

Law Suit against 4 US Presidents & 4 UK Prime Ministers for War Crimes, Crimes Against Humanity & Genocide in Iraq

Statement on Closure of Legal Case for Iraq in Spain

By [BRussells Tribunal](#)

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Theme: [Crimes against Humanity](#), [Law and Justice](#)

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Law Suit in Spanish Court directed against George H. W. Bush, William J. Clinton, George W. Bush, Barack H. Obama, Margaret Thatcher, John Major, Anthony Blair and Gordon Brown

MADRID/CAIRO: Public inquiries on the decision to wage war on Iraq that are silent about the crimes committed, the victims involved, and provide for no sanction, whatever their outcome, are not enough. Illegal acts should entail consequences: the dead and the harmed deserve justice.

On 6 October 2009, working with and on behalf of Iraqi plaintiffs, we filed a case before Spanish law against four US presidents and four UK prime ministers for war crimes, crimes against humanity and genocide in Iraq. The case presented spanned 19 years, including not only the wholesale destruction of Iraq witnessed from 2003, but also the sanctions period during which 1.5 million excess Iraqi deaths were recorded.

We brought the case to Spain because its laws of universal jurisdiction are based on principles enshrined in its constitution. All humanity knows the crimes committed in Iraq by those we accused, but no jurisdiction is bringing them to justice. We presented with Iraqi victims a solid case drawing on evidence contained in over 900 documents and that refer to thousands of individual incidents from which a pattern of accumulated harm and intent can be discerned.

When we brought our case, we knew that the Spanish Senate would soon vote on an amendment earlier passed by the lower house of parliament to curtail the application of universal jurisdiction in Spain. We were conscious that this restriction could be retroactive, and we took account of the content of the proposed amendment in our case filing. As we imagined, 2009 turned out to be a sad year for upholding universal human rights and international law in Spain. One day after we filed, the law was curtailed, and soon thereafter our case closed. Serious cases of the kind universal jurisdiction exists to address became more difficult to investigate.

One more jurisdiction to fall

Despite submitting a 110-page long referenced accusation (the Introduction of which is appended to this statement), the Spanish public prosecutor and the judge assigned to our case determined there was no reason to investigate. Their arguments were erroneous and could easily have been refuted if we could have appealed. To do so we needed a professional Spanish lawyer — either in a paid capacity or as a volunteer who wished to help the Iraqi people in its struggle for justice. As we had limited means, and for other reasons mostly concerning internal Spanish affairs, which were not our concern, we could not secure a lawyer in either capacity to appeal. Our motion for more time to find a lawyer was rejected.

We continue to believe that the violent killing of over one million people in Iraq since 2003 alone, the ongoing US occupation — that carries direct legal responsibility — and the displacement of up to a fifth of the Iraqi population from the terror that occupation has entailed and incited suggests strongly that the claims we put forward ought to be further investigated.

In reality, our case is a paramount example of those that authorities in the West — Spain included — fear. To them, such cases represent the double edge of sustaining the principle of universal jurisdiction. Western states used universal jurisdiction in the past to judge Third World countries. When victims in the global South began using it to judge Israel and US aggression, Western countries rushed to restrict it. Abandoning universal jurisdiction by diluting it is now the general tendency.

Call for wider collective effort to prosecute

We regret that the Spanish courts refused to investigate our case, but this will not discourage us. We have a just cause. The crimes are evident. Those responsible are well known, even if the international juridical system continues to ignore Iraqi victims. Justice for victims and the wish of all humanity that war criminals should be punished oblige us to search for alternative legal possibilities, so that the crimes committed in Iraq can be investigated and accountability established.

At present, failed international justice allows US and UK war criminals to stand above international law. Understanding that this constitutes an attack — or makes possible future attacks — on the human rights of everyone, everywhere, we will continue to advocate the use of all possible avenues, including UN institutions, the International Criminal Court, and popular tribunals, to highlight and bring before law and moral and public opinion US and UK crimes in Iraq.

We are ready to make our experience and expertise available to those who struggle in the same direction. We look forward to a time when the countries of the global South, which are generally victims of aggression, reinforce their juridical systems by implementing the principle of universal jurisdiction. This will be a great service to humanity and international law.

Millions of people in Iraq have been killed, displaced, terrorised, detained, tortured or impoverished under the hammer of US and UK military, economic, political, ideological and cultural attacks. The very fabric and being of the country has been subject to intentional destruction. This destruction constitutes one of the gravest international crimes ever committed. All humanity should unite in refusing that law — by failing to assure justice for

Iraqi victims — enables this destruction to be the opening precedent of the 21st century.

Ad Hoc Committee For Justice For Iraq

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INTRODUCTION TO THE LEGAL CASE FILED BEFORE THE AUDIENCIA NACIONAL ON 6 OCTOBER 2009

The following is the introduction to a legal case filed 6 October 2009 before the Audiencia Nacional in Spain against four US presidents and four UK prime ministers for commissioning, condoning and/or perpetuating multiple war crimes, crimes against humanity, and genocide in Iraq. The case was filed under laws of universal jurisdiction.

This case, naming George H W Bush, William J Clinton, George W Bush, Barack H Obama, Margaret Thatcher, John Major, Anthony Blair and Gordon Brown, was brought by Iraqis and others who stand in solidarity with the Iraqi people and in defence of their rights and international law.

Introduction

The respondents herein identified in this complaint have all held or hold high public office in the administrations of the United States and the United Kingdom, and/or commanding authority in the respective armed forces of these countries, and whilst in command or in office actively instigated, authorized, supported, justified, executed and/or perpetuated:

1. A 13-year sanctions regime on Iraq known and proven to have an overwhelmingly destructive impact on Iraqi public health, especially child mortality
2. The use of disproportionate and indiscriminate military force, including numerous extra-legal strikes and bombing campaigns throughout the 1990s, entailing the purposeful destruction of Iraq's water and health facilities, and defence capacities, and the widespread contamination of Iraq's ecosphere and life environment by the unjustified and massive use of depleted uranium munitions
3. The prevention by means of comprehensive sanctions, and/or military strikes, of the reconstruction of Iraq's critical civil infrastructure, including its health, water and sanitation systems, and the decontamination of Iraq's ecosphere/life environment, backed by the threat of Security Council veto where unanimity was not present for such strikes and/or the continuance of the sanctions regime
4. The launching of an illegal war of aggression against Iraq based on deliberate falsification of threat assessment intelligence and systematic efforts to conceal from the general public in the United States and the United Kingdom, and other countries, along with parts of the military command structure of the respective armed forces deployed, the true aims and objectives of that war
5. Establishing by design an occupation apparatus that by its incompetence, inexperience, corruption and/or ideological or sectarian alignment and actions would finalize the destruction of the Iraqi state and the attempted destruction of Iraqi national unity and identity, entailing an attack upon Iraqis as a whole and the intended destruction of the Iraqi national group as such.

The acts ordered and/or continued and perpetuated by the respondents identified in this complaint were unlawful in nature, were known to be and/or ought reasonably to have been known to be unlawful in nature, and were based on manifest and purposive lies, manipulations, deliberately misleading presentations of facts, and baseless assertions and other false justifications. The consistency of the propaganda effort that supported and contextualized these unlawful acts was such — and was aimed and known to be so — that it constituted an international campaign of demonization and dehumanization of Iraqis, the Iraqi nation, the Iraqi state, Iraq's civil and military leadership, Iraq's civil administrative apparatus, and Iraq in its Arab context. As such, and through actions taken and summarized below, the respondents:

1. Deprived the Iraqi people of all or the majority of their fundamental rights as established and protected by international human rights law and international humanitarian law, expressed in the UN Charter and conventions, the Universal Declaration of Human Rights and the Geneva Conventions, including the right of defence
2. Structured and implemented policies that continue to deprive the Iraqi people of their sovereignty and the exercise of their freedom, human rights, and civil, political, economic, social and cultural rights, as established and guaranteed by international human rights law and international humanitarian law, including the UN Charter and conventions, the Universal Declaration of Human Rights and the Geneva Conventions
3. Consistently gave political and legal cover to these acts, even as these acts were known to be and/or ought reasonably to have been known to be in violation of international law, including peremptory or jus cogens standards of law
4. Asserted and defended extra-legal immunity for all those engaged in acts that have attacked the protected rights of the Iraqi people, and established a pattern of impunity for those accused of such attacks by failing to adequately investigate and prosecute specific and general allegations of grave abuses,

and/or to ensure responsibility is assumed throughout the chain of command that permitted or failed to prohibit such attacks, and/or dismissed or distorted numerous customary legal standards, including the laws of war and those that outlaw the preemptive use of force in international relations

5. Abused and overran international law, the guarantor of international order, peace and security, which the United Nations System exists to protect and is deemed to embody, enshrined in the UN Charter, and upon whose foundation the Universal Declaration of Human Rights gains positive affect and final meaning.

Opportunity for redress for Iraqi victims in their own national jurisdiction is non-existent as Iraq remains occupied, its sovereign institutions dismantled and non-functioning. Despite numerous individual petitions submitted to its chief prosecutor, the International Criminal Court (ICC) has stated that it has no jurisdiction to hear cases of abuses and violations of human rights standards and international humanitarian law in Iraq. In light of US and UK threats to use permanent member veto power in the past, it is not foreseeable that the Security Council in the future will refer complaints in Iraq to the ICC, and nor can Iraqis wait for Security Council reform. Without effective investigation and prosecution of these abuses and violations, the international community runs the risk of allowing a precedent of unlawful action of such grave magnitude to be set without censure, thereby endangering the rights and dignity not only of Iraqis but also of people the world over. Such a precedent would be contrary to the UN Charter and the principles upon which the international order of states is deemed to be founded. The basis for public acceptance of a state of law is that it protects peace and defends the wellbeing of the people. Failure to investigate and effectively prosecute the catalogue of grave abuses and violations perpetrated by the respondents in Iraq, and against the Iraqi people, would constitute an ongoing and inherent threat to the basis of the international order in general and to international peace and security specifically.

Alongside those in official positions of authority, key political advisers, lobbyists, strategists and corporate representatives have also played a crucial role in the ideological and political justifications and legitimization sought and falsely proposed in order to execute the overall policy embraced, inclusive of an accumulated pattern of attacks, military and otherwise, that has lasted 19 years to date, culminating in the 2003 illegal war of aggression waged on Iraq and that continues to be executed despite wide and ongoing condemnation. Though there are nuances of responsibility inherent to the nature of policy construction and execution, the personal relations and interconnections between primary and secondary level individuals involved, and the groups or common circles to which they belong, testify to a large degree of cohesion present in intent and action among the respondents identified and those who support and benefit from the policies they have pursued. At the least, this shared intent is one of deliberate harm; at worst, it amounts to an objective intent to destroy for definable, and at times publicly enunciated, strategic, geopolitical and geo-economic reasons. Furthermore, none of the respondents can reasonably claim they did not have knowledge of the likely outcome of their policies, and those they supported, as all had not only participated in the design and execution of these policies, but they continued to execute said policies once their effects were widely known and had been proven to be detrimental to — and destructive of — the health, sovereignty and rights of the Iraqi people, and further have defended these policies and in majority continue to do so.

From the start of the implementation of a US-instigated and dominantly administered sanctions regime up to the present day, an approximate total of 2,700,000 Iraqis have died

as a direct result of sanctions followed by the US-UK led war of aggression on, and occupation of, Iraq beginning in 2003. Among those killed during the sanctions period were 560,000 children. From 2003 onwards, having weakened Iraq's civil and military infrastructure to the degree that its people were rendered near totally defenceless, Iraq was subject to a level of aggression of near unprecedented scale and nature in international history, occurring in parallel with the promotion of a partition plan for Iraq, the substantial direct funding of sectarian groups and militias that would play a key role in fragmenting the country under occupation, both administratively and in terms of national identity, the cancellation of the former state apparatus and the dismissal of its personnel entailing the collapse of all public services and state protection for the Iraqi people, the further destruction of the health and education systems of Iraq, and the creation of waves of internal and external displacement totaling nearly 5,000,000 Iraqis, or one fifth of the Iraqi population. By December 2007, the Iraqi Anti-Corruption Board reported that there were up to 5,000,000 orphans in Iraq, while the Iraqi Ministry of Women's Affairs counts 3,000,000 widows as of 2009.

Such massive destruction of life, having as context a 19-year period of accumulated attacks, with numerous warnings and opportunities for remedy and a reversal of policy ignored, cannot be mere happenstance. Indeed, the paramount charge that must be investigated, and that plain fact evidence suggests, is that this level of destruction has been integral to the US and UK's shared international policy for Iraq. The destruction in whole or in part of the Iraqi people as a national group, and depriving this group of all or the majority of its rights, appears from a reasoned account of the catalogue of violations, abuses and attacks to which the Iraqi people have been subject to be the unlawful means pursued purposely by the respondents in order to redraw by force the strategic and political map of the Arab region and Iraq's place within that context, and to capture, appropriate and plunder, via the cancellation of the sovereignty of the Iraqi people and the destruction and fragmentation of their identity and unity as a national group, Iraq's substantial natural energy resources. Historically, the Iraqi national group, variegated yet cohesive, was and continues to be, despite the aggression faced, firmly rooted in its overwhelming majority in the concept of citizenship of the Iraqi state — a state founded on public provision of services and a nationally owned energy industry. The policy that the respondents have sought and continue to seek to impose, that has entailed privatizing and seizing ownership of Iraqi citizens' resources, along with the administrative and political partition of the former unitary state, is contrary to the basis of, and cohesion of, the Iraqi people as a national group.

Until prevented by effective legal investigation and precautionary action, it is highly likely that the combined US/UK strategy in Iraq will continue, though its tactics may change. Iraqis in the majority show no sign of surrendering their right to and belief in Iraqi citizenship, including sovereign control over Iraq's natural resources. Between a belligerent foreign aggressor and a resilient, resistant people legal action is crucial to end the ongoing and by all likelihood perpetual slaughter of Iraqis and the destruction of their national identity and rights. We are before immoral and unlawful acts, contrary to the basis on which the international order of state sovereignty and peace and security rests, and that brought about and continue to pursue the destruction of the Iraqi state and attempted destruction of the Iraqi nation. Whereas 1,200,000 Iraqis, according to credible estimates, have lost their lives to violence since 2003 alone, the Iraqi people continue to lose their lives or at best live under constant fear of death, mutilation, detention, exile and lack of access to their rightful resources and freedoms. The sum of these conditions, the outcome of a pattern of purposeful action whose consequences could be foreseen, and of which detailed and

compelling notice was served, situated in a context of false justifications, deceptions, and outright lies, and matched by the unlawful use of force, and disproportionate and indiscriminate use of force, amounts to substantive violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

As proof of the widespread impact of past and current US and UK policies, in 2009 the American Friends Service Committee, in collaboration with the UN High Commissioner for Refugees (UNHCR), reported that some 80 per cent of Iraqis surveyed in Iraq had witnessed a shooting, 68 per cent had been interrogated or harassed by militias, 77 per cent had been affected by shelling/rocket attacks, 72 per cent had witnessed a car bombing, 23 per cent of Iraqis in Baghdad had had a family member kidnapped, and 75 per cent had had a family member or someone close to them murdered.

Military operations in Iraq from 2003 have already cost for the United States an estimated \$800 billion, with long-term costs estimated at \$1.8 trillion. By 2009, the estimated cost for the United Kingdom, according to figures released by the UK Ministry of Defence, was £8.4 billion (\$13.7 billion). The United States continues to spend \$12 billion on the war per month. There has been a total of 513,000 US soldiers deployed to Iraq since 2003. Some 170,000 were stationed during the “Surge” campaign of 2007, and 130,000 remain deployed as of June 2009. In addition to regular armed forces, the US administration is believed to employ up to 130,000 additional private security contractors and has refused to release official numbers in this regard. Security companies have been granted blanket immunity under Iraqi law. Equally, there is no effective mechanism, or hope, for Iraqis to hold US and UK forces to account directly.

The narration of facts that follows is substantiated with evidence detailed in the Annex. Other facts to be investigated while reported are not mentioned in the following.

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