

Ten Years After the Invasion: America Destroyed Iraq, War Crimes Remain Unacknowledged and Unpunished

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by **Nicolas J.S. Davies**

The evil unleashed on the people of Iraq has been painstakingly obscured behind a tapestry of lies

Since the end of the Second World War, American political leaders and opinion-makers have led the public to believe that the aggressive use of overt and covert military force are essential tools of US foreign policy. As we reel from one military disaster to the next, sending our loved ones off to war, killing millions of innocent people and destabilizing one region after another, each new administration assures us that it has learned the lessons of the past and deserves our support and sacrifice for its latest military strategy.

But the web of myths, euphemisms and ever-growing secrecy behind which our leaders feel compelled to hide their war policies belies their claims to have learned the lessons of Vietnam, Iraq, Afghanistan or anywhere else. The brave efforts of Julian Assange, Wikileaks and Bradley Manning to let us honestly examine the record for ourselves and draw our own conclusions are met with vindictive terror in the halls of power.



Forty years after the last U.S. troops came home in defeat from Vietnam, Nick Turse's book, [Kill Anything That Moves](#), has documented the systematic slaughter that thousands of American soldiers took part in and millions of Vietnamese suffered. Turse has restored the lived reality of millions of people to its rightful place in American history, from which it had

simply been redacted and suppressed.

As British playwright Harold Pinter said in his [2005 Nobel Speech](#), "...my contention here is that the U.S. crimes... have only been superficially recorded, let alone documented, let alone acknowledged, let alone recognized as crimes at all."

Pinter leads us to the central unmentionable problem of U.S. war policy, that it is in fact a crime, aggression, to attack or invade another country. The judges at Nuremberg called aggression the "[supreme international crime](#)", because, as they said, "it contains within itself the accumulated evil of the whole." The Iraq Inquiry in the U.K. has declassified documents showing that Tony Blair and Foreign Secretary Jack Straw were warned consistently and repeatedly that [invading Iraq would be a crime of aggression](#), which their legal advisers called "one of the most serious offenses under international law."

The disaster of two World Wars brought the world's leaders together to sign the United Nations Charter, the Geneva Conventions and the Nuremberg Principles. They saw war as an existential threat to the future of mankind, as it still is. So the U.N. Charter expressly [prohibited the use of military force by any country against another](#). For the next 45 years, the U.S. could only justify its wars by self-defense of an ally (as in Vietnam) or U.N. action (as in Korea). The U.S. conducted wars in secret (as in Central America), but that led to [a guilty verdict at the International Court of Justice](#) and an order to pay war reparations to Nicaragua - reparations that remain unpaid, like the [\\$3.3 billion that President Nixon promised to Vietnam](#).

In place of the "peace dividend" that most Americans hoped for, the end of the Cold War perversely encouraged delusions of a "power dividend" and "full spectrum dominance" in Washington. U.S. leaders exploited public grief and panic in the wake of September 11th to reclaim the use of military force as an accepted form of international behavior, if only for themselves and their allies. Under the ill-defined parameters of the "war on terror", they now claim the right to use military force in ways that have long been outlawed by the U.N. Charter. But the Charter has not been repealed. Aggression is still a crime, whether it is conducted by drone strikes or by a full-scale invasion of another country.

The reality of the "accumulated evil" unleashed on the people of Iraq by the "supreme international crime" of aggression has been painstakingly obscured behind a tapestry of lies. Our military leaders may be chronically unable to win a war in another country, but they sure know how to wage a propaganda war in America:

- Fantastical notions of the accuracy of "precision" weapons obscured the widespread slaughter and destruction of the invasion, which unleashed [29,200 bombs and missiles](#) in the first month of the war and [killed tens of thousands of civilians](#).
- [Reports by the Iraqi Health Ministry](#) in 2004 that occupation forces were killing far more civilians than were killed by "insurgents" [were efficiently suppressed](#).
- Epidemiologists who estimated that [650,000 Iraqis had died by 2006](#) were ignored or dismissed. As the war went on, the number of dead [probably reached a million by 2008](#).
- U.S. troops were brainwashed to link Iraq with September 11th and thus to see Iraqis resisting the illegal invasion and occupation of their country as terrorists like the ones who attacked New York and Washington. [A Zogby Poll in February 2006](#), three years into the

war, found that 85% of U.S. troops in Iraq believed that their mission was “to retaliate for Saddam’s role in the 9/11 attacks.”

- U.S. rules of engagement in Iraq flagrantly violated the laws of war. They included: [“dead-checking”](#) or killing wounded resistance fighters; orders to [“kill all military-age men”](#) during some operations; [“360 degree rotational fire”](#) on streets packed with civilians; standing orders to [“call for fire”](#), meaning air strikes, even on villages or apartment buildings full of people; and Fallujah and other areas were designated [“weapons free”](#) or “free fire” zones, where [thousands of civilians were killed](#).

- Torture was more widespread and systematic in U.S. prisons than media reports about Abu Ghraib suggested. [A leaked report](#) from the International Committee of the Red Cross in 2004, based on 27 visits to 14 U.S. prisons in Iraq, and other human rights reports documented: mock executions; water-boarding; “stress positions”, including excruciating and sometimes deadly forms of hanging; extreme heat and cold; sleep deprivation; starvation and thirst; withholding medical treatment; electric shocks; rape and sodomy; beatings with all kinds of weapons; burning; cutting with knives; injurious use of flexi-cuffs; suffocation; sensory assault and/or deprivation; and psychological torture such as sexual humiliation and threats against family members.

- Human Rights First’s [“Command’s Responsibility”](#) report investigated 98 deaths in U.S. custody in Iraq and Afghanistan. These included at least 12 people who were definitely tortured to death, 26 other cases of suspected or confirmed homicide and 48 more that escaped official investigation altogether. HRF found that senior officers abused their positions of power to place themselves beyond the reach of the law even as they gave orders to commit terrible crimes. No officer above the rank of Major was charged with a crime even though torture was authorized from the highest level, and the most severe punishment handed down was a 5 month prison sentence. The paper trail already in the public record appears sufficient to convict Bush, Cheney, Rumsfeld, their lawyers and senior military officers of capital offenses under the U.S. [War Crimes Act](#).

- The U.S. recruited, trained and deployed at least [27 brigades of Iraqi Special Police Commandos](#), who detained, tortured and murdered tens of thousands of men and boys in Baghdad and elsewhere in 2005 and 2006. At the peak of this campaign, 3,000 bodies per month were brought to the Baghdad morgue and an Iraqi human rights group matched [92% of the corpses](#) to reported abductions by U.S.-backed forces. U.S. Special Forces officers in [Special Police Transition Teams](#) worked with each Iraqi unit, and a [high-tech command center](#) staffed by U.S. and Iraqi personnel maintained U.S. command and control of these forces throughout their reign of terror.

- In 2006 and 2007, U.S. forces worked in tandem with the Special Police Commandos (by then rebranded “National Police” following the exposure of one of their [torture centers](#)) in Operation Together Forward I & II and the so-called Surge to complete the ethnic cleansing of Baghdad. The U.S. occupation deliberately targeted the Sunni Arab minority in Iraq, eventually killing about 10% of Sunni Arabs and driving about half of them from their homes. This clearly meets [the definition of genocide](#) in international treaties. We must therefore add the crime of genocide to the prospective charge sheet of American crimes in Iraq.

Perhaps the most disturbing aspect of the transition from Bush to Obama was that the new President not only failed to hold U.S. officials criminally accountable for their crimes but in

fact embraced the doctrines and policy developed under Bush and expanded their application to U.S. policy around the world. Obama's [ever-expanding drone strikes](#) and doubling of Special Forces operations [from 60 to 120 countries](#) are spreading the violence, lawlessness and instability of Bush's "war on terror" to the four corners of the Earth.

Central to the perversion of law and order by U.S. policy is the application of "war rules" to civilians, as an [Eminent Jurists Panel](#) of the International Commission of Jurists noted in 2009. Many public debates on this issue pit a U.S. government insider or lawyer who regards the entire world as an American battlefield governed by "war rules" against an outsider talking about things like "due process", "human rights" and "international humanitarian law." They usually talk at cross purposes for the length of a radio or TV show and then go their separate ways.

But this is a critical question, and the ICJ's Eminent Jurists Panel, headed by former Irish President Mary Robinson, reached very definite conclusions on it. It found that U.S. leaders had confused the public by framing their counterterrorism campaign within a "war paradigm," and that the U.S. government was distorting, selectively applying or simply ignoring binding human rights laws.

The ICJ panel concluded that that U.S. violations of international law were neither an appropriate nor an effective response to terrorism, and that established principles of international law "were intended to withstand crises, and they provide a robust and effective framework from which to tackle terrorism."

Established principles of law also provide a robust and effective framework from which to tackle American war crimes. Elsewhere in the world, Argentinian [Generals Videla and Bignone](#) are already serving life terms, even as they face further charges, and [General Rios Montt](#) of Guatemala is standing trial for the genocide of Mayan Indians in Ixil. These men all assumed that their powerful positions and connections would shield them from accountability for their crimes. But their countries have changed in response to the strength and will of their people. Neither Bush, Cheney, Rumsfeld, Bybee, Gonzalez, Yoo, nor Generals Franks, Sanchez, Casey or Petraeus, should presume that they will live out their lives beyond the reach of justice.

But it is also a well-established principle of international law that countries who commit aggression bear a collective responsibility for their actions. Our leaders' guilt does not let the rest of us off the hook for the crimes committed in our name. The United States has a legal and moral duty to pay war reparations to Iraq to help its people recover from the results of aggression, genocide and war crimes - this is a central demand of one very special group of Americans whose experiences and sacrifices make them uniquely qualified to press such a demand: [Iraq Veterans Against the War](#).

Nicolas J. S. Davies is author of *Blood On Our Hands: The American Invasion and Destruction of Iraq*. He wrote the chapter on "Obama At War" for the just released book, *Grading the 44th President: A Report Card on Barack Obama's First Term as a Progressive Leader*.

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