

Iraq: A Criminal Process

Carpet bombing, cluster bombs and napalm against Iraqi civilians

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Just before the U.S. forces attacked Qaim last 29 August, a thriving town of 150,000 people in western Iraq, they cordoned it off, cut electricity, water and food supplies. Then they indiscriminately and disproportionately blanketed the town, from the ground and from the air, with artillery shells, cluster bombs and napalm bombs with the full knowledge that civilians, particularly women and children, would be killed.

When it was all over, the U.S. Marines entered the city to fight (with air cover) those who were still alive. Humanitarian aides and medical supplies were prevented from entering the town, in gross violations of international law and the Geneva Conventions. This cycle of criminal process to legitimise the colonisation of Iraq is depicted by the Bush-Blair axis as the “political process” towards “democracy.”

In preparation for the so-called “referendum” on the U.S.-crafted Iraqi constitution, U.S. forces besieged and attacked — with conventional and chemical weapons — the city of Tel Afar, an ethnically mixed ancient metropolis in western Iraq. For more than a month, U.S. forces and their collaborators terrorised the city of 300,000 people. The deliberate and indiscriminate attacks, which began just before the attacks on the town of Qaim, have destroyed Tel Afar old centre (the Sarai) and killed hundreds of innocent people. Iraqi news reports revealed, “scores of casualties’ due to indiscriminate bombing” by U.S. forces. Paralleling the atrocities committed in other towns and cities, all of which savagely attacked and destroyed the entire population of Tel Afar are now ‘ethnically cleansed’ refugees.

The result of the “referendum” — like the January 2005 fraudulent legislative elections — was a forgone conclusion rightly described by Mr. Hussein al-Falluji, a prominent Iraqi politician, as “a fraud conducted by an electoral commission that is not independent. It is controlled by the occupying Americans and it should step down before elections in December,” the stage for which a criminal process is already in full swing.

As I am writing these lines, the cycle of violence continues. U.S. forces began their attacks against the city of Ramadi, the capital of Anbar province, about 80km west of Baghdad. Consistent with the U.S. strategy, the attacks are part of the December elections campaign to force U.S. ideology on the Iraqi people by means of war and violence. Families continue to flee the city, swelling the large number of ‘ethnically cleansed’ refugees. In October, two days of U.S. bombings of the city caused heavy civilian casualties, including 18 children in one air strike, according to Dr. Ahmed al-Kubaissy, a senior doctor at Ramadi hospital. The grisly act was revenge for the rejection of the U.S.-crafted constitution by the people of Ramadi. Each attack is a reminder of the grisly crimes against the people of Fallujah, the province’s second largest city.

This November marks the one-year anniversary of the fascist destruction of the vibrant city of Fallujah, where more than 6,000 innocent men, women and children were deliberately massacred by U.S. forces. The city, where some 50,000 civilians stayed in their homes, including men aged 15 to 55 years (prevented from leaving before the attack), was savagely attacked with chemical bombs, fire bombs (fuel-air bombs), napalm and other non-conventional weapons (WMD). Fallujah was a war crime committed in gross violation of the Geneva Conventions and international law. However, because of disinformation propagated by “embedded” journalists and filtered through the U.S. and British mainstream media, we still don’t know the exact number of Iraqis killed and buried in the mass graves around the city. The ‘spin’ of the media has always favoured the U.S.-Britain war crimes.

The mainstream media described these mass murders of innocent Iraqi men, women and children as “caught up in air strikes” designed as “necessary measures” for “spreading democracy.” However, U.S. soldiers seem to differ from the British propaganda. Jeremy Hinzman, a former U.S. soldier seeking refugee status in Canada, accurately described the crimes against the Iraqi people. He said: “the atrocious acts that are taking place in Iraq are not anomalies or isolated incidents but part of a plan of attack.” Hinzman rightly added: “I didn’t want to be implicit in a criminal enterprise and hence a war criminal . . . [It is] soldiers who pay the price for the policies that come from on high. The U.S. policy is to use destructive violence against defenceless people as an example of bullying other nations into submission.

While the killing of Iraqi children by U.S. forces continues, the extreme bias and racially-based double standard of the West is evident here in Australia. The Australian media have become obsessed with the story of an 87-year-old Hungarian-born man fighting extradition to Hungary to stand trial for allegedly shooting a (Jewish) teenager more than 50 years ago. Justice must be served, read the Australian media headlines. How many hundreds of thousands of Iraqi boys and girls were slaughtered in a premeditated criminal act of aggression passed without a single word in the Anti-Muslims and racist Australian media? Will the war criminals stand trial for the murder of Iraqi children?

Under Article 23 of The Hague Regulations, public and private property must be respected. Public and private property must not be destroyed. The same principles were adopted in the Charter of the International Military Tribunal. The indictment presented to the Tribunal sitting in Berlin on 18 October 1945, in the trial of major Nazi war criminals, charged the defendants with having committed war crimes in their wanton destruction of cities, towns and villages not justified by military necessity.

It stated: “The defendants wantonly destroyed cities, towns and villages and committed other acts of devastation without military justification or necessity. These acts violated Articles 46 and 50 of The Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.”

Since March 2003, U.S. and British forces have savagely attacked and obliterated countless Iraqi towns and cities, leaving hundreds of thousands of innocent Iraqis, mostly women and children buried in mass graves. The UN and members of the “international community” have failed to oppose and condemn U.S. war crimes in Iraq. To the contrary, the UN and many of its member states are complicit in the war crimes against the Iraqi people, and the

destruction of Iraq.

The UN role in U.S. imperialism is accurately described by American sociologist James Petras. Petras writes: “[T]he [UN] has aided and abetted U.S. aggression against Afghanistan, provided a legal cover for U.S. colonial occupation of Iraq by recognizing the puppet regime, and refused to condemn Washington’s systematic use of torture and illegal and indefinite detention of Iraqi [detainees and POWs].”

The UN certified fraudulent January’s elections didn’t end the Occupation, but produced a puppet government, a collection of Kurdish warlords and U.S./Iranian-trained thugs, totally subservient to the U.S. agenda. After several months of infighting, the band of discredited quislings has not accomplished any tangible improvement in [Iraq living conditions](#). Their main service is to provide an “Iraqi face” and justification for the ongoing Occupation of the country.

A recent report by an Iraqi human rights group, [Monitoring Net of Human Rights in Iraq](#) noted that: “Iraqi police sources revealed that till the end of March 2004 more than 1,000 Iraqi scientists were shot. A report, which was previously published by the U.S. State Department, confirmed the killing of 350 scientists specialized in nuclear sciences, and 200 professors. The Network for Human Rights and Democracy in Iraq, had previously accused the Israeli Secret Services [the Mossad] of the assassination of tens of Iraqi Scientists.”

This week reports from Iraq revealed that two professors in the School of Sciences and the head of the Biology Department at Baghdad University were murdered. In addition, another prominent Iraqi leader, Sheikh Kadhim Sarhid al-Hemaiyem, and his four sons were murdered in cold-blood in Baghdad last Wednesday.

Taking order from the White House and the Iranians, the thugs have adopted Gestapo-like tactics in terrorising the Iraqi people on behalf of their masters. The [death squads](#) — created, trained and nurtured by the U.S. and Iran — are torturing and murdering not only innocent members of the former regime, but also prominent Iraqi opposition leaders, Iraqi academics and professionals. Even Iraqis who participated in the 1980s war to defend Iraq against the Iranian hordes are targeted. The thugs are eliminating anyone who looks like opposition. Iraq is in a criminal process of total destruction and the U.S. Occupation is the catalyst.

Furthermore, to secure the next fraudulent elections in December and on order from the Bush administration, the Talabani and Jaafari-Chalabi thugs are excluding Iraqis from public jobs on ethnic and sectarian grounds and replacing them with their own loyalists. In addition, to increase the level of corruption and crimes, the U.S. and its loyal thugs are negotiating the “merger of different death squads into the Iraqi Army and police without considering the necessity of forming the army from independent individuals who will only follow the orders of the government and not the directions of their parties or who are affected by their parties’ policies,” adds the MHRI report.

As long as the Occupation of Iraq continues, elections are illegitimate. The U.S. does not have any right to force elections on the Iraqi people. Iraq’s sovereignty still resides in the hands of the Iraqi people and in the state known as the Republic of Iraq, where it has always been, writes Professor Francis Boyle, an internationally recognized expert in international law at the University of Illinois. The Iraqi state will continue to exist as long as the U.S. remains the belligerent occupant of Iraq. Only when the U.S. Occupation of Iraq is ended can

the Iraqi people have the opportunity to exercise their international legal right of sovereignty by means of free, fair, and democratic elections.

Paragraph 353 of the *U.S. Army Field Manual 27-10* (1956) stated clearly that: "Belligerent occupation in a foreign war, being based upon the possession of enemy territory, necessarily implies that the sovereignty of the occupied territory is not vested in the occupying power. Occupation is essentially provisional" and subject to removal by the occupied people.

Finally, the U.S. and its Western allies have run out of pretexts to justify the Occupation of Iraq. They are misleading the world to serve their aim of permanent imperialist war. Iraq is not a "heaven for terrorists," and Iraqis are not the U.S.'s enemies; the U.S. is the enemy of itself. The Iraqi people are defending their country against a Zionist-imperialist project designed to colonise Iraq and dominate the world.

The Iraqi people have [strongly](#) rejected the Occupation, and their Resistance against the occupying forces is a legitimate right of all peoples, and within international laws granting peoples the rights to self-defence against criminal wars of aggression. Under the Nuremberg principle, it is a war crime. The Iraqi Resistance arose as a reaction to a war of aggression committed by the U.S. and Britain in gross violations of international law and humanity. U.S. forces and their mercenaries have no rights to be in Iraq. The sooner the Occupation ends, the better for the peoples of Iraq and the U.S.

The only moral and legitimate "political process" available to the U.S. and Britain is to put an immediate end to the Occupation. This will remove the cause of violence and allow Iraq to progress toward full sovereignty and self-determination.

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