons of D.U. munitions were used in and around Baghdad, but a lot more fighting went on around the Northern cities and Basra. We knocked out over 20,000 different types of vehicles in Iraq, and even shelled buildings in downtown Baghdad

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J.S.: The Pentagon knew this was happening? Did they try to stop it? You know, because of the health risks of D.U. and the fact that we were supposed to be liberating Iraq?

U.S.C.: They wanted complete destruction of any military vehicle in Iraq. That was why you saw our vehicles shooting even the disabled and already shelled vehicles. I have seen pictures of many vehicles with over 20 holes in them. The objective was to make sure that there is no way that any fighting force could ever use those vehicles in any way. We wanted to decimate the Iraqi army and make sure they were never able to fight again. I think we achieved that objective quite well, more so than we had hoped in such a short amount of time.

This took an enormous amount of ammunition, mostly D.U. tipped 25mm, 30mm, and 125mm penetrator rounds.

J.S.: What about the health risks that are associated with D.U.? Or do you deny there are any?

U.S.C.: You are determined to get me to make a statement about the health risks aren't you?

J.S.: If you will, I want to see what the behind the scenes view of D.U. is in the Pentagon.

U.S.C.: Well..... (long pause, followed by heavy profanity).... Okay, I'll give you some dirt if that's what you're looking for. The Pentagon knows there are huge health risks associated with D.U. They know from years of monitoring our own test ranges and manufacturing facilities.

There were parts of Iraq designated as high contamination areas before we ever placed any troops on the ground. The areas around Basra, Jalibah, Talil, most of the southern desert, and various other hot spots were all identified as contaminated before the war. Some of the areas in the southern desert region along the Kuwaiti border are especially radioactive on scans and tests.

One of our test ranges in Saudi Arabia shows over 1000 times the normal background level for radiation. We have test ranges in the U.S. that are extremely contaminated, hell they have been since the 80's and nothing is ever said publicly. Don't ask don't tell is not only applied to gays, it is applied to this matter very heavily.

I know at one time the theory was developed that any soldier exposed to D.U. shells should have to wear full MOP gear (the chemical protective suit). But they realized that just wouldn't be practical and it was never openly discussed again.

J.S.: So the stories that they know D.U. is harmful are true?

U.S.C.: Yes, there is no doubt that most high level commanders who were around during the 80's know about it.

J.S.: So how do you feel about the fact that you exposed your own men to D.U.?

U.S.C.: F...k you!! What do you know about my job? I did what I had to do to take out the targets I was given. If it was necessary to use D.U., than I put it in my target analysis reports. I didn't actually fire the rounds myself; I work in a remote office.

J.S.: So you'll never have to worry about being exposed to D.U. huh? Very brave.

U.S.C.: (lot's of profanity) this interview is over with (more profanity, followed by the phone slamming down)

I never did get to finish the third interview, but I think what I got out of the colonel is very telling.

By his own admission, even knowing the dangers of D.U., it was used on major Iraqi cities. Our own troops are being exposed to the areas that have been highly contaminated, with no warning or attempt to protect them.

There were hundreds of tons of D.U. used in major population centers, by troops following orders to completely destroy all Iraqi military vehicles and buildings. This is the first time that D.U. has been used in heavily populated areas.

A whole country was just contaminated again with no regards to the future generations that will live there. The Tigris River irrigates all the crops grown in that area of the world, and most livestock is raised with water and crops irrigated from that river.

How many more babies will be born with birth defects? How many more children will get cancer and die before they can ever live a productive life?

Thousands have been affected by D.U. used in the first Gulf War. Some figures on the rate of cancer in Iraq showed a 300-500% increase in cancer and related illnesses since then. Now the major population areas have been highly contaminated, with no regard to any Iraqi's future health.

We will have to wait and see what the cost of this action will be. It is sure to be extremely high, and result in a huge amount of further suffering and death.

****

- Jay Shaft, Editor: Coalition For Free Thought In Media

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The politics within

Depleted uranium makes impressive coating for bombshells. It also summons a familiar mix of political gimmickry, technical obfuscation, and humanitarian dithering, **Hala Sakr** reports

After the Gulf War in 1991, Iraqi doctors began publishing alarming figures about the rising frequency of malignancy and congenital malformations, particularly in southern Iraq and around Basra. "Cancer cases rose from 5,884 cases in 1989 to 14,752 in 2001. Leukaemia has particularly increased in the south, where we detected depleted uranium (DU). And birth defects climbed from 1.9 per cent of births in 1989 to 7.4 per cent in 2001," Ayed Mohan Al-Delaimi, director general of preventive medicine at the Iraqi Ministry of Health told *Al-Ahram Weekly*.

According to Ashraf El-Bayoumi, professor of chemistry at Michigan State and Alexandria universities and former head of the Iraq observation unit of the World Food Programme, "DU was first tested in combat during the Gulf War in 1991, where between 300 and 800 tonnes were used by the allied forces against Iraq. Later DU weapons were used in smaller quantities in the Balkans (1994) and Yugoslavia (1999)." "Kuwait was not spared either," he added, referring to the huge explosion that occurred in the US-army base in Doha in July 1991. As much as four tonnes of DU burned in fire, causing widespread health and environmental hazards. An American radiological contamination team, sent to the site after the fire, confirmed that it had caused oxidation and dispersal of DU.

Due to its high density, DU is used to increase the piercing power of shells and to render tanks less vulnerable to penetration from conventional rounds. It is a by-product of the enrichment process used to produce weapons-grade nuclear material and nuclear fuel. Around 50 years of nuclear weapon and nuclear fuel production in the US have left massive quantities of DU. According to El-Bayoumi, about one million tonnes of DU have been created in this fashion. "Storing such large amounts of radioactive and poisonous material presents a burden to the US government, which therefore provides it free-of-charge to arms manufacturers who reap huge profits as a result," he explained.

A report documenting the aftermath of the Gulf War, 1993- 1995, was published by the German Ahriman-Verlag in 2000, under the title: Uranium Projectiles, Severely Maimed Soldiers, Deformed Babies, Dying Children. "This time, the US had the added bonus... of being able to dispose of the dangerous waste generated by their atomic industry conveniently and cheaply. Today's Iraq is thus a nuclear waste dump – with shocking consequences for the population," the report stated.

NATO and US military officials repeatedly disputed such reports. "The reasons for the denials are related to legalistic aspects, compensation issues and human

rights consideration," said El-Bayoumi.

The Scottish publication *The Sunday Herald* ran an on-line article by F Arbuthnott and N Mackay, on 7 January 2001, in which the authors quote Doug Rokke, former director of the Pentagon's Depleted-Uranium Project, on the matter. "US and British military personnel, as part of NATO, willfully disregarded health and safety and the environment by their use of DU, resulting in severe health effects... I and my colleagues warned US and British officials that this would occur. They disregarded our warning because to admit any correlation between exposure (to DU) and health effects would make them liable for actions wherever these weapons have been used," Rokke said.

At a meeting of the National Vietnam and Gulf War Veterans Coalition, November 2000, Rokke said that: "Since 1991, numerous Department of Defense (DOD) reports have stated that although DOD officials have stated over and over that the vital chemical and biological logs were misplaced or lost, US Government Accounting Office representatives and the Pulitzer Prize winning author Seymour Hersch have verified that these logs were ordered destroyed in Florida, during December 1996, while Congressional committees were conducting hearings on potential exposures."

"This is all about liability! Therefore the truth must be suppressed. If what happened is acknowledged, then specific individuals within our government and other governments will be required to accept responsibility for the consequences of deliberate actions," Rokke charged.

The issue burst on the public scene when six Italian veterans who had served in Kosovo died of leukaemia. "It was only then that the appropriate attention was triggered," said Iraq's Health Minister Umeed Medhat Mubarak. Iraqis were not the only people at risk, yet US officials continued to minimise the hazards and disassociate the increased cancer cases in Iraq from DU effects.

"This pattern of American official behaviour is not unusual. It is remarkably similar to other situations, particularly the case of the Agent Orange (a defoliating herbicidal that had been used in Vietnam to expose the revolutionary combatants to US war planes and caused cancer to many US Vietnam veterans). It was only recently that the US National Academy of Science admitted some link between Agent Orange and the cancer it induced. Perhaps, 30 years from now, they would issue a similar report in relation to DU," El-Bayoumi commented.

El-Bayoumi also recalled what happened to US soldiers who had been exposed to radioactive fallout during testing of atomic bombs in the 50s. Out of 300,000 exposed, only about 400 received compensation because of the difficulty to document and provide the required evidence. (Suggested reading: *Howard Rosenburg; Atomic soldiers, American Victims of Nuclear Experiments; Beacon Press; 1980*).

In his address to the war veterans, Rokke said, "too many individuals around the world are suffering and dying because of our (US) deliberate action. The health and environmental problems are not limited to Iraq or surrounding areas... Similar adverse health and environmental effects have been identified within and around US military installations or Department of Energy facilities in Alabama, Washington, California, Alaska, Tennessee, Korea, Panama, Germany,

Philippines, Maryland, Nevada, Florida, California, and especially surrounding the US Navy range on the Vieques, Puerto Rico."

In the early 90s, German professor Siegwart-Horst Günther, while teaching infectious diseases and epidemiology at Baghdad University, had the opportunity to conduct extensive studies in Iraq related to the health consequences of DU. His research established similarities between symptoms of exposure to DU and the so-called Gulf War Syndrome exhibited by US and British soldiers and their children. El-Bayoumi pointed out that "the pattern of the different kinds of cancer in southern Iraq are also very similar to those in areas near Chernobyl, the site of the nuclear reactor's explosion."

The lethal substance was to rear its head again, in Afghanistan this year. Dai Williams, independent researcher and occupational psychologist wrote a report titled: Mystery Metal Nightmare in Afghanistan? "The immediate concern for professionals and employees of aid organisations remains the threat of extensive DU contamination in Afghanistan," he said. This concern is expressed by Robert James Parsons in his article: Deleted Uranium in Bunker Bombs: America's Big Dirty Secret (*Le Monde Diplomatique*, on-line, March 2002).

Several Pakistani newspapers raised the matter in their reports on the war in Afghanistan. The daily *Dawn* cited "a leading military expert claiming that since October 7 (the beginning of the strikes on Afghanistan), the US Air Force has been raining down DU shells at targets inside Afghanistan". The *Weekly Independent* asserted that "weapons loaded with processed nuclear waste have been used as secret weapons in the US-led air strikes against the Taliban."

"It is unquestionable that DU was used in Iraq. The evidence provided by Iraqi scientists cannot be neglected. Conclusive evidence requires an independent study. And this should have been the role of the World Health Organisation, WHO. Instead, the case was lost between the WHO and the International Atomic Energy Agency (IAEA)," El-Bayoumi said.

"The US government is not keen to have such evidence, for financial and political reasons. Financially, thousands of American veterans could succeed in receiving due compensation. Politically, they could provide grounds for war crime accusations," El-Bayoumi elaborated.

Early in 2001, Carla del Ponte, chief prosecutor at the International War Crimes Tribunal, stated that NATO's use of DU could be investigated as a possible war crime, "if coherent results emerge directly linking the use of DU ammunition with health problems".

The WHO has repeatedly been criticised for not acting promptly on the matter. Writing in *Le Monde Diplomatique*, Robert James Parsons stated that "the WHO undertook no proper epidemiological study, only an academic desk study. Under pressure from IAEA, WHO confined itself to studying DU as a heavy metal chemical contaminant."

Similar criticism of the position of the WHO and IAEA appeared in a recent press release issued on 8 October 2002 by Public Citizen, a Washington-based consumer advocacy group founded by Ralph Nader, the Green Party presidential candidate for 2000. The release accused the WHO of contributing to the global campaign led by IAEA to promote "commercialisation and consumer acceptance

of irradiated food". The report claimed that the WHO has "ceded to IAEA, whose mission is preserving the nuclear industry not the health of the people, the ultimate power of researching the safety of irradiated foods".

Abdel-Aziz Saleh, former deputy regional director and consultant to WHO's Eastern Mediterranean Regional Office (EMRO), said that "the issue of DU in Iraq has been brought to the attention of the WHO at least seven to eight years ago. The WHO's perspective was... that we needed to develop a scientific plan for how to handle the problem."

In 2001, the WHO published a monograph on DU, which again drew much criticism. Parsons wrote that "it was a review of existing scientific literature... mostly restricted to chemical contamination. The very few articles on radiation [the monograph used] came from the Pentagon and the Rand Corporation, the Pentagon think-tank. The recommendations were plain common sense and repeated advice previously given by WHO and repeatedly echoed by aid organisations in Kosovo."

The United Nations Environment Programme (UNEP) also published a report on DU which, according to Parsons, is "frequently cited by those claiming that DU is innocuous". He questioned the independence and neutrality of both agencies. "The Kosovo assessment mission, that provided the basis for the UNEP analysis, was... using maps supplied by NATO."

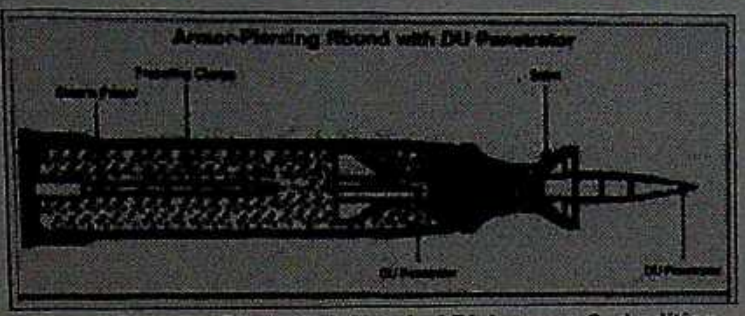
In August 2001, a team from the WHO, headed by Abdel- Aziz Saleh, conducted a visit to Baghdad to investigate the Iraqi claims. Saleh told *Al-Ahram Weekly* that "the development of the protocol for scientific studies of the potential effect of DU on health was the main outcome of our visit. This is, by all means, a very good step forwards." As yet, the scientific investigation needed to fill the knowledge gap has not been accomplished. "The delay in conducting the studies is not within the hands of the WHO. We should try to carry this out as soon as possible but, in the meantime, we are aware of the possible long-term effects," Saleh added.

Many organisations, including the International Action Centre, led by former US Attorney-General Ramsey Clark, and Amnesty International, have for years called for an international ban of the use of DU altogether. In his speech to the war veterans, Rokke, former director of the Pentagon's Depleted- Uranium Project, asserted that the Americans have "the ultimate obligation, as leaders of the world to provide medical care or medical care recommendations to all that are sick, [and] to complete environmental remediation of contamination caused by our deliberate actions, throughout the United States and the rest or the world".

According to El-Bayoumi, "pressure has to be applied by various means for an independent investigation by the WHO of DU health hazards in Iraq, Kuwait, former Yugoslavia and perhaps Afghanistan, in preparation to ban the use of these weapons. They harm civilians and the environment and their effect persists for years."

He stressed that an "Independent objective investigation should be undertaken by people who are not connected to DU manufacturers in any way and who are not officials of governments that had used DU. It should be conducted by people with a clean record from various parts of the world."

"I am sure that there are people within the WHO that are eager to carry out such an investigation objectively. But the UN, under the current new world order and the hegemony of the US government, seems incapable of fulfiling its basic commitments," he lamented.



Source: Ramsey Clark et al, Metal of Dishonour, 2nd edition, International Action Centre. New York:1999

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CORRESPONDENT

Saturday, 24 May, 2003, 23:44 GMT 00:44 UK

Al-Jazeera defends war reports



Al-Jazeera broadcasting images from the Iraq war

Click here to have your say

Controversial Arab news broadcaster al-Jazeera has said it was justified in showing images of dead and captured coalition soldiers in the Iraq war.

Al-Jazeera outraged the British and US governments and drew widespread condemnation which led to its journalists being banned from the US stock exchange.

But station bosses have defended its actions to the BBC's Correspondent programme, which had exclusive access to al-Jazeera's operation as it broadcast the conflict from an Arabic perspective.

> **"We didn't invent the bodies, we didn't make them in the graphics unit"**
>
> Editor-in-chief Ibrahim Hilal

"This is part of disclosing the real war and what is going on behind the scenes because there are many fronts that we cannot see," said editor-in-chief Ibrahim Hilal.

"Once we get a bit of information we have to tell the whole world what is really going on inside this war even if it is horrible because this is part of our transparent job.

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Ibrahim Hilal: "We have to show that people are killed in this war"

didn't make them in the graphics unit. They are shots coming in from the field. This is the war. datum

"We have to show that there are people killed in this war. The viewer has to judge whether war is the most suitable way to solve problems.

"If I hide shots of British or American people being killed, it is misleading to the British and American audience.

"It is misleading to the Arab audience if they imagine that the only victims of this war are the children and women of Iraq. They have to know that there are victims from both sides."

Jihad Ballout, head of al-Jazeera's media relations, denied accusations that the station had broken the Geneva Convention by broadcasting the images.

"I'm not aware of any international law that prevents a journalist from doing his job. Al-Jazeera is not flavour of the month," he said.

"It proves a point to all those sceptics who ask me how come Jazeera has full access"

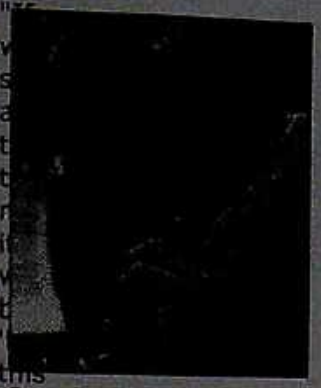
Head of newsgathering Omar Bec

Al-Jazeera later drew condemnation from the Iraqi authorities, which tried to ban two journalists from Baghdad, after the broadcaster showed the rapid advance of coalition troops towards the capital.

But the station refused to accept interference and threatened to withdraw from Iraq completely until the ban was lifted 12 hours later.

"We will not accept any authority telling us who should work and who should not," said Ibrahim Hilal.

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Omar Bec: Al-Jazeera has been hit twice

this presenter and the next step will be removing the chief editor from the job and putting in another.

"Everyone will think that it's easy to influence our decisions. It doesn't matter who doesn't like or who does like al-Jazeera. What matters is our independence."

Head of newsgathering Omar Bec said: "It proves a point to all those sceptics who ask me how come al-Jazeera has full access. I tell them that we have the same access as every other TV station out there. And this proves it."

As US troops entered Baghdad, one of al-Jazeera's offices was hit by a tank shell, killing a journalist and sparking outrage at the station.

"How can we have got hit so direct? Everyone knows where we are. This is now twice this has happened to us, in Afghanistan and now in Baghdad - which makes me question it," said Omar Bec.

"If it was intentionally targeted, it is a real disaster for journalism," said Ibrahim Hilal.

Click here to read the programme transcript

Al-Jazeera was broadcast on BBC Two on Sunday, 1 June, 2003 at 2100 BST.

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BBC NEWS

Blair faces war crimes suit

Greek lawyers say they are going to sue British officials - including Prime Minister Tony Blair - for their role in the Iraq war.

The Athens Bar Association says it will file a suit against Britain at the International Criminal Court - the recently created tribunal for cases of war crimes, crimes against humanity and genocide.

The lawyers call the attacks by the United States and British forces against Iraq "crimes against humanity and war crimes".

They have listed a number of international treaties they say the two countries have violated.

> **We have received more than 200 communications from different parts of the world**
> ICC spokeswoman

These include the United Nations Charter, the Geneva Conventions, the Hague Convention and the International Criminal Court's statute.

Dimitris Paxinos, the head of the lawyers' association, told the BBC the lawsuit will be filed within a fortnight.

He said American officials could not be prosecuted as the US is not a signatory to the ICC's founding treaty.

Eighty-nine countries signed up to the treaty creating the court, which was formally inaugurated in March in The Hague.

Mr Paxinos, who was elected by a conservative majority, says he is confident that the evidence compiled by the lawyers is strong, adding that the case would be a test of the ICC's credibility.

Anti-war Greeks

The ICC is not working yet. Last month it appointed an Argentine lawyer, Luis Moreno Ocampo, to be its first prosecutor.

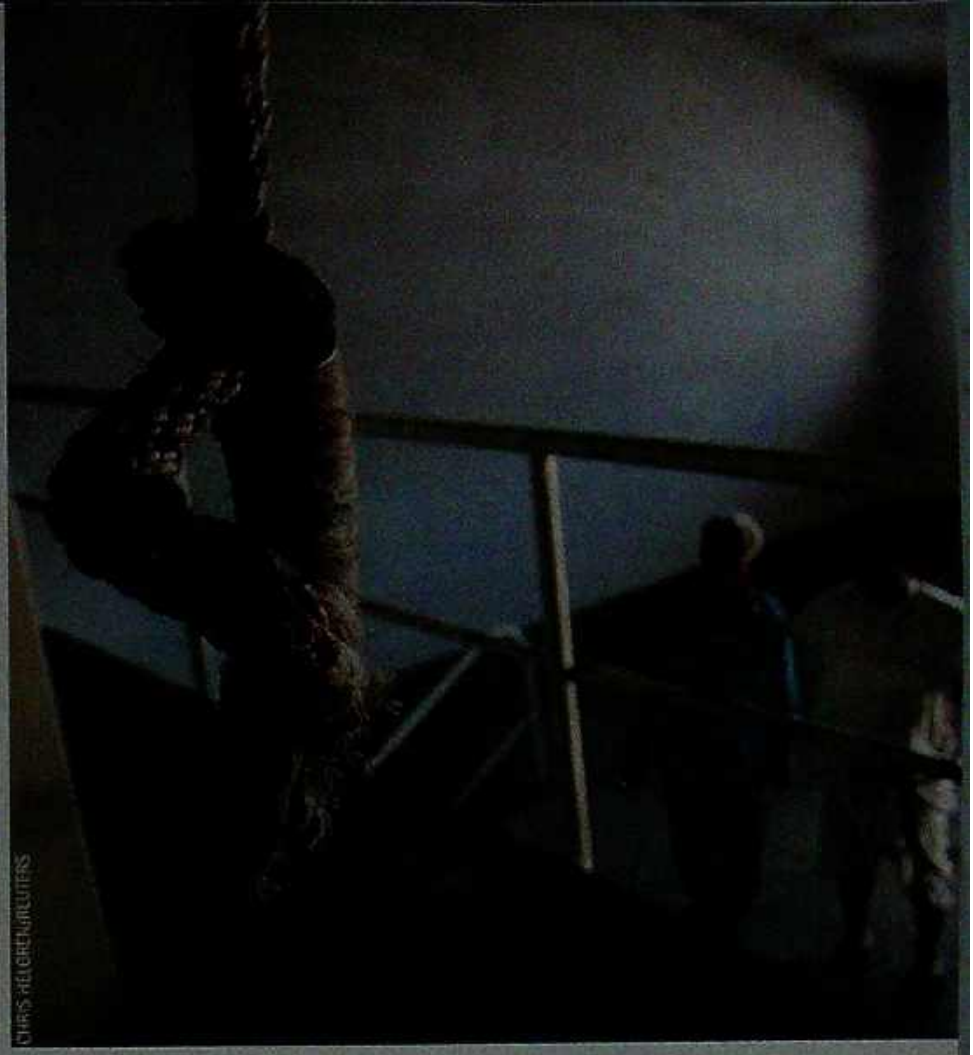
A spokeswoman for the court told BBC News Online that only after Mr Ocampo was sworn in on 16 June would the court consider the Greek lawyers' case.

"We have received more than 200 communications from different parts of the world," she said.

The British Prime Minister's office has declined to comment on the announcement.

According to the BBC's Panos Polyzoidis in Athens, the move is also unlikely to go down well with the Greek Government as it will act as a reminder of the Greek public's strong anti-war feeling, which cuts across party lines.

op pad met Amnesty in Irak



CHRIS HELGREN/REUTERS

Een wisselende Amnesty-delegatie rapporteerde voor en na de oorlog bijna wekelijks uit Bagdad en bestookte de media met persberichten.

Tijdens oorlogen, en ook in de nadagen daarvan, is betrouwbaar vervoer van levensbelang. Dus heb je als journalist op reportage in Irak veel geld over voor een zitplaats in een auto met een chauffeur met verstand van zaken. Als in de landrover waarmee de Koeweiti Hassan de eerste officiële missie van Amnesty International uit Koeweit naar Basra rijdt een betaalde plaats beschikbaar is, aarzelen mijn Bahreinse collega en ik geen moment. Ook niet als ons de voorwaarden worden uitgelegd: alles wat in de auto wordt gezegd is *off the record*, we zijn nadrukkelijk geen onderdeel van de delegatie en van meegaan op speurtocht kan natuurlijk geen sprake zijn. In Basra zullen wij, twee vrouwelijke journalisten, op onszelf zijn aangewezen.
Maar we rapporteren zonder scrupules over de gevangenis die we samen met de delegatie bezoeken, en over de naargeestige plek waar Arabische strijders zich hebben doodgevochten. De gevangenis is leeg en geplunderd, maar de badkamer met de twaalf kleine ronde kuipjes in de grond – ter grootte van een wastafel – en de losse elektriciteitskabel, vertellen een verhaal dat zo in cynische tegenstrijd is met het bordje buiten, 'Baden is gratis', dat we allen bedrukt en stil weer in de auto stappen. Ook de scherfresten en kledingstukken op het slagveld waar zeker twintig jonge mannen stierven voor een zaak waar ze – ten onrechte, zo lijkt het – hartstochtelijk in geloofden, stemmen tot nadenken.
Amnesty heeft de reis goed geregeld, en daar trekken ook wij profijt van. Hotels zijn dicht – leeggeplunderd of onveilig – maar Hassan heeft voor de delegatie slaapplaatsen gevonden op een privé-adres, waar ook wij terecht kunnen. We vinden onze eigen chauffeur, en komen onze Amnesty-vrienden op onze tocht door Basra meermalen tegen. Bijvoorbeeld bij het kantoor van het Internationale Rode Kruis, waar wanhopige Irakezen melden familieleden kwijt te zijn. Sommigen door gevangenschap onder Saddam, maar anderen zijn opgepakt door de coalitietroepen. Buiten het gebouw staan hele rijen, net als bij de Rode Halve Maan.
De missie bezoekt ook Camp Bucca, net buiten Umm Qasr, waar de coalitietroepen op dat moment nog duizenden Irakezen krijgsgevangen houden. Maar in de tuin van ons logeeradres in Basra houden de onderzoekers details over dat bezoek voor zich. Er wordt veel gefluisterd, bijvoorbeeld over een persbericht, waarin Amnesty uiteindelijk heel neutraal het dumpen van documenten meldt door het Britse leger. Later blijkt dat de delegatie aanwijzingen heeft dat zeker twintig voormalige krijgsgevangenen door coalitietroepen zijn gemarteld. Het hoofdkantoor in Londen komt met een persbericht waarin de vrees wordt uitgesproken dat bewijzen van Iraakse mensenrechtenschendingen in het verleden, door toedoen of nalatigheid van de coalitietroepen verdwijnen. Voor een relatief buitenstaander is het interessant waar te nemen hoe zo'n delegatie werkt. Ze bestaat uit twee mensen die al eerder, tijdens de oorlog, onofficiële voorbereidende missies ondernamen. Ze breiden hun kennis uit door gesprekken en bezoeken aan vele locaties.

Nederland in VN-waakhond

Nederland zal met ingang van 1 januari 2004 voor een periode van drie jaar als een van 53 lidstaten zitting hebben in het hoogste mensenrechtenorgaan van de Verenigde Naties, de VN-Mensenrechtencommissie. Naast Nederland werden ook Italië en het Verenigd Koninkrijk gekozen. Nederland was vier keer eerder lid – voor het laatst van 1992 tot en met 1997.
Al eerder, in 2002, heeft Nederland met succes campagne gevoerd voor de verkiezing van twee mensenrechtenexperts in twee comités van de Verenigde Naties. Prof. Cees Flinterman werd gekozen in het VN-Comité dat toeziet op de naleving van het VN-vrouwenverdrag en prof. Jaap Doek werd begin dit jaar herkozen als lid van het VN-Comité dat toeziet op de naleving van het Verdrag inzake de Rechten van het Kind.

W.O.

Gevaarlijke vrijheid



De afgelopen weken heb ik vaak aan de 61-jarige Patylan Sedeq moeten denken. Een paar uur nadat het Irakese leger begin april uit zijn woonplaats Kirkoek vertrok, liep hij door het late middaglicht de straat in naar het hoofdkantoor van de Ba'ath-partij die jarenlang verboden terrein was. 'Als je je hoofd maar in de richting van het gebouw draaide werd je al ondervraagd', zei hij. Ongelovig stapte hij door de muffe schemerige kamers die bezaaid lagen met scherven en snippers. Hij vond een leeg donkergroen notitieboek met het logo van de partij. 'Ik heb nooit een dagboek bij durven houden uit angst dat het ontdekt zou worden. Nu kan ik eindelijk vrijuit mijn gedachten en herinneringen op papier zetten. Daar ga ik dit boek voor gebruiken', zei hij.

Als hij in mijn herinnering verscheen, vroeg ik me af wat er over zou zijn van dat oorspronkelijke gevoel van bevrijding nu zijn land nog altijd in chaos verkeerde. In zijn woonplaats Kirkoek tekende zich de bittere erfenis af van de verdeel- en heerspolitiek van Saddam Hoessein. Arabische bewoners werden door terugkerende Koerden uit hun huizen verdreven. In veel plaatsen in Irak reden de ambulances af en aan met slachtoffers van rovende bendes, afrekeningen en ongelukken met munitie.
Tijdens de laatste weken dat ik in Bagdad verbleef was er vrijwel geen Irakees die zich geen zorgen maakte over de veiligheid. De oorlog was formeel voorbij, maar hier en daar hoorde ik mensen al zeggen dat ze de bombardementen minder afschrikwekkend vonden dan de plunderingen, de anarchie en de wetteloosheid. Met bitterheid en gekrenkte trots werd gepraat over het verlies van cultureel erfgoed, het verdwijnen van administratieve en andere essentiële gegevens voor de wederopbouw en overgeplunderde ziekenhuizen die geen bescherming kregen terwijl luchthavens en olievelden wel op troepen konden rekenen.
'Het is rommelig, annet als de vrijheid zelf. Vrije mensen hebben nu eenmaal de vrijheid om fouten te maken, misdrijven te begaan en ander ongerief te veroorzaken', reageerde de Amerikaanse minister van Defensie Donald Rumsfeld. Irakezen zien het anders. Ze verwachten, met alle argwaan die er bij velen bestaat over de buitenlandse troepenmacht, dat die op z'n minst voor orde en veiligheid zorgt. Maar hoe moet dat met een leger dat in elke burger een potentiële pleger van een zelfmoordaanslag ziet? Zo omschreef een Britse collega die nagenoeg elke oorlog van de afgelopen decennia versloeg, deze mentaliteit.
'Ze toonden geen genade. Uitstekend', hoorde een andere journalist een Amerikaanse commandant zeggen toen zijn manschappen bij de verovering van Bagdad een groep ongewapende Irakezen in burgerkleding doodschoten. De rules of engagement, handleiding voor gewapend optreden van het Amerikaanse leger, logen er niet om. In plaats van een geleidelijke respons met een poging tot communicatie en waarschuwingsschoten werd vaak onmiddellijk met scherp geschoten. Hoeveel burgers hierdoor omkwamen - talloze ongetwijfeld - werd niet of nauwelijks onderzocht.

Ook wij journalisten kregen met die mentaliteit te maken. Het scheelde een haartje of Amerikaanse troepen namen onze auto onder vuur toen ik met collega's als een van de eersten Kirkoek binnenreed nadat het Irakese leger vertrokken was - al stonden de letters 'TV' levensgroot op de portieren. En de rommelige vrijheid waar Rumsfeld met zoveel tolerantie over sprak vond ik zelfs nog gevaarlijker dan de frontlinie. In de net 'bevrijde' steden was de situatie volkomen onoverzichtelijk. Iedereen had wapens en het was onmogelijk te bepalen wie wie was bij de talloze wegversperringen. In een onopvallende rammelbak rondrijden en er verder het beste van hopen leek in die anarchie nog de beste strategie. Mijn gids dacht er anders over. Toen er een wapendepot geplunderd werd zag hij kans honderden kogels onder de voorbank te kieperen en ook een kalasjnikov lag klaar om ingeladen te worden. Mokkend smeet hij zijn buit op de stoep nadat ik bezwaar maakte. Hij snapte niet wat er mis mee was om gewapend rond te rijden. Ik kon hem ergens geen ongelijk geven.
Nooit eerder zag ik in een conflict zoveel collega's omringd door bewapende bodyguards en veiligheidsadviseurs aan het werk. Zelfs in het relatief veilige Iraaks Koerdistan had een aantal netwerken zich nagenoeg van de wereld afgeschermd. Foxnews resideerde op een hotelverdieping die geheel met zandzakken was gebarricadeerd. Bij het hotel van CNN was het met alle bewakers lastiger binnenkomen dan bij de Koerdische ministeries.

Mokkend smeet de gids zijn kalasjnikov op de stoep nadat ik bezwaar maakte. Hij snapte niet wat er mis mee was om gewapend rond te rijden

Veel Irakezen vragen zich hoe het verder moet met de immense taak van wederopbouw die de Amerikanen in Irak op zich willen nemen en waarvoor samenwerking met de bevolking nodig is. Een bevolking die vooralsnog eerder als een vijand wordt gezien dan als een groep burgers met recht op bescherming. Ik vraag me ondertussen af hoe het verder moet met de media.
Zoals militairen de vrede in een land onmogelijk kunnen winnen als ze de inwoners als een gevaar beschouwen, zo kunnen de media onmogelijk hun werk doen als ze met wapens en bodyguards elk risico willen uitsluiten.

Minka Nijhuis
Correspondent voor Trouw. *Ze rapporteerde zowel voor, tijdens als na de oorlog uit Irak*



Galg in gevangenis bij Bagdad

Ze gaan naar gevangenissen, naar massagraven waar familieleden wanhopig proberen de resten van hun geliefden te ontdekken, naar overheidsgebouwen waar geheime gevangenissen diep onder de grond verborgen zitten (zie ook pag. 18 en 19).
Ze gaan in fel debat omdat twee onbekenden de locatie van een geheime gevangenis kennen, maar niet durven te vertellen hoe ze dat weten. De delegatie bezoekt zo'n locatie in Basra, waar een muur aan het einde van een trap een afgesloten kelder suggereert. Net zo machteloos als de pers roept men de coalitietroepen erbij, maar er wordt niets gevonden. Ze verzamelen lijsten van vermisten en van schendingen. Ze houden een *drop in*, een bijeenkomst waar iedereen die details kwijt wil over vermisten – tussen 1986 en nu, dus ook tijdens de afgelopen oorlog – dat kan melden. Moeilijk werk, ver van kantoren en computers, in een omgeving die nog te onveilig is om 's avonds de straat op te gaan. Noodzakelijk werk ook dat wordt volbracht met inzet en vasthoudend pogen objectief te zijn. Niet makkelijk in een land als Irak waar de gruwelen van een regime iedere dag duidelijker aan het licht komen. Zelfs al verdwijnen er documenten en bewijzen, zoveel blijft onuitwisbaar dat schuldigen hun berechting moeilijk kunnen ontlopen.

Judit Neurink
Buitenlandredacteur dagblad Trouw



REACTIES VAN MAXIMAAL 300 WOORDEN (OP ARTIKELEN OF DE STELLING) TOT UITERLIJK 25 JUNI NAAR: REDACTIE *WORDT VERVOLGD*, POSTBUS 1968, 1000 BZ AMSTERDAM, OF PER E-MAIL NAAR FERIO@AMNESTY.NL. DE REDACTIE HOUDT ZICH HET RECHT VOOR INGEKOMEN STUKKEN TE SELECTEREN EN IN TE KORTEN. ANONIEME BRIEVEN KOMEN NIET VOOR PUBLICATIE IN AANMERKING.

De stelling van mei was:
Saddam moet voor het ICC, niet voor VS-tribunaal

Stelling (1)
Het lijkt me geen goede zaak Saddam voor het ICC te brengen. Dat is namelijk weliswaar opgericht met het oog op berechting van dergelijke schurken, maar om over Saddams wreedheden te kunnen oordelen zou het ICC al in het eerste jaar van zijn bestaan zijn rechtsmacht in zoveel richtingen moeten oprekken dat het zijn eigen geloofwaardigheid en legitimiteit te zeer in gevaar brengt. Het ICC heeft immers alleen rechtsmacht over feiten gepleegd op het grondgebied van een staat die partij is (en dat is Irak niet) of door onderdanen van een staat die partij is (idem). De enige uitzondering daarop zou kunnen worden gemaakt doordat de Veiligheidsraad van de VN de berechting van Saddam aan het ICC opdraagt, maar gelet op de Amerikaanse oppositie tegen het ICC lijkt dat uitgesloten. Overigens geldt dan echter nog dat het ICC slechts bevoegd is inzake misdrijven gepleegd na 1 juli 2002, terwijl de belangrijkste van Saddams wreedheden zich daarvoor hebben afgespeeld.
Dit betekent m.i. overigens niet per se dat berechting door een VS-tribunaal de beste optie zou zijn. De onpartijdigheid daarvan zal waarschijnlijk niet in alle delen van de wereld even vanzelfsprekend worden gevonden. Verder is het de vraag of de VS – ook gelet op hun eigen wetgeving – bevoegd zijn om de door Saddam tegen zijn eigen bevolking gepleegde misdrijven tegen de menselijkheid te berechten. De beste optie lijkt dat een rechtbank in de regio zelf de berechting van Saddam ter hand neemt. Een dergelijke rechtbank zou volledig Irakees kunnen zijn, of eventueel van gemengde samenstelling met naast nationale ook internationale rechters, zoals in Sierra Leone. Overigens zou – in theorie – het ICC wel rechtsmacht kunnen uitoefenen over eventuele oorlogsmisdrijven in deze oorlog gepleegd door sommige van de coalitietroepen. Het Verenigd Koninkrijk en Australië zijn immers beide partij bij het Statuut van Rome. Interessant is tot slot dat het ICC in voorkomende gevallen zelfs zijn rechtsmacht zou kunnen uitoefenen over eventuele oorlogsmisdrijven door een deel van de Amerikaanse troepen. Naar het schijnt had daarvan zo'n dertig procent namelijk niet alleen de Amerikaanse nationaliteit heeft, maar ook nog een tweede, doorgaans van een Latijns-Amerikaans land. En de overgrote meerderheid van die landen is – anders dan de VS – wel degelijk partij bij het ICC.

J.A.C. Bevers, Den Haag

(2)
Als twee mensen, groepen, staten, ruzie hebben dan kan de ruzie alleen geloofwaardig beslecht worden door een onafhankelijke arbiter (rechter, tribunaal). Als de arbiter tot een van de partijen behoort dan wordt aan deze eis niet voldaan. Dus wel voor het ICC en zeker niet voor een VS-tribunaal.

J.C.de Munck, Den Haag

Zuivering
Ik heb met verbijstering kennisgenomen van een zeer gevaarlijke ontwikkeling binnen de Israëlische samenleving met als uitgangspunt het verdrijven van alle Palestijnse inwoners uit de Bezette Gebieden naar buurlanden zoals Jordanië. Deze transfer (eufemisme voor etnische zuivering), die aanvankelijk slechts werd aangehangen door een kleine groep religieuze fanatici, heeft de laatste jaren een breed draagvlak gekregen onder grote delen van de bevolking. Daarom is alertheid van de internationale gemeenschap van het grootste belang.

Astrid Essed, Amsterdam

STELLING VAN DE MAAND JUNI:

50.000 doden in Congo telLen minder dan 1200 in Irak

Opgroeien in Irak is een gevaarlijke onderneming

VAN DE REDACTIE

De 15 miljoen kinderen in Irak worden blootgesteld aan de oorlogstuigen die overal rondslingeren. Meer dan 4 miljoen kinderen worden volgens Unicef bedreigd door te voorkomen ziektes als polio, tetanus, difterie, kinkhoest, mazelen en tuberculose.

Eén van de gevaren is het mijnenveld dat de Amerikaans-Britse legermacht gelegd heeft: heel wat Amerikaanse bommen zijn niet ontploft en liggen nu als boobytraps over het land verspreid. Alleen al in Bagdad zijn 1700 onontplofte bommen gelokaliseerd. In Kirkoek zouden in de weken na het einde van de oorlog 260 mensen door bommen verwond of gedood zijn. Meer dan de helft van hen waren kinderen. Unicef tracht de Irakese kinderen nu te waarschuwen voor het gevaar dat in gele en zilveren kleuren aantrekkelijk verpakt zit.



Iraakse kinderen spelen in de rivier van Bagdad

Minder mediageniek maar nog schrijnender zijn de Irakese kinderen die sterven aan ziektes die voorkomen kunnen worden, zegt Carel de Rooy van het VN-kinderfonds Unicef. Diarree eist meer slachtoffers dan bommen: 'Tussen 17 mei en 4 juni stelde de Wereld Gezondheidsorganisatie WHO meer dan vijftienhonderd gevallen van acute waterdiarree vast, vooral bij kinderen.'

Vooral voor pasgeborenen kan die ziekte dodelijk zijn, maar 'in de afgelopen drie maanden is in Irak geen enkele van de ongeveer 210.000 geborenen gevaccineerd tegen bedreigende ziektes'. Als de kinderen niet onmiddellijk ingeënt worden, lopen ze gezien de huidige omstandigheden 'meer gevaar dan ooit'.

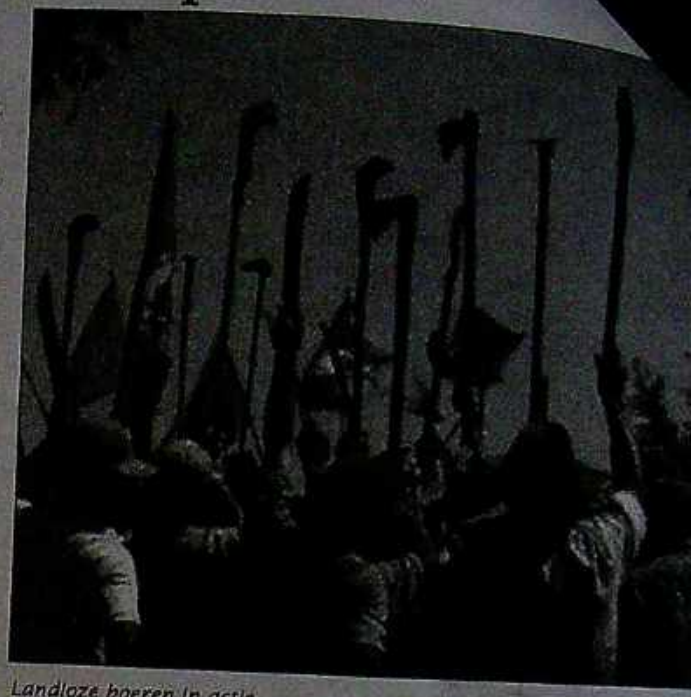
Het uitblijven van de levensnoodzakelijke inentingen heeft alles te maken met de oorlog en de Amerikaanse en Britse bombardementen. Een enorme voorraad vaccins is verloren gegaan toen raketten het Vaccin- en Seruminstituut van Bagdad troffen en de elektriciteitstoevoer naar de opslagruimte werd afgesneden. Maar ook de rest van het Irakese gezondheidssysteem is na de val van Saddam Hussein ingestort: het ministerie van Volksgezondheid hield op te bestaan, verbindingen tussen de hoofdstad en de provincies raakten verbroken en essentiële diensten zoals routinematige inentingen vielen weg. Volgens de Rooy heeft slechts 60 procent van de centra voor eerstelijns gezondheidszorg de oorlog overleefd.

Nieuw materiaal komt nu mondjesmaat het land binnen: UNICEF heeft vijf van de tien vernietigde koelruimtes hersteld, 25 miljoen vaccins geleverd en meer dan 100 miljoen euro bijeengebedeld bij Europese landen, de EU, Canada, Japan en de Verenigde Staten. Toch kunnen de centra zelfs volgens de meest optimistische schatting pas tegen begin volgend jaar opnieuw gestart worden. Die overbruggingsperiode van ruim een half jaar houdt grote gevaren in. Voor de oorlog was Irak poliovrij, waren de mazelen onder controle en bleek tetanus tijdens de zwangerschap en bij pasgeborenen met de hulp van UNICEF en de WHO uitgeroeid. Nu krijgt polio weer vrij spel en wordt op korte termijn de hele regio bedreigd.

UNICEF wijst ook op de schrijnende problematiek van het groeiende aantal straatkinderen in Irak. Voor de Golfoorlog van 1991 zaten bijna alle Irakese kinderen gewoon op school en was er geen sprake van kinderarbeid. De internationale economische boycot die dat jaar werd ingesteld om de druk op Saddam Hussein te verhogen, joeg de kinderen van de schoolbanken naar de arbeidsmarkt: zij moesten 's avonds broodnodige dinars op tafel leggen. Volgens een mensenrechtenrapport van het Amerikaanse ministerie van Buitenlandse Zaken van 2001 was de kindersterftegraad in Irak in de jaren negentig twee keer zo hoog als het decennium daarvoor. Onafhankelijk rapporten

Strijd om land laait weer op

Door Mario Osava



Landloze boeren in actie

RIO DE JANEIRO - De Braziliaanse president Luiz Inácio de Silva zit in een lastig parket. Zijn historische medestanders van de Beweging van Landloze Boeren (MST) eisen dat niet-productieve landerijen zo snel mogelijk worden verdeeld onder landloze families. Vertegenwoordigers van grootgrondbezitters en plattelandsburgemeesters zijn de acties van de landloze boeren meer dan beu en dreigen met represailles wanneer de regering niet ingrijpt.

De spanning op het platteland neemt sterk toe. In de stad Sao Gabriel in de zuidelijke deelstaat Rio Grande do Sul circuleerde een pamflet dat eigenaars van sproeivliegtuigen opriep 'de kampen van landloze arbeiders met 100 liter benzine te besproeien'. Het pamflet was een reactie op een manifestatie van 800 MST-activisten die 300 kilometer naar Sao Gabriel waren gelopen om de onteigening te vragen van een 13.200 hectaren grote boerderij ten voordele van 530 families uit de streek.

De linkse president Da Silva, traditioneel een bondgenoot van MST, ontving enkele leiders van de organisatie in een poging de lont uit het kruitvat te halen. Het MST overhandigde hem een 19-puntenplan en eist dat 120.000 landloze families dit jaar nog een stuk land krijgen toegewezen.

Tegen 2006 moet er een oplossing komen voor alle landlozen, in totaal 1 miljoen families of 4,5 miljoen van de 172 miljoen Brazilianen. Lula beloofde een 'massieve en brede' landbouwhervorming, maar liet zich niet op specifieke doelen vastpinnen.

Minister voor landontwikkeling Miguel Rosetto beloofde dat de regering openbare stukken grond opzij zal zetten voor 60.000 families. De overheid heeft verder het recht zich stukken grond toe te eigenen die niet worden bewerkt of waar drugs worden gekweekt. Gilmar Mauro, een van de 27 MST-leiders die bij Lula op bezoek gingen, voorspelde dat de spanning op het platteland zou afnemen 'naarmate de hervorming vordert'.

De acties van de landloze boeren stuiten echter ook op weerstand. De burgemeester van Pontal de Parapanema in het zuidwesten van de deelstaat Sao Paolo besloot twee scholen en het gezondheidscentrum gesloten te houden. De schoolstaking wordt elke week met een dag uitgebreid zolang de regering niets doet om de openbare infrastructuur te versterken tegen de overlast die momenteel wordt veroorzaakt door 1.500 landloze boeren die in het stadje kamperen.

De Democratische Rurale Unie vindt dat de regering niet hard genoeg optreedt tegen de illegale acties van MST. Partijvoorzitter Luiz Antonia Nabham Garcia vindt dat de landbouwhervorming ten koste van onontgonnen Amazonewoud moet gebeuren. In landbouwdeelstaten als Sao Paolo en Rio Grande do Sul is de regering gedwongen dure landbouwgrond te kopen, omdat het gebied al in cultuur is gebracht. Miguel Stedle, MST-coördinator in Rio Grande do Sul, bestrijdt dat. Volgens hem zijn er in de deelstaat 838 niet-productieve boerderijen die groter zijn dan 2000 hectaren, genoeg om 100.000 families aan het werk te zetten.

Lula, de eerst gekozen linkse president in Brazilië schuift in zijn politiek steeds verder op naar het centrum. Het gevolg is dat hij geconfronteerd wordt met toenemende protesten. Begin augustus vond een omvangrijke protestbetoging plaats tegen de plannen van de regering om het sociale zekerheidsstelsel te hervormen. Het was de grootste protestbetoging sinds Lula op 1 januari aan de macht kwam. Ambtenaren zijn al weken in staking tegen de aantasting van hun pensioenen. Het verzet tegen Lula groeit snel en krijgt nu ook openlijk steun vanuit zijn eigen arbeiderspartij PT. *(IPS)*

tonen aan dat de levensomstandigheden van de Irakese kinderen sinds de Amerikaans-Britse oorlogsverklaring van 20 maart nog verslechterd zijn.

Afhankelijk van voedselhulp

Alle 27 miljoen Irakezen zijn tegenwoordig afhankelijk van de maandelijkse voedselpakketten die door hulporganisaties worden verdeeld. Voor de Amerikaanse invasie kon 40 procent van de bevolking nog hun eigen boontjes doppen, maar de oorlog heeft de laatste restjes zelfredzaamheid doen verdwijnen, zeggen hulpverleners. Donoren hebben genoeg voedsel en middelen bijeengebracht om de Iraakse bevolking de komende vijf maanden bij te staan, maar de verslechterende veiligheidssituatie bemoeilijkt de verdeling.

Volgens Torben Due, de vertegenwoordiger van het Wereldvoedselprogramma (WFP) in Irak, heeft zijn organisatie er de grootste noodhulpoperatie in haar geschiedenis opgezet om een voedselcrisis te vermijden. De situatie in Irak is catastrofaal. Door de oorlog en de blijvende instabiliteit hebben de meeste Irakezen het steeds moeilijker om het hoofd boven water te houden. Veel mensen hebben hun werk neergelegd; veiligheid en overleven hebben voorrang. Winkels en bedrijfjes blijven gesloten, ambtenaren zijn al maanden niet meer betaald. Volgens het WFP is een groot deel van de Iraakse bevolking nog veel kwetsbaarder geworden voor armoede en ondervoeding.

Voor het begin van de oorlog in maart was al 60 procent van de bevolking in het zuiden en het centrum van het land afhankelijk van voedselhulp en leefde één Irakees op vijf in 'chronische armoede'. Dat blijkt uit een onderzoek van het WFP. Mensen die in chronische armoede leven, beschikken tijdens een lange periode niet over genoeg geld om zuiver water en voedsel te kopen en om andere basisbehoeften als kleding, huisvesting, onderwijs en gezondheidszorgen te betalen. In het noorden van Irak was de situatie niet veel beter. Een onderzoek van de hulporganisatie 'Save the Children' wees uit dat ook daar het merendeel van de bevolking overleefde op voedselhulp en nauwelijks kansen zag bijkomende tegenslagen te verwerken.

De Iraakse bevolking was al getroffen door een slecht economisch beleid, de oorlog tegen Iran die duurde van 1980 tot 1988 en de Golfoorlog van 1991. De VN-sancties die werden ingesteld na de Iraakse bezetting van Koeweit, maakten de zaak nog veel erger. 'De sancties hebben de bevolking verzwakt en het regime nog sterker gemaakt', oordeelt Carel de Rooy, de vertegenwoordiger van het VN-kinderfonds Unicef in Irak. In de jaren tachtig kon Irak nog vorderingen boeken op sociaal vlak: tussen 1975 en 1987 steeg bijvoorbeeld het aandeel van de bevolking met toegang tot zuiver drinkwater van 66 tot 87 procent. Maar daarna begon de neergang, zelfs toen Irak eind de jaren negentig toestemming kreeg een beperkte hoeveelheid olie te exporteren om daarmee de import van levensmiddelen en medicijnen te betalen. Volgens WFP-vertegenwoordiger Due zal Irak ook op middellange termijn afhankelijk blijven van voedselimport. Goed nieuws dus voor de voedselindustrie in de rijke landen. *(IPS)*



Amerikaanse soldaten grendelen centrum van Bagdad af na raketaanval

Moskou smeedt oosterse alliantie tegen VS

VAN DE REDACTIE

NEW DELHI - De uitgebreide Aziëreis van de Russische minister van buitenlandse zaken Igor Ivanov, in juni, past in een beleid om het Amerikaanse streven naar absolute wereldddominantie te pareren. Rusland probeert nieuw leven te blazen in het vijf jaar oude voorstel voor een as Moskou-Delhi-Peking. Moskou zoekt economische en militaire relaties in een regio die zich uitstrekt van de olierijke Centraal-Aziatische republieken tot Zuidoost-Azië.

Ivanov ontmoette in Delhi hooggeplaatste Indiase leiders, waaronder eerste minister Atal Bihari Vajpayee. Vajpayee zelf vertrok week later naar China en is daarmee de eerste Indiase eerste minister in een decennium die naar Peking trekt om de politieke en diplomatieke banden tussen beide landen aan te halen. Ivanov op zijn beurt reisde van Delhi door naar Phnom Penh, de hoofdstad van Cambodja, voor een regionale veiligheidsbijeenkomst met de Associatie van Zuidoost-Aziatische Naties (ASEAN).

De bezoeken van Ivanov passen in Ruslands actieve toenaderingspogingen tot de Aziatische landen. Die vallen op hun beurt samen met de plannen van de Verenigde Staten om hun militaire aanwezigheid in de wereld te herschikken. De Verenigde Staten trekken hun troepen samen in de 'sikkel van instabiliteit' die zich uitstrekt van de Centraal-Aziatische republieken tot Noord-Korea. Als tegenzet probeert Rusland, dat na het uiteenvallen van de Sovjet-Unie in 1991 ernstig verzwakte, in de regio een 'alliantie van stabiliteit' op te bouwen.

Teken aan de wand is dat negen Russische oorlogsschepen met strategische bommenwerpers na uitgebreide manoeuvres met de Indiase zeemacht nu voor onbepaalde tijd in de Indische Oceaan en omliggende wateren rondkruisen. Dat houdt duidelijk verband met de Amerikaanse aanwezigheid in Irak, Afghanistan en de Centraal-Aziatische republieken en het opschuiven van de NAVO naar het oosten, richting Moskou. Commodore Uday Bhaskar, adjunct-directeur van het Instituut voor Strategische Studies en Analyse in Delhi, zegt dat het maritieme zwaartepunt na de Koude Oorlog en vooral na 11 september naar de Indische Oceaan is verschoven.

Rusland kondigde onlangs ook aan zijn militaire aanwezigheid in de Centraal-Aziatische republieken te willen opvoeren. Het zou permanente militaire basissen opzetten in Kirgizië en Tadzjikistan. Daarmee wil Moskou tegenwicht bieden aan een tiental openlijke en geheime basissen in de regio waartoe de Amerikaanse overheid na de Afghaanse oorlog in 2001 toegang had, zoals Georgië, Turkmenistan, Tadzjikistan en Oezbekistan. Moskou maakt zich zorgen over de Amerikaanse militaire basis in Manas, op 30 kilometer van de Kirgizische hoofdstad Bisjkek, vlakbij China, en over de vergelijkbare maar weinig in het oog lopende aanwezigheid van door Amerika geleide bondgenoten in Khanabad, Oezbekistan. Rusland voorvoelt een eventueel conflict met Washington over de omvangrijke olie- en gasvoorraden van de regio. De Verenigde Staten zijn al de belangrijkste buitenlandse investeerder in de Centraal-Aziatische energiesector en verklaren openlijk dat ze de politieke en economische stabiliteit in de regio willen bevorderen om hun energietoevoer veilig te stellen en om het internationaal terrorisme en de wapenhandel te bestrijden.

Rusland en China stellen ook een uitbreiding voor van de Samenwerkingsorganisatie van Sjanghai (SCO) voor, een Centraal-Aziatisch samenwerkingsverband waarvan naast zijzelf ook Oezbekistan, Kazachstan, Kirgizië en Tadzjikistan lid zijn. Beide landen willen de SCO omvormen tot een ruimere coalitie door India, Pakistan en mogelijk zelfs Iran op te nemen. De SCO wordt gezien als het instrument waarmee Rusland en China in Centraal-Azië stokken in de wielen kunnen steken van Washington.

De omsingeling van Rusland met NAVO-bases gaat onverminderd door. De Baltische staten worden opgenomen in een militaire structuur met polen en Duitsland en krijgen een zeer geavanceerde inlichtingenbasis. In juli bezocht NAVO-baas Robertson Centraal-Azië en besprak in Kazachstan de vestiging van twee NAVO-luchtmachtbases, bij de steden Chimkent en Alma-Ata. Daarmee krijgt de NAVO de mogelijkheid het gehele luchtruim van Centraal-Azië, inclusief het luchtruim van de Russische en Chinese grensgebieden, te controleren. Georgië staat op het punt haar luchtruim open te stellen voor NAVO AWAC spionagevliegtuigen.

'Je moet halfgek of avonturier zijn'

Arts in Bagdad

Mei 2003

Harrie Dewitte, Genk

'Je moet halfgek zijn of avonturier om naar Bagdad te gaan', schoot het door mijn hoofd toen Geneeskunde voor de Derde Wereld me vroeg om binnen 24 uur naar Bagdad te gaan. Ik ben noch het een noch het andere, maar ik had de oproep van de Iraakse collega's gelezen en iemand moest toch het protest van 80% van de Belgen een stem gaan geven. Het was eigenlijk het logisch vervolg van jarenlange inzet voor de patiënten hier. De grenzen stoppen niet meer aan ons dorp of ons land. De wereld is één dorp geworden, ons dorp.



Geert van Moorter bij het ziekenhuis Yarmoek in Bagdad

Vanaf dat moment deelde ik alles op in kleine projectjes: hoe aan een visum geraken op enkele uren? Hoe een vliegtuigticket vastkrijgen? Hoe van Damascus naar Bagdad geraken? Hoe door de belegering van de stad geraken? We hebben het gehaald, mijn dochter kan gerust zijn, ik zal bij haar bevalling aanwezig zijn. Zij was het resultaat van de eerste bevalling die ik als stagiair geneeskunde deed en ik wil er wel bij zijn, bij haar eerste kind. Zij het dat ik nu steeds zal denken aan de kinderen van Bagdad.

De oorlogsmachine

Ik heb steeds mijn twijfels gehad bij het bestaan van de hemel, maar dat de hel bestaat, daar ben ik zeker van. We waren gelogeerd op de tiende verdieping van het Sheraton hotel, aan de oever van de Tigris. We hadden VIP plaatsen met zicht op de Amerikaanse invasie. Op tv lijkt het op een modern vuurwerk. Groene en gele flitsen, al of niet gezien door een Amerikaanse nachtkijker. In Bagdad zelf is dat wel even iets anders. Je ziet de lichtflitsen en enkele tellen nadien, eerst kon je nog tot dertig tellen maar uiteindelijk nog slechts tot vijf, voelde je de dreun op je borstkast en je trommelvliezen. Ik ken niets van militaire arsenalen, maar ik denk dat ik op die tien dagen alle instrumenten van het oorlogsorkest gehoord heb. De zware dreunen van de B52-bommen die een *tapis plain* kwamen leggen, een corridor maken zoals dat in het jargon heet. Elke seconde één inslag. Een ganse nacht. Telkens een krater van twintig tot vijftig meter achterlatend. En ook daar wonen mensen.

Collateral damage

De *cruise-missiles*, de *rockets*, de granaten van de tanks, de mitrailleurs, de splinterbommen, de luchtaanvallen van de straaljagers. Het geluid van vliegtuigen deed me tot nu toe steeds denken aan reizen, aan een beetje vakantie, een medische missie of congres. Nu aan terreur, aan angst, die ik zelf ondervonden heb in mijn eigen lijf, angst die ik gezien heb in de ogen van de kinderen en de patiënten. Vliegtuigen doen me nu denken aan opengereten mensen en de geur van Pyocyaneus. Met verbijstering vraag ik me af hoe het mogelijk is dat men ons maandenlang heeft bezig gehouden met de zoektocht naar 'massavernietigingswapens', de *casus belli*. Irak zou rechtstreeks de 'burgers van de USA bedreigen'. We hebben ze gevonden, de massavernietigingswapens: made in USA. Het is ontstellend te zien hoe de oorlogsmachine lijkt op een reusachtig, perfect gerund bedrijf. De 'werknemers' zijn jongens van 18 tot 25 jaar, die maar één ding kennen: schieten op alles wat in de weg staat. Die niet eens weten wat Bagdad is. Die hun eigen propaganda voor werkelijkheid nemen. Die niet eens weten wat de VN is. Die niet weten dat ze een illegale agressie uitvoeren.

Toen we naar Bagdad kwamen, was de stad omsingeld. We zijn er binnengeraakt langs de meest onmogelijke sluipwegen. Zo zijn we dwars door de Iraakse 'verdedigingslinies' gereden, 7 km lang. Een van de meest hachelijke momenten, want ze waren net gebombardeerd. Elk moment konden de vliegtuigen terugkeren. De tanks en de voertuigen stonden nog in brand. Dit verdedigingsmateriaal was wat we in Limburg 'Bokrijk' zouden noemen. Tanks die nog uit de periode van de Iraans - Iraakse oorlog stamden. Afweergeschut waar er nog een soldaat aan een 'wieltje' moest draaien om het te richten. Het afweergeschut raakte niet eens halverwege de elf kilometer hoogte waarop de vliegtuigen opereerden. Vergelijk dat eens met de volautomatische tanks met satelliet-gestuurd geschut van de

zware gevechten in het sjiietische Basra - waar de bevolking sterk anti-Saddam is - kon men verwachten dat in Bagdad een echte stadsguerilla van lange duur en met vele slachtoffers ging gevoerd worden. De meeste dictators (zie b.v. Hitler) vechten tot het einde, tot de vernietiging van hun steden en massale uitmoording van hun burgers. Ook militaire bevelhebbers (zie b.v. de slag om Verdun in de eerste wereldoorlog) hebben geen probleem met het massale uitmoorden van hun soldaten. In Bagdad is er duidelijk een voortijdige overgave geweest. De zo gevreesde republikeinse garde heeft geen weerstand geboden, van mijnen voorziene bruggen werden niet opgeblazen, de meeste olieputten niet in brand gestoken. Als het aantal slachtoffers al bij al vrij beperkt was, dan is dit te danken aan de Irakezen die niet als fanatiekelingen tot het uiterste zijn blijven vechten.

5. Alleen het invasieleger heeft gebruik gemaakt van sterk betwiste, op massaal mensentreffen gerichte wapens. Hun clusterbommen die vreselijke wonden tot op grote afstand veroorzaken, hadden ze, gezien hun snelle en gemakkelijke opmars nooit gebruikt mogen hebben. Het wordt tijd dat we als artsen zoveel mogelijk druk uitoefenen om clusterbommen, naast landmijnen op de lijst van de verboden wapens te plaatsen.

6. Oorlog voeren is één zaak, vrede stichten iets anders. We hebben de indruk dat de oorlogvoerende landen weinig interesse hebben voor de organisatie van de vrede. In elk geval blijkt uit de feiten - de vlugge wissel van vooraf aangeduide verantwoordelijken - dat de vrede, eufemistisch uitgedrukt, veel slechter werd voorbereid dan de oorlog. Voor de heropbouw wordt, voor zover we uit de beschikbare gegevens kunnen opmaken, in de eerste plaats aandacht besteed aan een vlug heropstarten van petroleumuitbating, het stoppen van het embargo om de olie-export te regulariseren en het toekennen van belangrijke opdrachten aan grote Amerikaanse bedrijven.

7. Zo komen we tot de belangrijkste conclusies in verband met de Iraakse oorlog.

- Deze oorlog met al zijn gevolgen is al bij al een onnodige oorlog geweest en volgens de internationale overeenkomsten een illegale oorlog. In Irak is een doos van Pandora geopend. De harde sjiietische fundamentalisten krijgen nieuwe mogelijkheden. De tegenstellingen tussen het zuiden, het centrum met Bagdad en het noorden met de Koerden zullen centrifugale krachten versterken en een nieuw beleid zeker bemoeilijken. De uitschakeling van de Baath partij, die de grote promotor was van de secularisatie, zal het gevaar voor religieuze dominantie versterken.

- Een van de onderliggende, dikwijls vernoemde reden om deze oorlog te beginnen, heeft te maken met het uitroeien van de wortels van het terrorisme na 11 september. Het resultaat op dit gebied lijkt eerder negatief. Het internationaal terrorisme was nooit zo actief als nu.

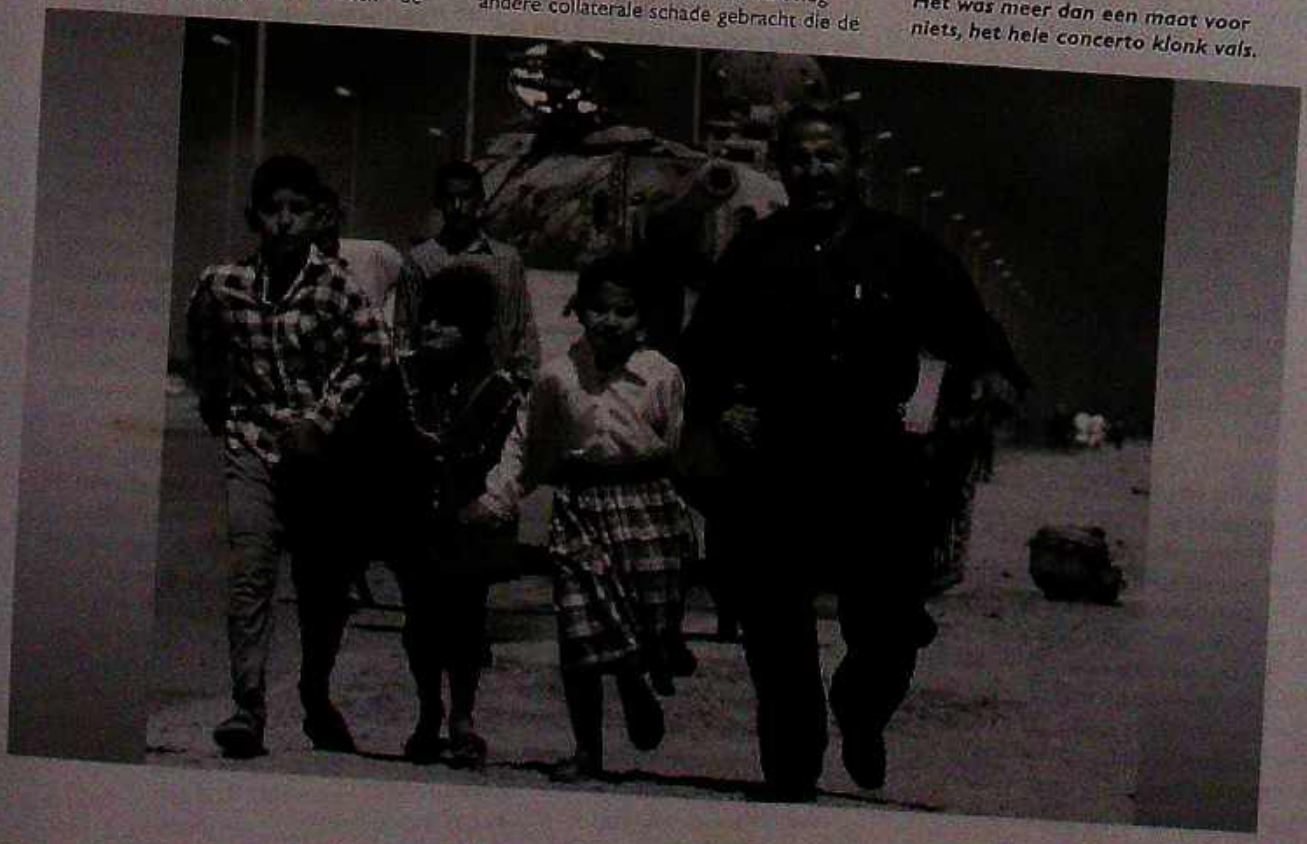
- De oorlog tegen Irak heeft ook nog andere collaterale schade gebracht die de hele wereld treft. Deze oorlog is immers een van de belangrijkste factoren die het economisch herstel wereldwijd heeft vertraagd.

- Een land dat de wapens cultiveert, dat zijn macht in de eerste plaats afmeet aan zijn militaire macht, is er toe geneigd deze wapens zeer vlug te gebruiken en heeft weinig aandacht voor wat men de tweede poot noemt, de vredespoot met zijn preventieve, bemiddelende, oorlogvermijdende inspanningen. Alleen als het terrein zich niet leent tot vechten en bombarderen, zoals in Macedonie, werkt men serieus aan bemiddeling en blijkt die betere resultaten te geven dan vechten.

Dit zou een vingerwijzing moeten zijn voor Europa. Had Europa beschikt over een sterk Europees leger en was er een gemeenschappelijk Europees buitenlands beleid, dan was de kans groot geweest dat we deelgenomen hadden aan de Iraakse oorlog.

Daarom moet Europa zich in de eerste plaats toeleggen op de bemiddelingsfunctie, op de meest renderende, maar totaal verwaarloosde conflictoplossende poot. Een leger moet in de tweede plaats komen en kan beperkt blijven. Wapens en legers zijn er in overvloed. Door veel mensen en middelen ter beschikking te stellen voor wereldwijde conflictvoorkomende inspanningen zouden we zoveel meer kunnen doen voor de wereldvrede.

Het was meer dan een maat voor niets, het hele concerto klonk vals.



nikanen. De GPS-bommen. Het is pel: twaalf jaar lang hebben de Amerikanen Irak ontwapend, via de wapeninspecties alles nauwkeurig in kaart gebracht en uiteindelijk alles weggeblazen. En wij, goedgelovig de 'strijd tegen het kwade' slikken.

Ziekenhuis zonder middelen

Ik weet ondertussen ook wat 'terreur' is. Ons ziekenhuis, het *Saddam Center for Plastic Surgery*, lag op ongeveer 700 meter van de brug over de Tigris waarlangs de Amerikaanse troepen het hart van Bagdad binnendrongen. Eerst hoorden we de explosies van de tankgranaten. Ze schoten de straten schoon. Misschien was het dat wat Bush bedoelde met *clean war*. By the way, er was op dat moment helemaal geen sprake meer van enige georganiseerde weerstand. Het ratelen van de rupsbanden en de mitrailleurs. Tien minuten later brachten ze de eerste gewonden binnen. Eerst enkele, nadien steeds meer. Op alle mogelijke manieren: op de motorkap van een auto, in een pick-up, op een stootkar of ze werden gewoon binnengedragen. Allemaal *civilians*. Kinderen die op straat speelden. Ouderen die de gewonden probeerden weg te slepen. Vrouwen. *Collateral damage*. Er was een grote opvangzaal voorzien. De gekwetsten aan hoofd en thorax zouden direct na 'stabilisatie' overgebracht worden naar andere ziekenhuizen. Maar het liep snel vol. Huilende mensen, huilende familieleden, vrienden of gewoon mensen van de buurt met een zware psycho-shock. Ik bewonder de Iraakse collega's. Alle artsen deden nu eerste opvang: de orthopedische chirurgen, de anesthesisten, de algemeen chirurgen, de plastische chirurgen. Ook wijzelf, alhoewel we vooral een observatiemissie hadden, staken de handen uit de mouwen. Onze collega's hebben een zeer hoog ethisch bewustzijn. Sommigen waren daar reeds één maand, zonder dat ze thuis geweest waren. 'Het is onze plicht om de patiënten te verzorgen.' Om één uur in de namiddag begon dit inferno. Tot de middag waren de ziekenhuizen nog behoorlijk georganiseerd. Je kon nog bloed krijgen, medicijnen, chirurgisch materiaal. Maar de Amerikanen vernietigden ook *Medical City*. Dat is niet alleen het administratieve ministerie van volksgezondheid, maar vooral het distributiecentrum. We hadden niets meer. Het ontbrak aan majeure pijnstillers, want die vielen onder het embargo. Drie schepen met medicijnen, materiaal, voeding, kortom *humanitarian aid* werden door de Amerikanen geblokkeerd in de Perzische Golf. We hadden alleen fysiologisch serum, diclofenac en paracetamol. De morfineachtige pijnstillers werden voorbehouden voor de operaties. We hebben mensen in shock zien gaan en creperen van de pijn. De medische directeur gaf een van de stervende patiënten, een jongen van vijftien met zware verwondingen in de buik, water te drinken uit zijn eigen glas. "*It's the only thing we can do for them.*" Er was geen elektriciteit, ook de generator was uitgevallen. Water moesten we halen uit plastic bussen.





Het oorlogsrecht geschonden

Wat ben ik toch naïef te geloven dat men de oorlogsconventies zou respecteren. Artikel 10 sommeert alle oorlogsvoerende partijen om de gewonden te laten afvoeren, te beschermen en te verzorgen. We hebben tientallen keren het verhaal gehoord van Amerikanen die schoten op alles wat bewoog, ook op de mensen die gewonden kwamen wegslepen. Tussen vier en vijf uur in de namiddag – je verliest elke notie van tijd – hoorden we de sirene van onze ziekenwagen terugkeren, slechts enkele minuten nadat hij met twee zwaar gewonden (thorax en hoofd) was weggestuurd. De ambulance kwam niet de oprit van het ziekenhuis opgereden, maar bleef stilstaan op straat. De ruiten waren verbrijzeld. Overal waren er kogelinslagen. De deuren waren geblokkeerd. De chauffeur zat bewusteloos achter zijn stuur. Hij was zwaar gewond in de rug. Zijn rechterbeen was lam en gevoelloos. Een patiënt was stervende, doorzeefd. De andere patiënt werd alsnog weggebracht maar stierf 's anderendaags. De verpleger was in het been geschoten. De medische staf was zwaar aangeslagen. De directeur ging erbij zitten. Temidden van de huilende patiënten zei hij met zijn typische Oosterse dubbelzinnigheid: "*We, we're still human beings.*" Artikel 12 en 21 van de Conventie van Genève stellen dat 'medische units en medisch personeel moeten gerespecteerd en beschermd worden. Ze mogen onder geen enkel voorwendsel het voorwerp worden van een aanval.' Onze ambulance vertraagde op 700 meter van een Amerikaans checkpoint. Ze werd onder vuur genomen door een Amerikaanse patrouille die zich links tussen de huizen verdekt had opgesteld. Zonder enige waarschuwing. Toen we later de soldaten hierover aanspraken zeiden ze dat de ambulance een *suicide car* was. "*This is a war man. This is collateral damage.*"

Om de horror volledig te maken, kwamen de *looters*, de plunderaars. Terwijl de Amerikanen schoten op alles wat bewoog, lieten ze die vrij hun gang gaan, het was *part of the plan*. Het waren de enige blije gezichten die we gezien hebben bij de intrede van de VS-troepen. Ze deden me denken aan een horde wolven uit de stripverhalen. Twee mensen van de medische staf verdedigden de ingang van het ziekenhuis met een Kalashnikow. De ontploffende granaten, de huilende gewonden, de aangeslagen medische staf, de vermoeidheid en de plunderaars, zo moet de hel van Dante eruitgezien hebben.

Meer info op: **http://www.g3w.be/**

Collateral Damage

Hans van Iterson

Na de oorlog tegen Irak wordt het tijd om de schade in kaart te brengen. Op zaterdag 24 mei vond in het Universitair Medisch Centrum Utrecht (UMC-U) het symposium *Collateral damage* plaats. President Bush heeft zich begin mei als overwinnaar uitgeroepen maar hoe zit het met de verliezers, de slachtoffers van de oorlog?

De middag begon met een frappante toevalligheid. Bij de gele collegezaal van het UMC meldden zich twee NVMP's! De Nederlandse Vereniging voor Meningeoom Patiënten had op dezelfde plaats en tijd haar jaarvergadering afgesproken. Gelukkig bleek het UMC goed opgelet te hebben, er was een tweede zaal beschikbaar en alle deelnemers kwamen uiteindelijk op de juiste plaats terecht.

Internationale context

Generaal-majoor der mariniers b.d. Kees Homan, werkzaam bij Instituut Clingendael, begon vanwege treinvertraging een half uurtje later dan gepland aan zijn betoog. Zijn onderwerp droeg de titel 'Ontwikkelingen in de internationale veiligheid en het buitenland- en veiligheidsbeleid van de Bush-administratie'. Homan schetste de internationale situatie waarin bevolkingsgroei en schaarse hulpbronnen voor een toenemende druk zorgen. Toch zijn conflicten in de regel intrastatelijk en niet zozeer interstatelijk. Een conflict als tussen Verenigde Staten en landen behorende tot de 'As van het kwaad' is wat dat betreft uitzonderlijk. Het Amerikaanse buitenlandse beleid dat hieraan ten grondslag ligt is een reeds langlopend proces. Centrale punten hierbij zijn het Amerikaanse gevoel van hegemonie waar het gaat om verspreiding van democratie, waarden en normen, vrede en mensenrechten op wereldniveau. De VS vindt zich wat



Kees Homan tijdens zijn lezing

dit betreft een unieke mogendheid die een voorbeeldfunctie vervult. Dat is gekoppeld aan een sterk unilateralisme. Het nationale belang staat voorop, men is bezorgd over de eigen veiligheid want er is een boze buitenwereld.

De conservatieve Bush-regering heeft daar, bij monde van neoconservatief adviseur Wolfowitz, een extra element aan toegevoegd. De veiligheid van de VS wordt niet alleen binnen eigen landsgrenzen bedreigd, ook buiten die grenzen bestaan bedreigingen die je aan zult moeten pakken. De gebeurtenissen op 11 september hebben daarvan de bevestiging gegeven en de deur opengezet voor ontwikkelingen als *pre-emptive war* en een nieuwe rol voor kernwapens. Waren WMD's (*Weapons of Mass Destruction*) aanvankelijk passief, bedoeld ter afschrikking, in de zogenoemde *Nuclear Posture Review* worden ze gezien als actieve wapens met een mogelijkheid ze te gebruiken.

Alvorens dieper op de aanval tegen Irak in te gaan verklaart Homan nog het verschil tussen *pre-emptive* en *preventive*. Een *pre-emptive* aanval voer je uit als je zeker weet dat je bedreigd wordt. Een *preventive* aanval is een aanval omdat je van mening bent dat er anders een bedreiging gaat ontstaan. De oorlog tegen Irak moet dan ook vooral als preventief gezien worden, en niet zozeer als *pre-emptive*. Na de aanslagen van 11 september heeft een oorlog tegen Irak eerste prioriteit gekregen. De Wolfowitz-doctrine, het afronden van de eerste Golfoorlog, de banden tussen Irak en Al Qaeda, het feit dat Irak makkelijker te verslaan zou zijn dan Iran en Noord-Korea, de gelegenheid voor het lanceren van een nieuw Midden-Oostenplan waren allemaal argumenten voor een aanval. Daarnaast bestond de indruk dat de *containment* van Saddam faalde. Hij laat zich niet afschrikken, blijft WMD's ontwikkelen en als hij over nucleaire wapens kan beschikken neemt zijn agressie toe. Economische factoren zoals olie spelen hierbij zeker een rol maar vormen niet de hoofdreden. Hiermee gaf Homan een zeer helder kader waarbinnen de oorlog tegen Irak geplaatst kon worden.

Arts in Bagdad

Vervolgens kreeg Geert Van Moorter het woord. Van Moorter behoort tot de organisatie 'Geneeskunde voor de Derde Wereld'. Deze organisatie is, net als de NVMP, van mening dat in geval van oorlog voorkomen beter is dan genezen. Van Moorter reisde daarom begin maart af naar Bagdad om na te gaan in hoeverre het recht op gezondheid door een oorlog geraakt zou worden. Zou het gaan om een *clean war* of niet, het conflict was tenslotte *Operation Iraqi Freedom* gedoopt, een humanitaire oorlog dus. Voor een objectieve beoordeling moet je echter ter plekke zijn omdat via de media de oorlog als een computerspelletje gepresenteerd wordt. Toen de bombardementen daadwerkelijk begonnen, bleken Van Moorter en zijn collega's de enige overgebleven 'buitenlanders' te zijn. Het echte gezicht van de 'propere' oorlog hebben zij middels hun dagboeken per satelliettelefoon en reportages aan de buitenwereld kunnen tonen. Zoals Van Moorter het treffend omschreef: 'de oorlog laten zien zoals de Irakees die ondergaat'.

Collateral damage?

Dat dit geen humanitaire oorlog kon zijn was al tien jaar lang duidelijk.

...boycots zorgden in die periode al ...voor één miljoen slachtoffers. Ook al vanwege deze voorgeschiedenis was Van Moorter van mening dat er een bewuste keuze gemaakt is om de burgerbevolking juist hard te treffen. Als het volk lijdt komen ze pas in opstand. Een mening die ook in militaire kringen wordt gesteund. De voltreffer op de Shu'ala-markt in Bagdad leek meer een bedoelde raket dan een afzwaaier, in de omgeving was geen enkel strategisch doel te vinden. Nog meer voorbeelden: raketten op woonwijken, elektriciteit- en drinkwatercentrales. Dit is intentionele schade en geen toevallige *collateral damage*. Het beste bewijs zijn echter de clusterbommen, de bommenpakketjes die uiteenvallen in vele kleine, onontploffte 'boobytraps'. Veel kinderen werden hiervan het slachtoffer. Van Moorter heeft als spoedarts in Bagdad teveel getuigenissen gehoord en vuile wonden gezien om daar nog aan te twijfelen. Ook zijn relaas over het gedrag van Amerikaanse soldaten is schokkend. Op werkelijk alles wat bewoog werd geschoten. Een humanitaire bevrijdingsactie? Het meest bekende verhaal is wel dat van de ambulance die zonder enige waarschuwing met kogels werd doorzeefd. Eén dode, een zwaargewonde. Van Moorter, gehuld in witte doktersjas (preventief) en met opgeheven handen, vroeg de bestuurder van de tank om uitleg. *"It might have been full of explosives"*, was diens ontnuchterende antwoord. Kortom een *pre-emptive strike* op klein niveau. Eerst schieten en pas daarna kijken of er misschien iets gevaarlijks in zat. Deze daden zijn blijkbaar straffeloos, de soldaten lijken immers vrijuit te gaan.

Plunderingen

Na de overwinning begonnen de plunderingen waar niets tegen gedaan werd. Ziekenhuizen werden volledig leeggeroofd, behandeling van gewonden en chronische patiënten was niet meer mogelijk. Het is schrijnend te constateren dat er zich wel degelijk een humanitaire catastrofe afspeelt maar dat deze zoveel mogelijk voor de buitenwereld wordt verhuld. Irak is een volledig uitgekleed en van medische hulpmiddelen verstoken land met een gebrek aan elektriciteit en schoon water.

Discussie

Tijdens de discussie vraagt Leon Weecke of slachtoffers van *friendly fire* ook tot de onbedoelde slachtoffers (*collateral damage*) gerekend moeten worden. Homan bevestigt dat tijdens deze oorlog zo'n 40% van de eigen doden gevallen zijn ten gevolge van *friendly fire* of bedrijfsongelukken. Dat is geen uitzondering. Homan twijfelt echter sterk aan het doelgericht bombarderen van burgerbevolking, immers daarmee versmal je direct het draagvlak voor de oorlog. En natuurlijk is het volstrekt in strijd met de protocollen van Genève. Dagvoorzitter Fernando Lopes da Silva vult aan dat een afzwaaiende raket behoort tot de 'statistiek van de oorlog'. Zoveel procent mist zijn doel of is het gevolg van menselijke fouten. Het doorzeven van een ambulance is natuurlijk een heel ander verhaal, dat zou *collateral damage* wel tot een erg ruim begrip maken. Homan: natuurlijk dit zijn uitwassen, maar helaas inherent aan een 'vuile' oorlog zoals die in een stad gevoerd wordt.

Karel Koster is van oordeel dat de aanvallende partij toch te gemakkelijk wordt gevrijwaard door een beroep op *collateral damage*. Men kent toch het eigen militaire apparaat en wat het kan aanrichten. De plunderingen: je weet dat dit in een machtsvacuüm kan gebeuren. Het gaat hier feitelijk om een ingecalculeerde schade, dat mag niet afgeschoven worden op het argument 'nu eenmaal niet te voorkomen'. Het is niet belangrijk of er bewuste bevelen zijn gegeven, het is inherent aan dit ingrijpen dat er burgerslachtoffers vallen. Er valt dus wel degelijk iets te verwijten. Wat bedoelde en onbedoelde slachtoffers zijn kun je niet strikt scheiden. De humanitaire gevolgen van een oorlog behoren daarom van tevoren ingecalculeerd te zijn.

Wilt u naar aanleiding van dit stuk een internationale oproep zoals 'Geen straffeloosheid voor de Amerikaanse oorlogsmisdaden in Irak' ondersteunen? Surf naar: **http://www.intal.be/**

Geert Van Moorter is bereid meer voordrachten te geven. Hij is te contacteren via Geneeskunde voor de Derde Wereld, **Geneeskunde voor de Derde Wereld, vzw Haachtsesteenweg 53, 1210 Brussel. Tel: +32 2 209.23.60. Fax: +32 2 209.23.51 E-mail: info@g3w.be Internet: www.g3w.be**

Steun het werk van dr. Geert Van Moorter van Geneeskunde voor de Derde Wereld. Stort een bijdrage op **rek. 001-1951388-18** van Geneeskunde voor de Derde Wereld vzw met vermelding «missie **Irak 280303**» Giften vanaf € 30 zijn fiscaal aftrekbaar. Stortingen vanuit het buitenland gebeuren het best op onze postbankrekening: 000-1617383-05 van Geneeskunde voor de Derde Wereld vzw IBAN: BE 96 0001 6173 8305 BIC: BPOTBEB1



De heren Hans Bottema, Emiel Wennen en mevrouw Ina Lanjouw

Klachten van veel veteranen over ernstige gezondheidsproblemen

Het golfoorlogssyndroom, werkelijkheid of fictie?



Fernando Lopes da Silva

In het kader van de Cursus Gezondheidszorg en Vredesvraagstukken van de Vrije Universiteit (VUmc) en de Universiteit van Amsterdam (AMC) geef ik al jaren colleges over de rol van artsen bij biomedisch onderzoek in het kader van Defensie. De kern van deze colleges is de kwestie van de sociale verantwoordelijkheid van artsen die betrokken zijn bij de evaluatie van de mogelijke gezondheidseffecten van nieuwe wapens of van technieken om wapens van potentiële vijanden te neutraliseren.

In al deze situaties komen morele kwesties, in het bijzonder het misbruik van mensen die als proefpersonen in een onderdanige positie verkeren, sterk naar voren. In vogelvlucht komen uiteraard ter sprake de verschrikkelijke experimenten die nazi-artsen in concentratiekampen uitvoerden tijdens de Tweede Wereld oorlog, maar ook de verrassende experimenten die tijdens de Koude Oorlog in de USA zijn verricht om de *collateral damage* van nucleaire wapens te bepalen. Voorts wordt aandacht besteed aan de meer recente en nogal geheimzinnige experimenten die tijdens de Golfoorlog zijn uitgevoerd bij militairen om ze te beschermen tegen het eventuele gebruik van chemische en biologische wapens. Hier wil ik het laatsgenoemde onderwerp kort bespreken, omdat deze experimenten in verband staan met het 'Golfsyndroom', waarover de laatste jaren regelmatig in de pers is geschreven. Vooral in de USA hebben de autoriteiten, zowel het Pentagon als verschillende gezondheidsinstellingen, aanvankelijk het bestaan van een 'Golfsyndroom' jarenlang bestreden ondanks de klachten van veel veteranen over ernstige gezondheidsproblemen. Desalnietemin er is een kentering in deze arrogante ontkenningen te bespeuren op basis van de zeer recente maatregelen die het Pentagon heeft ondernomen i.v.m. de tweede Golfoorlog. Deze kentering heeft enige publiciteit gekregen in het tijdschrift *Science* van 14 en 28 maart 2003.

Het Golfsyndroom in het nieuws

Meer spectaculair is het wereldnieuws (zie Volkskrant van 6 mei j.l.) dat een Britse militaire rechtbank op 5 mei heeft geoordeeld dat een verband tussen inentingen tegen chemische en biologische wapens en het 'Golfsyndroom' aangetoond is. De rechtbank stelde een Britse veteraan (Alex Izett, 33 jaar) uit de eerste Golfoorlog in het gelijk en erkende dat zijn ernstige gezondheidsklachten veroorzaakt zijn door de vaccinaties die hij vlak voor de oorlog kreeg. Volgens de Volkskrant zou een woordvoerder van het ministerie hebben verklaard dat er 'geen enkel wetenschappelijke bewijs voor de relatie (tussen Golfsyndroom en inentingen) bestaat' en dat 'de rechtbank dit in de uitspraak ook niet heeft kunnen onderbouwen'. Dus het Britse ministerie van defensie was het niet met de uitspraak van de rechtbank eens, maar zal geen beroep aantekenen. We kunnen niet anders concluderen: het ministerie aanvaardt dat er tóch een relatie bestaat.

Hoe komt het 'Golfsyndroom' tot uiting?

De veteranen klagen over ernstige chronische vermoeidheid, zwakke spieren, pijn in spieren en gewrichten, hoofdpijn, duizeligheid, verminderd concentratievermogen en geheugenverlies. Maar heeft het Britse ministerie van defensie gelijk door te zeggen dat er 'geen enkel wetenschappelijk bewijs voor de relatie tussen Golfsyndroom en inentingen bestaat'? Als er geen enkel bewijs zou bestaan, waarom zou het Pentagon bij de tweede Golfoorlog dan maatregelen hebben genomen om de kans op het optreden van het Golfsyndroom te bestrijden? Uiteraard is de motivatie van het Pentagon sterk bepaald door de mogelijke consequenties die veroordelingen in een reeks rechtszaken in de vorm van financiële claims zullen hebben.

Na de eerste Golfoorlog is het Pentagon onder vuur genomen door veteranen, het Congres in Washington en de media voor het ontkennen van de gezondheidsproblemen van de veteranen en zelfs voor het behandelen van de veteranen als lastige aanstellers. Onder druk van de organisaties van veteranen en het Congres heeft het *Department of Veterans Affairs* in Washington een contract gesloten met het *Institute of Medicine* van de *National Academy of Sciences USA* om onderzoek naar alle aspecten van de gezondheidsproblemen van veteranen van de Golfoorlog te verrichten. Met dit doel heeft dit Instituut een *Committee on Health Effects Associated with Exposures during the Gulf War* ingesteld. Volgens Enserink (*Science* 2003, 299: 1966-1967) is duidelijk dat ... '*Today, a new philosophy has taken hold among military leaders that accepts that the panoply of medical problems is real and that science can not pinpoint the causes*'. Een belangrijke vraag is of de wetenschappelijke ach-

11-7-2003

Foto: Geert van Kesteren/Hollandse Hoogte

Verarmd uranium maakt duizenden slachtoffers

De dagelijkse strijd van voormalig golfer Damacio Lopez

Tekst Ronald Kennedy



Bij de oorlog in Irak is weer verarmd uranium in wapens gebruikt. Over de gezondheidsrisico's wordt vaak heftig gediscussieerd. Met de wapenindustrie en politici aan de ene kant en activisten als Damacio Lopez aan de andere. Eind juni was de oprichter van IDUST (International Depleted Uranium Study Team) in Nederland om hier het belang van een moratorium op verarmd uranium toe te lichten.

Lopez buigt zich aandachtig over een stuk papier en maakt wat aantekeningen. De actievoerder is te gast bij het nucleaire onderzoekscentrum LAKA in Amsterdam. Het blijkt dat Lopez hier de laatste hand legt aan een internationaal verdrag tegen verarmd uranium. 'Ik denk dat uiteindelijk zo'n 180 landen hier hun handtekening onder zetten', aldus Lopez hoopvol wijzend op het stuk papier. Henk van der Keur van het LAKA knikt instemmend.

Maar bij Lopez, die de hele wereld afreist met z'n campagne, gebeurt alles op z'n tijd. Voordat hij verder uitwijdt over uranium en wapens, wil hij eerst zijn persoonlijke verhaal kwijt. En door zijn meeslepende en aangrijpende vertelwijze vergeet je al snel dat je in een Amsterdams kantoor zit, en waan je je in een politieke thriller.

'Halverwege de jaren '80 was ik een professioneel golfspeler', begint Lopez. 'Daar kwam een abrupt eind aan toen ik eind 1985 een bijna fataal auto-ongeluk kreeg.' Een *life-changing event*, noemt hij het. 'Ik was een levensgenieter. Ik was altijd op reis en had nooit gebrek aan geld. Ik leefde echt de American Dream.' Totdat, op weg naar zijn zoveelste toernooi, een vrachtwagen letterlijk zijn pad kruiste. 'Mijn rug was verbrijzeld en ik kon nooit meer golfen. Door de torenhoge ziekenhuisrekeningen was er op een gegeven moment van mijn geld ook weinig over. De droom was uiteen gespat.'

Lopez zag geen andere uitweg dan terug te keren naar zijn geboortedorp Socorro, een zanderig gehucht in New Mexico. Hier wilde hij in rust herstellen van het ongeluk. Maar 's nachts werd Lopez wakker gehouden door luide explosies vanaf de berg. 'Op zich niks nieuws want de berg bij ons dorp wordt al decennia lang gebruikt voor mijnbouw. Als klein jongetje ging ik al kijken naar de ontploffingen. Ik waande me veilig achter het hek.'

Maar Lopez kreeg het vermoeden dat er meer plaatsvond dan mijnbouw toen er, letterlijk, zwarte wolken boven het dorp samenpakten. 'Nu viel het me op dat wel erg veel kinderen in Socorro aan de zeldzame aandoening hydrocephalus leiden.' 'Waterhoofd', vertaalt Van der Keur. Lopez: 'En als er weer iemand doodging, was steevast de doodsoorzaak kanker.'

Lopez ging op onderzoek uit en ontdekte dat het leger grote hoeveelheden verarmd ura-



nium liet ontploffen boven het dorpje en tegen de berg, waar veel dorpelingen hun drinkwater haalden. Maar de link met de gezondheidsklachten bleek moeilijk te bewijzen. 'Mijn informatie berustte allemaal op horen-zeggen', bekent Lopez. Maar toen hij in 1987 een gezondheidsonderzoek aanvroeg bij de lokale overheid werd dit, vanuit Washington, afgewezen. 'De reden die ze gaven was bijna lachwekkend', meent Lopez hoofdschuddend. 'Ze zeiden dat de stofdeeltjes toch niet voorbij het prikkeldraad om het test-terrein konden komen. Toch weigerden ze elk onderzoek.'

Maar de zoektocht van de activist bleef niet onopgemerkt. Niet veel later stonden er plotseling een paar dozen voor zijn deur. 'Toen ik ze openmaakte, zag ik stapels met staatsdocumenten. Eerst begreep ik er niks van. Maar al lezende besefte ik dat er veel meer aan de hand was dan de regering wilde toegeven. Dat het testterrein wel degelijk gevaarlijk was voor de omwonenden.'

'Dit was waarschijnlijk de grootste teleurstelling van mijn leven,' zegt Lopez. 'Voorheen was ik een ware patriot. Ik had vier jaar bij de luchtmacht gediend en had een rotsvast vertrouwen in het systeem. Het feit dat ik al die tijd ben voorgelogen heeft me zeer veel pijn gedaan.' De generaals waar hij ooit tegen golfde waren nu tegenstanders geworden in een veel omvangrijker spel.

Het Amerikaanse leger heeft nooit ontkend dat het verarmd uranium (vaak afgekort tot DU) verwerkt in munitie. DU doorboort met het grootste gemak pantserplaten en is dus zeer geschikt voor het maken van munitie, variërend van kogelhulzen tot clusterbommen. Bovendien is het snel ontvlambaar. Na impact met een tank bijvoorbeeld, veroorzaakt DU een tweede ontploffing in het getroffen doelwit. Hetgeen een gewisse dood voor de bemanning betekent. Het Pentagon benadrukt dat DU alleen wordt gebruikt om tanks en andere militaire installaties te doorboren.

Kernreactoren

Maar DU heeft een andere dodelijke eigenschap: haar radioactiviteit. Lopez schetst op een papiertje waar verarmd uranium vandaan komt. Het is een ingewikkeld proces, maar feitelijk komt het er op neer dat het restafval is van opwerkingsfabrieken. Het zuivere produkt wordt gebruikt voor kernreactoren, het pulp gaat naar de wapenfabriek. Ondanks dat de schadelijke isotoop U-235 grotendeels uit het uranium is verwijderd, blijft DU zeer dodelijk. 'Bovendien hebben we *vervuild* munitie gevonden in bijvoorbeeld Kosovo waar de isotoop nog wel in zat. En soms zat er verrijkt uranium of zelfs plutonium in, dat is 200.000 keer schadelijker. En dat kan maar een herkomst hebben: kernreactoren', zegt Lopez. 'Het Pentagon gooit het laconiek op een *vergissing*.

'Volgens allerlei internationale wetten zijn alle radioactieve wapens verboden. Maar de Amerikanen hebben hun eigen regels', zegt Lopez terwijl hij een document uit een map tevoorschijn haalt. 'Dit komt vanuit een hele diepe la in Washington', glimlacht hij. Het blijkt een interne memo van het ministerie van Defensie, gedateerd uit 1980. Daarin staat het gebruikelijke argument, dat verarmd uranium gebruikt wordt om diens doordringbare vermogen. 'Maar let op de toevoeging. Ik citeer:', zegt Lopez terwijl hij zijn leesbril opzet: 'Dit moet in onze communicatie niet gerelateerd worden aan de radioactiviteit van DU.' Vervolgens legt Lopez nog een aantal vrijgegeven memo's op tafel, waarin wordt gepraat over de radioactieve eigenschappen van de wapens. 'Zo kruipen ze heel slim door de mazen in de wetgeving.'

Het LAKA heeft berekend dat alleen al tijdens de eerste golfoorlog achthonderd ton aan DU-wapens is afgevuurd. Het 'International Committee of Radiological Protection' schat dat dat bij langdurige inademing het leven kan kosten aan een half miljoen mensen. 'En het gebruik van verarmd uranium neemt alleen maar toe,' zegt Van der Keur.
'Dat verarmd uranium schadelijk is zal elke serieuze medicus beamen, behalve als ze voor het leger werken', zegt Lopez. Dr. Marvin Resnikoff, een autoriteit op het gebied van partikels, somt de gevaren als volgt op: 'Als uranium ingeademd wordt, verhoogt dat het risico op longkanker. Wanneer uranium verteerd wordt, neemt de kans op kanker in het bottenstelsel toe. En als uranium zich concentreert in het beenmerg, vergroot dat de mogelijkheid op leukemie. Uranium nestelt zich ook in het zachte weefsel, zoals in de geslachtsklieren, waardoor de kans op erfelijke ziektes, aangeboren afwijkingen en spontane abortussen toeneemt.' In januari 2003 werden deze gezondheidsrisico's bevestigd door de Europese Commissie over Stralingsrisico's.

Weer een ander onderzoek toont aan dat er bij Golfoorlogveteranen tien jaar na hun verblijf in Irak nog uranium in de urine is aangetroffen. Achtduizend geallieerden overleden aan het zogenaamde *Golfsyndroom*. Ook in de Balkan werden militairen ziek met vergelijkbare klachten. Waarschijnlijk zijn ook zij blootgesteld aan 'verontreinigd verarmd uranium.'

Voedselketen

Maar verarmd uranium eist vooral burgerslachtoffers. In Irak sterven sinds de eerste Golfoorlog 1,5 miljoen mensen een voortijdige dood, waarvan eenderde jonger dan 5 jaar oud. Vaak aan leukemie, kanker of aangeboren afwijkingen. In de Tigris en bij Basra zijn grote hoeveelheden verarmd uranium gevonden. En waarschijnlijk via het vlees en vis in de voedselketen terechtgekomen.

Hoe gevaarlijk munitie met DU kan zijn ondervond Lopez afgelopen december aan

den lijve. Hij was op bezoek in Irak met voormalig 'attorney general' Ramsey Clarke. Gewapend met de modernste meetapparatuur verrichtte hij enkele metingen. 'Eerst maten we de achtergrondstraling. Deze lag gemiddeld rond de acht of tien deeltjes per seconde. Dat is normaal." Bij de Highway of Death in Basra onderzocht het team enkele tankwrakken. 'We hadden er al dertig onderzocht, zonder opzienbarend resultaat. Totdat we vlak voor ons vertrek een volledig uitgebrande tank zagen. En deze keer was het projectiel nog aanwezig.'

Toen Lopez de straling meter op de gebruikelijke vijf centimeter afstand hield sloeg het apparaat op tilt. 'Ik vergrootte de afstand tot tien centimeter. De getallen rolden over het meetapparaat tot het stopte op ruim 2400 tikken. Na nog wat metingen, dachten we dat het een goed moment was om huiswaarts te keren.'
Maar al rijdend ziet Lopez rode builen op zijn arm verschijnen. 'Eerst dacht ik nog dat het insecten waren, daar kruipt en vliegt heel wat rond in die woestijn', aldus Lopez nuchter. 'Maar toen voelde ik me duizelig en misselijk. Er verschenen ook bulten op mijn gezicht, precies op de plekken die niet bedekt waren door mijn gasmasker.' Lopez werd met spoed naar Europa gevlogen en liet zich onderzoeken door een paar Deense bevriende artsen. 'Daar heb ik drie maanden een ontgiftigingskuur gevolgd. Het was echt een verschrikkelijke tijd met veel onderzoeken, behandelingen en medicijnen', aldus Lopez. 'Nu nog komen de bulten sporadisch te voorschijn'. Hij wijst op een paar zwarte littekens rondom zijn neus.

'Ik kan me dus verschrikkelijk kwaad maken als politici, maar ook media beweren dat DU niet gevaarlijk is', aldus Lopez plotseling fel. 'Mensen moeten van het gevaar op de hoogte gesteld worden.' Zo zag Lopez hoe in Palestina kinderen met wapens speelden. 'Met een lieve glimlach op die snoeten kwamen ze naar ons toe, hun handjes vol munitie' beschrijft Lopez beeldend. 'Godzijdank hebben we daar geen verarmd uranium aangetroffen. Eigenlijk is dat een van de weinige plekken geweest.' In Kosovo, Afghanistan en Irak vond Lopez wel 'vervuild' DU.

Moratorium

De Amerikaanse wetgeving heeft wel restricties wat betreft de landen aan wie DU verkocht mag worden. Het gaat hierbij vooral om NAVO-deelstaten, zoals Nederland. 'In elk land dat we bezoeken sturen we een brief

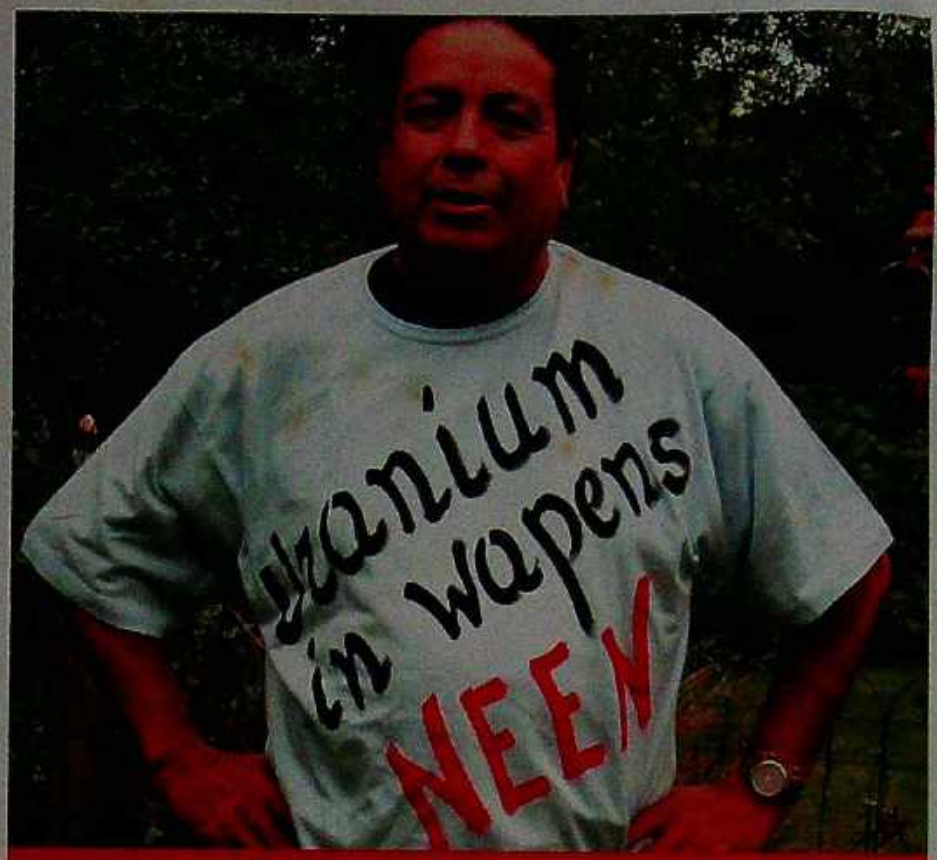


Foto Marieke Van Capenolle

Damacio Lopez

aan de regering met de vraag of ze DU-wapens hebben of gebruiken', zegt Lopez. 'Ik heb de Nederlandse regering ook geschreven en gevraagd om deel te nemen aan onze campagne tegen deze inhumane wapens. Of Nederland ook deze wapens heeft? Wie zal het zeggen.'
Volgens SP-kamerlid Krista van Velzen is dat 'zeer waarschijnlijk' niet zo. 'Maar we moeten niet vergeten dat Nederland wel meedoet aan missies waar DU wel wordt gebruikt', aldus Van Velzen.

Naar aanleiding van de recente oorlog in Irak, stelde ze Kamervragen aan minister De Hoop-Scheffer. In zijn antwoord is de minister aanvankelijk sceptisch over de gevaren van DU. Hij stelt hierin dat er 'geen direct verband' is aangetoond tussen verarmd uranium en kanker. En: 'Er zijn geen nadelige effecten op het grondwater of de gewassen in gebieden waar deze munitie is ingezet.'
Maar als het gaat om de bescherming van 'onze jongens' die worden uitgezonden, denkt De Hoop-Scheffer hier plotseling anders over. De soldaten krijgen van het ministerie het advies uit de buurt te blijven van vernietigde doelen. 'Als vaststaat dat het object is uitgeschakeld door munitie met verarmd uranium kunnen stofdeeltjes aanwezig zijn die niet moeten worden ingeademd.'

Volgens Van Velzen wordt de Nederlandse regering aan het lijntje gehouden door de VS. 'Je kan je afvragen in hoeverre je als klein NAVO-staatje dwars kan liggen bij de grote jongens', aldus Van Velzen. Zowel de Amerikaanse en Britse defensiestaf hebben informatie over verarmd uranium, maar willen dit niet vrijgeven. 'En het is niet in het belang van onze regering om lastige vragen te stellen,' aldus Van Velzen.

'Het is schrijnend dat al sinds de eerste golfoorlog wordt gesproken over de gevaarlijke gevolgen, maar een gedegen onderzoek uitblijft', aldus Van Velzen. 'Hierdoor blijft de regering schermen met het feit dat er onvoldoende bekend is. Ik geloof in ieder geval niet dat verarmd uranium ongevaarlijk is. Ik stel dan ook voor dat er een moratorium wordt ingesteld totdat alles tot op de bodem is uitgezocht. Als de Nederlandse regering dan nog beweert dat verarmd uranium veilig is, wil ik de bewijzen wel eens zien.'

Lopez hoopt ook op een grootschalig onderzoek, maar is pessimistisch over het resultaat. 'Het heeft ruim veertig jaar geduurd voordat de nadelige gevolgen van roken werden aangetoond.' Daarom ijvert de activist voor een moratorium, zo snel mogelijk. 'Binnen achtien maanden wil de VS zogenaamde 'mini-nukes' of 'bunkerbusters' in haar arsenaal opnemen. Dat moet gestopt worden. Omwille van de gezondheid van ons allemaal. Of we nou in Nederland, Afghanistan, Irak of Socorro wonen.' ●


Brandhaa

urtocht vergt doden

cht van VS

Saddam

verhevigd

'Machtsvacuüm in Irak trekt moslim-terroristen aan'

15 May 2003

Interview | 'VS moeten haast maken met herstel van veiligheid', vindt Midden-Oostenkenner Joost Hiltermann



Joost Hiltermann

Amerikaanse kiezer ligt niet wakker van kosten oorlog

omaanslag op N-gebouw Bagdad

2003

Aanval op VN is ook aanval op Amerika



Reddingswerkers zoeken in het puin van het VN-hoofdkwartier in de Iraakse hoofdstad Bagdad dat gisteren door een bomaanslag werd verwoest naar overlevenden. Het gebouw, het voormalige Canal Hotel, is sinds 1991 het hoofdkwartier van de internationale organisatie. Zowel de VN-waarnemingsmissie als medewerkers van het Algemeen Vluchtelingenprogramma en het Wereldvoedselprogramma werkten vanuit het getroffen gebouw. In het centrum van Bagdad, ook in 1991 was het Canal Hotel, gelecht van een aanslag, maartag vluchtgeen slachtoffers. (Foto: AP)

kezen niet overtuigd

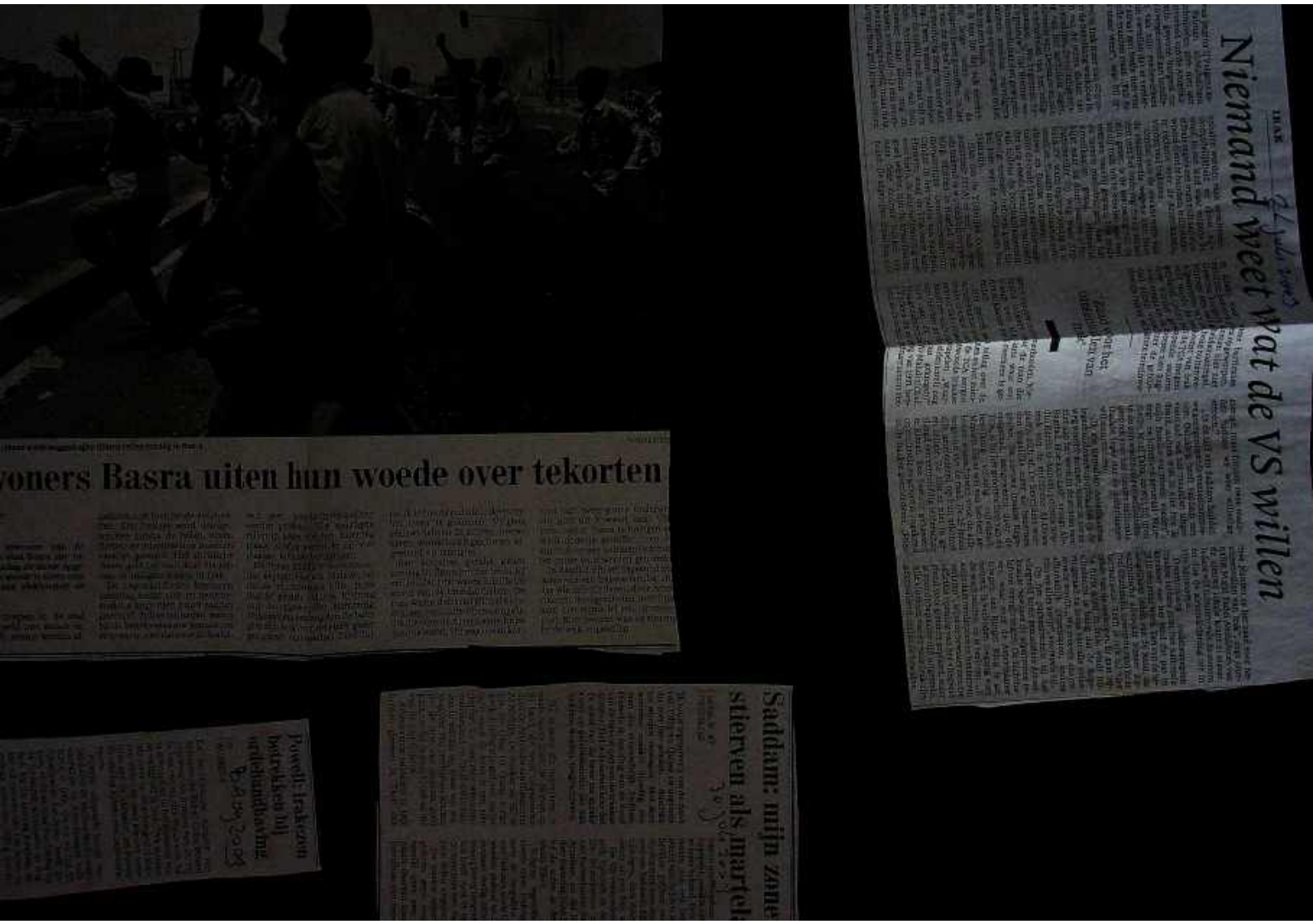
S tonen oto's zoons addam

2003

AD WASHINGTON/ 29 JULI. De Amerikaanse rege-
ende gruwelijke foto's gepubliceerd van de lijken van
n Hoessein zoons Oday en Qusay om sceptische Ira-
n Irakezen dat ze echt dood zijn.

Het lijk van Uday, oudste zoon van Saddam Hoessein. De VS hopen met de gruwelijke foto's de Irakezen ervan te overtuigen dat Saddams bewind voorgoed voorbij is. Foto Reuters

Een van de oorlogsgravures van het lijk van Saddam Hoessein Jongste zoon Qusay, die samen met zijn broer dinsdag door Amerikaanse troepen in de Noord-Irakese stad Mosul werd gedood. (Lees A6)


Niemand weet wat de VS willen
voners Basra uiten hun woede over tekorten
Saddam: mijn zoon
sterven als martel

Hoezo, onze Irakezen?

Parcel Zakaria



ook bomen sneuvelen in Irak



emocratie is niet heilig

Fareed Zakaria:
Irak kan als eerste

Pentagon-experts:

Ingrijpen om chaos Irak te voorkomen

2003

Door een onzer redacteuren

ROTTERDAM, 18 JULI. Wanneer de VS niet snel ingrijpen en recht en orde creëren in Irak, dreigen zij de kant daarvan te lopen en vervalt het land mogelijk in complete chaos.

Dat is de uitkomst van een groep specialisten die in opdracht van het Amerikaanse ministerie van Defensie onderzoek hebben gedaan naar de situatie in Irak. Volgens een topambtenaar bij het Pentagon die uit eigen beweging naar buiten trad, bestaat de kans dat de situatie in Irak "snel" verslechtert. Hij vreest dat de Iraakse bevolking dan massale „bevrijdingsacties" gaat organiseren tegen de bezettende troepen van de VS en Groot-Brittannië. Dat zou kunnen leiden tot een „bloedbad", zegt de topambtenaar.

De uitkomsten van het onderzoek zijn op 7 juli vastgelegd in een rapport, getiteld „De Irakese uitdaging". Het is geschreven door Larry Diamond, een voormalig adviseur van de Coalition Provisional Authority (CPA), het bestuur dat de VS na de oorlog in Irak hebben opgericht. Diamond is nu verbonden aan de Hoover Institution, een denktank aan de Stanford University in Californië. Hij is een bekend deskundige op het gebied van democratisering en burgerbestuur.

Diamond is niet de enige die de laatste weken waarschuwt voor de gevaren die dreigen in Irak. Ook de Amerikaanse ambassadeur in Bagdad, Paul Bremer, heeft herhaaldelijk gezegd dat de VS meer troepen in Irak moeten inzetten om de orde te handhaven. Volgens Bremer is het aantal van 145.000 soldaten dat de VS nu in Irak hebben, onvoldoende om de veiligheid te garanderen.

Bremer wordt in zijn opvatting gesteund door de Iraakse bevolking. Uit een onderzoek dat in juni werd gehouden door het Amerikaanse Gallup-instituut, bleek dat 70 procent van de Irakezen meer troepen wil zien. Ook de Iraakse politie- en legerleiding is voor meer troepen.

Minister van Defensie Donald Rumsfeld en zijn adviseurs, in Bagdad, in Washington en op het Pentagon, zien dat echter niet zitten. Volgens Rumsfeld zijn meer troepen niet nodig. Hij wijst op de successen die de VS in Irak hebben geboekt. Zo zijn de meeste leden van de voormalige Iraakse regering gevangengenomen of gedood, zijn de meeste massavernietigingswapens vernietigd en is de economie weer op gang gekomen.

Rumsfeld is ook bang dat meer troepen de indruk wekken dat de VS van plan zijn om lang in Irak te blijven. Dat zou de weerstand tegen de Amerikaanse bezetting alleen maar aanwakkeren, zo is zijn redenering.

Het rapport, gebaseerd door niet dan een beetje van de Amerikaanse militairen in Irak, is dat „realistisch" is. Het bijvoorbeeld dat meer troepen niet het Iraakse volk er alles aan gelegen is om de VS uit het land te krijgen. Dat maakt misschien de weg vrij voor de Verenigde Staten om zich langzaam terug te trekken uit Irak. Volgens Diamond is daarvoor een troepenmacht van 200.000 soldaten nodig.

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Het rapport, gebaseerd op gesprekken met Iraakse politici, ambtenaren, „vrije" en vertegenwoordigers van de Iraakse bevolking, is dat „realistisch" is. Het bijvoorbeeld dat meer troepen niet het Iraakse volk er alles aan gelegen is om de VS uit het land te krijgen. Dat maakt misschien de weg vrij voor de Verenigde Staten om zich langzaam terug te trekken uit Irak. Volgens Diamond is daarvoor een troepenmacht van 200.000 soldaten nodig.

Bij het omverwerpen van de vijand is niet alles geoorloofd

11 Aug 2003

Oorlog zal wellicht nooit worden uitgebannen. Maar iets van het geweld, de wreedheid en de excessen waarmee oorlogen gepaard gaan, moet wel aangepakt worden, vindt **Robert S. McNamara.**

Op de avond van 9 maart 1945, men de benauwingen van het 21ste Bomber Command terugkeerden van hun eerste bombardementsvlucht boven Tokio, wachtte generaal Curtis LeMay hen op in zijn hoofdkwartier op Guam. Ik was van het luchtmachthoofdkwartier in Washington tijdelijk op Guam gestationeerd en LeMay had me gevraagd die avond samen met hem de rapportage over de missie bij te wonen.

LeMay deed zijn baan van binnenvetter oor aan. In mening gerecht leek hij een bruut, maar bij wat ook de bekwaamste bestuurder die ik in mijn drie jaar bij het *US Army Air Corps* tijdens de Tweede Wereldoorlog heb tegengekomen.

Die avond had bij er 334 B-29-bommenwerpers op ingestuurd om – zoals bij het zieke – tegen het minimum verlies aan Amerikaanse levens de maximum verwoesting aan het doel toe te brengen. De Tweede Wereldoorlog ging zijn laatste maanden in en de Verenigde Staten begonnen met het versietigende slotoffensief voor een onvoorwaardelijke Japanse overgave.

Alleen al op die avond verbrandden door de bommenwerpers van LeMay 83.793 Japanse burgers en raakten nog eens 40.918 gewond. De vliegtuigen gooiden brandbommen en vlogen laag dan voorheen, waardoor ze nauwkeuriger en verwoestender waren.

Ze maakten een groot deel van Tokio zoals gestalt gelijk. Het was een heuzin stad – zoals ik bij een bezoek in 1937 had gezien – en die brandde als een fakkel toen er brandbommen op werden gegooid. De aanval van die avond was pas de zeroe van 67. Avond na avond – nog 66 maal – werden bestanningen de hemel boven Japan in gestuurd.

Natuurlijk vielen niet elke avond 83.000 mensen de verbrandingsdood, maar in de loop van enkele maanden braakten Amerikaanse bommen uitzonderlijke schade aan een groot aantal Japanse steden toe – 300.000 doden, 1,3 miljoen gewonden, meer dan de helft van de bevolking dakloos. Het land was ontredderd. Het dodental was uitzonderlijk. Radio Tokio vergeleek de aanvallen met de brand van Rome in het jaar 64.

LeMay was overtuigd van de juistheid van zijn aanpak en bij zei tegen zijn medeleden (aan wie hij geen verlof had gevraagd om de aanval van 9 maart uit te voeren): „Als u wilt dat ik de rest van Japan ook verbrand, dan kan dat." Zijn standpunt over oorlog was duide-

> De vraag of bijvoorbeeld 'Hiroshima' wettig was, dient beantwoord te worden

lijk: wie gaat vechten, moet wachten om te winnen. In de jaren daarna werd bij als volgt gezinnerd: „Wie militair geweld gebruikt, kan het beste een overmacht inzetten." Ook zei hij: „Elke oorlog is immoreel, en wie daar niet tegen kan, is geen goede soldaat."

Nu ik bijna 80 jaar later terugkijk – en ook nadat ik zeven jaar minister van Defensie ben geweest in een van de hectste perioden van de Koude Oorlog, met inbegrip van de Cubaanse rakenscrisis – moet ik zeggen dat ik het daar niet mee eens ben.

Of oorlog immoreel is of niet, bij dienst te worden gewerd binnen een duidelijk omlijnd stel regels.

Nog één wat LeMay zei, en wat ik hem ook zelf heb horen zeggen: „Als we de oorlog verliezen, zullen we berecht worden als misdagsmisdadigers." In dat laatste had hij gelijk. Dat zou gebeurd zijn. Maar wat maakt je gerlog immoreel als je verliest en niet immoreel als je wint?

De illusorie van de 'rechtvaardige oorlog', voor het eerst uiteengezet door de grote katholieke denkers, sterft dan de meeuwing van militair recht overmoedig dient te zijn met de aard waarvoor ze wordt toegepast. Een aanklager zou hebben bezongd dat de verbandingsdood voor 83.000 burgers op één avond, gevolgd door nog eens 66

> We hebben behoefte aan een helder, internationaal aanvaarde code, zodat niet alleen een Congres en onze president, maar ook al onze militairen en burgerleiders weten wat bij conflicten wettig en onwettig is. En we hebben behoefte aan een hof dat de misdaden van bevelhebbers kan berechten.

Je hun wettig om op één avond 83.000 mensen te verbranden en je oorlogsdoelstellingen te bereiken? Was Hiroshima wettig? Was het gebruik van Agent Orange – het ontbladeringsmiddel dat werd ingezet door Ik minister van Defensie was – een schending van het volkenrecht?

Deze vragen zijn van wezenlijk belang.

Ons land moet zich, samen met het International Strafhof, melde inzetten om de antwoorden te vinden.

Robert S. McNamara was minister van Defensie onder de presidenten John F. Kennedy en Lyndon B. Johnson.
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de Volkskrant Woensdag 27 augustus 2003

Politie Irak in Hongarije opgeleid

VS vragen Boedapest medewerking

Van onze buitenlandredactie
Tijn Sadée
BOEDAPEST

De Verenigde Staten zijn met Hongarije in gesprek over het opleiden van een trainingskamp voor 28 duizend Iraakse politieen politiecagenten. In de steden Basra, Bagdad en Mosul worden al Iraakse agenten opgeleid. Maar door gebrek aan capaciteit willen de VS de extra agenten elders opleiden. Het plan is om de Irakezen over te vliegen naar een trainingskamp in Hongarije.

Maandag heeft de Hongaarse regering de Amerikaanse officiële toegezegd dat het Taszar-kamp kan worden gebruikt. Ook met andere Oost-Europese landen, zoals Polen en Roemenië, wordt nog gesproken over een ondersteunende rol in de opleiding van Iraakse agenten.

De keuze van het voormalige Hongaarse kamp is de Amerikaanse luchtmachtbasis in Taszar, in Zuidwest-Hongarije, herinrichte kamp waar de Amerikanen begin 2003 een opleiding begonnen voor duizenden Iraakse ballingen. Ook Irakezen die in Nederland wonen meldden zich destijds in Taszar aan.

De operatie in Taszar stuitte op veel verzet in Hongarije. Twee maanden later bleek dat er niet duizelend maar slechts tweehonderd Irakezen in Taszar verbleven, was de kritiek groot. Het politieke debat over de kwestie bleek deels voor niets te zijn geweest.

Over de nieuwe operatie in Taszar heeft de Hongaarse regering nog geen definitief besluit genomen. De Verenigde Staten hebben meerdere landen benaderd voor hulp', zegt Tamas Toth van het ministerie van Buitenlandse Zaken. 'Hongarije is in dit stadium bereid tot samenwerking.'

De Hongaarse regering acht het trainen van de Irakezen in Hongarije als een verantwoordelijke bijdrage in de strijd tegen terrorisme en tot bevorderen van stabiliteit in Irak.

Het optimen van het dodental onder Amerikaanse soldaten en de recente aanslag op het VN-hoofdkwartier in Bagdad tupen de VS tot het opvoeren van veiligheidsmaatregelen. Het Pentagon wil de huidige 148 duizend Amerikaanse manschappen in Irak niet uitbreiden.

Het dreef is het installeren van een 65 duizend man sterke politiemacht bestaande uit Irakezen. Nu al zijn er 37 duizend Iraakse agenten actief die opereren onder Amerikaanse regie. De extra honderdtalige 28 duizend agenten moeten volgens plan in acht weken in het Hongaarse trainingskamp door Amerikaanse officieren worden klaargestoomd voor hun taak, ordehandhaving in Irak.

Het kamp bij Taszar beriindt zich op een voormalige Sovjet-legerbasis. Tijdens de eerdere operatie, in januari van dit jaar, was er kritiek op de slechte omstandigheden in Taszar. Maar volgens woordvoerders van het Pentagon wordt het kamp flink aangepast en verbeterd.

De Hongaarse conservatieve oppositiepartij Fidesz verwijt de regering 'buiten parlementair een beslissing te nemen over een belangrijke kwestie met verstrekkende nationale gevolgen'. Het nieuwe over de geplande operatie in Taszar verscheen maandag in de Amerikaanse pers, waarna in Hongarije de discussie pas op gang kwam. 'In zo'n belangrijke kwestie was het logisch geweest de kwestie eerst politiek te bespreken voor te nemen', zegt een woordvoerder van Fidesz. 'De komst van 28 duizend Irakezen naar Hongarije maakt ons land tot mogelijk doelwit van terroristen.'

Wolfowitz erkent misrekening in Irak

25 Juli 2003

Van onze buitenlandredactie
AMSTERDAM

Wolfowitz deed verslag van een bezoek van vierenhalve dag aan Irak. Hij had geconstateerde dat de rust minder en het noorden de toestand 'indrukwekkend stabiel' is. Wolfowitz weet erop dat een aantal onoplosbaarties wraagje het Pentagon zich wel had voorbereid is uitgebleven: er kwam geen vluchtelingenstroom op gang en er kwam ook geen voedsel- of geneesmiddelencrises.

De Amerikaanse onderminister van Defensie Paul Wolfowitz heeft toegegeven dat het Pentagon de problemen heeft onderschat waar de VS in Irak voor zouden komen te staan na de val van Saddam Hussein. 'Sommige toestanden, vooral op het gebied van de veiligheid, waren minder gunstig dan waar we op waren voorbereid', zei hij gisteren in de *Financial Times*.

Onderminister Wolfowitz is de hoogste Amerikaanse regeringsfunctionaris die erkent dat Washington fouten heeft gemaakt bij de voorbereiding van de wederopbouw van Irak.

De plannenmakers van het ministerie van Defensie hebben op drie punten een verkeerde inschatting gemaakt van de na-oorlogse situatie, zei Wolfowitz. Ten eerste had het Pentagon gedacht dat met de ineenstorting van Saddam ook de dreiging van de Ba'ath-partij in één klap zou zijn verdwenen.

Bovendien had Washington verwacht dat zowel Iraakse legerofficieren als grote aantallen politieagenten zich snel zouden aansluiten bij het Amerikaanse leger om mee te werken aan de wederopbouw.

Irak en de fouten in het plan voor vrede

Te optimistisch Pentagon ging uit van onrealistische aannames, manco's in coördinatie

De regering-Bush plande de oorlog tot in de details. Maar, zo blijkt uit onderzoek van *The Los Angeles Times*, de vrede werd aanzienlijk minder goed voorbereid.

2003

DOOR MARK FINEMAN, ROBIN WRIGHT EN DOYLE MCMANUS

WASHINGTON, 22 JULI. In het geheim verzamelden ze zich in een auditorium in de bestreuwde Amerikaanse hoofdstad – generaals in uniform, staatssecretarissen, hooglaren oorlogsvoering en topambtenaren van het Pentagon, het Centrale Commando en andere federale instanties. De datum was 21 februari. Meer dan 100.000 Amerikaanse en Britse soldaten stonden klaar op de stoep van Irak. Hun plan van aanval was goedgekeurd. In minder dan dertig dagen zou de eerste Amerikaanse tank de zandheuvel tussen Koeweit en Irak overstekken, en daarmee het begin vormen van een snelle en beslissende oorlogsoverwinning.

Maar deze tweedaagse bijeenkomst in de National Defense University in Washington was de eerste maal dat alle aanwezigen onder één dak verzameld waren om over een even belangrijk punt te spreken: hoe de vrede in Irak moest worden verzwerd als de oorlog ten einde was.

„De Messias zou niet voldoende hulp en wederopbouw of humanitaire verrichtingen hebben hunnen organiseren op zo'n hoete termijn", herinnert Judith Yaphe, voormalig CIA-analist, zich van de bijeenkomst. „De militaire oorlogsplanning was lichtjaren verder dan de planning van al het andere", voegt een hoge defensiefunctionaris toe, die eveneens aanwezig was.

Jay Garner, de oud-generaal die de vergadering leidde en snel zou proberen de vrede te stichten, noemde het een *rock drill*: „Het is een militaire term – je draait alle stenen om." Toen ze dat deden, zo bevestigde Garner onlangs in een interview, stuitte de groep op „tientallen problemen", waronder manco's in de planning, coördinatie en de kans op missiebedreigende problemen als plunderingen en onrust onder burgers.

Bijna vijf maanden later, wordt de prijs voor die gaten nog steeds betaald. Sinds de val van Bagdad op 9 april hebben de Amerikaanse en Britse troepen moeite de orde te herstellen. Er is een tekort aan water, elektriciteit en veiligheid, waardoor de wrok onder veel Irakezen wordt gevoed. Een guerrilla-achtig verzet teistert zich af: Amerikaanse slachtoffers vallen bijna dagelijks in een operatie die 4 miljard dollar per maand kost en de terugtrekking van Amerikaanse troepen uitstelt.

> „Rolverdeling leek wel een remake van Ben Hur."

De regering-Bush plande de oorlog goed en won met een minimum aan slachtoffers. Nu, zo blijkt uit interviews met betrokken ambtenaren, militairen en analisten, bedreigen fouten in de planning van de vrede het leven van soldaten en kan het de overwinning overschaduwen.

De plannenmakers op het Pentagon veroordeelden twee zaken die niet waar bleken te zijn. Ten eerste dat de coalitietroepen een volledig functionerende moderne staat zouden erven, met werkende ministeries en politiekorpsen. Ten tweede dat het Iraakse verzet snel zou eindigen. Sommige ambtenaren van het Pentagon erkennen dat ze verbaasd zijn dat het zo moeilijk was om de orde te herstellen.

Konden die fouten worden voorzien? Veien buiten het Pentagon denken van wel. Het begin van de plannen voor na-oorlogs Irak werd in april 2002 besproken toen Afghanistan nog in het middelpunt van de belangstelling stond. Thomas Warrick, die niet meer wilde over ken aan dit onderzoek, huurde namens het Midden-Oostenbureau van het ministerie van Buitenlandse Zaken 240 Iraakse ballingen in, die bekend waren met de oliereserves, economie, en ten met de ellenaren, economie, en justitie van Irak. Ze maakten blauwdrukken van alles, van het bereiligen van de straten tot de hervorming van de Iraakse munt. „We legden meteen de nadruk op de veiligheid", zegt Ali Al-Amar, een Iraaks-Amerikaanse arts uit Virginia. „Dat was een van de grootste zorgen. We verwachten dat de Ba'ath-partijleden ons werk zouden saboteren."

Daarnaast zou het leger moeten worden hervormd. De Iraakse soldaten zouden moeten worden ingezet bij het reparateren van gebouwen, bruggen, dammen, vliegvelden en andere infrastructurele werken. Maar in plaats hiervan ontmantelden de Amerikaanse troepen het Iraakse leger. „Niemand luisterde naar ons", zegt Mohammed Fanar, voormalig Iraaks legerleider.

Terwijl Warricks groep op het ministerie van Buitenlandse Zaken werkte aan de blauwdrukken en de regering haar diplomatieke druk bij de Verenigde Naties opvoerde, werd er in skenner op het ministerie van Defensie onder leiding van Douglas J. Feith, nummer 3 op het Pentagon, ook een groep gecreeerd die zich met het naoorlogs Irak bezighield. Terugkijkend zeggen topambtenaren hierover dat Feith en het Pentagon de mening van hun plannen baseerden op informatie die werd gegeven door de Iraakse oppositieleider Ahmed Chalabi. Hij voorspelde dat het regime zou instorten door „ontbinding" en dat het naoorlogse Irak een land met een Amerikaanse vlaggen zwaaiende bevolking zou zijn. Feith ontkent dat het Pentagon te optimistisch was door de voorspellingen van Chalabi. Dat zou beteken dat „we een stel simpele sufkes zijn", Amerikaanse inlichtingendiensten, steppenhard te hebben voor een zware naoorlogse periode.

In de herfst groeide het aantal waarschuwingen. Hoogleraar en oud-kolonel Sam Gardiner schroef een document over het Koeweitse water- en elektriciteitsnetwerk van Irak, na decennia van nalatigheid. Iraakse ballingen vertelden over verwachten dat de Ba'ath-partijleden ons werk zouden saboteren."

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Garner maakte plannen terwijl de oorlog woedde. En toen Bagdad op 9 april viel, bevel generaal Franks hem in Koeweit te blijven omdat het te gevaarlijk was. Met zijn woeten in het zwembad van het Hilton-hotel waarschuwde Garner voor een machtsvacuüm. „Als je er niet bent, dan vult het vacuüm zich op een manier die je niet wilt."

Toen hij op 21 april Bagdad bereikte, schrok hij. Vrijwel alle regeringsgebouwen, die Garner wilde gebruiken, waren geplunderd. Geen bureau, telefoonnoer of ander material aanwezig. Zijn ervaringen met de Koerden in 1991 hadden

> „Messias zou niet voldoende hulp kunnen plannen."

hem hier niet op voorbereid, zegt hij nu. De Koerden „plunderden, maar de gebouwen bleven intact. Ze namen de afvoerbuizen niet mee, ze staken de gebouwen niet in brand." Legercommandanten zeggen dat hun nooit was verteld dat het beschermen van de ministeries prioriteit had. Soldaten stonden naast hun tanks en keken toe hoe de gebouwen werden ontruimd.

Feith van het Pentagon zegt dat zijn beleidsmakers voorbereid waren op plunderingen en onrust, maar dat andere risico's – brandende olievelden, vluchtelingen en hongersnood – belangrijker waren. „Wanneer je bepaalde risico's inschat, zeg je 'je kan niet alles doen'. That's life."

Met het winkhiven van de rust en veiligheid, en een groeiend aantal aanslagen op Amerikanen moest iets worden opgegeven. Dat werd Garner. Hij heeft wel dat hij niet werd ontslagen, maar dat zijn termijn van meer af aan vier maanden zou duren. Op 1 juni werd hij vervangen door Paul Bremer.

Terwijl Bremer in Irak worstelt met nieuwe aanslagen op Amerikanen en de mogelijkheid dat de Iraakse leider Saddam Hussein opduikt, wijzen minister Rumsfeld en andere hoge ambtenaren erop dat na gelijkoontige gebeurtenissen in andere landen evenems chaos heerste, waaronder de Amerikaanse Burgeroorlog. Critici zeggen dat dit des te ernstiger is, omdat er duidelijk wel plannen werden gemaakt voor een naoorlogs Irak. „Er werd meer gepland dan de regering-Clinton deed bij elk van haar interventies", zegt James Dobbins van het Rand-instituut. „Maar ze maakten plannen die gebaseerd waren op onrealistische aannames. Terugkijkend zouden ze zich hebben moeten realiseren dat, toen het oude regime instortte, er een machtsvacuüm zou ontstaan. Ze zouden zich moeten hebben realiseren dat extremistische elementen dat vacuüm zouden proberen op te vullen. Al deze dingen zijn een herhaling van eerdere ervaringen", aldus Dobbins.

Feith wuift de kritiek terzijde, als zijnde te „simplistisch". Ondanks eerder problemen, wordt er nu voorzuigang geboekt. Orde keert terug en een nieuwe Iraakse raad is geinstalleerd.

Wel zeggen hij en andere Pentagon-ambtenaren dat ze de lessen van Irak bestuderen, om zich ervan te verzekeren dat een volgende overname van een land probleemlozer gaat. „We worden beter", beloofd Lawrence Di Rita, special assistent van minister Rumsfeld. „We dachten altijd dat naoorlogse vijandigheden een andere fase was dan de strijd zelf. De toekomst van oorlogsvoering is dat deze zaken meer een continuüm zullen zijn. We zullen beter worden als we het vaker doen", zegt hij.

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VS keken toe bij verwoesting archief Irak

Terwijl de regering-Bush verlegen zit om aanwijzingen voor massavernietingswapens in Irak, liet de coalitie belangrijke documenten door plunderaars vernietigen.

Scott Ritter staat voor een raadsel.

Ongeveer vijftienhonderd Amerikaanse onderzoekers schuimen Irak af op zoek naar bewijzen voor massavernietigingswapens. Onder de naam Iraq Survey Group en opererend onder de de supervisie van de voormalige wapeninspecteur David Kay, zoeken zij vooral naar documenten die hen zullen helpen vast te stellen dat Irak massavernietigingswapens heeft gefabriceerd of wilde produceren. Het is een afschrikwekkende opdracht. En volgens veel Iraakse gelecerden en ambtenaren die ik spreek laat hun aanpak te wensen over. Een voor de hand liggend beginpunt voor zo'n missie is de wijk Jadariya in het centrum van Bagdad, waar het complex waar eerlijds het Iraakse Nationale Directoraat voor Controle was gevestigd. Het was het regeringsbureau dat belast was met de coördinatie van alle aspecten van de VN-inspectieteams.

Het werd ook geacht de industriële infrastructuur in de gaten te houden en de naleving van Veiligheidsraadresoluties met betrekking tot ontwapening, verificatie en export-import controle te verzekeren. Als zodanig was het directoraat de opslagplaats van elk Iraaks overheidsdocument met betrekking tot de wapenprogramma's, en de activiteiten van industriën in Irak die gebruik maakten van 'dual use', oftwel bepaalde producten mochten maken, maar ook in staat waren verboden material te produceren.

Twaalf jaar verzamelden de Irakezen deze gegevens. De 12.500 pagina's van het verslag dat Irak in de herfst van 2002 aan de VN overdroeg werd samengesteld op basis van dit archief. En het material van het directoraat bevatte meer dan papieren documenten: elk gesprek dat door VN-inspecteurs met een Iraakse wetenschapper werd gevoerd werd in de jaren negentig op video gezet. Natuurlijk werd al dit material samengebracht door brave functionarissen en wetenschappers. En berreesd waren voor of loyaal waren aan het voormalige bewind. En zij deden dat met de bedoeling te bewijzen dat Irak zich aan de VN-resoluties hield (het tegendeel is in de vijf maanden na de invasie niet bewezen).

Zelfs als je het archief zou afdoen als een hoop leugens, dan nog zou het van hoge waarde zijn voor de Iraq Survey Group in haar onderzoek had kunnen begonnen. Enkele van mijn vruchtbaarste pogingen als inspecteur werden in gang gezet door cruciale bewegingen van de Iraakse regering.

Het schijnt dat nadat de coalitielegers Bagdad binnenstekken al die documenten nog aanwezig waren. Volgens verschillende hoge functionarissen van het directoraat die ik sinds de oorlog heb gesproken, werd het hele archief voor de oorlog in vaccuüm containers verpakt en in het hoofdkwartier opgeborgen. Toen hebben deze opgetuigen met de vrachtwagen verhuisd naar een geheime opslagplaats. Op 8 april, zeggen ze, werden de gebouwen door soldaten van de Derde Infanterie Divisie bezet.

Twee weken lang gingen de Iraakse wetenschappers en administrateurs nog naar hun werk, maar volgens sommigen die ik heb gesproken, werd hen door geen enkele vertegenwoordiger van de coalitie iets gevraagd of werd geprobeerd de hand op het archief te leggen. Sterker, zo vertelden deze stafmedewerkers mij, de Amerikanen trokken zich terug nadat zij het gebouw twee weken hadden bezet. Kort daarop werd het aan-

> **Meeste gegevens wapenprogramma's zijn vernietigd**

grenzen en geplunderd. In de eerste tijd was elke computer gestolen, waren computerdisks en video-opnamen vernietigd, en waren de zorgvuldig geordende documenten uit hun banden gescheurd, verbrand of verstrooid. Volgens een voormalige generaal die het gebouw daarna bezocht zijn zelfs aanwezige Irakese wetenschappers hun best de boel weer op orde te brengen, maar was het grootste deel van het archief verloren gegaan.

Natuurlijk ga ik af op het woord van voormalige functionarissen van het directoraat, maar dit zijn de mensen die goed kende in mijn tijd als inspecteur en geen van hen zou er iets bij te winnen hebben nu nog te liegen. Hoe dan ook, de plundering van het gebouw, en zeker de daar aan vooralgnande aanwezigheid van de Amerikaanse militairen, is door de westerse media uitvoerig vastgelegd.

Waarom werd dit toegestaan? Ik ben daar net zo verbaasd over als de Irakezen. Gegeven de hoge prioriteit die de regering-Bush geeft aan het ontdekken van bewijzen voor massavernietigingswapens, schijnt het niet meer dan logisch dat inbeslagname van het archief van het directoraat een topprioriteit van de coalitie zou zijn – op z'n minst zo belangrijk als het ministerie van Olie of het National Museum. En het lijkt hoogst onwaarschijnlijk dat de leiders van de coalitie niet wisten wat zich in het archief bevond.

Ik was een van de vele internationale inspecteurs die de leiding had over onderzoek in het gebouw. En de gegevens die wij vonden werden door de Amerikaanse regering gebruikt als onderdeel van de beschuldiging dat Saddam Hussein zijn verboden wapenprogramma's verborgen hield.

Nu er een geweldig meningsverschil is ontstaan over de voor-oorlogse beweringen van de regering-Bush, kan het belang van het archief niet overdreven worden. De 12.500 pagina's aan claims door Irak – waarvan er niet een onjuist is gebleken – bevatten het meest gedetailleerde verslag van het wapenprogramma van Irak.

Volgende maand zal de Iraq Survey Group een briefing aan Amerikanen en Britse functionarissen geven over hun onderzoek. President Bush heeft er al op gezinspeeld zij zal bewezen dat zij bewijzen heeft gevonden voor het bestaan van verboden wapenprogramma's en peilgen dat voor internationale inspecteurs verborgen te houden. Die bewering kan gegrond zijn, maar zonder de mogelijkheid tot vergelijking met de Iraakse versie, ben ik er niet zo zeker van of die het Amerikaanse publiek en de wereld zal overtuigen.

Scott Ritter is voormalige VN-wapeninspecteur in Irak.

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Anti-Amerikaanse betogers bij het politiekantoor van Fallujah, dinsdag. FOTO REUTERS

Bloedwraak afkopen met bloedgeld

De VS hebben haat gezaaid in Fallujah. Op 28 april vielen in de Iraakse stad achttien doden toen Amerikanen het vuur openden op betogers. De lokale traditie gebiedt 'oog om oog, tand om tand'. De Amerikanen geven bloedgeld om wraakacties af te wenden. Veel familieleden blijven kwaad.

Van onze correspondente
Kim Ghattas
FALLUJAH

Iedere ochtend komen er tientallen Irakezen naar het stadhuis van Fallujah. Ze begeven zich naar een kantoor tegenover het kantoor van de burgemeester. Daar hangt een briefje op de deur dat de burgers van de stad uitnodigt een claim in te dienen voor 'schade veroorzaakt door vergissing of onachtzaamheid van de Amerikaanse strijdkrachten'.

Sommigen komen omdat hun auto in beslag is genomen of omdat hun huis oorlogsschade heeft opgelopen. Maar er komen ook nabestaanden van Irakezen die door Amerikaanse militairen zijn gedood. 'Die schadevergoedingen zullen wel een einde maken aan de aanslagen op Amerikaanse soldaten', zegt de pro-Amerikaanse burgemeester Taha Bdawi. 'Dit is een traditionele, tribale samenleving, die nog altijd berust op de begrippen *thar'* (wraak) en *fidya* (bloedgeld).'

Bovendien hebben de Amerikanen twee miljoen dollar beschikbaar gesteld om de meest elementaire infrastructuur in de stad te herstellen, en verder zijn de Amerikaanse troepen uit de stad verhuisd naar stellingen even daarbuiten. 'Volgens mij zijn er minder vijandigheden tussen de soldaten en de burgers nu we rekening houden met de plaatselijke gebruiken', zegt luitenant Chris Haggard.

Fallujah, in de 'soennitische driehoek', stak bekend als een van de meest anti-Amerikaanse delen van Irak. Sinds medio juli was het er tamelijk rustig, maar het valt nog te bezien of de inspanningen van de Amerikanen in deze conservatieve, tribale stad zullen worden beloond met blijvend succes. Gisteren werd het bureau van de baas der Amerikanen getroffen door politie aangevallen met antitankraketten. Even later verschenen er zo'n tweehonderd betogers bij het bureau, die schreeuwden: 'Met ons bloed en onze ziel verdedigen wij jou, Saddam!'

Ook in andere delen van Irak proberen de Amerikanen bloedwraak af te kopen volgens de gebruiken van het land. Want de dood van een man dient te worden vergolden met de dood van vier leden van de vijandige stam, of van slechts één man als het een ongeluk was. Maar om een vendetta te voorkomen kan bloedgeld worden betaald. Burgemeester Bdawi heeft de Amerikanen uitgelegd dat er voor hen geen uitzondering kan worden gemaakt op deze regel. En Fallujah heeft heel wat doden te wreken.

Verwanten gedode Irakezen blijven kwaad op VS

In deze stad stamt de woede op de Amerikanen van 28 april, toen Amerikaanse soldaten die waren ondergebracht in een schoolgebouw het vuur openden op een groep demonstrerende Irakezen en er 18 doden en 78 gewonden vielen. Inmiddels hebben 26 families daarvoor bloedgeld ontvangen: 500 dollar voor een gewonde en 2500 dollar voor een dode (waarvan 1500 inzens). Het geld is afkomstig van Iraakse bankrekeningen in het buitenland die al tijdens de Golfoorlog zijn bevroren.

Luitenant Haggard, die de aanvragen afhandelt, zegt dat de Amerikanen in Fallujah zich inspannen om de Irakezen voor zich te winnen. 'Nu zien we veel meer vriendelijke gezichten op straat. Ik voel me niet meer onveilig als ik door de stad rijd', zegt hij.

Maar vriendelijke gezichten zijn in Fallujah nergens te bekennen. Mutharra Ali, die tegenover de school woont, werd tijdens de demonstratie in zijn enkel geschoten. Zijn broer werd doodgeschoten toen hij probeerde een van de demonstranten in veiligheid te brengen. Ook zijn vrouw, zijn moeder en een andere broer raakten gewond in het spervuur van Amerikaanse kogels.

Ali zelf, een taxichauffeur, heeft zijn schadevergoeding net binnen. Maar hij vindt het niet genoeg. 'Ik heb zeven kinderen, mijn auto is total loss, mijn been is geamputeerd – 500 dollar is niets', zegt hij. 'Niets kan het verlies van mijn broer vergoeden – zeker geen 1500 dollar. Als dat alles is wat we krijgen, staar ik het gewoon terug, want dit is een belediging.'

Gevraagd naar de inspanningen van de Amerikaanse soldaten om de infrastructuur te herstellen, antwoorden de inwoners van Fallujah dat ze geen enkele verbetering bespeuren – ook al zeggen de burgemeester en de Amerikaanse officieren dat de water- en elektriciteitsvoorziening weer terug zijn op hetzelfde niveau als voor de oorlog, en soms zelfs beter. De inwoners blijven erbij dat er helemaal geen schadevergoedingen zijn uitgekeerd. Het enige dat hun goedkeuring kan wegdragen, is dat de Amerikanen zich hebben teruggetrokken uit de stad.

'Er waren altijd moeilijkheden toen ze nog in de stad zaten', zegt Gurji Hays Ali. 'Altijd waren er schietpartijen, altijd was het onveilig. Met hun speciale kijkers konden ze door de kleding van onze vrouwen heen kijken. Het gaat al stukken beter nu de Amerikanen buiten de stad zitten, maar ze moeten gewoon wegwezen uit Irak.'

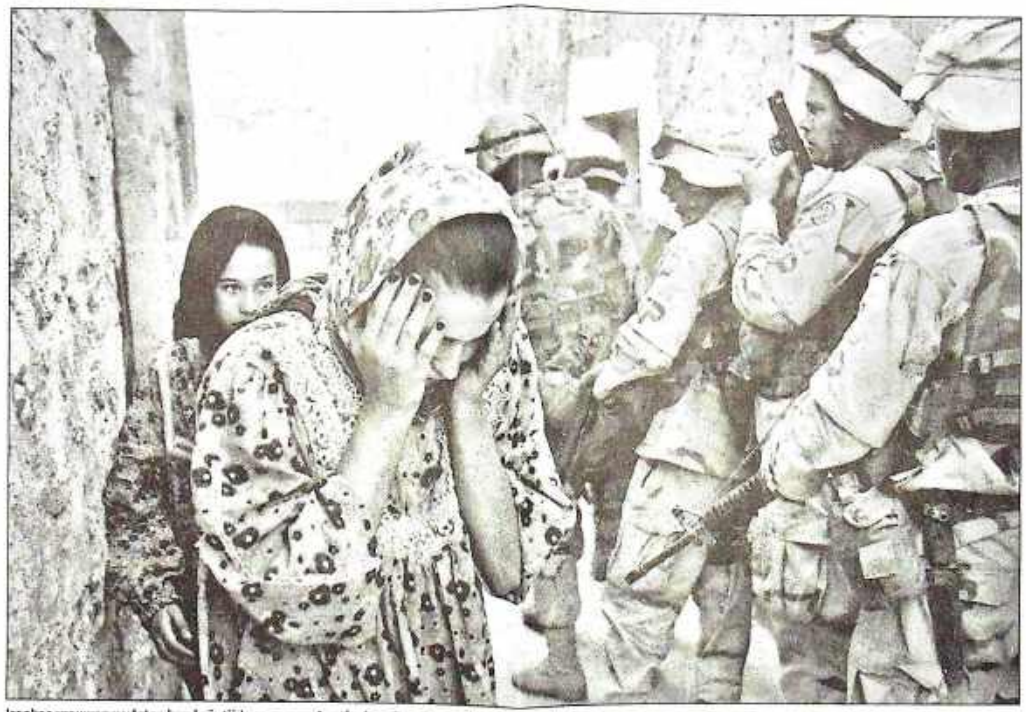
De stad zelf is nu rustiger, maar in de onbewoonde gebieden in de omgeving gaan de aanvallen op de Amerikanen door. Vorige week werden er op één dag acht pogingen ondernomen, met vier dode Irakezen en enkele gewonde Amerikanen als gevolg.

'Het zijn geen mensen uit Fallujah die de Amerikanen aanvallen, we weten niet wie de verantwoordelijken zijn', zegt Abdel Majid Asker, een arts-assistent. Maar we staan wel achter die aanvallers, en we zullen de aanvallers helpen waar we maar kunnen.' 'Saddam was beter dan de Amerikanen', zegt een vriend van Asker, die zijn naam niet wil noemen. 'Saddam was tenminste een moslim en een Arabier.'

deVolkskrant Zaterdag 9 augustus 2003

Coalitie laat rechteloosheid in Irak bestaan

Zonder de vondst van massavernietigingswapens is de interventie in Irak niet rechtsgeldig, evenmin als de pogingen van de coalitie tribunalen in te richten. Ruti Teitel pleit daarom voor een vorm van overgangsrecht onder toezicht van de VN.



Iraakse vrouwen verlaten hun huis tijdens een zoekactie door Amerikaanse militairen in Khaldiyah ten westen van Bagdad. FOTO AP

Terwijl de vragen naar de echte redenen achter de oorlog in Irak zich opstapelen, moeten we voorkomen dat we alleen nog maar terugkijken. Een onderzoek naar de handelwijze van de coalitie in de periode vóór de oorlog zou zeer wel bedrog en manipulatie van officiële zijde in het pleidooi voor een oorlog kunnen onthullen. Maar de pijnlijke vragen over de rechtmatigheid van de oorlogshandelingen hebben minder met het verleden te maken dan met de aanhoudende afwezigheid in Irak van alles wat ook maar op een rechtsorde lijkt.

Op het ogenblik is het veiligheidsvacuüm zo ernstig dat we er zelfs aan mogen twijfelen of de oorlog wel voorbij is. Aanvallen op de soldaten van de coalitie tonen aan dat er geen heldere grens bestaat tussen 'voor' en 'na'. Dat geldt ook voor het verontrustende feit dat het gebrek aan wettigheid van voor de bezetting nu onder het formele gezag van de bezettende macht gewoon voortduurt. Per slot van rekening maakt de rechtsorde – en die alleen – het verschil tussen een vrije maatschappij en een dictatuur.

Functionarissen van het coalitieleger erkennen wat zonneklaar is: dat zonder een bewijs van de dood van Saddam het verzet van zijn felste supporters onvermijdelijk zal voortduren. Maar is het niet nodig om op bredere schaal af te rekenen met het voormalige regime? Is het bij het aanbrengen van een scheiding tussen het verleden van Irak en het heden en de toekomst van het land niet even belangrijk om recht te doen aan de slachtoffers en daders van Saddams misdaden?

Tot nu toe schieten de veiligheid en de rechtshandhaving ernstig tekort bij de afrekening met wandaden uit het verleden. Omdat de onderdrukking al decennia duurt en er tienduizenden Irakezen zijn verdwenen, heeft men sowieso al problemen met de verificatie van de bewijzen. Maar vanaf het begin van de interventie hebben functionarissen van de coalitie een schrijnend gebrek aan interesse getoond voor massagraven en voor de plekken waar executies hebben plaatsgevonden.

De chaos bij opgravingen en grafdelvingen – vaak door familieleden die wanhopig het lot van hun geliefden willen achterhalen – en een weinig professionele behandeling van bewijsmateriaal bemoeilijken de zoektocht naar de waarheid. Helaas vormt de laksе houding van de coalitie tegenover forensische kwesties slechts een weerspiegeling van het onvermogen om op grotere schaal een plan te ontwikkelen voor de aanpak van kwesties die te maken hebben met rechtvaardigheid en de rechtsorde of met een centraal orgaan dat voldoende gezag heeft om de nieuwe instituties op te bouwen. Hoewel de Amerikaanse bewindvoerder Paul Bremer onlangs gezag heeft toegekend aan een aantal rechters, is hun macht uiterst beperkt en alleen van toepassing op recente overtredingen en niet op de langdurige schendingen van de mensenrechten die het regime van Saddam kenmerkten.

Nu er nog steeds geen spoor is van massavernietigingswapens blijft de rechtsgeldigheid van de hele interventie een open vraag en daarbij ook de pogingen van de coalitie om in Irak een elementaire wettigheid te vestigen. Deze pogingen kunnen alleen maar slagen als ze mede zijn gebaseerd, hoe gering ook, op het overgangsrecht. Als bezettingsmacht heeft de coalitie, volgens de vierde conventie van Genève, de internationale verplichting op zich genomen om de veiligheid en de rechtsorde te garanderen. Dit betekent dat de coalitie niet zomaar alles kan doen met de trawanten en oorlogsmisdadigers van Saddam. Ze kunnen ze niet eenvoudigweg naar Guantanamo Bay sturen.

De coalitie heeft echter niet veel keus. De instelling van een Iraaks tribunaal dat de mogelijkheid heeft om Saddam en zijn trawanten een zekere mate van verantwoording te laten afleggen – een idee dat in de staf van Bremer aan populariteit wint, tenminste als Saddam levend gepakt wordt – is geen realistische optie. Niemand beschikt over voldoende rechtmatigheid: niet degenen die hebben gefunctioneerd onder de rechtsorde van het Ba'ath-bewind en ook niet de teruggekeerde ballingen. Maar als de coalitie zijn eigen rechtbanken zou inrichten, zou ze net zo hard beschuldigd kunnen worden van overwinnaarsrecht.

Alleen de VN zijn in staat om een vorm van overgangsrecht te handhaven. Dit houdt in dat er onmiddellijk een rechtsorgaan moet komen waarvan de rechtmatigheid is gebaseerd op hetzelfde multilaterale proces dat zich voor de oorlog heeft afgespeeld. In dit geval geeft hoofdstuk 7 van het VN-Handvest de V-raad het gezag om een tribunaal in te stellen, net zoals zij deed bij het beoordelen van de bloedbaden in ex-Joegoslavië en in Rwanda.

Maar in tegenstelling tot het Joegoslavië-tribunaal, dat werd ingesteld *tijdens* de Balkanoorlog, zou een tribunaal voor Irak meer beperkingen hebben omdat ze niet met terugwerkende kracht recht zou kunnen spreken. Het gevolg is dat, zoals staat aangegeven in artikel 3 van het handvest van het Internationaal Strafhof, de jurisdictie van een Irak-tribunaal zich alleen zou uitstrekken tot de ernstigste schendingen van het humanitair recht waarover brede overeenstemming bestaat.

Maar ook dat is beter dan niks. We weten van de vele regimewisselingen uit de afgelopen decennia dat het probleem van het overgangsrecht niet zomaar weggaat als je het negeert. Sterker nog, niets doen in Irak zal niet alleen de onvermijdelijke afrekening met het verleden uitstellen, het zal het verleden *verlengen*, omdat het onvervulde verlangen naar rechtvaardigheid voeding geeft aan frustratie, rancune en steun voor extremistische leiders en aan dictatoriale oplossingen.

Het opnieuw vestigen van rechtmatigheid en rechtsorde in het heden is een van de belangrijkste doelen die met het overgangsrecht worden nagestreefd. Als de noodzakelijke instituties beschikbaar komen, moet men in ieder geval een onderzoekscommissie instellen om de bewijsvoering te documenteren terwijl dat nog kan. Een dergelijke commissie zou nog een zekere rechtsbasis verschaffen, waardoor het mogelijk is om tot uitgebreid onderbouwde uitspraken te komen zodra er wel instituties beschikbaar zijn.

Er is nog steeds de mogelijkheid om in Irak een 'voor' en 'na' tot stand te brengen en daarmee de rechtmatigheid van de interventie en de voortdurende bezetting aan te tonen. Maar de juiste weg ligt voor ons, niet achter ons, en bestaat uit een duurzame gebondenheid aan veiligheid, de rechtsorde en het overgangsrecht.

Ruti Teitel is hoogleraar rechtsvergelijking aan de New York Law School en auteur van *Transitional Justice*.
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Sagittarius

Van: "Van Asseldonk"
Aan: "Sagittarius" <sagitar@hetnet.nl>
Verzonden: dinsdag 20 mei 2003 17:06
Onderwerp: Re: depleted uranium

Hallo Nico, op 'ons' kantoor in Den Haag zit nu de lobby voor het Intern. Strafhof. De enige die ik daar nog is de Zweedse juriste Cecilia Nilsson. Je zou haar kunnen polsen of zij op kantoor een vrijwilliger weet die jouw test zou willen opschonen (misschien wil ze het dan ook zelf wel doen; zij is jong en uitstekend thuis in hedendaags engels). Haar e-mailadres luidt: cicclegal2@iccnow.org.
In Nederland kun je het misschien ook proberen bij het Transnational Institute in Amsterdam. Ze zitten de Paulus Potterstraat meen ik. Politiek staan ze zeker achter je. HUn e-mail weet ik niet direct, maar kun je waarschijnlijk vinden op hun website: www.tni.org
Een laatste mogelijkheid in Nederland die me invalt is WILPF, tel. 030 271 21 21, van hen heb ik enkel het redactie-e-mailadres; dat luidt loesp@cuci.nl WILPF heeft heel wat vrouwen die uitstekend in hun engels zitten.
Wat huidige IALANA-kantoren betreft zou je een verzoekmailtje moeten sturen naar: unitednationsoffice@ialana.org in New York of naar southernoffice@ialana.org; hoe dik die in hun personeel zitten weet ik niet.
IK hoop dat je hier iets mee kunt en wens je een enthousiaste ontvangst voor dit nieuwe initiatief. Hartelijke groeten, ook van Chris, Ton

---- Original Message ----
From: Sagittarius
To: Van Asseldonk
Sent: Monday, May 19, 2003 5:11 PM
Subject: Re: depleted uranium

Hoi Ton,

Bedankt voor je DU-bijdrage !

Die kan nog van pas komen bij komende aangiftes/procedures i.v.m. de recente westerse oorlogen.

In dit verband ben ik bezig met het maken van een "handboek" voor zulk soort juridische akties tegen westerse oorlogsmisdadigers en oorlogsmisdaden.

De bedoeling is dat dit naar zoveel mogelijk groepen/individuen/organisaties gaat die dergelijke processen/aangiftes zouden kunnen (willen) aankaarten, propageren en uitcoeren . In en tegen zoveel mogelijk betrokken westerse landen.

Dat "handboek" is dan in het Engels. Nou weet je dat mijn Engels natuurlijk niet noodzakelijkerwijs HET Engels is.
Zouden er bij IALANA nog mensen rondlopen die bereid zouden zijn om de tekst van dit "handboek" te corrigeren op het Engels ?

Ik hoop het snel af te ronden en zodra het klaar is stuur ik je een exemplaar toe.

Zou je mij wat mailadressen van IALANA en eventueel andere georganiseerde organisaties wereldwijd kunnen toesturen ?

Weet je trouwens dat wij Nederland, en niet Belgie, de meest verstrekkende wetgeving hebben als het erom gaat buitenlandse oorlogsmisdadigers te vervolgen ?
Ja, dat is onze Wet Oorlogsstrafrecht !

Wat ik graag zou zien is dat in het een na het andere westerse land, bij toerbeurt, standaard-aangfites worden gedaan het eigen OM.
(Als voorwerk ook voor een eventuele klacht bij het ICC).
Het universaliteitsbeginsel van de Vierde Geneefse Conventie moet nu eindelijk maar eens op masale schaal getoetst worden.

Hartelijke groeten,

ook voor Chris,

Nico S.

---- Original Message ----
From: Van Asseldonk
To: Sagittarius
Sent: Tuesday, May 06, 2003 5:45 PM
Subject: depleted uranium

Hei Nico! Alles kits? Ik stuur je hierbij iets wat ik van de IALANAstek heb gepikt (en deels vertaald voor Procesnieuws). Ik dacht dat er wel origineel voer voor juristen in stond: in mijn ogen nieuwe argumenten tegen DU en stuur het je daarom door. Groeten, ook ven Chris, ook voor Neeltje, Ton

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Soldier arrested over Iraqi PoW 'torture' pictures

PA

30 May 2003

A soldier has been arrested over allegations of torture involving Iraqi prisoners of war.

Photograph developers are understood to have called the police because they were concerned about a number of pictures on a roll of film that had been handed in to their shop for developing.

According to *The Sun* , one of the photographs showed an Iraqi PoW gagged and bound, hanging in netting from a fork-lift truck and soldiers performing sex acts near captured Iraqis.

The matter is now in the hands of the military police.

A Ministry of Defence spokeswoman said: "We confirm an investigation is under way into allegations of photos depicting maltreatment of Iraqi PoWs. A soldier has been arrested.

"We cannot comment further. But if there is any truth in these allegations the MoD is appalled. We take responsibility to PoWs extremely seriously."

If the allegations are found to be true, the soldiers involved would be guilty of a breach of the Geneva Convention which rules that PoWs have to be treated humanely.

According to *The Sun*, the unnamed soldier was serving in the 1st battalion Royal Regiment of Fusiliers - part of the famous Desert Rats - in southern Iraq at the time of the alleged events.

The newspaper reported that he was arrested by civilian police at his home in Tamworth, Staffordshire, where he was on leave following the war.

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'Occupiers are failing desperate city'

By Jo Dillon, Deputy Political Editor

01 June 2003

Aid agencies have accused the British and United States governments of failing to meet their legal obligations to the people of Iraq.

Cafod, Christian Aid and Oxfam - three leading humanitarian organisations working in post-conflict Iraq - claim levels of security are insufficient to allow aid workers to do the job needed.

They warn this puts Britain and America in breach of their international obligations - and liable for censure by the United Nations. It puts in jeopardy the health and welfare of ordinary Iraqis and presents the risk that frustration among the people will turn to civil unrest if steps to improve their lot are not taken urgently.

Oxfam's policy adviser for Iraq, Jo Nickolls, has just returned from a stint in Baghdad. "One of the most striking things is the sense of complete uncertainty and fear," she said.

"People don't know how things are going to progress and at the same time are having to live a very tough day-to-day existence without electricity and clean water."

Hospitals in the capital are still treating a majority of people for complaints related to a polluted water supply - cholera, dysentery and diarrhoea - and the breakdown of law and order is making it difficult to replace water systems and the electricity supply.

"Security is definitely the primary concern," Ms Nickolls said. "The occupying power has a duty to restore as far as possible law and order and safety. They do seem to be failing to meet their obligations."

Her views were shared by fellow aid workers. Alistair Dutton, emergencies officer at Cafod, who has just returned from Basra, said: "I can't pretend that the regime that has been removed was in any way good or easy to work under.... But five or six weeks after the war ended, the situation in the country is not consistent with the Coalition forces' responsibilities under international law. Failure to secure the country or to make it safe is severely hampering the humanitarian effort."

Aside from looting, the ready availability of guns and general lawlessness, the aid agencies complain that unex- ploded bombs and mines have not yet been cleared.

People are afraid to leave their homes, they claim, especially women and children - which means food and medical aid is failing to reach those who are most vulnerable.

Dominic Nutt, emergencies officer for Christian Aid, who has also been in Basra, said the war itself had adversely affected the aid situation. "The basic infrastructure was chronic and held together with glue and string, but there were engineers there who were able to keep the system going. When the war came, they had better things to do."

While the war had had a "profound effect", he insisted there was not yet a "humanitarian crisis". But the agencies agree the situation is potentially explosive. "Things could flip either way. It does require the restoration of security and stability," said Ms Nickolls.

"If that doesn't happen you risk moving towards a disastrous situation.... There is far more organised crime, people are threatening to go on strike, people are unhappy with the political situation.... There is potential for more civil unrest."

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News

U.S. Soldiers Attack IOL'S Iraq Correspondent



A file photo for Halani

BAGHDAD, June 1 (IslamOnline.net) - The U.S. occupation forces attacked late Saturday, May 31, IslamOnline.net correspondent Ali Halani, driver Mazen al-Ebeidi and Samir Sobhi, a journalist accompanying Halani, who were filming some places in al-Bayaa' street in Baghdad.

Halani said that a U.S. patrol stopped their car and snatched their digital camera, while five soldiers pointed their weapons at them, took them forcibly to an out-of-the-street post and treated them inhumanely.

He said the soldiers violently pushed him and knocked him against the car, leaving him with bruises covering his arms, knees and his collarbone.

Halani said that the soldiers released them after half an hour of threats and abuse, but shunned giving their camera back.

"The patrol's captain even refused to listen to us and ordered us to have our mouths shut," Halani said.

"If you do not leave the place within 30 seconds, I will arrest you and your colleagues and send you to prison," the U.S. captain threatened.

Shortly afterwards, Halani headed to the U.S.-run press office in Al-Rashid hotel in Baghdad to report this incident to them but to no avail.

Halani, a Somali, worked for other reputable international and local news agencies and newspapers and is now IOL correspondent in Iraq.

This is not the first time that the U.S. occupation forces attack journalists in a bid to muzzle free press.

During the U.S.-led war on Iraq, U.S. missiles hit the Baghdad offices of *Al-jazeera* television early on April 8, killing one staff and wounding another in what the

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Qatar-based Arabic news network charged was a deliberate strike.

Al-jazeera correspondent Tareq Ayub was killed and Zuheir al-Iraqi was hit in the neck by shrapnel.

Spain's Tele 5 (Telecinco) television's cameraman Jose Couso, 37, and Reuters' Warsaw-based Ukrainian cameraman Taras Protsyuk, 35, were killed when a U.S. tank shelled the Palestine Hotel on April 8 in the Iraqi capital, wounding four other correspondents.

The International Federation of Journalists (IFJ) charged that the attacks were crimes of war.

"The bombing of hotels where journalists are staying and targeting of Arab media is particularly shocking events in a war which is being fought in the name of democracy," said IFJ General Secretary Aidan White in a statement issued shortly after the deaths were reported.

"Those who are responsible must be brought to justice," White underlined.

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Baghdad: Attack Destroyed Water Supply Network - 06/03/2003 15:25

The USA targeted the civilians' water supply

In its vicious, murderous and illegal attack on Iraq, the United states of America targeted the water supply in Baghdad. This is not a military target and as such, the wanton destruction of the system constitutes a war crime.

UNICEF, the UN Children's Fund, has claimed that up to 50% of the network is still destroyed or damaged. Work is being undertaken to repair the system and to provide 800,000 litres of fresh water to those areas which need it the most.

Meanwhile, the food supply to the 27 million Iraqis previously supported by their government has been restored by the World Food Programme, after an interruption of six weeks.

The Iraqi people have suffered considerable hardships at the hands of the US administration. Thousands were murdered by the incompetent and inefficient military machine, written off as "collateral damage" with a callous disregard for human life. Their homes destroyed, their water and food supplies cut off, their cultural institutions ransacked, these people thank the Americans for what they have done in mass demonstrations of hatred and defiance.

The pretext for this war was Weapons of Mass Destruction. Where are they?

Timothy Bancroft-Hinchey
Pravda.Ru
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Wed, Jun 04, 2003, 13:15 GMT

Watchdog urges depleted uranium cleanup in Iraq **REUTERS**

By Irwin Arieff

UNITED NATIONS, May 29 (Reuters) - A nuclear arms watchdog group, warning of possible health risks to Iraqi civilians, urged the United States and Britain on Thursday to clean up the remnants of depleted uranium anti-tank shells used in the war.

"I was in the army and they trained us to protect civilians," said Charles Sheehan-Miles, executive director of the Washington-based nonprofit Nuclear Policy Research Institute.

"The United States and Britain must take the necessary steps now to protect the Iraqi people from the detrimental effects of depleted uranium," Sheehan-Miles, who served as a U.S. tank crewman in the first Gulf War in 1991, told a news conference at U.N. headquarters.

Depleted uranium is used to harden the tips of armor-piercing shells. It is 40 percent less radioactive than natural uranium but nonetheless toxic, and studies have suggested the substance may cause cancer if inhaled or attack the kidneys if ingested via soil or the water supply.

Depleted uranium is particularly effective as a weapon as it bursts into flame and vaporizes upon impact, burning through armor. But that releases fine particles into the air, which can settle on the damaged tank or on the ground and later be inhaled by anyone in the area.

While health studies to date have been inconclusive, Iraqi scientists say the numbers of Iraqi children suffering from childhood cancers soared within a few years of the first Gulf War, and the World Health Organization and the U.N. Environment Program have called for further research.

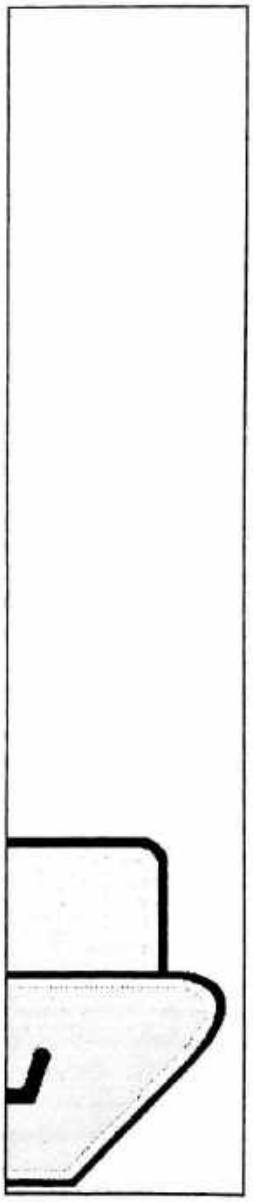
The U.N. environmental agency said about 290 tonnes of depleted uranium was fired in the 1991 war, but the amount used in the second Gulf War, which began in mid-March, is unknown.

The Pentagon has dismissed any health dangers and says it has no plans for a clean-up, Sheehan-Miles said.

But Britain's Defense Ministry agreed in late April to a request from leading scientists to release information about where depleted uranium was used by its forces so a clean-up and monitoring program for soldiers and civilians could be launched.

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PROFIT FROM THE TREND.

Wed, Jun 04, 2003, 13:17 GMT

Number of malnourished Iraqi children doubles since war: UNICEF AFP

BAGHDAD, May 29 (AFP) -

Number of malnourished Iraqi children doubles since war: UNICEF

BAGHDAD, May 29 (AFP) - The number of Iraqi children suffering from acute malnutrition has nearly doubled since the end of the war to topple Saddam Hussein's regime, as the country's health care system collapsed, the UN Childrens Fund (UNICEF) said Thursday.

"The rise in malnutrition shows that there is a general decline in the overall health of children," UNICEF spokesman Geoffrey Keele told a news conference in Baghdad.

The number of children suffering from acute malnutrition has climbed to 7.7 percent from four percent since the end of the war, Keele said.

"They are extremely low weight to their height," he said, adding that there had been a sharp rise in cases of diarrhea among Iraqi children.

Prior to the war, almost one million children were chronically malnourished in Iraq, with another a quarter of the million suffering from acute malnutrition, the UNICEF official said.

"Malnutrion really is a very good indicator for the overall well-being of children. It depends on so many things: access to food, access to clean water, proper sanitation, proper hygiene. Iraqi children have none of them," he said.

UNICEF said 40 percent of the water distribution network in Baghdad was damaged and some of the water damage was a direct result of the war.

Every day UNICEF provides some 2.5 million litres of clean water to Iraqi people.

"When the regime broke down, all the public services broke down," Keele said.

The UN World Food Program (WFP) said for its part that it had brought some 400,000 tons of food to Iraq since early April. Some 16 million Iraqis depend on the UN food to be distributed by the Iraqi trade ministry.

But a lack of security in Iraq continues to hamper UN humanitarian efforts, with the US-led coalition Office Reconstruction and Humanitarian Assistance (ORHA) guarding a number of WFP's food warehouses.

"Our concern for security has lessened over the past two weeks, but we are still very concerned. There are certain areas where we can't go," said WFP spokesman Khaled Mansur.

Last week the UN Security Council lifted 13-year economic sanctions on Iraq and UN Secretary General Kofi Annan appointed Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights, as his special representative for Iraq for four months.

Vieira de Mello is expected to arrive in Baghdad on Monday.

shi/lp/al

Iraq-UNICEF-malnutrition

OASIS
Superior Returns at lower than Market Risk

Kamer onjuist ingelicht over uranium Irak

31-7-2003

Tijdens de oorlog in Irak is er op grote schaal munitie gebruikt die verarmd uranium bevat. Ook in de provincie Al-Muthanna waar de Nederlandse troepen worden gestationeerd, stelt Maarten H.J. van den Berg.

'Geen haar op mijn hoofd die eraan zou denken om de volksvertegenwoordiging verkeerd te informeren.' Zo luidde de stellige reactie van minister van Defensie Kamp vorige week woensdag op de vraag of niet ook de Nederlandse regering de dreiging van Saddams massavernietigingswapens heeft aangeblikt. Dit is een vraag die met name Tweede-Kamerlid Koenders (PvdA) bezighoudt. Waarom immers zou de Nederlandse regering buiten schot blijven nu zowel de Amerikaanse als de Britse regering onder vuur ligt?

Toch ziet het er naar uit dat de oppositie in deze kwestie ook ziet waar geen vuur is. Terecht plaatst Koenders zelf al de kanttekening dat het Nederlandse standpunt destijds niet iets anders lag dan dat van de Amerikanen of Britten. Mede door toedoen van diens partij is er hier nooit de nadruk gelegd op 'directe dreiging' als voorwendsel voor militair ingrijpen. Vandaar ook het compromis ten tijde van de kabinetsformatie: alleen politieke en - althans formeel - geen militaire steun aan de oorlog.

Immers lijkt het erop dat de oppositie een veel actueler, urgentere kwestie over het hoofd ziet. Er zijn namelijk wel degelijk aanwijzingen dat minister Kamp de volksvertegenwoordiging verkeerd heeft geïnformeerd omtrent de uitzending van Nederlandse troepen naar Irak. Concreet gaat het om twee beweringen van de ministers van Buitenlandse Zaken en Defensie in antwoord op vragen van Tweede-Kamerleden.

Ten eerste zouden er in het gebied waar de Nederlandse SFIR-eenheid wordt gestationeerd, de provincie Al-Muthanna, 'geen noemenswaardige gevechten hebben plaatsgevonden' tijdens de oorlog. Ten tweede zou er 'geduurende het hattele conflict in Al-Muthanna niet geschoten (zijn) met DU-houdende munitie'.

Beide beweringen zijn aantoonbaar onjuist. Zo is er tijdens de afgelopen oorlog wel degelijk zwaar gevochten in het gebied. De hoofdstad van de provincie, Samawa, ligt pal aan de weg naar Bagdad en heeft toegang tot een strategische brug over de Eufraat. De opmars van de Amerikaanse strijdkrachten stuitte hier dan ook op hevig verzet van Iraakse troepen, waaronder de Saddam Fedayeen, milities van de Ba'athpartij en een groep Syrische vrijwilligers, aldus Amerikaanse officieren. De strijd om de brug duurde slechts een dag maar het veiligstellen van de weg leidde tot een week van schermutselingen in en rond de stad. Bij deze gevechten kwamen 112 inwoners van Samawa om het leven.

Uit ooggetuigenverslagen van Amerikaanse soldaten en journalisten blijkt bovendien dat er bij deze gevechten DU-munitie werd ingezet. Dit wordt onder meer bevestigd in een veldverslag van een Amerikaanse onderofficier over de ervaringen van schutters van de Derde Infanterie Divisie die bij de gevechten in en rondom Samawa betrokken waren. Volgens de schutters functioneerden hun wapens goed, 'met name de 25mm DU (granaten)'. Een bemanningslid van een Bradley gevechtsvoertuig van het Eerste Infanterie Bataljon vertelt hoe de bemanning zo'n DU-granaat afvuurde toen ze in Samawa vijandelijke troepen tegenkwamen: 'We schoten vijf granaten. De eerste was van verarmd uranium, conform standaard operationele procedures.'

Ook bestaan er verslagen van luchtaanvallen op Samawa waarbij DU-munitie werd afgevuurd. Zo beschrijft een journalist een luchtaanval op een gebouw in de stad waar zich vijandelijke eenheden verschoten hielden: 'De herrie van naderende vliegtuigen klinkt, en A-10 gevechtstoestellen komen in zicht. Deze vliegtuigen beschikken over een alleszerwoestend 30 mm Gatling snelvuurkanon en Hellfire gronddoelraketten. Het geluid van het kanonvuur klinkt verschrikkend.' Van het genoemde wapensysteem is algemeen bekend dat het een mengsel van 'conventionele', hoog-explosieve (HE) en DU-houdende granaten afvuurt.

Tot nu toe heeft alleen het Britse ministerie van Defensie bekendgemaakt waar en hoeveel DU-munitie is verbruikt door het Britse leger. De Amerikanen weigeren vooralsnog om deze informatie prijs te geven. Als we de Nederlandse regering moeten geloven is in feite alleen bekend dat er in Al-Muthanna geen DU-munitie zou zijn gebruikt. Echter, uit de genoemde incidenten blijkt dat DU-houdende munitie routinematig is ingezet door de Amerikaanse strijdkrachten, óók in Al-Muthanna.

De vraag is derhalve hoe de Nederlandse regering die kan ontkennen. Als zij onjuiste informatie heeft gekregen van de Amerikanen heeft de Amerikaanse ambassadeur Sobel iets uit te leggen. Zo niet dan heeft met name minister Kamp een politiek probleem.

Hoe het ook zij, de Tweede Kamer is in ieder geval verkeerd geïnformeerd. Ook de Nederlandse SFIR-troepen zaten in het duister. Om mogelijke schade aan de gezondheid te voorkomen hebben zij instructies gekregen om snel DU-vervuilde locaties zoveel mogelijk te vermijden. De troepen zijn echter alleen op de hoogte gebracht van met DU vervuilde locaties die dateren uit de Golfoorlog van 1991 – niet van locaties waar DU-munitie recentelijk is verschoten.

Maarten H.J. van den Berg is politicoloog en werkzaam aan IBIS, een onafhankelijk deskbank voor internationale vraagstukken.

BRIEVEN 22 AUG 2003

Humanitair oorlogsrecht

Oud-minister van Defensie Jacob Kohnstamm blijkt 'in zijn artikel 'Bij het uitbreken van de oorlog' (NRC Handelsblad, 12 augustus) terug op het Amerikaanse slooffeuilleton op Jamaica. Zijn opvallende constatering dat Irak niet de eerste dictatuur is die een dreigende bedreiging voor de wereldvrede vormt, doet niet alleen een Congres en onze president, maar ook al onze militairen en ambtenaren weten wat bij conflicten wenselijk en noodzakelijk is. Opvallend, zonder McNamara's mijmeringen over het Vietnam-drama te willen bagatelliseren, dient het humanitair oorlogsrecht in de eerste plaats te worden gezien als een verzameling van afspraken tussen de strijdende partijen. Het is niet bedoeld om de oorlog te voorkomen, maar om de gevolgen ervan voor de burgerbevolking te beperken. De wortels van dit recht liggen in de negentiende eeuw, maar de basis is gelegd na de Tweede Wereldoorlog, waarin alle landen ter wereld, waaronder de VS, zijn partij (vrijwel alle verdragen en een groot deel van de aanvullende regels is inmiddels gewoonrecht geworden).

Uitgangspunt is dat de strijdende partijen altijd onderscheid moeten maken tussen militairen en burgers en tussen militaire doelen en burgerobjecten. Alvorens aanvallen op militaire doelen uit te voeren, dienen de aanvallers te bepalen of de verwachte schade onder de burgerbevolking niet buitensporig is in verhouding tot het verwachte militaire voordeel. Dit is het zogenaamde proportionaliteitsbeginsel. Tevens dient bij het kiezen van de middelen van oorlogvoering in acht te worden genomen dat geen onnodig leed wordt veroorzaakt. Het is verboden om middelen van oorlogvoering te gebruiken die naar hun aard onterechte schade of onnodig leed veroorzaken. Het is ook verboden om middelen te gebruiken die niet onderscheiden kunnen worden tussen militairen en burgers en tussen militaire doelen en burgerobjecten. Dit laatste beginsel is van belang bij de beoordeling van de inzet van DU-munitie. Deze munitie is namelijk niet in staat onderscheid te maken tussen militairen en burgers en tussen militaire doelen en burgerobjecten. Dit laatste beginsel is van belang bij de beoordeling van de inzet van DU-munitie. Deze munitie is namelijk niet in staat onderscheid te maken tussen militairen en burgers en tussen militaire doelen en burgerobjecten.

Irak heeft tientallen miljarden nodig

28 AUG 2003

Irak heeft tientallen miljarden dollars nodig uit de VS voor de wederopbouw van het land. Dat beweert Bremer, sinds kort baas in Bagdad. Volgens Bremer 'is het hijna onmogelijk aan te overdrijven' wat Irak nodig heeft op economisch gebied.

Hij zei dat het herstel van het elektriciteitssysteem twee miljard dollar kost en dat het vijf jaar en zestien miljard dollar zal dat alle schatkisten leegt. Bremer maakte zijn opmerkingen tijdens een persconferentie in het Pentagon vier miljard geeft het Pentagon uit aan de bestrijding.

Fotograaf Marcel Molle bezocht de Nederlandse militairen in Irak. Bekijk zijn foto's en beluister zijn commentaar op www.volkskrant.nl/irakmissie

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U-S says uranium weapons no health risk to Iraqi civilians

Tuesday, May6, 2003, 5:19 PM

Baghdad, Iraq-AP -- The U-S military says the depleted uranium used in U-S weapons and armor isn't a health risk in Iraq.

Concern about the use of depleted uranium has existed since the first Gulf War, when the extremely hard metal was first used.

But the deputy surgeon for the Army's Fifth Corps says there's not any danger of radiation. Lieutenant Colonel Michael Sigmon says children playing with expended tank shells would have to eat and practically suffocate on them before any problems developed.

Experts say depleted uranium emits 40 percent less radiation than uranium in its natural state.

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Scientists debate depleted uranium weapons' possible contamination of Iraq

Undated-AP -- As soon as it's safe, international scientists are planning to fan out over Iraq.

They'll visit the country's battlegrounds to see whether the leftovers of American firepower pose serious health or environmental threats to Iraqi civilians.

Over the past four weeks, the U-S has used thousands of rounds containing tons of depleted uranium.

Many medical studies have failed to show a direct link between D-U exposure and human disease, though a study of rats linked D-U fragments with increased cancer risk. A Pentagon health official says casual exposure to the munitions won't impact a person's health.

However, experts differ as to what qualifies as casual exposure.

Some experts worry that it could affect civilian populations -- especially children -- if it enters groundwater used for drinking water and irrigation.

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Iraqi Doctors Worry About Use of Uranium

Saturday May 24, 2003 7:39 AM

By SLOBODAN LEKIC

Associated Press Writer

U.N.-Backed Court Indicts Liberia Leader
3:19 pm

Israelis, Palestinians Offer Concessions
2:59 pm

Kuwaiti Condemned to Death for Shooting
2:59 pm

U.N. Team to Scour Iraq Nuclear Complex
2:49 pm

EU Approves Congo Peacekeeping Mission
2:39 pm

Nepalese King Appoints New Prime Minister
2:19 pm

Liberia President Indicted for War Crimes
2:09 pm

Palestinian Leader Renounces Terrorism
2:09 pm

Blair to Cooperate With Intelligence

BAGHDAD, Iraq (AP) - Amr Mouftah and a couple of friends were playing on the demolished Iraqi armored personnel carriers, climbing onto turrets and swinging and leaping from gun barrels.

``This is great fun - just like having a big new toy,'' said 11-year-old Amr.

On the sidewalk, pedestrians squeezed past the charred vehicles. None was aware of the potential danger inside the metal hulks littering Baghdad, destroyed when U.S.-led strikes used depleted uranium shells against tanks and other armored vehicles.

Iraqi doctors and scientists - and the United Nations to a lesser extent - are worried that birth defects and childhood cancers could surge in the aftermath of the latest conflict, not unlike medical problems in southern Iraq after the mildly radioactive munitions were first used in the 1991 Gulf War.

``Many in the medical community are worried that malignancies will rise very quickly in the future because so many people will be exposed to depleted uranium residue throughout the country,'' said Ranna Abdel Karim, a doctor at Baghdad's Children's Hospital.

Depleted uranium, fashioned from low-level radioactive wastes, is 2 times denser than steel and 1.7 times denser than lead. This theoretically creates a projectile more able to penetrate the heavy armor of tanks than conventional armor-piercing munitions.

U.S. tanks, Bradley fighting vehicles, A-10 attack jets and Apache helicopters routinely use depleted uranium rounds.

Aside from the United States and Britain, no other nation uses the munitions. Russian military experts say shells made from alloys of hardened steel, lead and tungsten are equally

Probe
1:59 pm

Bush Coaxes Mideast Foes to Accept Peace
1:29 pm

From the Associated Press

effective in the anti-tank role.

The substance is said to be harmless when sealed in artillery shells or bombs. But when a shell strikes its target, some of the metal burns and oxidizes into microscopic particles. This creates dust that some say is toxic if inhaled or ingested.

Experts at the Pentagon and the United Nations estimate that 1,100-2,200 tons of depleted uranium were used by U.S.-led coalition forces during their attack on Iraq in March and April. This contrasts with about 375 tons used in the 1991 Gulf War, 11 tons fired during the 1999 war against Serbia over Kosovo, and a much smaller quantity used against rebel Serb positions in Bosnia in 1995.

The U.N. Environment Program, while acknowledging its assessments have found no immediate risk, has recommended a scientific investigation of sites targeted by depleted uranium weapons in Iraq.

``The fact remains that depleted uranium is still an issue of great concern for the general public,'' UNEP director Klaus Toepfer said.

Unlike the 1991 war, when most combat took place in Iraq's southeastern tip, the fighting this time engulfed some of the country's most densely populated areas.

The Pentagon and many experts contend that depleted uranium, because of its low radioactivity, poses no risk to the health of soldiers handling munitions made from it, or to civilians living in areas where those shells were used.

An official of the U.S.-led administration in Iraq, speaking on condition of anonymity, said there were plans to eventually clean up all wrecks left over from the war.

``But this is a country awash with munitions,'' the official said. ``And the danger of kids finding land mines or grenades is much more immediate than the risk posed by DU.''

In the decade that followed the 1991 war, Iraqi health officials said they had recorded a 200 percent rise in cancer and leukemia cases, particularly in young children, in Basra. That southern city was close to the battlefields of the 1991 war.

``There is no other explanation for this outbreak of all forms of cancer, including the rarest forms of leukemia, than the radioactivity coming from depleted uranium,'' said Abdel Karim, whose hospital is the primary health care institution in the country treating children with malignancies.

Abdel Karim said Iraqi medical practitioners had noticed that cancer cases from areas around Basra were particularly difficult to treat. She blames that on depleted uranium.

``Most have to be referred for bone transplants,'' she said. ``Unlike other cases, they just don't respond to chemotherapy and other treatment.''

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Our Readers Most Forwarded Article of the Week
'A Chill Wind is Blowing In This Nation...'
by Tim Robbins

Wednesday, June 04, 2003

Featured Views

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Published on Tuesday, July 9, 2002 by CommonDreams.org

US Dirty Bombs: Radioactive Shells Spiked with Plutonium

by John LaForge

"Plutonium is a fuel that is toxic beyond human experience. It is demonstrably carcinogenic to animals in microgram quantities [one millionth of a gram]. The lung cancer risk is unknown to orders of magnitude. Present plutonium standards are certainly irrelevant."
– Dr. Donald P. Geesaman, health physicist, formerly of Lawrence Livermore Lab

The Bush White House fooled most of the world's press with its unverified claims of intercepting a "dirty bomb" attack against the U.S. On its front page, USA Today barked: "US: 'Dirty Bomb' Plot Foiled." Newspapers everywhere explained breathlessly what radioactive materials could do if dispersed in populated areas. As Alex Cockburn reports in The Nation, when the story faced some mild scrutiny, Deputy Secretary of Defense Paul Wolfowitz backed away from the propaganda saying, "I don't think there was actually a plot beyond some fairly loose talk."

Meanwhile, the real-time, worldwide use by the United States of radiological dirty bombs has moved well beyond the plotting and shooting stage, and has begun to produce dire consequences. Toxic, radioactive uranium-238 – so-called depleted uranium – used in munitions, missiles and tank armor may be responsible for deadly health consequences among U.S. and allied troops and populations in bombed areas, and has probably caused permanent radioactive contamination of large parts of Iraq, Bosnia, Kosovo and perhaps Afghanistan. Depleted uranium "penetrators" as they are called burn on impact and up to 70 percent of the DU is released (aerosolized) as toxic and radioactive dust that can be inhaled and ingested and later trapped in the lungs or kidneys.

In January 2001, the world press finally discovered depleted uranium (DU) weapons(1), the super hard munitions made with waste U-238 – an alpha emitter with a radioactive half-life of 4.5 billion years. Nine years of radiation-induced death, disease, and birth abnormalities in Iraq did not move major news organizations to investigate, but the deaths from leukemia of 15 Western Europeans – after their participation in military missions in Bosnia and Kosovo -- prompted the major media, the European Parliament and 11 European governments to launch investigations into the health and environmental consequences of what Dr. Rosalie Bertell calls "shooting radioactive waste at your enemy."

DU is left after uranium ore has gone through the

Taking Action

In the first move by someone in Congress to investigate the military's use of DU weapons, U.S. Rep. Cynthia McKinney (D-GA) has introduced the Depleted Uranium Munitions Suspension and Study Act of 2001, H.R. 3155. McKinney's bill would:

* Suspend the U.S. military's use and approval for foreign sale or export of DU munitions, pending a certification from the Sec. of Health and Human Services that DU munitions will not pose a long-term threat to the health of U.S. or NATO military personnel or jeopardize the health of civilian populations in the area of use;

* Suspend the foreign sale and export of plutonium-contaminated DU munitions;

* Initiate a GAO investigation of plutonium contamination of DU, and

* Initiate a study of the health effects of DU on current or former U.S. military personnel who may have been exposed and medical personnel who

gaseous diffusion process that removes most of the fissionable isotope U-235. The refuse also of nuclear weapons and reactor fuel production, some 700,000 tons(2) are now left in the U.S. as "resource material" – a legal definition that saves the Energy Department the cost of managing DU as radioactive waste.

Prized for its high density, DU is used in munitions for piercing armor plate. Shot from planes like the USAF A-10 Warthog, the DU shells are called "tank killers." But by building radioactive waste into armaments, the U.S. is, in effect using poisoned weapons as gene busters in war. At least five types of U.S. munitions contain DU, which is also used in casings for bombs, shielding on tanks, counter-weights for commercial jet aircraft, and "ground penetrators" on missiles. DU shells are made by Starmet Corporation in Concord, Mass., Aerojet Corp. in Sacramento, Calif. and others. Alliant Techsystems in Minneapolis (formerly Honeywell Corp.) assembled over 15 million DU shells for the Air Force in the 1990s.

treated such affected personnel.

In an appeal for co-sponsors McKinney wrote, " ... the U.S. should take care not to leave a toxic legacy for either people in a foreign land, nor to our own military personnel. Approximately 300 tons of DU munitions were used in the Gulf War, much of which still sits on the ground in Iraq. Since we really do not know the comprehensive consequences of DU contamination, I urge you to support this legislation, and protect our soldiers and innocent citizens from any unnecessary health threats." Info: Eric Lausten at <eric.lausten@mail.house.gov> – JML

Between 300 and 800 tons of DU munitions were blasted into Iraq, Saudi Arabia and Kuwait by U.S. forces in 1991.(3) The Pentagon says the U.S. fired about 10,800 DU rounds – close to three tons – into Bosnia in 1994 and 1995. More than 31,000 rounds, about 10 tons, were shot into Kosovo in 1999 according to NATO.(4)

A total of 24 soldiers from Europe have died of cancer since their 1994 and '95 service in Bosnia.(5) In response, Portugal's Prime Minister Antonio Guterres wrote to NATO's Robertson demanding an explanation of where and why DU munitions were used in Europe.

The Pentagon and the nuclear industry reacted typically to European politicians who in 2001 demanded health physics information from the Pentagon; after a laughable week-long, study NATO assured them that DU used in the Balkans can be "ruled out" as a significant health hazard.(6) And when Italy, Germany, Greece, the Netherlands and Norway and called for a moratorium on the use of DU, NATO ministers rejected the suggestion.(7)

NATO denials contradicted

Prominent scientists also worked to calm the uproar. Dr. John Boice, of the International Epidemiology Institute, told the New York Times, "To get leukemia you need to get the radiation to the bone marrow. The radiation does not go to the marrow. And Uranium 238 will not get to the bone marrow. I don't think it causes leukemia at all."(8) U.S. physicist Steve Fetter told the Times that uranium did not penetrate to bone and bone marrow where leukemia originates.

This slick obfuscation refers to external DU exposure and ignores the hazard from DU ingestion or inhalation. Jean Francois Lacronique, director of France's National Radiation Protection Agency, flatly contradicted NATO, saying, "U-238 has been found stored in bone, and if it gets into bone, it can reach the bone marrow."(9)

Dr. Frank von Hipple, author of a December 1999 Bulletin of the Atomic Scientists article on DU, told me, "Yes, it does get to the bone. We looked at that in our study." And the December 2000 Science for Democratic Action – from the Institute for Environmental and Energy Research (IEER) – reports that, "Some [DU] particles remain in the body where they can build up in lung [tissue], or enter the blood stream where it can accumulate in bone tissue." Internal exposure, the IEER article says, "increases the risk of leukemia and lung, bone and soft tissue cancers, particularly when inhaled or ingested."

At the height of the January 2001 media frenzy over cancers among peacekeeping troops deployed in Bosnia, a 17-year-old advisory bulletin from the Federal Aeronautics Administration (FAA) was leaked to the press.

Still in effect today, it puts the lie to industry, Pentagon, UK and NATO denials of health risks associated with DU exposure. The 1984 memo warns FAA crash site investigators that, "if particles are inhaled or ingested, they can be chemically toxic and cause a significant and long-lasting irradiation of internal tissue."(10)

More recently, the prestigious British Royal Society's second DU study found that troops who inhale or ingest "high levels" of DU could suffer kidney failure within days, and that children in DU-bombed areas face a long-term risk of cancer and heavy metal poisoning.(11) The United Nations Environment Program (UNEP) warned in March 2002, that there is a danger of groundwater contamination from corroding DU ammunition at six sites in Serbia and Montenegro bombed in 1999. UNEP president Pekka Haavisto said he, "was surprised to find DU particles still in the air two years after the conflict's end."(12)

Canadian researchers have found "unequivocal evidence" of long-term DU contamination of Persian Gulf vets: they found that eight years after the bombing, Canadian veterans were still passing U-238 in urine.(13) Italy announced last August 5 that its soldiers – afflicted with cancer after service in the Balkans and potential exposure to some of the three tons of DU exploded there by U.S. jets – will be awarded medical compensation. British researcher Albrecht Schott has found that UK soldiers exposed to DU in wartime have suffered 10 times more genetic damage than the general population. Prof. Schott said of this study, "This level of genetic damage doesn't occur naturally."(14) And in the U.S., a Dept. of Veterans Affairs study recently found that children of veterans of the Persian Gulf bombardment are two to three times as likely as those of other vets to have birth defects. The U.S. vets also reported more miscarriages.(15)

In Iraq, government figures show an increase in cancer cases from 6,555 in 1989 to 10,931 in 1997 – mostly in areas bombed by the U.S.-led coalition in 1996 – and the number of reported cancer cases increased 12 fold between 1991 and 2001.(16)

Needing no further evidence of harm, the European Parliament, on Jan. 17, 2001, voted 394 to 60 in favor of a moratorium on the use of DU among its members. NATO commanders issued a one-page statement Feb. 13, 2001 dismissing concerns. But the Navy and Marines decided sometime before June to stop using DU. "We're not considering [DU] anymore because of the environmental problems associated with it.... We don't want to be in a position of having someone say, 'You can't bring your armor piercing rounds on the battlefield,'" said Col. Clayton Nans, head of the Marines' Advanced Amphibious Assault Vehicle program.(17)

As press coverage began to fade, and NATO felt it was bringing the DU "hysteria" under control, the weapon's contamination with highly radioactive plutonium was disclosed.

Plutonium contamination raises stakes

In Europe, a wildfire of publicity was lit anew by the United States' official admission that its DU contains plutonium and other reactor-borne fission products far more radioactive and carcinogenic than uranium-238.

The discovery of uranium-236 contamination in spent munitions used against Kosovo revealed that the DU was not obtained before the nuclear reaction process. The Pentagon, NATO and the British Ministry of Defense have always downplayed the danger of DU saying it was "less radioactive than uranium ore." But at least half of the DU (250,000 metric tons) is now known to have been left over from the reprocessing of irradiated reactor fuel (done to extract weapons-grade plutonium), leaving it salted with fission products.(18)

"If it has been through a reactor, it does change our idea on depleted uranium," says Dr. Michael Repacholi of the World Health Organization, which has demanded to know how much plutonium is in DU ammunition. The U.S. Department of Energy (DOE) is still working on an answer to that question.

As early as January 2000, the DOE admitted that its DU munitions are spiked with plutonium, neptunium and americium – "transuranic" (heavier than uranium) fission wastes from inside nuclear reactors.(19) The health consequences here are fearsome: americium – with a half-life of 7,300 years – decays to plutonium-239, which is more radioactive than the original americium.

DU "contains a trace amount of plutonium," said the DOE's Assistant Secretary David Michaels, who wrote to the Military Toxics Project's Tara Thornton January 20, 2000. "Recycled uranium, which came straight from one of our production sites, e.g. Hanford [Reservation, in Richland, Washington], would routinely contain transuranics at a very low level...." Michaels wrote. "We have initiated a project to characterize the level of transuranics in the various depleted uranium inventories," he said.

Dr. Von Hippel says in The Bulletin of the Atomic Scientists that plutonium-239 is 200,000 times more radioactive than U-238. Plutonium "is probably the most carcinogenic substance known," according to Dr. Arjun Makhijani, President of IEER, writing in his 1992 book Plutonium.

The government's bland assurances regarding material carcinogenic to animals in microgram quantities appear scientifically preposterous, yet the AP reported Feb. 3, 2001: "U.S. officials have said the shells contained mere traces of plutonium, not enough to cause harm." On Jan. 19, after a one-week "investigation," NATO officials said, "traces of highly radioactive elements such as plutonium and americium were not relevant to soldiers' health because of their minute quantities."(20) This public relations ploy failed to calm the furor raised across Europe, especially after the leak of a July 1, 1999, "hazard awareness" memo issued by the Pentagon. The memo warned military personnel entering Kosovo against touching spent ammunition, suggested the use or protective masks and skin covering while in contaminated areas, and recommended follow-up health assessments.(21) The warning was sent to defense ministries in Europe but it is not known to have been given to civilians or returning refugees.

Poison weapons illegal in any armed conflict

The U.S. Air Force's 1976 manual, "International Law: The Conduct of Armed Conflict and Air Operations" governs the actions of all USAF commanders and pilots, including the top guns shooting DU. "It is especially important," the Air Force manual says, "that treaties, having the force of law equal to laws enacted by the Congress on the United States, be scrupulously adhered to by the United States armed forces." The manual names treaties specifically recognized as binding, including the Hague Conventions of 1907, the Geneva Gas Protocol of 1925, and the Geneva Convention Relative to the Protection of Civilians in Time of War, 1949.(22)

The Geneva Gas Protocol outlaws, " ... asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices." The Hague Conventions explicitly outlaw poison saying, "It is especially forbidden: To employ poison or poisoned weapons."

Poison is defined by the Air Force manual as, "biological or chemical substances causing death or disability with permanent effects when, in even small quantities, they are ingested, enter the lungs or bloodstream, or touch the skin."

Although the law could not be clearer, NATO spokesman Francois Le Blevennec told Knight Ridder that depleted uranium, "has never been declared illegal by any war convention." However, the Air Force law manual says, "any weapons may be put to an unlawful use." The Air Force declares unequivocally that, "A weapons

may be illegal per se if either international custom or treaty has forbidden its use under all circumstances. An example is poison to kill or injure a person."

Because the U.S. government has known since at least 1984 about the poisonous effects of its DU warfare, the commanders of its bombing raids over Iraq, Bosnia, Kosovo and Afghanistan may well hope the White House wins its fight for immunity in the International Criminal Court. If not, the Pentagon's dirty bomb contamination may move from the gene pool and the water table into the court room.

John LaForge is on the staff of Nukewatch, a peace and environmental action group in Wisconsin, and edits its quarterly newsletter The Pathfinder.

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3. The Nation, May 26, 1997.

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5. New York Times, Feb. 14 & Jan. 29, 2001.

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7. Wis. State Journal, Jan. 1; New York Times, Jan. 11, 2001.

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11. "The health hazards of depleted uranium munitions, Part II," The Royal Society, March 2002, p. ix.

12. United Nations Environment Program, Press Advisory, March 27, 2002.

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15. Milwaukee Journal Sentinel, Oct. 6; Chicago Tribune, Oct. 10, 2001.

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17. USA Today, June 25, 2001.

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19. New York Times, Feb. 14, 2001.

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22. Department of the Air Force, "International Law – The Conduct of Armed Conflict and Air Operations," Judge Advocate General Activities, Air Force Pamphlet 110-31, 19 Nov. 1976.

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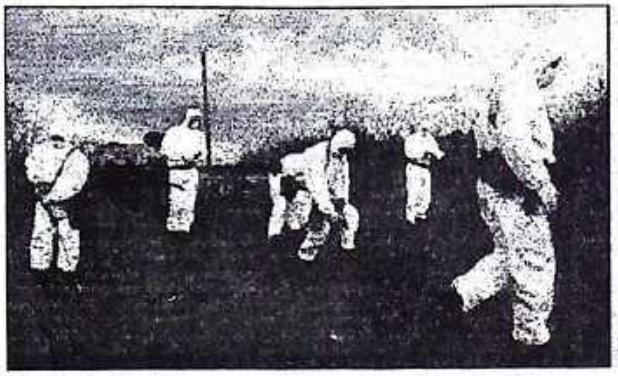
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BBC News Online: Sci/Tech

Tuesday, 12 March, 2002, 14:08 GMT

Uranium weapons health warning



A lot of effort has gone into assessing the risks

By BBC News Online's Ania Lichtarowicz

A small number of soldiers and civilians might suffer kidney damage from depleted uranium (DU) if substantial amounts are breathed in, or swallowed in contaminated soil and water.

" The main concerns are that children can ingest large amounts of soil when they're playing "

Prof Brian Spratt

A report by the UK's academy of science, the Royal Society, recommends that soldiers who may have been exposed to DU should be tested for the presence of uranium in their kidneys and in their urine.

Written by some of the country's leading scientists, the report also suggests that DU may contaminate water supplies - putting civilians at risk.

The society's recommendations include annual water sampling in areas of high contamination and more research into the health of veterans who may have been exposed to DU.

Inhaled dust

DU is used in weapons designed to pierce the heaviest armour, such as in tanks. It is a by-product of nuclear fuel development and is slightly radioactive.

Gulf war veteran Brian Tooze was rushed into hospital with suspected meningitis four years after he returned from the conflict.

But instead of the brain disease, doctors found there was evidence of DU in his urine.

He told BBC Radio 4's Today programme that now he suffers from skin cancer, kidney trouble, irritable bowel syndrome, constant headaches, tinnitus and problems with balance.

Testing

"It is impossible to work and I may now have to have my right knee replaced with a false one," he added.

Mr Tooze does not put all his symptoms down to DU exposure - he blames a combination of that and post-traumatic stress disorder, but he has backed calls for proper testing of UK soldiers.

A previous report by the Royal Society, published in May last year, suggested the radioactivity associated with DU might increase the risk of individuals developing lung cancer.

Those most at risk are soldiers who breathe in high levels of DU dust which often occurs when a person is caught close to a DU impact.

On penetrating a tank, the weapon breaks up to form a fine dust that can be inhaled.

The dust can also settle on the ground and cause further danger to the clean-up teams who move into an area to remove the wreckage of war.

Heavy metal

Depleted uranium is also a dangerous chemical that can have other effects on the body.



This latest report by the Royal Society suggests that most soldiers on the battlefield will be exposed to levels of DU that are unlikely to cause heavy metal poisoning.

But those who inhale large enough quantities may experience short-term kidney problems.

Currently there is not enough data to assess the long-term damage. The scientists predict that very high exposure could lead to kidney failure within days.

The UN is recording DU hot spots - areas where DU weapons have been used.

Children at risk

Professor Brian Spratt from Imperial College in London and one of the authors of the Royal Society report said that children could be particularly at risk

"The main concerns are that children can ingest large amounts of soil when they're playing and ingestion of the heavily contaminated soil could give them high levels of uranium in their kidneys which could cause them some kidney damage," he told BBC News Online.

Another problem is water contamination. Local civilian populations could be at risk if DU leaked into water sources. Tests show this has not happened.

But Professor Spratt suggests that water sampling is carried out every year as it could take up to 40 years for the DU to filter into the water.

Recent conflict

If that did happen and dangerous levels of DU were present then drinking water would be unsafe.

DU weapons were used in the Gulf War and in the Balkans. The British Ministry of Defence has confirmed that no DU weapons have been used by UK forces in the conflict in Afghanistan.

It is not yet clear whether the US has used DU weapons.

Professor Spratt is hopeful that screening of veterans will start by the end of the year so more can be learnt about the effects of DU on the body.

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Depleted Uranium: Confusing Ends and Means

War is brutal. This is not news, as we all know innocent lives are inevitably lost in the pursuit of "strategic goals." Hawkish foreign policy wonks explain it away with shrugged resignation: "You've gotta break some eggs to make an omelet." But, it turns out, our military technologies do more than that, they annihilate the eggs while also altering the genetic legacy of the hen.

In Gulf War I, we broke plenty of eggs; the image of **carbonized bodies of Iraqi soldiers along the road to Baghdad** is a wrenching depiction of the immediate horrors of war. Here's the long-term horror: the use of depleted-uranium (DU) warheads—which are frighteningly effective in piercing and destroying tanks—is causing severe birth defects in the children of Gulf War veterans and Iraqi citizens, according to **Dr. Siegwart Horst-Gunther**, President of the International Yellow Cross. And scientists are strongly suggesting a link between their use and Gulf War Syndrome.

In one particularly graphic account, babies are being born with **extreme hydrocephalus, without eye sockets and arms, some with a mysterious white substance shrouding their entire bodies, enormous tumors, and fused fingers**, not to mention respiratory disorders and leukemia. And the Pentagon remains firm in its plans to use depleted uranium warheads **in our upcoming confrontation with Iraq**.

Depleted uranium has been in wide use by the US military for years: made from low-level nuclear reactor waste, DU warheads were used by the US in the first Gulf War, in Kosovo, in Vieques, and in Afghanistan—although the Pentagon denied each of these uses for many months. In the first Gulf War alone, some 400,000 vets were exposed to depleted uranium, according to Pentagon estimates, and when our troops pulled out they left between **300 and 800 tons of the stuff** on battlefields between Kuwait and Iraq. The government denies any link between DU and Gulf War Syndrome or other ill effects, despite this reference to its hazards in Appendix D of the armaments, munitions, and chemical command report "Kinetic Energy Penetrator Long Term Strategy Study, July 1990":

> Aerosol DU (Depleted Uranium) exposures to soldiers on the battlefield could be significant with potential radiological and toxicological effects. ...Under combat conditions, the most exposed individuals are probably ground troops that re-enter a battlefield following the exchange of armour-piercing munitions. ...We are simply highlighting the potential for levels of DU exposure to military personnel

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Published on Thursday, April 17, 2003 by the Guardian/UK

Scientists Urge Shell Clear-Up to Protect Civilians

Royal Society spells out dangers of depleted uranium

by Paul Brown

Hundreds of tons of depleted uranium used by Britain and the United States in Iraq should be removed to protect the civilian population, the Royal Society said yesterday, contradicting Pentagon claims it was not necessary.

The society's statement fuels the controversy over the use of depleted uranium (DU), which is an effective tank destroyer and bunker buster but is believed by many scientists to cause cancers and other severe illnesses.

The society, Britain's premier scientific institution, was incensed because the Pentagon had claimed it had the backing of the society in saying DU was not dangerous.

In fact, the society said, both soldiers and civilians were in short and long term danger. Children playing at contaminated sites were particularly at risk.

DU is left over after uranium is enriched for use in nuclear reactors and is also recovered after reprocessing spent nuclear fuel. There are thousands of tonnes of it in stores in the US and UK.

Because it is effectively free and 20% heavier than steel, the military experimented with it and discovered it could penetrate steel and concrete much more easily than conventional weapons. It burns at 10,000C, incinerating everything as it turns to dust.

As it proved so effective, it was adopted as a standard weapon in the first Gulf war despite its slight radioactive content and toxic effects. It was used again in the Balkans and Afghanistan by the US.

DU has been suspected by many campaigners of causing the unexplained cancers among Iraqi civilians, particularly children, since the previous Gulf war. Chemicals released in the atmosphere during bombing could equally be to blame.

Among those against the use of DU is Professor Doug Rokke, a one time US army colonel who is also a former director of the Pentagon's depleted uranium project, and a former professor of environmental science at Jacksonville University. He has said a nation's military personnel cannot wilfully contaminate any other nation, cause harm to persons and the environment and then ignore the consequences of their actions. He has called on the US and UK to "recognize the immoral consequences of their actions and assume responsibility for medical care and thorough environmental remediation".

The UN Environment Programme has been tracking the use of DU in the Balkans and found it leaching into the water table. Seven years after the conflict it has

recommended the decontamination of buildings where DU dust is present to protect the civilian population against cancer.

Up to 2,000 tonnes of DU has been used in the Gulf, a large part of it in cities like Baghdad, far more than in the Balkans. UNEP has offered to go to Iraq and check on the quantities of DU still present and the danger it poses to civilians.

Professor Brian Spratt, chairman of the Royal Society working group on depleted uranium, said that a recent study by the society had found that the majority of soldiers were unlikely to be exposed to dangerous levels of depleted uranium during and after its use on the battlefield.

"However, a small number of soldiers might suffer kidney damage and an increased risk of lung cancer if substantial amounts of depleted uranium are breathed in, for instance inside an armored vehicle hit by a depleted uranium penetrator."

He said the study also concluded that the soil around the impact sites of depleted uranium penetrators may be heavily contaminated, and could be harmful if swallowed by children for example.

"In addition, large numbers of corroding depleted uranium penetrators embedded in the ground might pose a long-term threat if the uranium leaches into water supplies.

"We recommend that fragments of depleted uranium penetrators should be removed, and areas of contamination should be identified and, where necessary, made safe."

He added: "We also recommend long-term sampling, particularly of water and milk, to detect any increase in uranium levels in areas where depleted uranium has been used. This provides a cost-effective method of monitoring sensitive components in the environment, and of providing information about uranium levels to concerned local populations."

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Monday, 14 April, 2003, 14:55 GMT 15:55 UK

US rejects Iraq DU clean-up

By Alex Kirby
BBC News Online environment correspondent

The US says it has no plans to remove the debris left over from depleted uranium (DU) weapons it is using in Iraq.

- DU shells can go straight through the side of a tank
- US and British tanks use DU shells and armour

It says no clean-up is needed, because research shows DU has no long-term effects.

It says a 1990 study suggesting health risks to local people and veterans is out of date.

A United Nations study found DU contaminating air and water seven years after it was used.

DU, left over after natural uranium has been enriched, is 1.7 times denser than lead, and very effective for punching through armoured vehicles.

When a weapon with a DU tip or core strikes a solid object, like the side of a tank, it goes straight through before erupting in a burning cloud of vapour. This settles as chemically poisonous and radioactive dust.

Risk studies

Both the US and the UK acknowledge the dust can be dangerous if inhaled, though they say the danger is short-lived, localised, and much more likely to lead to chemical poisoning than to irradiation.

" One thing we've found in these various studies is that there are no long-term effects from DU "
Lieutenant-Colonel David Lapan, Pentagon spokesman

But a study prepared for the US Army in July 1990, a month before Iraq invaded Kuwait, says: "The health risks associated with internal and external DU exposure during combat conditions are certainly far less than other combat-related risks.

"Following combat, however, the condition of the battlefield and the long-term health risks to natives and combat veterans may become issues in the acceptability of the continued use of DU."

A Pentagon spokesman, Lieutenant-Colonel David Lapan, told BBC News Online: "Since then there've been a number of studies - by the UK's Royal Society and the World Health Organisation, for example - into the health risks of DU, or the lack of them.

"It's fair to say the 1990 study has been overtaken by them. One thing we've found in these various studies is that there are no long-term effects from DU.

"And given that, I don't believe we have any plans for a DU clean-up in Iraq."

Part of the armoury

The UN Environment Programme study, published in March 2003, found DU in air and groundwater in Bosnia-Herzegovina seven years after the weapons were fired.

The UN says the existing data suggest it is "highly unlikely" DU could be linked to any of the health problems reported.

But it recommends collecting DU fragments, covering contaminated points with asphalt or clean soil, and keeping records of contaminated sites.

Reports from Baghdad speak of repeated attacks by US aircraft carrying DU weapons on high-rise buildings in the city centre.

The UK says: "British forces on deployment to the Gulf have DU munitions available as part of their armoury, and will use them if necessary." It will not confirm they have used them.

Many veterans from the Gulf and Kosovo wars believe DU has made them seriously ill.

One UK Gulf veteran is Ray Bristow, a former marathon runner.

In 1999 he told the BBC: "I gradually noticed that every time I went out for a run my distance got shorter and shorter, my recovery time longer and longer.

"Now, on my good days, I get around quite adequately with a walking stick, so long as it's short distances. Any further, and I need to be pushed in a wheelchair."

Ray Bristow was tested in Canada for DU. He is open-minded about its role in his condition.

But he says: "I remained in Saudi Arabia throughout the war. I never once went into Iraq or Kuwait, where these munitions were used.

"But the tests showed, in layman's terms, that I have been exposed to over 100 times an individual's safe annual exposure to depleted uranium."

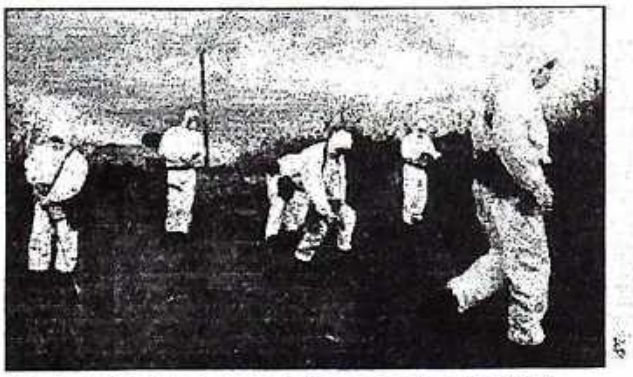
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Tuesday, 12 March, 2002, 14:08 GMT

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from the May 15, 2003 edition - http://www.csmonitor.com/2003/0515/p01s02-woiq.html

Remains of toxic bullets litter Iraq

The Monitor finds high levels of radiation left by US armor-piercing shells.

By Scott Peterson | Staff writer of The Christian Science Monitor

BAGHDAD - At a roadside produce stand on the outskirts of Baghdad, business is brisk for Latifa Khalaf Hamid. Iraqi drivers pull up and snap up fresh bunches of parsley, mint leaves, dill, and onion stalks.

But Ms. Hamid's stand is just four paces away from a burnt-out Iraqi tank, destroyed by - and contaminated with - controversial American depleted-uranium (DU) bullets. Local children play "throughout the day" on the tank, Hamid says, and on another one across the road.

No one has warned the vendor in the faded, threadbare black gown to keep the toxic and radioactive dust off her produce. The children haven't been told not to play with the radioactive debris. They gather around as a Geiger counter carried by a visiting reporter starts singing when it nears a DU bullet fragment no bigger than a pencil eraser. It registers nearly 1,000 times normal background radiation levels on the digital readout.

The Monitor visited four sites in the city - including two randomly chosen destroyed Iraqi armored vehicles, a clutch of burned American ammunition trucks, and the downtown planning ministry - and found significant levels of radioactive contamination from the US battle for Baghdad.

In the first partial Pentagon disclosure of the amount of DU used in Iraq, a US Central Command spokesman told the Monitor that A-10 Warthog aircraft - the same planes that shot at the Iraqi planning ministry - fired 300,000 bullets. The normal combat mix for these 30-mm rounds is five DU bullets to 1 - a mix that would have left about 75 tons of DU in Iraq.

The Monitor saw only one site where US troops had put up handwritten warnings in Arabic for Iraqis to stay away. There, a 3-foot-long DU dart from a 120 mm tank shell, was found producing radiation at more than 1,300 times background levels. It made the instrument's staccato bursts turn into a steady whine.

"If you have pieces or even whole [DU] penetrators around, this is not an acute health hazard, but it is for sure above radiation protection dose levels," says Werner Burkart, the German deputy director general for Nuclear Sciences and Applications at the UN's International Atomic Energy Agency (IAEA) in Vienna. "The important thing in any battlefield - especially in populated urban areas - is somebody has to clean up these sites."

Minimizing the risk

Fresh-from-the-factory DU tank shells are normally handled with gloves, to minimize the health risk, and shielded with a thin coating. The alpha particle radiation emitted by DU travels less than an inch and can be stopped by cloth or even tissue paper. But when the DUmaterial burns (usually on impact; or as a dust, it can spontaneously ignite) protective shields disappear, and dangerous radioactive oxides are created that can be

inhaled or ingested.

"[The risk] depends so very much on how you handle it," says Jan Olof Snihs, of Sweden's Radiation Protection Authority in Stockholm. In most cases dangers are low, he says, unless children eat toxic and radioactive soil, or get DU oxides on their hands.

Radioactive particles are a "special risk associated with a war," Mr. Snihs says. "The authorities should be aware of this, and try to decontaminate places like this, just to avoid unnecessary risk."

Pentagon officials say that DU is relatively harmless and a necessary part of modern warfare. They say that pre-Gulf War studies that indicated a risk of cancer and of causing harm to local populations through permanent contamination have been superseded by newer reports.

"There is not really any danger, at least that we know about, for the people of Iraq," said Lt. Col. Michael Sigmon, deputy surgeon for the US Army's V Corps, told journalists in Baghdad last week. He asserted that children playing with expended tank shells would have to eat and then practically suffocate on DU residue to cause harm.

But there is a growing chorus of concern among United Nations and relief officials, along with some Western scientific experts, who are calling for sites contaminated with DU be marked off and made safe.

"The soil around the impact sites of [DU] penetrators may be heavily contaminated, and could be harmful if swallowed by children," says Brian Spratt, chair of the working group on DU at The Royal Society, Britain's premier scientific institution.

Heavy metal toys?

Fragments and penetrators should be removed, since "children find them fascinating objects, and can pocket them," says Professor Spratt. "The science says there is some danger - not perhaps a huge danger - of these objects. ... We certainly do not say that these things are safe; we say that cleanup is important."

The British Ministry of Defense says it will offer screening to soldiers suspected of DU exposure, and will publish details about locations and quantities of DU that British troops used in Iraq - a tiny fraction of that fired by US forces.

The Pentagon has traditionally been tight-lipped about DU: Official figures on the amount used were not released for years after the 1991 Gulf War and Bosnia conflicts, and nearly a year after the 1999 Kosovo campaign. No US official contacted could provide DU use estimates from the latest war in Iraq.

"The first thing we should ask [the US military] is to remove that immediately," says Carel de Rooy, head of the UN Children's Fund in Baghdad, adding that senior UN officials need urgent advice on avoiding exposure.

The UN Environment Program last month called for field tests. DU "is still an issue of great concern for the general public," said UNEP chief Klaus Töpfer. "An early study in Iraq could either lay these fears to rest or confirm that there are indeed potential risks."

US troops avoid wreckage

During the latest Iraq conflict Abrams tanks, Bradley fighting vehicles and A-10 Warthog aircraft, among other military platforms, all fired the DU bullets from desert war zones to the heart of Baghdad. No other armor-piercing round is as effective against enemy tanks. While the Pentagon says there's no risk to Baghdad residents, US soldiers are taking their own precautions in Iraq, and in some cases have handed out warning leaflets and put up signs.

"After we shoot something with DU, we're not supposed to go around it, due to the fact that it could cause cancer," says a sergeant in Baghdad from New York, assigned to a Bradley, who asked not to be further identified.

"We don't know the effects of what it could do," says the sergeant. "If one of our vehicles burnt with a DU round inside, or an ammo truck, we wouldn't go near it, even if it had important documents inside. We play it safe."

Six American vehicles struck with DU "friendly fire" in 1991 were deemed to be too contaminated to take home, and were buried in Saudi Arabia. Of 16 more brought back to a purpose-built facility in South Carolina, six had to be buried in a low-level radioactive waste dump.

Television footage of the war last month showed Iraqi armored vehicles burning as US columns drove by, a common sign of a strike by DU, which burns through armor on impact, and often ignites the ammunition carried by the targeted vehicle.

"We were buttoned up when we drove by that - all our hatches were closed," the US sergeant says. "If we saw anything on fire, we wouldn't stop anywhere near it. We would just keep on driving."

That's an option that produce seller Hamid doesn't have.

She says the US broke its promise not to bomb civilians. She has found US cluster bomblets in her garden; the DU is just another dangerous burden, in a war about which she remains skeptical.

"We were told it was going to be paradise [when Saddam Hussein was toppled], and now they are killing our children," she says voicing a common Iraqi perception about the risk of DU. "The Americans did not bother to warn us that this is a contaminated area."

There is a warning now at the Doura intersection on the southern outskirts of Baghdad. In the days before the capital fell, four US supply trucks clustered near an array of highway off-ramps caught fire, cooking off a number of DU tank rounds.

American troops wearing facemasks for protection arrived a few days later and bulldozed the topsoil around the site to limit the contamination.

The troops taped handwritten warning signs in Arabic to the burned vehicles, which read: "Danger - Get away from this area." These were the only warnings seen by this reporter among dozens of destroyed Iraqi armored vehicles littering the city.

"All of them were wearing masks," says Abbas Mohsin, a teenage cousin of a drink seller 50 yards away, said referring to the US military cleanup crew. "They told the people there were toxic materials ... and advised my cousin not to sell Pepsi and soft drinks in this area. They said they were concerned for our safety."

Despite the troops' bulldozing of contaminated earth away from the burnt vehicles, black piles of pure DU ash and particles are still present at the site. The toxic residue, if inhaled or ingested, is considered by scientists to be the most dangerous form of DU.

One pile of jet-black dust yielded a digital readout of 9,839 radioactive emissions in one minute, more than 300 times average background levels registered by the Geiger counter. Another pile of dust reached 11,585 emissions in a minute.

Western journalists who spent a night nearby on April 10, the day after Baghdad fell, were warned by US soldiers not to cross the road to this site, because bodies and unexploded ordnance remained, along with DU contamination. It was here that the Monitor found the "hot" DU tank round.

This burned dart pushed the radiation meter to the far edge of the "red zone" limit.

A similar DU tank round recovered in Saudi Arabia in 1991, that was found by a US Army radiological team to be emitting 260 to 270 millirads of radiation per hour. Their safety memo noted that the "current [US Nuclear Regulatory Commission] limit for non-radiation workers is 100 millirads per year."

The normal public dose limit in the US, and recognized around much of the world, is 100 millirems per year. Nuclear workers have guidelines 20 to 30 times as high as that.

The depleted-uranium bullets are made of low-level radioactive nuclear-waste material, left over from the making of nuclear fuel and weapons. It is 1.7 times as dense as lead, and burns its way easily through armor. But it is controversial because it leaves a trail of contamination that has half-life of 4.5 billion years - the age of our solar system.

Less DU in this war?

In the first Gulf War, US forces used 320 tons of DU, 80 percent of it fired by A-10 aircraft. Some estimates suggest 1,000 tons or more of DU was used in the current war. But the Pentagon disclosure Wednesday that about 75 tons of A-10 DU bullets were used points to a smaller overall DU tonnage in Iraq this time.

US military guidelines developed after the first Gulf War - which have since been considerably eased - required any soldier coming within 50 yards of a tank struck with DU to wear a gas mask and full protective suit. Today, soldiers say they have been told to steer clear of any DU.

"If a [tank] was taken out by depleted uranium, there may be oxide that you don't want to inhale. We want to minimize any exposure, at least to the lowest level possible," Dr. Michael Kilpatrick, a top Pentagon health official told journalists on March 14, just days before the war began. "If somebody needs to go into a tank that's been hit with depleted uranium, a dust mask, a handkerchief is adequate to protect them - washing their hands afterwards."

Not everyone on the battlefield may be as well versed in handling DU, Dr. Kilpatrick said, noting that his greater concern is DU's chemical toxicity, not its radioactivity: "What we worry about like lead in paint in housing areas - children picking it up and eating it or licking it - getting it on their hands and ingesting it."

In the US, stringent NRC rules govern any handling of DU, which can legally only be disposed of in low-level radioactive waste dumps. The US military holds more than a dozen NRC licenses to work with it.

In Iraq, DU was not just fired at armored targets.

Video footage from the last days of the war shows an A-10 aircraft - a plane purpose-built around a 30-mm Gatling gun - strafing the Iraqi Ministry of Planning in downtown Baghdad.

A visit to site yields dozens of spent radioactive DU rounds, and distinctive aluminum casings with two white bands, that drilled into the tile and concrete rear of the building. DU residue at impact clicked on the Geiger counter at a relatively low level, just 12 times background radiation levels.

Hot bullets

But the finger-sized bullets themselves - littering the ground where looters and former staff are often walking - were the "hottest" items the Monitor measured in Iraq, at nearly 1,900 times background levels.

The site is just 300 yards from where American troops guard the main entrance of the Republican Palace, home to the US and British officials tasked with rebuilding Iraq.

"Radioactive? Oh, really?" asks a former director general of the ministry, when he returned in a jacket and tie for a visit last week, and heard the contamination levels register in bursts on the Geiger counter.

"Yesterday more than 1,000 employees came here, and they didn't know anything it," the former official says. "We have started to not believe what the American government says. What I know is that the occupiers should clean up and take care of the country they invaded."

US military officials often say that most people are exposed to natural or "background" radiation n daily life. For example, a round-trip flight across the US can yield a 5 millirem dose from increased cosmic radiation; a chest X-ray can yield a 10 millirem dose in a few seconds.

The Pentagon says that, since DU is "depleted" and 40 percent less radioactive than normal uranium, it presents even less of a hazard.

But DU experts say they are most concerned at how DU is transformed on the battlefield, after burning, into a toxic oxide dust that emits alpha particles. While those can be easily stopped by the skin, once inside the body, studies have shown that they can destroy cells in soft tissue. While one study on rats linked DU fragments in muscle tissue to increased cancer risk, health effects on humans remain inconclusive.

As late as five days before the Iraq war began, Pentagon officials said that 90 of those troops most heavily exposed to DU during the 1991 Gulf War have shown no health problems whatsoever, and remain under close medical scrutiny.

Released documents and past admissions from military officials, however, estimate that around 900 Americans were exposed to DU. Only a fraction have been watched, and among those has been one diagnosed case of lymphatic cancer, and one arm tumor. As reported in previous articles, the Monitor has spoken to American veterans who blame their DU exposure for serious health problems.

The politics of DU

But DU health concerns are very often wrapped up in politics. Saddam Hussein's regime blamed DU used in 1991 for causing a spike in the cancer rate and birth defects in southern Iraq.

And the Pentagon often overstates its case - in terms of DU effectiveness on the battlefield, or declaring the absence of health problems, according to Dan Fahey, an American veterans advocate who has monitored the shrill arguments from both sides since the mid-1990s.

"DU munitions are neither the benign wonder weapons promoted by Pentagon propagandists nor the instruments of genocide decried by hyperbolic anti-DU activists," Mr. Fahey writes in a March report, called "Science or Science Fiction: Facts, Myth and Propaganda in the Debate Over DU Weapons."

Nonetheless, Rep. Jim McDermott (D) of Washington, a doctor who visited Baghdad before the war, introduced legislation in Congress last month requiring studies on health and environment studies, and clean up of DU contamination in the US. He says DU may well be associated with increased birth defects.

"While the political effects of using DU munitions are perhaps more apparent than their health and environmental effects," Fahey writes, "science and common sense dictate it is unwise to use a weapon that distributes large quantities of a toxic waste in areas where people live, work, grow food, or draw water."

Because of the publicity the Iraqi government has given to the issue, Iraqis worry about DU.

"It is an important concern.... We know nothing about it. How can I protect my family?" asks Faiz Askar, an Iraqi doctor. "We say the war is finished, but what will the future bring?"

Full HTML version of this story which may include photos, graphics, and related links

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Sagittarius

Van: "Van Asseldonk"
Aan: "Sagittarius" <sagitar@hetnet.nl>
Verzonden: dinsdag 20 mei 2003 17:06
Onderwerp: Re: depleted uranium

Hallo Nico, op 'ons' kantoor in Den Haag zit nu de lobby voor het Intern. Strafhof. De enige die ik daar nog is de Zweedse juriste Cecilia Nilsson. Je zou haar kunnen polsen of zij op kantoor een vrijwilliger weet die jouw test zou willen opschonen (misschien wil ze het dan ook zelf wel doen; zij is jong en uitstekend thuis in hedendaags engels). Haar e-mailadres luidt: cicclegal2@iccnow.org.
In Nederland kun je het misschien ook proberen bij het Transnational Institute in Amsterdam. Ze zitten de Paulus Potterstraat meen ik. Politiek staan ze zeker achter je. HUn e-mail weet ik niet direct, maar kun je waarschijnlijk vinden op hun website: www.tni.org
Een laatste mogelijkheid in Nederland die me invalt is WILPF, tel. 030 271 21 21, van hen heb ik enkel het redactie-e-mailadres; dat luidt loesp@cuci.nl WILPF heeft heel wat vrouwen die uitstekend in hun engels zitten.
Wat huidige IALANA-kantoren betreft zou je een verzoekmailtje moeten sturen naar: unitednationsoffice@ialana.org in New York of naar southernoffice@ialana.org; hoe dik die in hun personeel zitten weet ik niet.
IK hoop dat je hier iets mee kunt en wens je een enthousiaste ontvangst voor dit nieuwe initiatief. Hartelijke groeten, ook van Chris, Ton

---- Original Message ----
From: Sagittarius
To: Van Asseldonk
Sent: Monday, May 19, 2003 5:11 PM
Subject: Re: depleted uranium

Hoi Ton,

Bedankt voor je DU-bijdrage !

Die kan nog van pas komen bij komende aangiftes/procedures i.v.m. de recente westerse oorlogen.

In dit verband ben ik bezig met het maken van een "handboek" voor zulk soort juridische akties tegen westerse oorlogsmisdadigers en oorlogsmisdaden.

De bedoeling is dat dit naar zoveel mogelijk groepen/individuen/organisaties gaat die dergelijke processen/aangiftes zouden kunnen (willen) aankaarten, propageren en uitcoeren . In en tegen zoveel mogelijk betrokken westerse landen.

Dat "handboek" is dan in het Engels. Nou weet je dat mijn Engels natuurlijk niet noodzakelijkerwijs HET Engels is.
Zouden er bij IALANA nog mensen rondlopen die bereid zouden zijn om de tekst van dit "handboek" te corrigeren op het Engels ?

Ik hoop het snel af te ronden en zodra het klaar is stuur ik je een exemplaar toe.

Zou je mij wat mailadressen van IALANA en eventueel andere georganiseerde organisaties wereldwijd kunnen toesturen ?

Weet je trouwens dat wij Nederland, en niet Belgie, de meest verstrekkende wetgeving hebben als het erom gaat buitenlandse oorlogsmisdadigers te vervolgen ?
Ja, dat is onze Wet Oorlogsstrafrecht !

Wat ik graag zou zien is dat in het een na het andere westerse land, bij toerbeurt, standaard-aangfites worden gedaan het eigen OM.
(Als voorwerk ook voor een eventuele klacht bij het ICC).
Het universaliteitsbeginsel van de Vierde Geneefse Conventie moet nu eindelijk maar eens op masale schaal getoetst worden.

Hartelijke groeten,

ook voor Chris,

Nico S.

—— Original Message ——
From: Van Asseldonk
To: Sagittarius
Sent: Tuesday, May 06, 2003 5:45 PM
Subject: depleted uranium

Hei Nico! Alles kits? Ik stuur je hierbij iets wat ik van de IALANAstek heb gepikt (en deels vertaald voor Procesnieuws). Ik dacht dat er wel origineel voer voor juristen in stond: in mijn ogen nieuwe argumenten tegen DU en stuur het je daarom door. Groeten, ook ven Chris, ook voor Neeltje, Ton

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Iraq:

People come first ? Protect humar during the current unrest

Amnesty International's 10-point a

22 April 2003 MDE 14/093/2003

There is an urgent need to protect human rights in Iraq. Although major comba to have ended, violence, killings, destruction of property and widespread insec the humanitarian emergency remains. If Iraq's future is to be hopeful, it must b human rights.

Amnesty International calls on the occupying powers, and all others exercising commit themselves publicly to the following 10 points. These derive from oblig international humanitarian law, in particular the Fourth Geneva Convention Rel Protection of Civilian Persons in Time of War, and from international human rig Other states should insist on respect for these principles:

1. Ensure public order and safety

The occupying powers and any interim authorities in Iraq must restore and mai and safety in areas under their control. They must prevent acts of violence to p In maintaining public order, they must ensure that any use of force is necessar to the threat. They must respect the rights to freedom of expression, assembly

Those reconstituting police or security forces must set up fair vetting procedure chance of restoring to their duties officials who may have been involved in seric violations.

2. Meet the basic needs of the Iraqi population

The occupying powers, in particular, must ensure the prompt provision of food, medical supplies to people living in areas of Iraq under their control, maintain h public services, and protect public health and hygiene.

3. Where fighting continues, protect civilians and act lawfully

Sporadic fighting may continue or erupt in parts of Iraq. In all cases, civilians ar part in hostilities must be protected, and there must be no indiscriminate attack collective punishments or other inhumane or arbitrary treatment.

4. Respect the rights of detainees

When armed conflict ends, prisoners of war must be released. Detained civiliar in the shortest possible period of time, unless they are charged with a recogniz and brought to trial. In all circumstances they must be allowed the right to chall of their detention.

Detainees must in all cases be treated humanely and protected from coercion, treatment.

5. No arbitrary expulsions, no ethnic cleansing, protect refugees

Occupying powers may not forcibly remove or expel any Iraqi civilian from occu civilian detainees should not be removed from Iraq. All Iraqis should be protect forcibly or arbitrarily displaced from their homes.

Those who flee abroad, or are already in exile, must be protected against forcit *(refoulement)* so long as they are at risk of serious human rights abuses in Iraq

6. Put the human rights of the Iraqi people at the heart of reconstruction e

The protection of human rights should be a key factor in prioritizing and implem reconstruction projects. The occupying powers must safeguard the property of 4th Geneva Convention all Iraqi nationals are protected persons) and, as caret property and natural resources, must not appropriate them or otherwise dispos

7. Commit to a comprehensive program for ensuring justice

All those responsible for crimes under international law and other grave human Iraq must be brought to justice, in accordance with international standards for f the imposition of the death penalty. There should be no amnesties for crimes u law.

At the heart of any comprehensive program for justice must be the reform of th justice system. Complementary and transitional approaches, for example interr tribunals, should be considered in the meantime.

8. Establish a UN commission of experts to advise on approaches to ensu

A UN Commission of experts should begin work immediately, in close consulta report in a matter of months on proposals for reforming the Iraqi criminal justice complementary and transitional approaches to justice. Its recommendations sh board by a new Iraqi government, as under international law the occupying pov to introduce wide-ranging changes to the existing system. The occupying powe suspend the imposition of the death penalty and other cruel and inhuman punis the operation of Iraqi special courts that violate international standards for fair t not establish their own tribunals.

9. Deploy UN human rights monitors throughout Iraq

Human rights monitors would aid protection of people's rights by addressing hu and issues directly with the authorities on the ground, and by providing authorit information to the international community.

10. Assist the work of humanitarian organizations

The occupying powers must allow humanitarian organizations access to peopl should not unnecessarily delay their activities. They should cooperate fully with Committee of the Red Cross, including by granting it access to all detainees, ai Red Crescent Society.

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