

## **The Iraqi People: Criminally Neglected by the International Community**

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### ***Open Letter to The UN High Commissioner for Human Rights Navi Pillay***

Dear Mrs Pillay,

On 24 of January you said you were “*shocked*” at reports that 34 individuals, including two women, were executed in Iraq on 19 January following their conviction for various crimes. “*Even if the most scrupulous fair trial standards were observed, this would be a terrifying number of executions to take place in a single day,*” you said.

*“Given the lack of transparency in court proceedings, major concerns about due process and fairness of trials, and the very wide range of offences for which the death penalty can be imposed in Iraq, it is a truly shocking figure.”*

*“Most disturbingly,” you added, “we do not have a single report of anyone on death row being pardoned, despite the fact there are well documented cases of confessions being extracted under duress. (...) I call on the Government of Iraq to implement an immediate moratorium on the institution of death penalty”<sup>1</sup>*

On the same day that you made this statement, a U.S. military judge sentenced a Marine squad leader, who pleaded guilty for war crimes in connection with the assassination of 24 Iraqicivilians in Haditha, to a maximum of 90 days in prison and a reduction in pay and rank. But because he pleaded guilty, Staff Sgt. Frank G. Wuterich won't serve any time in the brig.<sup>2</sup> Eight Marines were initially charged. One was acquitted, and six others had their cases dropped.<sup>3</sup> Understandably, the Iraqis reacted with outrage.<sup>4</sup>

We wonder if you were “*shocked*” when you read this verdict. Did you think this was an example of “*transparency in court proceedings*”? Didn't you have “*major concerns about due process and fairness of trials*” in this case? We assume you did. So why didn't your office issue a statement condemning the US government? And what does this tell you about the value of Iraqi lives?

### **Accountability**

You could have emphasized on the importance of legal and political mechanisms that hold individuals and governments accountable for their actions. The US rejects such accountability for itself, while demanding that others in the world be held accountable for their crimes. This

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<sup>1</sup><http://www.un.org/apps/news/story.asp?NewsID=41019&Cr=Iraq&Cr1>

<sup>2</sup><http://edition.cnn.com/2012/01/24/justice/california-iraq-trial/index.html>

<sup>3</sup>[http://www.huffingtonpost.com/2012/01/23/frank-wuterich-trial-marine-haditha\\_n\\_1224214.html](http://www.huffingtonpost.com/2012/01/23/frank-wuterich-trial-marine-haditha_n_1224214.html)

<sup>4</sup><http://gulffnews.com/news/region/iraq/marine-s-plea-deal-for-haditha-massacre-sparks-outrage-1.970776>

adds intellectual racism to the other deeds and crimes that the US should be held accountable for in Iraq and many other places around the world, as Rami G. Khouri wrote so eloquently.<sup>5</sup> To date, no US official has been held accountable for US policies leading to abuse in Iraq, or for the lies that started the war.<sup>6</sup> Despite the decreased US presence in Iraq, the country has been permanently affected, and accountability should be high on the agenda of your office.

### **Eleven Iraqi men in danger of being executed**

According to your press release, the total number of individuals sentenced to death in Iraq since 2004 is believed to stand at more than 1,200. The total number actually executed since then is not known, although at least 63 individuals are thought to have been executed in the past two months alone. The death penalty can be imposed in Iraq for around 48 crimes, including a number of non-fatal crimes such as – under certain circumstances – damage to public property.

On 28 May 2011, Amnesty International released its annual report. Their conclusion: “Serious human rights violations were committed by Iraqi security forces and US troops: thousands of people were detained without charge or trial, including some held for several years. (...) Torture and other ill-treatment of detainees by Iraqi security forces were endemic.(...) The courts handed down death sentences after unfair trials and at least 1,300 prisoners were reported to be on death row.”<sup>7</sup>

*“More than 1,200”, “at least 1,300”*: hundred Iraqis more or less on death row, who cares? We know that Iraqi lives are worth less than a barrel of oil in the eyes of this sleeping world community and the arrogant Iraqi government, which constantly provides your office with incorrect figures. But the Iraqi people do care and won’t forget the injustices that have been done to them.

On 25 January 2012 Amnesty International issued an urgent action alert to halt the execution of eleven Iraqi men. The Iraqi presidency has ratified the sentences of these men. They were sentenced to death on 14 January 2010 by the Central Criminal Court of Iraq (CCCI) in the Iraqi capital, Baghdad; sentenced to death in 2010 for their alleged involvement in bomb blasts at the Finance and Foreign Affairs Ministries, in Baghdad on 19 August 2009. They are at risk of imminent execution.

Very little information is available about the trial of the 11. According to media reports, their trial was not open to the public or the media, and was completed in a very short time. Trials heard before the CCCI consistently fall short of international fair trial standards.

Lawyer Badie Areflzzat appealed to the Iraqi legal authorities to cancel the death sentence of these 11 convicts, and stated:

*“These boys are waiting in death row and will be executed any moment now for a crime they did not commit. They were unjustly charged and unlawfully convicted and severe*

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<sup>5</sup><http://www.dailystar.com.lb/Opinion/Columnist/2011/Nov-09/153432-iraq-reminds-us-why-accountability-matters.ashx#ixzz1ki9T8R7D>

<sup>6</sup><http://wikileaks-press.org/iraq-war-logs-retrospective/>

<sup>7</sup><http://www.amnestyusa.org/research/reports/annual-report-iraq-2011>

*conditions made it impossible to defend themselves, evidenced by the signs of brutal torture, which are still visible on their bodies. These young men were convicted for the bomb attacks of bloody Wednesday, which damaged the Ministry of Foreign Affairs and Finance. These boys were convicted for the same crime to which another accused, Manaf Abdul Rahim al-Rawi, has already admitted to be guilty of. That these boys did not commit this crime is based on facts.”<sup>8</sup>*

What measures is your office planning to take to halt these executions?

### **Rivers of blood: the WikiLeaks war logs**

On 26 October 2010, you have urged Iraq and the United States to investigate allegations of torture and unlawful killings in the Iraq conflict revealed in the Wikileaks documents. You demanded for all alleged abuses against Iraqi civilians by US troops to be properly investigated. The statement followed revelations that the US handed over more than 9,000 detainees to Iraqi authorities despite knowing of hundreds of reports of torture by Iraqi Security forces.<sup>9</sup> On 3 November 2010, in the Special Information Session of Extra-territorial Abuses of Human Rights by the United States in Geneva, I have asked you: “*We are very surprised by this statement. Does the High Commissioner think it is appropriate for criminals to investigate their own crimes? Wijdan Mikhail, the Iraqi Minister of Human Rights in Iraq has called for putting Julian Assange on trial instead of investigating the crimes. Prime minister Nouri al-Maliki attempted to dismiss the leaks as “media games and bubbles”. And since the Obama administration has shown no desire to expose any of the crimes committed by US officials in Iraq, an international investigation under the auspices of the High Commissioner of Human Rights is necessary.*”<sup>10</sup> We’re still awaiting your answer.

Three days after the documents were released, Iraq's national security council agreed to establish a cross-government committee to examine the evidence of the endemic use of torture and extrajudicial murder by all of the state's security services. Have you heard something about that ever since? We didn't. However, the political storm caused by the WikiLeaks documents failed to ignite public outrage in Iraq. The Iraqi population has lived with violent instability, civil strife and routine abuse by militias, police and the army since the invasion of 2003. Iraqis did not need WikiLeaks to tell them about the hell they have lived in since the US-led invasion.<sup>11</sup>

### **You shouldn't trust Mr Maliki's government**

We think you know that figures provided by the Iraqi government cannot be trusted. We think you know that the actual deeds of the Iraqi government don't match their words, their statements, their promises. This is a sectarian and corrupt government at all levels. Of significance, Iraq completed the Universal Periodic Review (UPR) in February 2010. The Government of Iraq accepted 135 recommendations, and committed publicly to develop and implement a National Action Plan on Human Rights. However, no real moves were undertaken to implement the commitments made during the UPR. Another issue put on hold was the

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<sup>8</sup>Excerpts of a letter that was received by the **BRussells** Tribunal

<sup>9</sup><http://www.google.com/hostednews/afp/article/ALeqM5gKsrkbFk7IyEkQNAMq7mB5ZhHb8w?docId=CNG.faeec24ca121247e519f47662eae09bf.611>

<sup>10</sup><http://www.brussellstribunal.org/Newsletters/Newsletter7EN.htm>

<sup>11</sup><http://www.guardian.co.uk/commentisfree/2010/oct/28/iraq-war-logs-experts-views>

establishment of the Independent High Commission on Human Rights<sup>12</sup>, for which your office and the UN have repeatedly asked.

You know that between 50 and 180 bodies were dumped on Baghdad's streets each day at the height of the sectarian killing spree, and many bore signs of torture, such as drill holes or cigarette burns.<sup>13</sup> You know that the Iraqi government had issued instructions to all security and health offices not to give out body count numbers to the media. This was confirmed by a doctor at the Baghdad morgue who said on February 19 2008: "*We are not authorized to issue any numbers, but I can tell you that we are still receiving human bodies every day; the men have no identity on them*".<sup>14</sup> On August 10, 2006 Reuters mentioned that Iraq's Health, Interior and Defence ministries consistently provided lower figures than those released by the morgue.<sup>15</sup>

### **Maliki's sectarian policies in education**

Sectarian policies of the Maliki government hamper the right to education of Iraqi children in predominantly Sunni areas. Attacks on educational institutions by the Iraqi Army and government militias, to intimidate, frighten, kidnap, arrest and kill students occur on a regular basis. As a consequence school attendance has decreased dramatically. A few examples will make this clear. On 3 February 2011 the Muthanna Brigade of the Iraqi army prevented students of the Israschool for boys and from the Ascension High School for Girls in Haswa area of the district of Abu Ghraib, west of Baghdad, from going to school to perform their mid-term exams. An Iraqi source said: "*the army used force to prevent teachers and also the observers from the exams to reach their schools and ordered them to return to their homes.*" He added: "*the army struck terror into the hearts of students and citizens alike, amid the apparent absence of human rights and law.*"<sup>16</sup>

On Wednesday afternoon, Jan 25, 2012, in the Sunni area east of the city of Yathrib, Tikrit, Salah al Din province, Iraqi Government security forces belonging to the LEWA [17] of the Fourth Division in the Iraqi Army, broke into the Medina Secondary mixed high school, raided and searched the pupils, then arrested during this raid seven school pupils - eight and ninth grade students between the ages of 13 and 14 years - in a brutal way. The school was raided during the performance of students for their mid-year exams. The government forces didn't give any reason or motive for this raid.

Witnesses said that the forces raided the school in a most provocative and shocking way, spreading terror among the pupils, male and female, and led the students to leave the exam and the classroom. The witnesses added that the raid was carried out in the most heinous and barbarian way even though they were dealing with children, they have no regard to the sanctity of whether the pupils were boys or girls. The Director of the school (Jassim Mohammed Alhashmawi) tried to prevent these forces from entering the exam halls, but the forces verbally insulted and beat him and they forced him out of the school.

And sectarianism also comes "through the back door".

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<sup>12</sup> UNAMI HR rapport 2010 <http://www.ohchr.org/EN/Countries/MENARegion/Pages/UNAMIHRReports.aspx>

<sup>13</sup> <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MWAI-7R74BB?OpenDocument&query=disappeared%20iraq&cc=irq>

<sup>14</sup> <http://www.alternet.org/world/77602/>

<sup>15</sup> [http://www.nzherald.co.nz/world/news/article.cfm?c\\_id=2&objectid=10395546](http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10395546)

<sup>16</sup> <http://www.brussellstribunal.org/education160211.htm>

It seems that the students in dominantly “Shia” provinces obtained much better results than those in provinces with a predominantly Sunni population.

In 2009 protests broke out in three Sunni Muslim cities in which conspicuously low numbers of students passed their national exams, fuelling suspicions that Iraq's Shiite Muslim-led government is discriminating against Sunnis and others, reported McClatchy Newspapers on 10 September 2009. AlaaMakki who headed the parliament's education committee said he was troubled by allegations that the Ministry of Education discriminated against minorities, noting that students failed their exams at disproportionately high rates in Sunni Anbar province, in the Sunni city of Tikrit and in the Sunni neighbourhood of Adhamiyah in Baghdad. Education Minister Khudhayir al Khuzai is a Shiite. Just 27 percent of the students passed their 12th-grade national examinations in Fallujah, a city in Anbar. *"These people can't suddenly have lost their ability to study and all failed,"* Makki said. *"There is an error, and we hope to correct it."*<sup>17</sup>

These sectarian “errors” have not been “corrected”, quite to the contrary. Sectarianism is endemic in today’s Iraq.

In 2009, the Iraqi Prime Minister announced from Washington D.C a massive-scale initiative for higher education. Fifty thousand Iraqi students were to be sent abroad over 5 years period to complete their higher studies and revamp Iraq’s education system.<sup>18</sup> 70% of the students are to be sent to the US, seemingly a recompense for its destruction of Iraqi cultural and educational system. However, as with all other occupation's glitzy projects, this initiative has become another story of corruption and political-sectarian manipulation run from the Prime Minister’s office. Furthermore, fraud was uncovered in the ‘non-profit’ US based educational group charged with the organizational structure of the project at its Iraqi base.

We’re convinced that you understand ethnic discrimination, from your 28 years experience as a lawyer in South Africa, when you defended anti-Apartheid activists.

The *BRussells* Tribunal receives many similar stories of ethnic and religious discriminations against minorities and political opponents. We will gladly share all the information we have.

### **Iraqi academics under attack**

You were the first South African to obtain a doctorate in law from Harvard Law School. So we’re sure you care about the hundreds of lawyers and judges who have been assassinated in Iraq. As a renowned academic, we think you’re aware of the tragedy of the systematic liquidation of Iraq’s academics. Under occupation, Iraq’s intellectual and technical class has been subject to a systematic and ongoing campaign of intimidation, abduction, extortion, random killings and targeted assassinations. Running parallel with the destruction of Iraq’s educational infrastructure, this repression led to the mass forced displacement of the bulk of Iraq’s educated middle class — the main engine of progress and development in modern states.

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<sup>17</sup><http://www.mcclatchydc.com/world/story/75196.html>

<sup>18</sup><http://www.brussellstribunal.org/AcademicsFraud140909.htm>

In 2005 the *BRussell's* Tribunal started a campaign to create awareness about the catastrophic situation of Iraqi academics. We issued a statement in which we requested that an independent international investigation be launched immediately to probe these extrajudicial killings. This investigation should also examine the issue of responsibility to clearly identify who is accountable for this state of affairs. We appealed to the special rapporteur on summary executions at OHCHR in Geneva.<sup>19</sup> Until today, after six long years, we still haven't received an answer, although we compiled a list of 467 well-documented cases of assassinations.<sup>20</sup> The most recent case dates from 21 December 2011, when FirasYawoz Abdul QadirAwchi, scientific assistant dean of the school of law at Al-Mustansiriya University in Baghdad was killed while leaving his office, when unknown gunmen attacked him. He was the father of two kids.

To this date, there has been no systematic investigation of this phenomenon by the occupation authorities, the Iraqi government, or the international Human Rights Bodies. Not a single arrest has been reported in regard to this terrorization of the intellectuals. The starting point for any investigation into the killings of Iraqi academics, which began with the illegal invasion and occupation of a sovereign nation by British and American forces, is with those forces and their political leaders themselves. Here's a clue: In 2008 president Bashar al-Assad of Syria disclosed that in May 2003 Colin Powell, then US Secretary of State, visited Syria and met him personally. In this meeting and after boasting about the US achievements in Iraq he warned the Syrian president against harbouring any Iraqi scientists or academics. "*A lot of them were later assassinated*" president al-Assad added.<sup>21</sup>

The President of Tikrit University resigned on 14 October 2011 after the sacking of 300 University lecturers by the Minister of Higher Education Ali Al-Adeeb, 140 employees and professors at the University of Tikrit alone.<sup>22</sup> The President of the University stated that they were all very good lecturers. Iraqi sources claim that Ali-Al Adeeb has discharged some 1.200 lecturers since he became a Minister. Ali Al-Adeeb also wanted to impose Islamic law in Iraqi universities through the imposition of sectarianism and the veil and the separation of the sexes, leading to discontent in university circles.<sup>23</sup>

Following an International Seminar on the Situation of Iraqi Academics: *Defending education in times of war and occupation* at Ghent University – Belgium 9-12 March 2011<sup>24</sup>, we wrote down the recommendations of this seminar in a brochure titled *BEYOND EDUCIDE. Sanctions, Occupation and the Struggle for Higher Education in Iraq*, published by Academia Press in Ghent, ISBN 978 90 382 1885 4. We will gladly provide your office with free copies of this booklet.

### **Rivers of tears: no rights for women in Iraq**

We know you care a lot about women's rights. As a member of the *Women's National Coalition*, you contributed to the inclusion in South Africa's Constitution of an equality clause prohibiting discrimination on the grounds of race, religion and sexual orientation. In 1992, you co-founded the international women's rights group *Equality Now*. We assume you're aware of the fact that

<sup>19</sup><http://www.brussellstribunal.org/Academics.htm>

<sup>20</sup><http://www.brussellstribunal.org/academicsList.htm>

<sup>21</sup><http://www.daralhayat.com/portalararticlendam/204207>, <http://www.baghdadalrashid.com/vb3/showthread.php18651>, about Powell's conditions to President Bashar al-Assad in May 2003.

<sup>22</sup><http://www.aknews.com/en/aknews/8/274009/>

<sup>23</sup><http://www.brussellstribunal.org/pdf/HigherEducation011211.pdf>

<sup>24</sup><http://www.brussellstribunal.org/Seminar/>

religious fundamentalism of the occupation appointed government in Iraq pulled women's rights back to the dark ages. There are many Human Rights reports that confirm this. Drawing on stereotypes regarding the position of women in Arab and Muslim societies, US and British officials have defended the occupation regime in Iraq by suggesting its positive effects for women's emancipation. These claims not only ignored the considerable advancements in women's education and employment made during the first twenty years of Baa'thist rule; they also cover up the particularly detrimental impact of US-UN-imposed sanctions on Iraqi women during the 1990s. Similarly, these stereotypes distract attention from the further deterioration of women's rights and access to education and employment under the religious fundamentalist occupation regime. Drawing on a comprehensive statistical survey, Dr. Souad Al Azzawi showed that the deteriorating security situation drove Iraqi women out of work. At least 85% of educated women are unemployed.<sup>2526</sup>

In spite of reports of a decline in violence in Iraq as a whole, nearly 60% of women surveyed (Oxfam 2009) said that security and safety remained their most pressing concern. The survey importantly illustrated that the ripples of conflict have washed over almost every aspect of many women's lives – and those of their families.<sup>27</sup>

*"Eight years after the US invasion, life in Iraq is actually getting worse for women and minorities, while journalists and detainees face significant rights violations,"* said Joe Stork, deputy Middle East director at Human Rights Watch, on 21 February 2011. *"The women and girls of Iraq have borne the biggest brunt of this conflict and resulting insecurity,"* Stork said. *"For Iraqi women, who enjoyed some of the highest levels of rights protection and social participation in the region before 1991, this has been an enormously bitter pill to swallow."*<sup>28</sup>

Hundreds of women have been targeted and killed as professionals or for their public role in Iraq. In the medical profession alone, many have fled or abandoned their work, triggering a brain drain and crippling the health system. And there are now two million widows, most of them without financial means or government support.

While both men and women are kidnapped, the trauma of the abduction for many women does not end with the release. The shame associated with the event is a lasting stigma. Such incidents are probably underreported by families for the same reason.<sup>29</sup>

And it's not getting better. A report, released in August 2011 by the UN Assistance Mission for Iraq (UNAMI) and your Office, noted that women's rights in some ways deteriorated in 2010 and children continue to suffer from violence and armed conflict.<sup>30</sup>

U.S.-led coalition forces showed higher rates of indiscriminate killing of women and children than insurgents, a study has found in 2011.<sup>31</sup>

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<sup>25</sup>[http://www.brussellstribunal.org/pdf/IraqiWomen\\_Azzawi\\_100311.pdf](http://www.brussellstribunal.org/pdf/IraqiWomen_Azzawi_100311.pdf)

<sup>26</sup><http://www.brussellstribunal.org/pdf/WomenUnderOccupation.pdf>

<sup>27</sup>In Her Own Words: Iraqi women talk about their greatest concerns and challenges

<http://www.oxfam.org/sites/www.oxfam.org/files/oxfam-in-her-own-words-iraqi-women-survey-08mar2009.pdf>

<sup>28</sup><http://www.hrw.org/en/news/2011/02/21/iraq-vulnerable-citizens-risk>

<sup>29</sup><http://www.icrc.org/eng/assets/files/other/iraq-women-in-war-eng.pdf>

<sup>30</sup>[http://www.uniraq.org/documents/UNAMI\\_HR%20Report\\_English\\_FINAL\\_1Aug11.pdf](http://www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf)

<sup>31</sup> Civilian death study rates "dirty war" in Iraq, Reuters, 2011 <http://www.trust.org/alertnet/news/civilian-death-study-rates-dirty-war-in-iraq>

Does your Office have specific plans to address this poignant problem of blatant inequality of Iraqi women?

Maybe the UN, the US Administration and Human Rights bodies should follow the wishes of the Iraqi women.

72.7% of respondents in the *Women for Women International-Iraq* 2007 survey said that in the future there should be one unified Iraq with a central government in Baghdad, and 88.6% of women thought that the separation of people along ethnic/religious/sectarian lines was a bad thing. However, only 32.3% of respondents thought there would in fact be one unified Iraq with a central government in Baghdad in five years. This is another indication that women do not feel as though their opinions are being considered in decisions about their country's future.<sup>32</sup>

A unified Iraq is also what the anti-occupation movement in Iraq wants. So why does the world community not start talks and negotiations with this movement that represents the only reasonable voice in Iraqi politics, a voice that reflects the will of the majority of the Iraqi people?

### **Enforced Disappearance**

The total internally displaced population (IDP) as of November 2009 was estimated to be 2,76 million or 467,517 families.<sup>33</sup> 20% of these families reported children to be missing. A simple calculation shows that more than 93,500 children of internally displaced families are missing. Moreover, many communities reported missing family members (30% of IDP, 30% of IDP returnees, 27% of refugee returnees) indicating that they were missing because of kidnappings, abductions and detentions and that they did not know what happened to their missing family members.<sup>34</sup> A rough estimate would therefore bring the number of missing persons among the refugee population and the internally displaced after "Shock and Awe" to 260,000, most of them enforced disappearances.<sup>35</sup>

On 24 November 2010 you have welcomed the entry into force of a landmark new treaty to deter enforced disappearance after Iraq became the 20th State to ratify the convention. "*This ground-breaking Convention provides a solid international framework to put an end to impunity and pursue justice, and as a result will hopefully have a significant deterrent effect*" you said.<sup>36</sup> Rough estimates indicate more than one million persons have disappeared in Iraq. According to UN data, the country has the most disappeared in the world. The disappearances stem from different periods since the Iran-Iraq war in 1980. Disappearances still occur on a very regular basis. The most important parties involved are the Iraqi army, police, various militias, Al-Qu'aida and the American army.<sup>37</sup>

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<sup>32</sup><http://www.womenforwomen.org/news-women-for-women/assets/files/IraqReport.03.03.08.pdf>

<sup>33</sup>[http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument)

<sup>34</sup><http://www.uniraq.org/documents/UNHCR%20Iraq%20Protection%20Monitoring%20%20Jan-Oct%202009.pdf>

<sup>35</sup>The UNHCR report of 2009 mentions that the majority of refugee returnees had fled due to generalized violence (51%), targeted threats or attacks (39%) or military operations (3%).

<http://www.uniraq.org/documents/UNHCR%20Iraq%20Protection%20Monitoring%20%20Jan-Oct%202009.pdf>

<sup>36</sup><http://www.un.org/apps/news/story.asp?NewsID=36856&Cr=human&Cr1=rights>

<sup>37</sup><http://www.aimforhumanrights.org/latest/news/newsitem/article/irak-takes-steps-to-combat-disappearances/>



Has your office already asked the US Administration and the Iraqi Government if they have made progress to find out what happened to the tens of thousands of disappeared persons after the invasion in 2003? After all, the US was responsible for the protection of Iraqi civilians during the occupation, according to Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.<sup>38</sup> Maybe we can give you a hint where to start:

On 29 October 2011, the Association of Muslim Scholars in Iraq (HEYET) called for the formation of an *independent international commission of inquiry* to uncover the dimensions of brutal crimes taking place in Iraq under US occupation and to bring the perpetrators to justice. The demand came in a statement published after the discovery of mass graves in northern Fallujah of Anbar Province that included more than 400 bodies killed by the American occupation forces during the second Fallujah attack.<sup>39</sup>

On 27 April 2011 the Iraqi government has set up a “committee” to trace thousands of Iraqis missing since the 2003 US-led invasion, said an official. The government committee includes representatives from the ministries of defence (Islamic Dawa Party), interior (Islamic Dawa Party), national security (Islamic Dawa Party), health (Al Sadr bloc), justice (Islamic Virtue Party) and human rights (Islamic Dawa Party), in addition to intelligence services and anti-terrorism forces.<sup>40</sup>

Many of those Ministries are involved or are leading the very militias that have been suspected of carrying out most of the ferocious crimes of extrajudicial assassination, sectarian violence, torture and enforced disappearance, in conjunction with the occupying forces. So how can one expect this “committee” to investigate the very crimes that their militias are responsible for?

On April 8 2011 you condemned the raid by Iraqi security forces on Camp Ashraf that killed at least 34 people. However, the problem still exists and a solution is not immediately in sight.<sup>41</sup>

### **Investigation in Jadiriya detention and torture scandal needed**

The Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, 19 February 2010, mentions:

*“In 2006, drawing attention to the lack of effective investigations after its discovery, UNAMI noted that: One year after the discovery of the illegal detention centre of al-Jadiriya’s bunker in Baghdad, on 13 November 2005, where 168 detainees were unlawfully detained and abused, the United Nations and international NGOs ... continue to request that the Government of Iraq publish the findings of the investigation on this illegal detention (...) The failure to publish the al-Jadiriya report, as well as other investigations carried out by the Government regarding conditions of detention in the country, remains a matter of serious concern and affects Iraq’s commitment to establish a new system based on the respect of human rights and the rule of law.”<sup>42</sup>*

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<sup>38</sup><http://www.icrc.org/ihl.nsf/full/380>

<sup>39</sup><http://www.heyetnet.org/eng/amsinews/5976-statement-on-discovery-of-mass-graves.html>

<sup>40</sup>[http://www.unhcr.org/refworld/country\\_IRIN\\_IRQ\\_4dbe609c1e.0.html](http://www.unhcr.org/refworld/country_IRIN_IRQ_4dbe609c1e.0.html)

<sup>41</sup><http://www.campashraf.org/dont-trust-the-iraqi-governments-words-over-ashraf/>

<sup>42</sup>It may be recalled that a Joint-Inspection Committee was established after the discovery of the al-Jadiriya’s bunker in November 2005, in order to establish the general conditions of detention. The existence of the bunker was revealed after a raid of the Ministry

Why was the nature and extent of involvement and cooperation between different individuals and groups within the US occupation structure and the Ministry of Interior never investigated? After all, American Intelligence Officers had their headquarters in building of the Ministry of Interior where torture and unlawful detentions took place. Without an independent international investigation the urgent problem of enforced disappearance in Iraq cannot be solved.

### **Results of Investigation into Ministry of Higher Education abduction scandal?**

In November 2006, between 140 and 150 members of the Grants Department in the ministry of higher education were abducted in full daylight. It was the biggest kidnapping operation in Iraqi history. The raid took place in broad daylight, 1km from the Green Zone, in an area that contained several high-security compounds, with a heavy presence of Iraqi troops and several checkpoints. The paramilitary force estimated at between at least 50 and 100, in the uniforms of Iraqi National Police commandos, arrived in a fleet of some 20-30 camouflage pickup trucks of the kind employed by the Interior Ministry and rapidly established a cordon of the area. They made their arrests according to lists, confirming the identities of those present by their ID cards, then handcuffed and blindfolded the detainees and put them into the backs of the pickups and into two larger vehicles. They then made their exit through heavy traffic without opposition, despite the reported presence of a regular police vehicle. The majority were later murdered, while the fate of more than 60 is still unknown.<sup>4344</sup> Prime Minister Maliki declared that this was not a case of terrorism, but a dispute between 'militias'. US commanders stated that they would support all efforts to free the detainees. On 14 November 2006 the UN called for immediate action to free the kidnapped education ministry workers.<sup>45</sup>

Can the results of this "*immediate action*" and the possible investigation into these enforced disappearances be provided?

### **Efforts of the OHCHR: too little, too late**

You issued several statements about the Iraqi Armageddon. But I'm afraid it's all too little, too late for the hundreds of thousands Iraqi human beings that unnecessarily lost their lives in this illegal war and occupation; too late for the millions of refugees; too late to stop religious fundamentalism and sectarianism, the ethnic cleansing and the destruction of Iraq's social fabric.

The international Human Rights bodies have not fulfilled their duties in condemning and informing the public correctly about the atrocities that have taken place in Iraq by the Occupying Powers and the US installed government. As a consequence, millions of Iraqi citizen are suffering from trauma's from which they will never recover. Many more millions around the world now think that the Iraqi people have been killing each other, that the US Army is a stabilizing force in Iraq that is not to blame for the so-called "civil war" in Iraq.

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of Interior's bunker by MNF I/Iraqi forces. The Iraqi Government should start a judicial investigation into human rights violations in al-Jadiriya. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

<sup>43</sup>Saad Najj Jawad in <http://chronicle.com/article/An-Exiled-Professors/124858/>

<sup>44</sup>Action Needed Over Detention of Iraqi Education Ministry Officials. Unknown numbers murdered, dozen still illegally held. <http://www.brusselstribunal.org/PressRelease221106.htm>

<sup>45</sup><http://www.un.org/apps/news/story.asp?NewsID=20593>

Surely you must be aware that violations of Human Rights in Iraq under occupation have taken multiple forms: deprivation of resources and services, mass arrests, assassinations, deportation of millions, torture of every kind, death squads, hanging and other death penalties, confiscating property and houses, destroying cities, ethnic cleansing, blowing up residences, markets and groupings, killing at checkpoints and in the streets for no reason, trade of children and women, inhuman conditions in secret or public prisons, rape of children, men and women, killing from the air, killing on identity, kidnappings, stealing during investigation, extorting money from prisoners, stealing organs in hospitals, killing thousands of academics, media professionals, doctors and state servants, threats, deprivation of legal rights and human rights, imprisonment without charge for long periods of time, re-imprisonment of the innocent after release, illegal and unfair trials, etc. All Iraqi communities are victims of this repression.<sup>46</sup> There is not one single human right in Iraq that hasn't been seriously violated. And all this has taken place under the watchful eyes of the world community, including your office, the Office of the High Commissioner of Human Rights.

A colleague of yours, the UN High Commissioner for Refugees, AntónioGuterres, has noted that Iraq is the world's best-known conflict but the least well-known humanitarian crisis. According to figures released on January 22, 2008 by the UN Refugee Agency (UNHCR), Iraqi refugees in Syria were suffering from extreme levels of trauma, far higher than among refugees from other recent conflicts elsewhere. The figures revealed that 89.5 percent were suffering from depression, 81.6 percent from anxiety and 67.6 percent from Post Traumatic Stress Disorder (PTSD).<sup>47</sup> According to the UN World Health Organization (WHO), the fourth leading cause of morbidity among Iraqis older than five years is "*mental disorders*," which ranked higher than infectious disease.<sup>48</sup>

Adding to that, "*Widespread poverty, economic stagnation, lack of opportunities, environmental degradation and an absence of basic services constitute 'silent' human rights violations that affect large sectors of the population*", a UN report released on 08 August 2011 concludes.<sup>49</sup>

This information is shocking. But your office didn't seem to realize the urgency for drastic measures or issuing strong condemnations against the Anglo-American occupation authorities, to stop these grave violations of human rights.

Since the so-called "withdrawal" of many American troops, the killing orgy, the repression and ethnic cleansing of the US-installed government of Iraq, led by Prime Minister Nouri Al-Maliki, continue unabated.

### **Tareq Aziz and the arbitrariness of the executioners**

"*Tariq Aziz will be executed next year, after U.S. forces have pulled out of the country*", an adviser to Iraq's prime minister told CNN on Monday. "*It will definitely take place, and it will take place after the Americans leave Iraq*," said the adviser, SaadYousif al-Muttalibi.

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<sup>46</sup><http://www.brussellstribunal.org/Repression.htm#appeal>

<sup>47</sup><http://www.irinnews.org/Report.aspx?ReportId=76360>

<sup>48</sup><http://www.emro.who.int/iraq/pdf/HealthSystemsProfile.pdf>

<sup>49</sup><http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=1546>

A lawyer for Aziz, BadiArif, said he was surprised. *"I did not expect the government would be that stupid, by doing this they will drag this country to the edge of the abyss"*.<sup>50</sup>

*"If legality does not prevail in the case of Tareq Aziz, his colleagues and of all those unaccountably detained simply for differing political or religious beliefs, facing a terrible demise in the name of Western "liberation", all we collectively profess to hold dear, with legality's Treaties and Conventions, stand condemned, including the relevant silent United Nations Organisations in New York and Geneva (...)",* journalist Felicity Arbuthnot, member of the **BRussells** Tribunal, rightfully concludes.<sup>51</sup>

UNAMI Human Rights Office/OHCHR, 2010 Report on Human Rights in Iraq stated: *"In mid-November, Iraqi President Talabani refused to sign the decree authorizing the execution of former Deputy Prime Minister, Tariq Aziz, who had been sentenced to death on 26 October by the Supreme Iraqi Criminal Tribunal. President Talabani reportedly objected to the execution because of Aziz's age and because Aziz is a Christian."*

UNAMI welcomed President Talabani's objection to the execution of Tariq Aziz.<sup>52</sup>

ReidarVisser's observation: while signing execution orders is indeed enumerated as a presidential prerogative in article 73, no specific authority to issue a pardon is mentioned, and the constitution does not say what should happen if the president refuses to sign an execution order.

In practice, since 2005, Iraqi judges have frequently made the case that strictly speaking no presidential decree is needed to implement a death sentence. In that and other cases, the deputies of the president signed presidential decrees, thereby completing the procedure specified in the constitution. The selection of Khudayr al-Khuzai (a Dawa Party hardliner) as third deputy president was in part based on a desire by Shiite Islamists to have a presidential deputy who would be prepared to sign execution orders if president Talabani might be reluctant to do so.<sup>53</sup>

To what extent should Talabani's "objection" be welcomed when he has executioners at his disposal who gladly sign the death orders and carry out the death sentences. Talabani is as much responsible for the killing orgy as the rest of the criminal gang in the Green Zone.

### **The "Dujail wedding massacre".**

At the end of May 2011, a group of men made a confession on Iraqi TV to a horrific crime. In 2006, as members of a Sunni terrorist organisation, they were said to have kidnapped the wedding entourage of a mixed Shiite and Sunni couple. Women were raped, children thrown in the river. Seventy people in total were reportedly murdered. Radio Netherlands Worldwide (RNW) investigated the event<sup>54</sup>. RNW spoke via a contact person to tribal leaders and officials

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<sup>50</sup>[http://articles.cnn.com/2011-12-05/middleeast/world\\_meast\\_iraq-aziz-execution\\_1\\_tariq-aziz-saddam-hussein-malcolm-smart?s=PM:MIDDLEEAST](http://articles.cnn.com/2011-12-05/middleeast/world_meast_iraq-aziz-execution_1_tariq-aziz-saddam-hussein-malcolm-smart?s=PM:MIDDLEEAST)

<sup>51</sup><http://www.countercurrents.org/arbuthnot080112.htm>

<sup>52</sup> UNAMI Human Rights Office/OHCHR, 2010 Report on Human Rights in Iraq- Baghdad, JANUARY 2011, [http://www.uniraq.org/documents/UNAMI\\_HR%20Report\\_English\\_FINAL\\_1Aug11.pdf](http://www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf)

<sup>53</sup>ReidarVisser. Is the Iraqi Presidency an Appellate Court? 06/08/2011 <http://gulfanalysis.wordpress.com/2011/08/06/>

<sup>54</sup><http://www.rnw.nl/english/article/suspicious-mount-about-iraqi-wedding-massacre>

from the Shiite village of Dujail, said to have been the home of most of the victims. They say anonymously that the massacre never took place.

Seventy people are said to have died, yet no family members of the victims could be found. Supposed family members did appear in the TV broadcast. When a parliamentary delegation travelled to meet them, they all turned out to have lost family members in other attacks. The fifteen men were sentenced to death on 16 June 2011, only days after “confessions” by several of them were broadcast on Iraqi television. They may not have received a fair trial.<sup>55</sup> On 24 November, 12 of the “suspects” were hanged in one of Baghdad’s prisons<sup>56</sup>, for a crime that most probably didn’t happen.

One of the suspects of the Dujail wedding massacre, Firas Hassan Fleih al-Juburi, took part in demonstrations against the Iraqi government. The confessions about the wedding crimes were broadcast on 28 May, a few days before a major anti-government demonstration was planned. Firas was presented on TV as an activist who proved to be a terrorist. The “confessions” were highly convenient for the government. As well as being a human rights activist, Firas was also a member of the Iraqiya party, led by the prime minister Nouri Al-Maliki’s great political rival Ayad Allawi. Very suspicious chain of events, wouldn’t you say?

Did your office ever ask for an official independent investigation into this case?

### **Executions after enforced confessions under torture**

In 2005, Parliament passed a terrorism law approving the death sentence not only for those who commit terrorist acts, but also for those who finance, provoke, plan, or enable such acts. Furthermore, the terrorism law offered amnesty and anonymity to *al-mukhbir al-sirri*, secret informers who report alleged terrorist activities. Those reports contributed to the detention of thousands of Iraqis. Because of the “secret informers,” many have been arrested without substantiated charges and many have been wrongly executed. Detainees are tortured and forced to confess crimes or terrorist acts during pre-trial interrogations, confessions they later denounce in court.<sup>57</sup> This has created a weak judicial process, where many Iraqis are detained and sentenced to death shortly after getting arrested.

These so-called “acts of terrorism” are heavily advertised to the public and are regularly broadcast on the state-funded Al Iraqiya TV channel. While the government says these confessions are meant to provide a sense of security and justice, it’s difficult to find out under what conditions those confessions were given.<sup>58</sup>

All these “irregularities” are well known to you. Alarming reports about these terrible human rights violations have been published by numerous Human Rights bodies. But the consequence of not mentioning the connection between the US and the Iranian-backed Badr Brigade militia, the US-backed Wolf Brigade and other Special Police Commando units, or the extent of American recruitment, training, command, and control of Iraqi intelligence units<sup>59</sup> distorted perceptions of

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<sup>55</sup><http://aicolumn.wordpress.com/2011/06/22/urgent-action-imminent-executions-in-iraq/>

<sup>56</sup><http://aknews.com/en/aknews/4/274435/>

<sup>57</sup><http://www.dartsocietyreports.org/cms/2012/01/can-iraq-abolish-the-death-penalty/>

<sup>58</sup><http://theiraqifuture.blogspot.com/2011/10/can-iraq-let-go-of-death-penalty.html>

<sup>59</sup><http://www.defense.gov/news/newsarticle.aspx?id=25022>

events in Iraq, creating the impression of senseless violence initiated by the Iraqis themselves and concealing the American hand in the planning and execution of the most savage forms of violence. News editors and Human Rights bodies played a significant role in avoiding the public outrage that might have discouraged the further escalation of these killing campaigns if they had investigated the precise extent of US complicity in different aspects and phases of death squad operations, torture and disappearances.<sup>60</sup> The prime responsibility for this policy, and for the crimes it involved, rests with the individuals in the civilian and military command structure of the US Department of Defense, the CIA and the White House who devised, approved and implemented the “Phoenix” or “Salvador” terror policy in Iraq.

### **Mass Arrests**

In the wake of the troops withdrawal, mass arrests have been made throughout Iraq. Police forces in Basra have arrested about 2312 wanted persons since the beginning of 2011 until 25 June. Most of the arrested were detained on criminal charges, as well as terrorist activities.<sup>61</sup> Hundreds more have been arrested in the following months in different Iraqi provinces. On 31 October Government security forces arrested 115 civilians during raids and searches carried out in various Iraqi Provinces including Nineveh, Diyala, Baghdad, Saladin, Anbar, Wasit and DhiQar. They also arrested 347 civilians after similar military raids and attacks in many provinces<sup>62</sup>. By early November 2011, the government announced that 655 former Baathists had been picked up.<sup>63</sup>

Unlawful arrests continue to take place on a daily basis.

The Human Rights Department of the Association of Muslim Scholars in Iraq (HEYET) published its monthly report on violations and showed that in December 2011 government security forces carried out 220 operations resulting in the arrest of 1726 innocent civilians including dozens of women. According to the HEYET department, attacks were carried out in 14 provinces. Their report clarified that these statistics of attacks and arrests were based only on official announcements of current Defense and Interior Ministries. Arrests and violations perpetrated by the National Security Ministry, Anti-Terror Units, Awakening Councils, Kurdish Peshmerga forces and other militias were not included in the report. These militia groups also commit grave human rights abuses and violations.<sup>64</sup>

Again I ask your office to intervene with the Iraqi government to put an immediate halt to these random unlawful and sectarian arrests. The fate of many of these arrestees remains unknown. Family members are desperately seeking their missing loved ones. Can your office ask the Iraqi government what happened to these enforced disappeared persons?

### **Were Iraqi Security Forces Involved in Baghdad Church Massacre?**

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<sup>60</sup>From Nicolas J.S.Davies' revealing book: Blood on Our Hands, the Invasion and Destruction of Iraq, Nimble Books LLC ISBN-13: 978-1-934840-98-6

<sup>61</sup>[http://en.aswataliraq.info/Default1.aspx?page=article\\_page&id=143433&l=1](http://en.aswataliraq.info/Default1.aspx?page=article_page&id=143433&l=1)

<sup>62</sup><http://heyetnet.org/eng/iraq-news/5979-mass-arrests-continue-115-arrest.html>

<sup>63</sup><http://www.aknews.com/en/aknews/8/274009/>

<sup>64</sup><http://www.heyetnet.org/eng/reports/6004-heyet-report1726-arrests-in-december.html>

On 31 October 2010, Our Lady of Salvation Church, in Baghdad's central Karrada neighbourhood, was attacked by "Al Qaeda". In the deadly attack, gunmen stormed the building and gunned down the priest and worshippers, before exploding their suicide vests. Despite an outcry against attacks on Christians, the targeting of churches in Iraq has been a regular feature, since the U.S. invasion of the country in 2003. In all, 68 worshippers died while attending church that day, and another 98 were wounded.

On 2 August 2011, an Iraqi court has convicted three people and awarded them the death penalty for their role last year in this siege and underscored the uphill task faced by rulers of protecting religious minorities<sup>65</sup>, which are on the verge of extinction.

But the Assyrian Christian Community, Iraqi bloggers and even some politicians have openly accused the Iraqi government for its handling of the October 31 attack.

a) They point out that the terrorists brought explosives and weapons to the church in cars with dark-tinted windows and no license plates that are only available to officials with high-level security clearance. This allowed them to get waved through checkpoints without being stopped.

b) They also point to the slow reaction of the security forces, and the botched handling of the rescue attempt itself. It still remains unclear how many of the victims were killed or wounded by the Iraqi rescue team, who opened fire wildly once they burst into the church.

c) A senior officer in the Iraqi police, who asked not to be identified because of the sensitivity of the subject, said that for the 10 days prior to the attack that the Interior Ministry security forces gradually moved barriers closer to the church, until the terrorists could drive right up in front.

d) Dr. Duraid Tobiya, who heads the Mosul section of the Assyrian Democratic Movement, the largest Christian political party in Iraq, told Newsmax, *"I can't accuse the government directly because I haven't seen the evidence. But this is what we have heard from survivors and from eyewitnesses who talked to people who were inside."*

Duraid and other secular Christian leaders interviewed in northern Iraq believe that the Shiite Dawa party of Prime Minister Nouri al-Maliki, which controls the Interior Ministry forces, was complicit in the attack, and that the Iraqi police has become the instrument of the ruling party, not the state.

He pointed out that right after the church massacre, the Baghdad city council, which is also controlled by the Dawa party, passed new laws banning liquor stores, nightclubs, and educational associations run by Christians. *"Even the universities in Baghdad imposed new dress codes on students and separated classes by sex, like the Taliban."*

Duraid and other leaders in the north believe the terrorist attacks against Christians are not just carried out on religious grounds, but are also an attempt at driving Assyrians as an ethnic minority out of Iraq. *"We are the indigenous Iraqis,"* Duraid said. *"So the purpose of these attacks*

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<sup>65</sup><http://www.thehindu.com/news/international/article2316955.ece>

*is to destroy the Christians and force us to leave the country. The orders for these terrorist attacks are coming from entities and political parties inside the government."*

These are the consequences of sectarianism and counterinsurgency policies, introduced in Iraq by the Anglo-American invaders.

As usual, the Obama administration praised the Iraqi government for its handling of the investigation. *"Al-Qaida threatened to attack churches, there was a church attack, and then al-Qaida claimed responsibility. I simply do not believe Maliki or his forces, for all their ills, did this. The US has seen no evidence that the government of Iraq was complicit in the attack on the church. To the contrary, the Iraqi government has universally condemned the attack on the church as well as attacks on Christians and members of all faiths,"* the State Department official said. <sup>66</sup> Are they blind, I keep asking myself? Or are they knee deep involved in spreading this kind of terror and chaos?

Would it not be just and fair to listen to the Iraqi voices and seriously investigate their claims? Or will the International Human Rights Organisations - including your office – keep on repeating the words of the neighbourhood bully: the USA.

A *Women for Women International – Iraq2008* report gives a pretty accurate picture of how Iraqi politics work and who is responsible for the Iraqi catastrophe:

*"Within the central government in Baghdad, Iraqi politics are largely deadlocked. The current government is made up largely of Shiite politicians closely tied to various militia warlords.*

*The Sunnis are not well represented in the government or the parliament, and tribal sheiks of Anbar, Ninawah, and Salah al-Din provinces tend to view the government as a front for Iran. Even among the Shiites, many believe that the politicians in Baghdad are working for the best interests of the militias, not the best interests of the Shiites as a whole, let alone all Iraq.*

*The problem derives in large part from the flawed decisions that went into the creation of the IGC in 2003 and the interim government of 2004. Having brought exiles and militia leaders into the government and given them positions of power, it became virtually impossible to get them out, and even more difficult to convince them to make compromises. The militia leaders used their positions to maintain and expand their power at the expense of their rivals outside the government as well as in the central government itself.*

*As a result, each ministry in Baghdad is wholly captive to the militia that controls it."*<sup>67</sup>

I couldn't have formulated it better. The Anglo-American occupation has created these monstrous structures of death. The victims are the Iraqi people.

### **Bloodmoney: Laura Bush Children's Hospital in Basrah**

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<sup>66</sup><http://www.aina.org/news/20110301210208.htm>

<sup>67</sup><http://www.womenforwomen.org/news-women-for-women/assets/files/IraqReport.03.03.08.pdf>



I wish to draw your attention to a 28 July 2009 report of the Office Of The Special Inspector General For Iraq Reconstruction.<sup>68</sup>Here are some quotes from the report.

Large oil reserves and abundant natural and human resources enabled Iraq to attain the status of a middle income country in the 1970s while enjoying perhaps the best healthcare system in the Middle East. There was an extensive network of well-equipped and well-staffed health care facilities. The Government of Iraq (GOI) estimated that 97% of urban and 79% of rural populations had access to health care, which included public health programs for malaria and tuberculosis control, and an expanded immunization program.

However, three wars and international economic sanctions have stifled economic growth and development and debilitated basic infrastructure and social services and have left many Iraqi sectors dysfunctional.

Although the needs are dire and extend to cover all sectors, the extremely deteriorated health sector situation, medical facilities status, and capacity, coupled with the ongoing violence, has resulted in bringing the attention of all involved to the urgent needs of the sector.

The severity of the decline in Iraq's health care sector is emphasized by the contrasting improvement of children's health in many other countries. Its health care, once the envy of the Middle East, now is rated by the World Health Organization (WHO), as a country with high adult and child mortality alongside much poorer countries, such as the Sudan, Yemen, and Djibouti.

In 2003 (*while her husband, George W. was busy bombing the country*) the First Lady of the United States became "*increasingly concerned*" about the deteriorating Iraqi health care system, especially for the children suffering from cancer.

Project HOPE (Health Opportunities for People Everywhere) made a fact-finding mission to Iraq to identify the most appropriate opportunity to fund a children's hospital. Project HOPE found "deplorable health care conditions plaguing Iraqi society."

Specifically, Project HOPE identified a very high child mortality rate in southern Iraq, where 150 out of 1,000 children were dying before reaching the age of five; most died before their first birthday. In addition, cancer is almost five times higher in southern Iraq than the national average.

The project eventually became known as the Basrah Children's Hospital (BCH), also referred to as the *Laura Bush Children's Hospital*. No, Mrs Pillay, this is not a joke.

In a 27 June 2006 report by the Louis Berger Group, Inc. on the Basrah Children's Hospital, the background of the decline in healthcare in Iraq was explained. Mortality rates for children and maternity mortality rates have doubled; moreover, adult mortality has grown exponentially. In Iraq, childhood cancers are 8-10 times more common than in the western world; the incidence rate in Iraq is 8%, compared to 0.5-1% in developed countries. 8% of Iraqi children with leukemia survive compared to 80% in the United States. The most common childhood cancers are leukemia, lymphomas, brain tumors, and other nervous system tumors. Since 1993, the Iraqi cancer registry has reported an increase in the number and proportion of cases of

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<sup>68</sup>[http://www.sigir.mil/files/assessments/PA-08-160.pdf?bcsi\\_scan\\_51B223E9325132DD=0&bcsi\\_scan\\_filename=PA-08-160.pdf](http://www.sigir.mil/files/assessments/PA-08-160.pdf?bcsi_scan_51B223E9325132DD=0&bcsi_scan_filename=PA-08-160.pdf)

leukemia in the southern provinces. Children under the age of five account for approximately 56% of the registered cancer cases.

As of May 2009, the total project cost was \$165.7 million, more than three times the original estimated costs. By June 2006, when Bechtel was issued the “stop work” order, the U.S. government assessment concluded that poor contractor performance and inadequate management oversight were key reasons for project cost overruns and for being over 9 months behind schedule.

The First Lady must have been very proud of this achievement: all these Iraqi children with cancer who are being treated in HER hospital. Well, thanks but no thanks, Laura. Your gracious gift is peanuts compared to the expenses of this multi trillion dollar war. The cost of deploying one U.S. soldier for one year in Iraq? \$390,000. Can you count, Laura? I can. It's the price for keeping 425 US soldiers in Iraq for one year.

In 2011, it was estimated that a single Tomahawk cruise missile costs \$830,000. So the Laura Bush Children's Hospital has been built for the price of 200 Tomahawk missiles. During the 2003 invasion of Iraq, more than 725 tomahawk missiles were fired. Well, you know what's in Tomahawk missiles? Yes: depleted uranium. Numerous reasons are given in this 75 pages report for the exponential increase in cancers, but never, not even once is the use of illegal weaponry mentioned. White Phosphorous, Daisy cutters, Depleted Uranium, Thermobaric bombs, Clusterbombs, Napalm<sup>69</sup>: you won't find it in this report. So you won't read in this report that there is in fact little hope for the children of Iraq. Recent studies about cancer rates in Fallujah prove this. <sup>70717273</sup>

The birth defects and cancers among children are a human rights scandal beyond imagination and are causing irreparable damage to future generations in Iraq, if ever there is a future.

### **About the OHCHR webpage on Iraq**

What is the answer of the Office of the High Commissioner to the Iraqi killing fields? Did it appoint a Special Rapporteur on Human Rights for Iraq? No it didn't. Apparently your Office believes the fantasy story of a “blossoming democracy” in Iraq, repeating the fictitious US tales about overall improvements for the Iraqi people. What can be more cynical than this quote on the main webpage of OHCHR in Iraq:

*“From 2006 to 2009, UNAMI Human Rights Office carried out a number of training courses for the staff of the Ministry of Human Rights, Ministry of Justice, Ministry of Interior and the Ministry of Defense on the relevant human rights standards and the international humanitarian law (IHL), and sponsored several high-level seminars on the protection of human rights within the framework of Iraq's counter-terrorism measures. UNAMI Human*

<sup>69</sup><http://www.brussellstribunal.org/WMD.htm#white>

<sup>70</sup>Genetic damage and health in Fallujah Iraq worse than Hiroshima. <http://www.brussellstribunal.org/Fallujah020710.htm>- Cancer, Infant Mortality and Birth Sex-Ratio in Fallujah, Iraq 2005-2009 (Full Report) [PDF] <http://www.brussellstribunal.org/pdf/34158205-Cancer-Infant-Mortality-and-Birth-Sex-Ratio-in-Fallujah-Iraq-2005-2009.pdf>

<sup>71</sup>Four Polygamous Families with Congenital Birth Defects from Fallujah, Iraq -A study by Samira Alaani, Mozhgan Savabieasfahanil, Mohammad Tafash and Paola Manduca (04 Jan 2011) <http://www.brussellstribunal.org/pdf/Fallujah040111.pdf>

<sup>72</sup>Increase of Birth Defects and Miscarriages in Fallujah (Paola Manduca, March 2011) <http://www.newweapons.org/?q=node/120>

<sup>73</sup>The cause of congenital anomaly and cancer in Fallujah Iraq is identified as Enriched Uranium from novel weapons systems deployed by the US (Report by Chris Busby, Malak Hamdan - 17 Oct 2011) <http://www.brussellstribunal.org/Fallujah171011.htm>

*Rights Office and OHCHR was also actively engaged on the development of capacity of the Ministry of Human Rights and the Ministry of Justice by sponsoring workshops and training courses for their staff in Baghdad and governorates on detention standards and human rights monitoring, and it assisted and continues to assist with the establishment of the Iraq's High Commission of Human Rights, a Center for Missing and Disappeared Persons and a national Center for the Rehabilitation of the Victims of Torture.”<sup>74</sup>*

The World Community has clearly abandoned the Iraqi people. Human Rights don't apply to them. The Iraqi National Police (the notorious Special Police Commandos) fall under the authority of the Ministry of Interior. The USA reorganised the Ministry of Interior and turned the Special Commandos into a lethal, deadly force. The USA organized, trained, armed, funded and used these forces to terrorize and kill the Iraqi people. There is ample evidence to substantiate this claim. Already on 30 April 2006 the *BRussells* Tribunal reported:

*“After exact counting and documenting, the Iraqi Organisation for Follow-up and Monitoring has confirmed that 92 % of the 3498 bodies found in different regions of Iraq have been arrested by officials of the Ministry of Interior. Nothing was known about the arrestees' fate until their riddled bodies were found with marks of horrible torture. It's regrettable and shameful that these crimes are being suppressed and that several states receive government officials, who fail to investigate these crimes.”<sup>75</sup>*

The report of the *Human Rights Office of UNAMI*, issued on September 8th 2005, written by John Pace, was also very explicit, linking the campaign of detentions, torture and extra-judicial executions directly to the Interior Ministry and thus also to the US-led Multi-National Forces, who reorganised the Ministry of Interior and established the Special Police Commandos.<sup>76</sup> John Pace, who left Baghdad in January 2006, told *The Independent* on Sunday that up to three-quarters of the corpses stacked in the city's mortuary show evidence of gunshot wounds to the head or injuries caused by drill-bits or burning cigarettes. Much of the killing, he said, was carried out by Shia Muslim groups under the control of the Ministry of the Interior.<sup>77</sup>

And your office gave these death squads “*a number of training courses on the relevant human rights standards and the international humanitarian law*”? What are we supposed to conclude from this? The nature and extent of involvement of different individuals and groups within the US occupation structure in death squad operations has never been investigated, but there are many leads that could be followed by any serious inquiry, especially by the appropriate Rapporteurs of the OHCHR. I wonder why your office didn't call for such an independent investigation?

### **International Criminal Court: Criminal denial**

In February 2003, you were elected to the first ever panel of judges of the International Criminal Court and assigned to the Appeals Division. So I think you know how shamefully the ICC has abandoned and betrayed the Iraqi people.

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<sup>74</sup> <http://www.ohchr.org/EN/countries/MENARegion/Pages/IOIndex.aspx>

<sup>75</sup> <http://www.brussellstribunal.org/IraqUNHRC.htm>

<sup>76</sup> <http://www.guardian.co.uk/world/2006/mar/02/iraq.jonathansteele>

<sup>77</sup> Patrick Cockburn in <http://www.independent.co.uk/news/world/middle-east/iraqs-death-squads-on-the-brink-of-civil-war-467784.html>

*“The Office of the Prosecutor has received over 240 communications concerning the situation in Iraq. (...) The available information provided no reasonable indicia that Coalition forces had “intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such”, as required in the definition of genocide (Article 6). Similarly, the available information provided no reasonable indicia of the required elements for a crime against humanity, i.e. a widespread or systematic attack directed against any civilian population. (...) The available information did not indicate intentional attacks on a civilian population. (...) After analyzing all the available information, it was concluded that there was a reasonable basis to believe that crimes within the jurisdiction of the Court had been committed, namely wilful killing and inhuman treatment. (...) The information available at this time supports a reasonable basis for an estimated 4 to 12 victims of wilful killing and a limited number of victims of inhuman treatment, totalling in all less than 20 persons. Even where there is a reasonable basis to believe that a crime has been committed, this is not sufficient for the initiation of an investigation by the International Criminal Court.”<sup>78</sup>*

This was Special Prosecutor Moreno Ocampo’s amazing statement on 9 February 2006. And at that time you were working there. He waited years to answer the 240 individuals and organisations who filed complaints, and his answer came after Fallujah and other Iraqi cities had been bombed to pieces. I think you agree with me that the ICC has only managed to prosecute Africans, apart from some Serbians. Notice the huge difference with Libya. On 24 March 2011 the International Criminal Court prosecutor said that he would present a case for possible war crimes by Libya's Muammar Gaddafi in May and that he could open a second case to include more recent attacks on civilians.<sup>79</sup> His declaration came days after unsubstantiated rumours and dubious reports, while in Iraq on the other hand enough credible sources were available to open a multitude of cases against the occupying powers, for war crimes and crimes against humanity. So where can the Iraqi people turn to if they want to seek justice? Maybe you know the answer.

### **Sectarianism and dirty war in Iraq continues**

Mrs. Pillay, we realise this is a very long letter. We can only present to you a small fragment of the grave human rights violations that have taken place and continue to take place in this war-torn country. We would have to write a whole book to sum up all the violations of human rights that occurred in Iraq while the country was under occupation. And as you have read, it does not look likely that the situation will improve soon. You must have read in numerous press accounts that the sectarian policies of the current government and the counterinsurgency war of the Special Operation Forces continue.

You may remember that 458 people – predominantly Sunnis - were excluded from contesting the 2010 election by the so-called de-Ba’athification commission. Iraq commentator Reidar Visser referred to the "selective de-Ba'athification" process being pursued in Iraq, given that historically, he notes, the Shias and Sunnis alike co-operated with the old regime in their millions.

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<sup>78</sup>[http://www.iccnw.org/documents/OTP\\_letter\\_to\\_senders\\_re\\_Iraq\\_9\\_February\\_2006.pdf?PHPSESSID=fef512b2e4c1d042f9b8665f151e0f07](http://www.iccnw.org/documents/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf?PHPSESSID=fef512b2e4c1d042f9b8665f151e0f07)

<sup>79</sup><http://af.reuters.com/article/topNews/idAFJOE72004020110325>

*"More fundamentally, the question of "selective de-Ba'athification" comes on the agenda here in a big way. It is a historical fact that Shiites and Sunnis alike cooperated with the old regime in their millions, and it was for example Shiite tribes that cracked down on the "Shiite" rebellion in the south in 1991. Nonetheless, the exiles who returned to Iraq after 2003 have tried to impose an artificial narrative in which the legacy of pragmatic cooperation with the Baathist regime is not dealt with in a systematic and neutral fashion as such; instead one singles out political opponents (often Sunnis) as "Baathists" and silently co-opt political friends (especially if they happen to be Shiites) without mentioning their Baathist ties at all. The result is a hypocritical and sectarian approach to the whole question of de-Ba'athification that will create a new Iraq on shaky foundations. (For example, the Sadrists have been in the lead in the aggressive de-Ba'athification campaign, yet it is well known that many Sadrists in fact had Baathist ties in the past.)"*<sup>80</sup>

Still these elections were praised as "fair and impartial" by the Western media. There wasn't any criticism about this blatant fraudulent election circus, neither from the US State Department nor from your Office.

### **Media disinformation**

Suicide bombings, assassinations and bombings in Iraq between December 18, 2011 (the date the U.S. most of its troops have withdrawn from the country) and January 19, 2012, killed at least 265 people and hundreds of others were injured, according to data from the Iraqi Ministries of Interior and Health. But as we told you earlier, the figures of the US-installed Maliki government are not trustworthy. According to the Iraq Body Count database<sup>81</sup>, at least 450 Iraqi civilians died violently during that period. And the real number is probably much higher.

*"The wave of attacks, carried out mainly by Sunni extremists from Al-Qaeda in Iraq against Shia communities, has alarmed many who fear the country could descend into chaos once more, with the government itself acknowledging it is not capable of ensuring security on its own."*<sup>82</sup> This is the story that we constantly hear in the media, blaming the "Sunni" terrorist group al-Qaida, which carries out attacks against the "Shiite" population. What is most saddening is that this particular sentence was written by IRIN, a news service of the UN Office for the Coordination of Humanitarian Affairs. Why are the media so sure that it is "Sunni" Al Qaeda killing innocent Shiites?

Let me put the record straight for you: in recent weeks there have been several bomb attacks in Ramadi, Adamiya in Baghdad, Mosul, Haditha, Diyala, Tikrit, Fallujah, etc., all Sunni areas. The wave of attacks is nationwide. Please let your office check out the Iraqi press accounts of the previous weeks.

Then why do the Western media and IRIN focus on Al Qaeda and declare the Shiite population the main victims? Why would they do that? I wonder.

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<sup>80</sup>Reidar Visser in <http://gulfanalysis.wordpress.com/2010/01/08/why-ad-hoc-de-baathification-will-derail-the-process-of-democratisation-in-iraq/>

<sup>81</sup><http://www.iraqbodycount.org/database/>

<sup>82</sup><http://www.irinnews.org/report.aspx?reportID=94677>

Maybe it would be good to remind the public about ruthless killings perpetrated by Shiites against Shiites. Let me give you one example. On 27 February 2009, The New York Times reported that twenty-eight members of a Shiite messianic cult responsible for brutal attacks on Shiite pilgrims in Iraq were sentenced to death in the federal court in DhiQar Province. The condemned were members of the Followers of the Mahdi, itself a part of the Soldiers of Heaven or Jund As-Samaa, a destructive cult that believes that sowing chaos will pave the way for the coming of the Mahdi, the 12th Imam, who disappeared in the ninth century, and who Shiites believe will return as a saviour of humanity. Nineteen other members of the group were sentenced to life imprisonment, and six were acquitted, said the court official, who spoke on the condition of anonymity because he was not authorized to speak publicly.<sup>83</sup>

And why is there no mention of the thousands of Sunnis who were recently arrested and detained by the government? Why don't the mainstream media write about the virulent sectarian politics of Maliki, who recently declared that his primary identity is 'Shia'?

Why is there no mention of recent "suspicious incidents" that have been reported in the Iraqi press? Let me give you a few examples:

On January 25, a senior source at the Iraqi Ministry of Transport confirmed to Al-Mada daily newspaper that the British security company assigned for the control of Bagdad airport caught a Czech security team of the Czech Embassy in Baghdad with a number of silencers and explosives in the beginning of January. The silencers had the smell of gunpowder according to the source whose name the newspaper refrained to mention. The security of Bagdad airport apprehended the Czech security team for a number of hours; yet they were released following the intervention of the Czech Ambassador after visiting Hady Al-Amery's office, Iraqi Transport Minister, according to the same source. The source told the newspaper that the security officers at Bagdad airport find it very strange to find such silencer guns at the possession of foreign diplomats since these weapons are used by "special elements" for specific acts, which are assassinations. Why were they released so quickly? Here's one clue: It is wellknown that Al-Amery is the head of the Badr Brigades, the armed wing of the Supreme Council of Iraqi Islamic Revolution. The Badr Brigades have changed their name into the Badr Organisation and joined the so-called "political process."

Said Salah Abdul-Razzaq, the governor of Bagdad, said in an interview in Al sumaria News: "*A unit of the security forces near my house ordered a grey BMW to stop. In the car were four Americans, two men and two women, in the possession of handguns with silencers and machine guns, and they wore bulletproof vests.*" Salah Abdul-Razzaq said that the four Americans were driving near his house, and urged the Iraqi Ministry of Foreign Affairs to take diplomatic action and ask the US to clarify the reason for this "violation", and warned of the possibility that his police forces would fire to kill in the event of repeated violations, regardless of the nationality of the offenders. They were released soon, after the American Embassy intervened.

What can we conclude from all these events? Something that is being repeated over and over again by many Iraqi witnesses, namely that the recent strings of bomb attacks and assassinations are part of the counterinsurgency strategies of the US in conjunction with Maliki's

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<sup>83</sup><http://www.nytimes.com/2009/02/27/world/middleeast/27iraq.html>

government, and probably Iran and other neighbouring countries, false flag operations in order to create chaos and sectarian strife with the ultimate goal of discrediting national reconciliation efforts so that the country can be partitioned without too much popular protest and political opposition.

We hope you will not be influenced by the continuous flow of disinformation, and that you are willing to dig deeper into the secret, dark underworld of dirty war, media-manipulation and corruption. The terrible humanitarian situation in Iraq is the ultimate responsibility of the Anglo-American forces that invaded, occupied and keep occupying Iraq, together with the US installed Iraqi government. And they should be held accountable.

## Conclusion

The International Community and the International Human Rights bodies, who have turned a blind eye to the unspeakable human rights violations in Iraq, should take up their responsibilities urgently. If not, history will be the judge of the criminal neglect of the Iraqi people by the International Community during the past 20 years.

The *BRussells* Tribunal has been monitoring the human rights violations in Iraq – and the dirty war - since the illegal invasion of Iraq by Anglo-American Forces. Among our members are many Iraqis and two former UN Assistant Secretary-Generals, human coordinators for Iraq: Mr. Denis Halliday and Graf Hans von Sponeck.<sup>84</sup>

We sincerely hope your office will closely monitor the human rights abuses of Nouri Al-Maliki's government, the American "advisers" and the foreign mercenaries who are still present in Iraq. Don't hesitate to ask our help if you're in need of relevant information about human rights violations committed by the occupation and the Iraqi government. We will gladly provide you with all the necessary information.

We will never accept that history will be rewritten by the invading powers that illegally occupied a sovereign country, an invasion and occupation that your office has never condemned. "*To initiate a war of aggression is essentially an evil thing (...) It is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole*", according to the International Military Tribunal at Nuremberg, which followed World War II. And not once have I seen a word of condemnation from International Human Rights bodies about the illegality of the Anglo-American invasion. Your office has excelled in silence. Silence is complicity. And silence kills.

We will never give up defending the pledge for justice of the Iraqi people. We will never give up exposing the unspeakable violations of human rights that take place in Iraq. We will never give up highlighting the responsibilities of the International Community.

We hope you won't either.

Yours truly.

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<sup>84</sup><http://www.brussellstribunal.org/about.htm>

Dirk Adriaensens  
Member of the *BRussells* Tribunal Executive Committee.