

U.S. War in Afghanistan Haunted by Bush war Crimes

By [Prof. Michael Haas](#)

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While additional American troops are being deployed to Afghanistan, George W. Bush's misdeeds continue to handicap combat effectiveness there. Past disrespect to the country must be reversed by an immediate apology to the Afghan people and new orders to field commanders to follow the Geneva Conventions on the battlefield.

The U.S. war in Afghanistan began in 2001 as a war of aggression similar to the attack on Iraq. Prior to the start of that war on Oct. 7, 2001, the Taliban government in Kabul offered to hand over Osama Bin Laden, the al-Qaeda leader, if the U.S. provided proof he was responsible for the 9/11 attacks.

Bush deemed Kabul's response insufficient and he attacked without adequately seeking an alternative or peaceful way to resolve differences...and the UN was not given a proper role. This attack violated Article 2 of the UN Charter that states "All members shall refrain...from the threat or use of force against the territorial integrity...of any state..."

Neither Afghanistan nor Iraq attacked the United States, so neither war was based on self-defense. Preemptive war is not an accepted form of self-defense under international law.

The list of U.S. war crimes committed in Afghanistan alone documented in my book include the following:

The U.S. bombed the children's hospital in Kabul and a hospital in Herat, resulting in 100 deaths. This violated the Red Cross Convention of 1864 that established even military hospitals as "neutral" and that must be "respected by belligerents."

Clearly marked Red Cross warehouses were bombed on three occasions in the Afghan War during October 2001, a violation of the Geneva Convention of 1929 that protects "the personnel of Voluntary Aid Societies."

During its 2001 offensive in Afghanistan, at least 1,000 civilians were killed by U.S. carpet bombing. This violates Protocol 1 to the Geneva Conventions prohibiting "indiscriminate attacks" against civilians.

While the Hague Convention of 1899 requires that prisoners be "humanely treated," this was often not the case in Afghanistan where the conditions in the prisons were so shocking that Canadian forces stopped sending prisoners to the American-run prisons at the end of 2005, preferring to send them to facilities run by the Afghan government.

Although the Geneva Convention of 1949 forbids "violence to life and

person, in particular murder of all kinds," captives were murdered in Afghanistan's prisons. Some were chained naked to the ceiling, cell doors, and the floor. One man, Ait Idr, had his face forced into a toilet that was repeatedly flushed. Another, Mohammed Ahmed Said Haidel, was hit with his arms tied behind his back until his head began to bleed. Another, Ahmed Darabi, was hung by his arms and repeatedly beaten, though he survived—unlike (a) taxicab driver (named) Dilawar, who died from the same treatment.

Prisoners of war "shall be lodged in buildings or in barracks," says the POW Convention of 1929 but many cells at American-run prisons in Afghanistan lack windows and adequate ventilation. Some prisons lacked heat during cold weather so that prisoners died of exposure. What's more, some prisoners have been held in solitary confinement for years.

Where the Geneva Convention decrees sick or wounded prisoners "shall not be transferred as long as their recovery may be endangered by the journey," some prisoners transferred in Afghanistan were thrown to the ground from helicopters and badly injured. Still others were kicked or beaten en route and others died while stuffed into sealed cargo containers. Not surprisingly, the deaths of some Afghan prisoners have never been recorded, another war crimes violation.

Aggressive war was first declared to be illegal when the U.S. and France coauthored and later ratified the multilateral Kellogg-Briand Pact of 1928, thus incorporating that document into what the U.S. Constitution calls "the law of the land." Furthermore, the U.S. is a signatory to both the United Nations Charter and the Nuremberg Charter of 1945, and the Tokyo Charter of 1946.

The Nuremberg Charter, for example, defines crimes against peace as "planning, preparation, initiation or the waging of a war of aggression, or a war in violation of international treaties....," a definition that fits U.S. actions in Afghanistan during 2001.

It is not only the peoples of Afghanistan and Iraq whose rights have been trampled, for today the globe is being transformed into an unchecked superpower playpen where might appears to make right. Hundreds of years of human rights progress are in serious jeopardy as long as governmental war criminals live blissfully in the knowledge that they will never be accountable for their crimes.

The more the public observes reference in the news to possible war crimes violations, the more decision makers will be accountable. Otherwise, the impunity of high Bush administration officials for the immense violations documented....threatens to turn back the clock on human progress by shredding the Magna Carta, the American Constitution, the Universal Declaration of Human Rights, the Hague and Geneva Conventions, and similar agreements that have advanced humanity from barbarism toward civilized behavior.

Bush has accomplished a transformed United States where leaders have abandoned democratic principles and loyal citizens are profoundly ashamed of how the ideals of the country they love so much have been abandoned. Something must be done or Americans will believe that whatever Bush has done was right.

Bringing George W. Bush and his administration to justice for war crimes is the most compelling way in which to dispel the fiction that what has been done was necessary and proper. Otherwise, the specter of war crimes will continue to haunt the world, and civilization itself will unravel helplessly.

Professor Haas, a distinguished authority on international law and human rights, is the author or editor of 33 books on government and world politics. Haas has taught political science at Northwestern, Purdue, and the University of London. To receive his book "George W. Bush, War Criminal?" (Praeger), from which the information for this article was drawn, please send check in the amount of \$32 to Haas at P.O. Box 46127, Los Angeles, CA 90046. Haas may be reached at mikehaas@aol.com

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