

Premeditated Death and Destruction unleashed against a Sovereign Nation and People

Opening statement, Iraq tribunal hearings at Tokyo

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Opening statement before the Iraq tribunal hearings at Tokyo, 11 Dec 2004

Honorable Judges , Prosecutors , Amici Curiae , witnesses of the satanic death and destruction of the people of Iraq , of homes and livelihood , of hospitals , schools and places of worship; concerned citizens of Japan .

We live in strange times. For even as a war rages fiercely in Iraq which in epic terms can be compared to a “Mahabharat” , a fierce war between the forces of right and wrong , justice and injustice , occupation and national liberation ; we resume this trial in the dark shadows of an “Apocalypse” which is the continuing military occupation and the reduction of the entire population of Iraq into the inmates of a vast concentration camp unmonitored even by the Red Cross and other UN and other International humanitarian organizations.

Unprecedented in the annals of legal history, evidence is being recorded in this trial even as crimes continue to be committed with impunity, bringing home to us the reality of human existence, that words are never enough to defeat a brutal tyranny and even those of us who use words as tools are speechless in the face of the deliberate and premeditated death and destruction unleashed against a sovereign nation and people ,a member state of the United Nations waged solely to capture its oil resources and with that objective to subjugate and eliminate its population through one strategy or another.

Millions of people in the world including in the United States , even before the aggression and military occupation commenced , much before we commenced our slow and painstaking examination of evidence and precedents , sensing imminent and unprecedented danger to the peoples of the entire world including to soldiers recruited to defend Republics and parliamentary democracies proceeded to pronounce their verdict against the doctrine of “continuous war ” against one nation or another ;against the conversion of domestic economies into “war economies” even as thousands and thereafter millions were rendered unemployed .The people across continents opposed the policy of “blood for oil” and declared their rejection of this strategy of pre-emptive war for the control of resources of other societies and nations .

The International Physicians for the Prevention of Nuclear War had estimated before the military onslaught that a fresh attack against Iraq would result in the deaths of anywhere between 48,000 to 260,000 Iraqi citizens and that post-war effects could take the lives of an additional 200,000 Iraqis excluding those killed in the 1991 attack on Iraq and those dead

because of illegal sanctions imposed on the civilian population of Iraq by the Security Council and issue which I had dealt with in detail at Kyoto, quoting extensively from the statements of Mr. Dennis Halliday a former International Civil Servant of rare integrity who had resigned on the issues of sanctions claiming that it amounted to an illegal declaration of war on the civilian population.

Now in the 19 month of the occupation by the military forces mainly drawn from the United States and UK along with other smaller contingents all members of the coalition of the aggressors ; Lancet Online Medical Journal based in the UK has published a study by American health experts and researchers at the John Hopkins School of Public Health, Columbia University and al Mustansiriya University Baghdad on the deaths of Iraqi civilians under the military occupation. The study confirms that :

" Violent deaths were widespread....and were mainly attributed to coalition forces. Most individuals reportedly killed by coalition forces were women and children..."

The report went on to say that:

"Making conservative assumptions , we think that about 100,000 excess deaths , or more have happened since the 2003 invasion of Iraq. Violence accounted for most of the excess deaths and air strikes of coalition forces accounted for most violent deaths."

Les Roberts and Gilbert Burnham who collaborated on the research published informed the media that they had evidence of the use of air power in populated urban areas. Richard Horton editor of the Lancet in an editorial emphasized that the "findings also raise questions for those far removed from Iraq - in the governments of the countries responsible for launching a pre -emptive war".

The mounting evidence of the human catastrophe in Iraq not seen since the days of the Second World War prima facie indicates that the death toll may be more but not less than 100,000 and even the Lancet report however sincere has underestimated the death toll from all facets of the Occupation.

In assessing the extent of Genocide it is necessary to focus on the destruction and attack on hospitals and health clinics to deny medical relief to those who could be saved if the Iraqi health service was not destroyed .

This strategy was visible in the policy of organized looting and destruction of Iraqi hospitals in the weeks and months after the attack .The deliberate bombing of water pipes, the cutting off of water supplies to cities and town under siege by US, UK and other forces , destruction of sewage pipes and sanitary facilities , of electricity and heating have condemned millions in Iraq to consume contaminated water and food ,as a consequence the old, the feeble, and the children have been dying of diarrhea and related diseases caused by contamination of food and water with lack of medicines and health care leading to an increase in mortality. This is an indicator that apart from death by violence the Occupation has condemned people to death from malnutrition and lack of food , and water and food borne diseases with inadequate health care directly caused by the Occupation .

The intrepid reporter Dahr Jamail reporting for a weekly in Alaska has disclosed that from what he had seen in six months in Iraq at close quarters , it was difficult to find any family in Iraq who had not had a member killed on account of the conditions arising from the Occupation.

And what of the heroic city of Fallujah which dared to resist the mercenaries of US and UK Security Companies and Agencies, who have no combatant status under the Geneva Convention in any armed conflict , yet are to-day high profile in one war after another in Bosnia, in Kosovo , in Afghanistan and other theatres including in the trafficking in human beings as slaves .On 14th October 2004 sensing that the city of 300,000 was to be singled out for destruction as it had become a symbol of Resistance against the Occupation ; the people of Fallujah through several organizations of Teachers, Tribal Leaders, the Shura Council , the Bar Association, through the President of the Study Centre of Human Rights and Democracy forwarded an urgent appeal to the Secretary General of the United Nations in these words:

" Your Excellency, It is obvious that the American forces are committing crimes of genocide every day in Iraq .Now while we are writing to Your Excellency , the American warplanes are dropping their most powerful bombs on the civilians in the city , killing and injuring hundreds of innocent people . At the same time their tanks are attacking the city with their heavy artillery..."

"On the night of 13th October alone American bombardment demolished 50 houses on top of their residents. Is this a genocidal crime or a lesson about democracy? It is obvious that the Americans are committing acts of terror against the people of Fallujah for one reason only : their refusal to accept the Occupation."

"Your Excellency and the whole world knows that the Americans and their allies devastated our country under the pretext of the threat of the Weapons of Mass Destruction .Now after the destruction and the killing of thousands of civilians , they have admitted that there were no weapons found .But they say nothing about all the crimes they have committed .Unfortunately everyone is now silent and will not dignify the murdered Iraqi civilians with words of condemnation .Are the Americans going to pay compensation as Iraq has been forced to do after the Gulf War....."

" We know we are living in a world of double standards .In Fallujah , they have created a new vague target: AL ZARQAWI. This is a new pretext to justify their crimes, killing and daily bombardment of civilians. Almost a year has passed since they created this new pretext and whenever they destroy housesthey said 'We have launched a successful operation against AL Zarqawi. hey will never say that they have killed him because there is no such person. And that means the daily killings of civilians and the daily genocide will continue."

"At the same time the representatives of Fallujah , our tribal leader has denounced on many occasions the kidnapping and killing of civilians , and we have no links to any group committing such inhuman behaviour."

" Excellency , we appeal to you and to all the world leaders to exert the greatest pressure on the American administration to stop the crimes in Fallujah and withdraw their army....the city was quiet and peaceful when its people ran itWe simply did not welcome the Occupation. This is our right according to the UN Charter , International Law and the laws of

humanity. If the Americans believe in the opposite they should first withdraw from the UN and all its agencies before acting in a way contrary to the Charter they have signed”

” It is very urgent that your Excellency along with the world leaders, intervenes in a speedy manner to prevent a new massacre....”

This was the voice of the people of Fallujah appealing to the UN and to world leaders and what was the response? After the administration of the United States had taken care of the African-American voters and others through the Diebold electronic voting machines on the 8th November commenced the destruction of Fallujah which to the United States was a symbol of Iraqi resistance throughout the world. There is hardly a home intact in the city of Fallujah. The first attack by US forces with the Black Watch Regiments poised on the highways , was on the Fallujah hospitals and medical personnel who report the casualty figures and treat the wounded the messengers of the devastation and loss of lives .Dr Khamis al-Muhammadi of the Fallujan General Hospital has informed the media that she was seized and taken away by Occupation forces even as she was about to cut an umbilical cord during child birth; several doctors have been reported to have been killed and all hospitals and clinics destroyed. AL ZARQAWI like BIN LADEN was never captured despite the destruction of the entire city. Yet who can destroy the spirit of Fallujah which has survived many attempts of a whole century to crush it.

Even as use of Depleted Uranium , of napalm, of banned chemicals spread throughout the world , Mr . Kofi Anan reacted to the appeal of Fallujah and pronounced what had already been known to millions that :

“The Occupation of Iraq is illegal...” with the Japan Times subsequently reporting that the Secretary General of the United Nations would pay the price for this statement with calls for his resignation despite past services rendered and though the real price for the fraudulently conceived ‘FOOD FOR OIL’ program vests with the Security Council and the entire policy and its implementation was illegal as it sought to impose control over the resources of another sovereign country to regulate production and distribution of Oil.

With the war declared categorically illegal even by the Secretary General of the United Nations , on what basis does the US administration plan to increase troop levels .Why has it concealed from the world that it has already created four military bases in Iraq with the objective of permanent occupation . And what is the nature of the liberation of Iraq. Dahr Jamail reports that Baghdad after 19 months remains in shambles bombed out buildings sit as insulting reminders of unbroken promises of reconstruction 70 % of Iraqis at the very minimum are unemployed and there is a five mile petrol lines in an oil rich country.Engineers and doctors are unemployed and ply taxis .there are mass graves of innocent civilians in Fallujah and bodies with skins melted by napalm .bodies bloated and rotting devoured by dogs in the street after the complete destruction of the city of Fallujah water supply is frequently cut off from cities and towns targeted for attack children lie deformed by Depleted Uranium exposure in shattered hospitals from lack of treatment or even pain medication the Iraqi Red Crescent, other relief teams and the Red Cross has been obstructed in rendering aid mosques are bullet ridden with blood stained carpets.”

Even as governments and heads of State continue to deal with war criminals we must recall that the assault on Fallujah and other cities , towns and villages of Iraq are covered by

article 6 (b) of the 1945 Nuremberg Charter and in the trials of the Far East or Tokyo trials among the war crimes defined include the "Wanton destruction of cities, towns or villages" crimes for which the Nazi leaders and other Generals and militarists were tried and executed. The acts perpetrated by US, UK forces in the onslaught on Fallujah constitutes a clear violation of the laws of Land War found in the US army Field Manual 27-10.

What of the US, UK soldiers used as one half of the poor to kill the other half; recruited from working class families from isolated and marginalized communities and towns affected by the economic recession and the downturn sweeping the United States and England with employment opportunities steadily decreasing. Christian Bollyn of the American Free Press, Washington D.C asked Lt.Col. Joe Yoswa if the US was using Depleted Uranium in Fallujah and received the reply that "DU is the standard round on the M-1 Abraham Tanks" which have been used in Fallujah. Because of the nature of poison gas exploded by the exploded DU shells, American Free Press asked Yoswa if the troops were protected from DU poisoning. Lt.Col. Joe Yoswa seemed unaware of the dangers posed by DU. Marion Falk a retired Nuclear scientist from Livermore Lab informed the media that US troops in DU contaminated battlefields are considered "throw away soldiers" who are dispensed with once exposed, and replaced by others who become throw away in their turn with risks of cancer, deformed children from genetic damage and serious health problems. There is no higher purpose to fulfil for the "throw away soldiers" than the war and oil profits of the Corporations at stake from the continued occupation and the fear and unemployment at home; the bankrupting of the US economy are two sides of the same coin of which one side is the Occupation and the other side is the whipping up of fear and frenzy in the United States.

There is a direct connection between the appropriation sought for the war at the cost of sweeping budget cuts and the steady elimination of social security funds and post office savings. There is also a direct connection between the nature of elections held in the United States, in Kabul where Mr. Hamid Karzai the representative of the UNOCAL Company cannot stir out of Kabul, and the elections proposed to be held in Iraq under conditions of Occupation and coercion.

In all three countries the strategy is the same; coerce the electorate and declare an election as "won" after which without a constitutional mandate enslave the majority of the people by obfuscating political, economic and social rights reducing countries to garrisons. In recognition of these similarities and the impact of the illegal war on the people of the United States that the anti-war coalition has supported the "absolute right of the people of Iraq to resist the occupation of their country" and declared their own resistance to re-instate the draft and to prepare for resistance if conscription returns. In what has far reaching consequences for International Security the movement has declared that "it is incumbent on us to reject that notion that smaller countries must disarm and leave themselves defenseless at the demand of Bush and the Pentagon. Such demands are not only hypocritical, irrational and unjust, they amount to little more than a pretext for more invasions and occupations".

In the context of the fact that the resistance to the Iraq war has more than one front with the the military front in Iraq and the political front in the Americas it is necessary in view of the Security Council having acquiesced to the Occupation despite the fact that it is illegal that the General Assembly should be moved by a member of the United Nations to initiate moves for the vacating of the aggression against Iraq under Article 35 read with article 11 (2). Any organization in which some powers have the hegemony of the veto can never fulfill

the requirements of a new democratic international order .

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At Tokyo

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