

A (temporarily) DISORGANIZED SUMMARY

What follows is a mishmash of stuff taken largely from the links my researcher Kennedy Goodkey unearthed in the World Affairs section of this website. Until we organize ourselves better, this file will have to do for those who don't have the time/patience to paste the URLs or even go to them.

The following is not structured in accordance with my book. As I say, it's a mishmash, but a revealing one, if you hang in, and pay attention.

Conclusion

The current Bush administration discusses Iraq in starkly moralistic terms to further its goal of persuading a skeptical world that a preemptive and premeditated attack on Iraq could and should be supported as a "just war." The documents included in this briefing book reflect the *realpolitik* that determined this country's policies during the years when Iraq was actually employing chemical weapons. Actual rather than rhetorical opposition to such use was evidently not perceived to serve U.S. interests; instead, the Reagan administration did not deviate from its determination that Iraq was to serve as the instrument to prevent an Iranian victory. Chemical warfare was viewed as a potentially embarrassing public relations problem that complicated efforts to provide assistance. The Iraqi government's repressive internal policies, though well known to the U.S. government at the time, did not figure at all in the presidential directives that established U.S. policy toward the Iran-Iraq war. The U.S. was concerned with its ability to project military force in the Middle East, and to keep the oil flowing.

Most of the information in this briefing book, in its broad outlines, has been available for years. Some of it was recorded in contemporaneous news reports; a few investigative reporters uncovered much more - especially after Iraq's invasion of Kuwait. A particular debt is owed to the late representative Henry Gonzales (1916-2000), Democrat of Texas, whose staff extensively investigated U.S. policy toward Iraq during the 1980s and who would not be deterred from making information available to the public [\[Note 2\]](#). Almost all of the primary documents included in this briefing book were obtained by the National Security Archive through the Freedom of Information Act and were published in 1995 [\[Note 3\]](#).

Overview

- Items sent from the U.S. during the Reagan and Bush Administrations that helped Iraq's non-conventional weapons programs and that were shipped to known military industrial facilities include:
 - Computers to develop ballistic missiles and nuclear weapons;[\[59\]](#) machine tools and lasers to extend ballistic missile range;[\[60\]](#) graphics terminals to design and analyze rockets;[\[61\]](#) West Nile Fever virus, a known potential

BW agent, sent by the U.S. government's Centers for Disease Control (CDC);[\[62\]](#) the agents for botulism, tetanus, and anthrax.[\[63\]](#)

- One study lists 207 firms from 21 countries that contributed to Iraq's non-conventional weapons program during and after the Iran-Iraq war. E.g., West German (86); British (18); Austrian (17); French (16); Italian (12); Swiss (11); and American (18).[\[64\]](#)
- Throughout the U.S. exports to Iraq, several agencies were supposed to review items relevant to national security or that could be diverted for a nuclear program. The reviewers included the SD, DOD, Energy Department, Subgroup on Nuclear Export Coordination (included representatives from Commerce Dept., Arms Control and Disarmament Agency (ACDA), the intelligence community, and DOD).[\[65\]](#) Sometimes CD did not send items to reviewers. On other occasions, reviewers objected, and CD still approved the items. Stephen Bryen, Deputy Under Secretary of DOD for Trade Security Policy during the second Reagan Administration, claimed that the DOD objected to 40% of applications that CD actually sent to DOD for review. Compare with a 5% DOD objection rate to dual-use technology applications for export to the U.S.S.R. during that same time period.[\[66\]](#)

On Al Franken and Clinton

That said, I find myself, for the most part, enjoying Al Franken's confrontations with the right. I keep in mind, however, Franken's description, in his book "Rush Limbaugh is a Big, Fat Idiot," of Bill Clinton as the greatest president of the 20th century. Franken's knee-jerk defense of Clinton is evident in the transcript of his appearance on the September 10 edition of "The Flipside" on CNN Financial News. A caller to the program challenged Franken's assertion that Bush lied to start a war, whereas Clinton lied about "small things," supposedly a reference to the Lewinsky scandal. The caller pointed out that Clinton lied about the production of chemical weapons agents at a Sudanese pharmaceutical factory. The cruise-missile bombing of this factory in 1998 led to the deaths of untold thousands in that impoverished nation, as the sole source for the production of medicine was eliminated. "I think that's a little bit more serious a lie than lying about his sex life," argued the caller.

Franken responded, "OK. Well, that wasn't a lie. [Clinton] bombed a factory in Sudan. They had soil samples that had--that showed that this was a factory making a precursor to weapons of mass destruction. It was--al Qaeda was in the Sudan. This factory had been financed by al Qaeda. So you just got to get your facts straight. I mean this is--if

you read 'The Age of Sacred Terror' by Daniel Benjamin and Steve Simon this is covered, chapter and verse."

Note: As any even casual Googler will find, Franken was either lying or a complete dumb ass in his above statement regarding WMD and Al-Shifa.

There were no WMD being made there. Period.

Germany's Ambassador to Sudan writes that "It is difficult to assess how many people in this poor African country died as a consequence of the destruction of the Al-Shifa factory, but several tens of thousands seems a reasonable guess" (Werner Daum, "Universalism and the West," Harvard International

Review, Summer 2001). After all, Al-Shifa "provided 50 percent of Sudan's medicines, and its destruction has left the country with no supplies of chloroquine, the standard treatment for malaria" (Patrick Wintour, Observer, December 20, 1998).

Additionally, Al-Shifa was "the only one producing TB drugs-for more than 100,000 patients, at about 1 British pound a month. Costlier imported versions are not an option for most of them-or for their husbands, wives and children, who will have been infected since. Al-Shifa was also the only factory making veterinary drugs in this vast, mostly pastoralist, country. Its specialty was drugs to kill the parasites which pass from herds to herders, one of Sudan's principal causes of infant mortality" (James Astill, Guardian, October 2, 2001).

The bombing of the Al-Shifa plant also resulted in the mass exodus of Sudan's international organizations. Human Rights Watch observed that because of the bombing, "all UN agencies based in Khartoum have evacuated their American staff, as have many other relief organizations." Because of this "many relief efforts have been postponed indefinitely, including a crucial one run by the U.S.- based International Rescue Committee are dying daily." Additionally, "the UN estimates that 2.4 million people are at risk of starvation," and the "disruption in assistance" for the "devastated population" may produce a "terrible crisis."

Therefore, it is not so surprising that Osama Bin Laden's popularity rose after the Al-Shifa bombing. This horrible incident, along with U.S. policy in Iraq in the past ten years, has devastated Iraq's civilian population while

strengthening Saddam Hussein. The U.S. egregiously supported Hussein during his gassing of the Kurds in 1988 which provided Bin Laden with a way to defend his irrational hatred of the United States. Perhaps the only way to counter the United States' terrorism, is with terrorism of one's own.

If the United States is to continue its war on terrorism, it should perhaps aim its war not at Osama Bin Laden or Iraq (what many predict is next on the U.S.'s list), but rather at itself. It is only by eradicating its status as the world's leading terrorist state, that the U.S. can eradicate terrorism.

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30 Years Of U.S. UN Vetoes.

How the U.S. has Voted // Vetoed- See any bias - See any pattern ?

by rp 3:38pm Sat Mar 8 '03

1972-2002 Vetoes from the USA

Year -----Resolution Vetoed by the USA

1972 Condemns Israel for killing hundreds of people in Syria and Lebanon in air raids.

1973 Affirms the rights of the Palestinians and calls on Israel to withdraw from the occupied territories.

1976 Condemns Israel for attacking Lebanese civilians.

1976 Condemns Israel for building settlements in the occupied territories.

1976 Calls for self determination for the Palestinians.

1976 Affirms the rights of the Palestinians.

1978 Urges the permanent members (USA, USSR, UK, France, China) to insure United Nations decisions on the maintenance of international peace and security.

1978 Criticises the living conditions of the Palestinians.

1978 Condemns the Israeli human rights record in occupied territories.

1978 Calls for developed countries to increase the quantity and quality of development assistance to underdeveloped countries.

1979 Calls for an end to all military and nuclear collaboration with the apartheid South Africa.

1979 Strengthens the arms embargo against South Africa.

1979 Offers assistance to all the oppressed people of South Africa and their liberation movement.

1979 Concerns negotiations on disarmament and cessation of the nuclear arms race.

1979 Calls for the return of all inhabitants expelled by Israel.

1979 Demands that Israel desist from human rights violations.

1979 Requests a report on the living conditions of Palestinians in occupied Arab countries.

- 1979 Offers assistance to the Palestinian people.
- 1979 Discusses sovereignty over national resources in occupied Arab territories.
- 1979 Calls for protection of developing countries' exports.
- 1979 Calls for alternative approaches within the United Nations system for improving the enjoyment of human rights and fundamental freedoms.
- 1979 Opposes support for intervention in the internal or external affairs of states.
- 1979 For a United Nations Conference on Women.
- 1979 To include Palestinian women in the United Nations Conference on Women.
- 1979 Safeguards rights of developing countries in multinational trade negotiations.
- 1980 Requests Israel to return displaced persons.
- 1980 Condemns Israeli policy regarding the living conditions of the Palestinian people.
- 1980 Condemns Israeli human rights practices in occupied territories. 3 resolutions.
- 1980 Affirms the right of self determination for the Palestinians.
- 1980 Offers assistance to the oppressed people of South Africa and their national liberation movement.
- 1980 Attempts to establish a New International Economic Order to promote the growth of underdeveloped countries and international economic co-operation.
- 1980 Endorses the Program of Action for Second Half of United Nations Decade for Women.
- 1980 Declaration of non-use of nuclear weapons against non-nuclear states.
- 1980 Emphasises that the development of nations and individuals is a human right.
- 1980 Calls for the cessation of all nuclear test explosions.
- 1980 Calls for the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.
- 1981 Promotes co-operative movements in developing countries.
- 1981 Affirms the right of every state to choose its economic and social system in accord with the will of its people, without outside interference in whatever form it takes.
- 1981 Condemns activities of foreign economic interests in colonial territories.
- 1981 Calls for the cessation of all test explosions of nuclear weapons.
- 1981 Calls for action in support of measures to prevent nuclear war, curb the arms race and promote disarmament.
- 1981 Urges negotiations on prohibition of chemical and biological weapons.
- 1981 Declares that education, work, health care, proper nourishment, national development, etc are human rights.
- 1981 Condemns South Africa for attacks on neighbouring states, condemns apartheid and attempts to strengthen sanctions. 7 resolutions.
- 1981 Condemns an attempted coup by South Africa on the Seychelles.
- 1981 Condemns Israel's treatment of the Palestinians, human rights policies, and the bombing of Iraq. 18 resolutions.
- 1982 Condemns the Israeli invasion of Lebanon. 6 resolutions (1982 to 1983).
- 1982 Condemns the shooting of 11 Muslims at a shrine in Jerusalem by an Israeli soldier.
- 1982 Calls on Israel to withdraw from the Golan Heights occupied in 1967.
- 1982 Condemns apartheid and calls for the cessation of economic aid to South Africa. 4 resolutions.
- 1982 Calls for the setting up of a World Charter for the protection of the ecology.
- 1982 Sets up a United Nations conference on succession of states in respect to state

property, archives and debts.

1982 Nuclear test bans and negotiations and nuclear free outer space. 3 resolutions.

1982 Supports a new world information and communications order.

1982 Prohibition of chemical and bacteriological weapons.

1982 Development of international law.

1982 Protects against products harmful to health and the environment .

1982 Declares that education, work, health care, proper nourishment, national development are human rights.

1982 Protects against products harmful to health and the environment.

1982 Development of the energy resources of developing countries.

1983 Resolutions about apartheid, nuclear arms, economics, and international law. 15 resolutions.

1984 Condemns support of South Africa in its Namibian and other policies.

1984 International action to eliminate apartheid.

1984 Condemns Israel for occupying and attacking southern Lebanon.

1984 Resolutions about apartheid, nuclear arms, economics, and international law. 18 resolutions.

1985 Condemns Israel for occupying and attacking southern Lebanon.

1985 Condemns Israel for using excessive force in the occupied territories.

1985 Resolutions about cooperation, human rights, trade and development. 3 resolutions.

1985 Measures to be taken against Nazi, Fascist and neo-Fascist activities .

1986 Calls on all governments (including the USA) to observe international law.

1986 Imposes economic and military sanctions against South Africa.

1986 Condemns Israel for its actions against Lebanese civilians.

1986 Calls on Israel to respect Muslim holy places.

1986 Condemns Israel for sky-jacking a Libyan airliner.

1986 Resolutions about cooperation, security, human rights, trade, media bias, the environment and development.

8 resolutions.

1987 Calls on Israel to abide by the Geneva Conventions in its treatment of the Palestinians.

1987 Calls on Israel to stop deporting Palestinians.

1987 Condemns Israel for its actions in Lebanon. 2 resolutions.

1987 Calls on Israel to withdraw its forces from Lebanon.

1987 Cooperation between the United Nations and the League of Arab States.

1987 Calls for compliance in the International Court of Justice concerning military and paramilitary activities against Nicaragua and a call to end the trade embargo against Nicaragua. 2 resolutions.

1987 Measures to prevent international terrorism, study the underlying political and economic causes of terrorism, convene a conference to define terrorism and to differentiate it from the struggle of people from national liberation.

1987 Resolutions concerning journalism, international debt and trade. 3 resolutions.

1987 Opposition to the build up of weapons in space.

1987 Opposition to the development of new weapons of mass destruction.

1987 Opposition to nuclear testing. 2 resolutions.

1987 Proposal to set up South Atlantic "Zone of Peace".

1988 Condemns Israeli practices against Palestinians in the occupied territories. 5 resolutions (1988 and 1989).
 1989 Condemns USA invasion of Panama.
 1989 Condemns USA troops for ransacking the residence of the Nicaraguan ambassador in Panama.
 1989 Condemns USA support for the Contra army in Nicaragua.
 1989 Condemns illegal USA embargo of Nicaragua.
 1989 Opposing the acquisition of territory by force.
 1989 Calling for a resolution to the Arab-Israeli conflict based on earlier UN resolutions.
 1990 To send three UN Security Council observers to the occupied territories.
 1995 Affirms that land in East Jerusalem annexed by Israel is occupied territory.
 1997 Calls on Israel to cease building settlements in East Jerusalem and other occupied territories. 2 resolutions.
 1999 Calls on the USA to end its trade embargo on Cuba. 8 resolutions (1992 to 1999).
 2001 To send unarmed monitors to the West Bank and the Gaza Strip.
 2001 To set up the International Criminal Court.
 2002 To renew the peace keeping mission in Bosnia.

<http://www.melanie-klein-trust.org.uk/chiesa1.htm>

Terrorism: Psycho-political observations on shock and indifference Dr Marco Chiesa

'Murder at a distance removes the need for elaborate defensive mechanisms'
 (Chomsky, 2001)

The September 11 terrorist attacks in New York and Washington were a crime against humanity, which sent waves of shock and horror due to their scale and the means by which they were executed. The reactions to the events have been amply shown in the media, and grief and horror of unprecedented force was displayed throughout most of the world. In this contribution I would like to discuss a contrasting phenomenon, namely indifference shown by political elites, media and general population to similar tragedies that occur to our fellow human being.

During the Gulf war part of the nearly 100,000 tons of bombs that rained over Iraq (the equivalent of five Hiroshima bombs) targeted water purification plants, irrigation systems and sewage treatment plants as well as electrical and other Iraqi civilian infrastructure, which were systematically destroyed. The combined effect of war and prolonged iron fist sanctions had disastrous effects on the civilian population of that Country. The spread of typhoid and other contaminated-water-borne diseases, coupled with the denial of food aids and medicines, has led to one of the biggest death tolls of civilians in any one Country in recent history. According to the recent Unicef report (1999) 500,000 preventable under-fives deaths occurred in the period 1991-1998. Those children died of treatable diseases and malnutrition. The incidence of birth malformations and children's cancers has increased by 3 and 4 times respectively as a likely consequence of the depleted uranium used in bombs, which found its way into the food chain

(Fisk, 2000). More recent figures show that 4,000 children still die every month as a consequence of the continuing effects of economic sanctions, primarily a US/UK affair. Denis Halliday, one of the three respected UN diplomats in charge of humanitarian coordination for Iraq who have resigned in protest against sanctions, has called these sanctions “genocidal”.

The reaction to these appalling crimes was (and is) very different from those witnessed after the September 11 crimes, when an almost total universal condemnation was coupled with feelings of shock and devastation. By contrast the level of shock and anxiety in the West has been very low relative to the magnitude of the human tragedy involved in Iraq. Horror, grief, anger and despair have not been universal. While most of the media treated the known humanitarian catastrophe in a low-key fashion and let it drop rather quickly, the reaction of the political elites was to minimise or deny the extent of the tragedy. The latter found its most eloquent expression in Madeleine Albright's statement on national television that “the price [of 500,000 Iraqi children's death] is worth it”. When John Pilger invited Robin Cook, the then Foreign Secretary, to participate in one of the very few programmes dedicated to the suffering of the Iraqi people, he declined on grounds that it would not be desirable to be shown alongside dying children. A ten-year catastrophe of genocidal proportion has fallen into oblivion. No three minutes silence has ever been recorded in any institutions for the children of Iraq, or indeed no psychoanalytic contribution was sought or conference organised on understanding the psychological and social roots of the human disaster brought upon the Iraqi people. Now we are faced with the horrifying prospect of a renewed full-scale war against Iraq as part of the so-called ‘war on terrorism’, which will inflict further mortal blows to the Iraqi population.

A second dramatic example of this selective indifference, and there are several to choose from, is the destruction by US bombs in August 1998 of the major pharmaceutical factory in Sudan, one of the poorest countries in the world. The Al-Shifa factory produced 50% of the affordable medicinal requirements and 90% of anti-malarial and TB drugs in the entire country, as well as most of the veterinary drugs. It is estimated that thousands of people (although the precise total toll is unknown), of which a high proportion were children, died of treatable diseases as a consequence. This crime elicited no detectable response, and it is fair to assume that it did not enter into many people's consciousness. The total toll of preventable deaths can only be an approximate estimate (carried out by the German Embassy in Khartoum and by a non-governmental organization based in Cairo) because Washington vetoed a formal UN inquiry into the affair. This is in great contrast with the huge effort put into assessing the extent of ethnic cleansing in Kosovo after the Balkan war. Incidentally, the US has always had a cavalier attitude towards UN initiatives, the most recent of which is its lack of endorsement of the International Criminal Court. This may be understandable in the light of a previous sentence passed in June 1986 by the International Court of Justice (the World Court) that condemned the US for ‘unlawful use of force’ in the terrorist war against Nicaragua, which killed some 30,000 people and left a country in ruins, and asked the US to pay substantial damages to Managua. The US dismissed the World Court deliberation and proceeded to escalate the war by increasing military aid to the Contras terrorist forces.

I would like to offer some theoretical explanations for the possible reasons behind such contrasting personal and societal reactions to terrible criminal acts that have led to thousands of innocent victims and left behind a horrifying trail of destruction and suffering. Why such universal reactions of outrage and condemnation in one case are matched by so muted responses or outright indifference in others? Why such a discrepancy?

When indifference is the main reaction to a catastrophe occurring to people who do not share our culture and race, and who do not belong to our political sphere of influence, I suggest that the differences felt between them and us are magnified to a point where these people become so alien that they tend to disappear altogether as human entities from our consciousness. They stop existing as human beings with whom we share a great deal of common ground. As a consequence our capacity to empathise with their sufferings and take in the nature of the crimes committed against them becomes partially obliterated. We can feel the full force of the impact of

the many barbarically murdered on September 11, but the 5,000 estimated civilian casualties of recent aerial bombardments in Afghanistan hardly touch us. In this country we may become preoccupied by the possibility of biological warfare, but there may be little or no concern for some who have died such as the thousands who have died of starvation in refugee camps in Pakistan or in distant villages in Afghanistan: just a mention or a statistic to sacrifice on the altar of our war aims. The splitting and other schizoid operations at work in these circumstances lead to insulation and crimes that would elicit horror if they were committed against us or people similar to us, become mere footnotes to be quickly disposed when they are perpetrated by us or by people similar to us. Segal (1997) convincingly shows that inability and unwillingness to face guilt and responsibility for crimes is a central factor that mobilises manic mechanisms, a corollary of which is the "dehumanisation of the enemy..., making the enemy either a monster or an object beneath contempt". I suggest that obliteration of the notion and perception of people's suffering is at the root of indifference.

Over-identification with, and idealisation of, our prevalent culture and our political elite may be another important factor in the denial and indifference to the crimes we commit. If by definition, and without need of qualification, we are the 'civilised society' engaged in a war against 'evil' and possess 'a strong sense of right and wrong' (a fundamentalist position), then we cannot believe that we are in fact capable of committing crimes against humanity, an exclusive prerogative of the enemy of the day.

Mainstream media undoubtedly has an important role in influencing and sustaining psychological operations. Media and political elites are well aware of the power of images. Nobody will ever forget the shocking images of the airplanes guided into the twin towers and the resulting carnage, shown repeatedly, day after day, on our screens. By contrast how many images of dying children or grieving mothers in Iraq or in Sudan have been shown in the last ten years?

In the same way high-tech killings by automated modern warfare are presented in an aseptic and sanitised fashion. Media coverage reinforces denial and insulation that allows us to black out the notion that at the end of the 'high precision, laser guided' bombing there are human being in flesh and bones.

It is of great relief that many courageous people do not fall prey to such syndrome of indifference, even when a heavy personal price is paid, like the parents of Greg Rodriguez, a young man who died in the World Trade Centre carnage. They said: "We read enough of the news to sense that our government is heading in the direction of violent revenge, with the prospect of sons, daughters, parents, friends in distant lands dying, suffering, and nursing further grievances against us. It is not the way to go...not in our son's name." For these bereaved parents murder at a distance does not elicit defences, but is regarded as a crime.

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U.S. Diplomatic and Commercial Relationships with Iraq, 1980 - 2 August 1990

Prepared by [Nathaniel Hurd](#).

15 July 2000 (updated 12 December 2001 by [Nathaniel Hurd](#) and [Glen Rangwala](#)).

Before 1980

- Following the 1967 Arab-Israeli War Iraq severed diplomatic relations with the U.S. In late 1979 the State Department (SD) put Iraq on its list of States sponsoring groups categorized by the SD as "terrorist."[\[1\]](#)

1980

- The U.S. Defense Intelligence Agency (DIA) asserted in a report that Iraq has been 'actively acquiring' Chemical Weapons [CW] capacities since the mid-1970s.[\[2\]](#)

1982

- Despite intelligence reports that Iraq still sponsored groups on the SD's terrorist list, and "apparently without consulting Congress", the Reagan Administration removed Iraq from the State terrorism sponsorship list in 1982.[\[3\]](#) The removal made Iraq eligible for U.S. dual-use and military technology.[\[4\]](#)

1983

- A SD report concluded that Iraq continued to support groups on the SD's terrorist list.[\[5\]](#)
- Iraq reportedly began using chemical weapons (CW) against Iranian troops in 1982, and significantly increased CW use in 1983. Reagan's Secretary of State, George Shultz, said that reports of Iraq using CWs on Iranian military personnel "drifted in" at the year's end.[\[6\]](#) A declassified CIA report, probably written in late 1987, notes Iraq's use of mustard gas in August 1983, giving further credence to the suggestion that the SD and/or National Security Council (NSC) was well aware of Iraq's use of CW at this time.[\[7\]](#)
- Analysts recognized that "civilian" helicopters can be weaponized in a matter of hours and selling a civilian kit can be a way of giving military aid under the guise of civilian assistance.[\[8\]](#) Shortly after removing Iraq from the terrorism sponsorship list, the Reagan administration approved the sale of 60 Hughes helicopters.[\[9\]](#) Later, and despite some objections from the National Security Council (NSC), the Secretaries of Commerce and State (George Baldrige and George Shultz) lobbied the NSC advisor into agreeing to the sale to Iraq of 10 Bell helicopters,[\[10\]](#) officially for crop spraying. See "1988" for note on Iraq using U.S. Helicopters to spray Kurds with chemical weapons.

- Later in the year the Reagan Administration secretly began to allow Jordan, Saudi Arabia, Kuwait and Egypt to transfer to Iraq U.S. howitzers, helicopters, bombs and other weapons.[\[11\]](#) Reagan personally asked Italy's Prime Minister Giulio Andreotti to channel arms to Iraq.[\[12\]](#)

1984

- The SD announced on 6 March that, based on "available evidence," it "concluded" that Iraq used "lethal chemical weapons" (specifically mustard gas) in fresh fighting with Iran.[\[13\]](#) On 20 March, U.S. intelligence officials said that they had "what they believe to be incontrovertible evidence that Iraq has used nerve gas in its war with Iran and has almost finished extensive sites for mass-producing the lethal chemical warfare agent".[\[14\]](#)
- European-based doctors examined Iranian troops in March 1984 and confirmed exposure to mustard gas.[\[15\]](#) The UN sent expert missions to the battle region in March 1984, February/March 1986, April/May 1987, March/April 1988, July 1988 (twice), and mid-August 1988. These missions detailed and documented Iraq's CW use.[\[16\]](#)
- According to the *Washington Post*, the CIA began in 1984 secretly to give Iraq intelligence that Iraq uses to "calibrate" its mustard gas attacks on Iranian troops. In August, the CIA establishes a direct Washington-Baghdad intelligence link, and for 18 months, starting in early 1985, the CIA provided Iraq with "data from sensitive U.S. satellite reconnaissance photography...to assist Iraqi bombing raids." The *Post's* source said that this data was essential to Iraq's war effort.[\[17\]](#)
- The United States re-established full diplomatic ties with Iraq on 26 November,[\[18\]](#) just over a year after Iraq's first well-publicized CW use and only 8 months after the UN and U.S. reported that Iraq used CWs on Iranian troops.

1985

- In 1985 the U.S. House of Representatives passed a bill to put Iraq back on the State terrorism sponsorship list.[\[19\]](#) After the bill's passage, Shultz wrote to the bill's sponsor, Rep. Howard Berman, cited the U.S.' "diplomatic dialogue on this and other sensitive issues," claimed that "Iraq has effectively distanced itself from international terrorism," and stated that if the U.S. found that Iraq supports groups practicing terrorism "we would promptly return Iraq to the list."[\[20\]](#) Rep. Berman dropped the bill and explicitly cited Shultz's assurances.[\[21\]](#)
- Iraq's Saad 16 General Establishment's director wrote a letter to the Commerce Department (CD) detailing the activities in Saad's 70 laboratories. These activities had the trademarks of ballistic missile development.[\[22\]](#)

1986

- The Defense Department's (DOD) Under Secretary for Trade Security Policy, Stephen Bryen, informed the Commerce Department's (CD) Assistant Secretary for Trade Administration in November that intelligence linked the Saad 16

research center with ballistic missile development.[\[23\]](#) Between 1985 and 1990, CD approved many computer sales to Iraq that go directly to Saad 16. CD approved over \$1 million worth of computer equipment for sale to Saad 16 after Commerce received the above-mentioned November letter from DOD.[\[24\]](#) As of 1991 Saad 16 reportedly contained up to 40% U.S.-origin equipment.[\[25\]](#)

1988

- The CD approved exports in January and February to Iraq's SCUD missile program's procurement agency. These exports allowed Iraq to extend SCUD range far enough to hit allied soldiers in Saudi Arabia and Israeli civilians in Tel Aviv and Haifa.[\[26\]](#)
- On 23 March, London's *Financial Times* and several other news organizations reported from Halabja, located in Iraqi Kurdistan, that several days prior Iraq used CWs on Halabja's Kurds.[\[27\]](#)
- In May, two months after the Halabja assault, Peter Burleigh, Assistant Secretary of State in charge of northern Gulf affairs, encouraged U.S.-Iraqi corporate cooperation at a symposium hosted by the U.S.-Iraq Business Forum. The U.S.-Iraq Business Forum had strong (albeit unofficial) ties to the Iraqi government.[\[28\]](#)
- The U.S. Senate Foreign Relations Committee sent a team to Turkey to speak to Iraqi Kurdish refugees and assess reports that Iraq "was using chemical weapons on its Kurdish population."[\[29\]](#) This report reaffirmed that between 1984 and 1988 "Iraq repeatedly and effectively used poison gas on Iran," the UN missions' findings, and the chemical attack on Halabja that left an estimated 4,000 people dead.[\[30\]](#)
- Following the Halabja attack and Iraq's August CW offensive against Iraqi Kurds, the U.S. Senate unanimously passed on 8 September the "Prevention of Genocide Act of 1988" the day after it is introduced.[\[31\]](#) The act cuts off from Iraq U.S. loans, military and non-military assistance, credits, credit guarantees, items subject to export controls, and U.S. imports of Iraqi oil.[\[32\]](#)
- Immediately after the bill's passage the Reagan Administration announced its opposition to the bill,[\[33\]](#) and SD spokesman Charles Redman called the bill "premature".[\[34\]](#) The Administration works with House opponents to a House companion bill, and after numerous legislation compromises and end-of-session haggling, the Senate bill died "on the last day of the legislative session".[\[35\]](#)
- According to a 15 September news report, Reagan Administration officials stated that the U.S. intercepted Iraqi military communications marking Iraq's CW attacks on Kurds.[\[36\]](#)
- U.S. intelligence reported in 1991 that the U.S. helicopters sold to Iraq in 1983 were used in 1988 to spray Kurds with chemicals.[\[37\]](#)
- "Reagan administration records show that between September and December 1988, 65 licenses were granted for dual-use technology exports. This averages out as an annual rate of 260 licenses, more than double the rate for January through August 1988."[\[38\]](#)

- A general note about the Security Council's reaction to Iraq's CW use. Between 1984 and the implementation of the ceasefire on 20 August 1988 the UN Security Council passed six resolutions directly or indirectly related to the "situation between Iran and Iraq." In 1984, Security Council Resolution (SCR) 552 "condemns [Iran's] recent attack on commercial ship en route to and from ports of Kuwait and Saudi Arabia"[\[39\]](#) but it did not pass a resolution on the Iran-Iraq War generally or the UN expert mission's chemical weapons March findings specifically. During all of 1985 the Security Council did not pass a resolution on the "situation between Iran and Iraq" or Iraq's chemical weapons use therein. Although the UN's expert mission concluded in March 1986 that Iraq used chemical weapons on Iranian troops,[\[40\]](#) SCR 582 (1986) symmetrically noted "that both the Islamic Republic of Iran and Iraq are parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 7 June 1925"[\[41\]](#) and "deplores...in particular the use of chemical weapons contrary to obligations under the 1925 Protocol".[\[42\]](#) Resolution 588 (1986) did not mention chemical weapons.[\[43\]](#) In 20 July 1987, SCR 598 again deplored "in particular the use of chemical weapons contrary to obligations of the 1925 Protocol",[\[44\]](#) but does not elaborate. After considering the expert mission's 25 April 1988 report, the Security Council in Resolution 612 is "dismayed" by chemical weapons' continued use and "more intensive scale".[\[45\]](#) Furthermore, the Council "affirms the necessity that" both parties observe the 1925 Geneva Protocol, "condemns vigorously the continued use of chemical weapons" and "expects both sides to refrain from the future use of chemical weapons".[\[46\]](#) SCR 619 (1988) focused on implementing the United Nations Iran-Iraq Military Observer Group and did not mention chemical weapons.[\[47\]](#) After the ceasefire, the Security Council considered the reports of the expert missions from 20-25 July and 2-19 August 1988 and stated in SCR 620 that it is "deeply dismayed" by the "continued use of chemical weapons" and that "such use against Iranians has become more intense and frequent".[\[48\]](#) Despite identifying Iranians as more frequent chemical weapons targets, the Security Council did not condemn Iraq. Rather, the Security Council "condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq"[\[49\]](#). All of the subsequent four resolutions, passed between 1989-1990 and relevant to "the situation between Iran and Iraq," pertained to the United Nations Iran-Iraq Military Observer Group and as such omitted any reference to chemical weapons use.[\[50\]](#)

The Security Council could only condemn Iraq by name for using chemical weapons through non-binding Presidential statements, over which permanent members of the Security Council do not have an individual veto. On 21 March 1986, the Security Council President, making a "declaration" and "speaking on behalf of the Security Council," stated that the Council members are "profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian troops...[and] the members of the Council strongly condemn this continued use of chemical weapons in clear violation of the Geneva Protocol of 1925 which prohibits the use

in war of chemical weapons".[\[51\]](#) The US voted against the issuance of this statement, and the UK, Australia, France and Denmark abstained. However, the concurring votes of the other ten members of the Security Council ensured that this statement constituted the first criticism of Iraq by the Security Council. A similar Presidential statement was made on 14 May 1987, which noted that the Council was "deeply dismayed" about the CW use against Iranian forces and civilians.

1989

- In March, CIA director William Webster testified before Congress that Iraq was the largest CW producer in the world.[\[52\]](#)
- James Baker received an SD memo stating that Iraq was diligently developing chemical, biological, and new missiles, and that Baker was to "express our interest in broadening U.S.-Iraqi ties" to Iraqi Under-Secretary Hamdoon.[\[53\]](#)
- Although the CIA and the Bush Administration knew that Iraq's Ministry of Industry and Military Industrialization (MIMI) "controlled entities were involved in Iraq's clandestine nuclear, chemical, and biological weapons programs and missile programs ... the Bush administration [approved] dozens of export licenses that [allowed] United States and foreign firms to ship sophisticated U.S. dual-use equipment to MIMI-controlled weapons factories".[\[54\]](#)
- By October 1989, when all international banks had cut off loans to Iraq, President Bush signed National Security Directive (NSD) 26 mandating closer links with Iraq and \$1 billion in agricultural loan guarantees. These guarantees freed for Iraq hard cash to continue to buy and develop WMDs, and are suspended only on 2 August 1990, the same day that Iraq invaded Kuwait. Richard Haass, then a National Security Council official, and Robert Kimmitt, Under Secretary of State for Political Affairs, also told the Commerce Department (CD) not to single Iraq out for dual-use technology restrictions.[\[55\]](#)
- When one American firm twice contacted the CD with concerns that their product could be used for nuclear weapons (NW) and ballistic missiles, the CD simply requested Iraqi written guarantees about civilian use, said that a license and review was unnecessary, and convinced the company that shipment was acceptable.[\[56\]](#)

1990

- From July 18 to 1 August (Iraq invaded Kuwait on 2 August) the Bush Administration approved \$4.8 million in advanced technology product sales to Iraq. End-buyers included MIMI and Saad 16. Mimi was identified in 1988 as a facility for chemical, biological, and nuclear weapons programs. In 1989 Saad was linked to CW and NW development.[\[57\]](#)
- The Bush Administration approved \$695,000 worth of advanced data transmission devices the day before Iraq invades Kuwait.[\[58\]](#)

Overview

- Items sent from the U.S. during the Reagan and Bush Administrations that helped Iraq's non-conventional weapons programs and that were shipped to known military industrial facilities include:
 - Computers to develop ballistic missiles and nuclear weapons;[\[59\]](#) machine tools and lasers to extend ballistic missile range;[\[60\]](#) graphics terminals to design and analyze rockets;[\[61\]](#) West Nile Fever virus, a known potential BW agent, sent by the U.S. government's Centers for Disease Control (CDC);[\[62\]](#) the agents for botulism, tetanus, and anthrax.[\[63\]](#)
- One study lists 207 firms from 21 countries that contributed to Iraq's non-conventional weapons program during and after the Iran-Iraq war. E.g., West German (86); British (18); Austrian (17); French (16); Italian (12); Swiss (11); and American (18).[\[64\]](#)
- Throughout the U.S. exports to Iraq, several agencies were supposed to review items relevant to national security or that could be diverted for a nuclear program. The reviewers included the SD, DOD, Energy Department, Subgroup on Nuclear Export Coordination (included representatives from Commerce Dept., Arms Control and Disarmament Agency (ACDA), the intelligence community, and DOD).[\[65\]](#) Sometimes CD did not send items to reviewers. On other occasions, reviewers objected, and CD still approved the items. Stephen Bryen, Deputy Under Secretary of DOD for Trade Security Policy during the second Reagan Administration, claimed that the DOD objected to 40% of applications that CD actually sent to DOD for review. Compare with a 5% DOD objection rate to dual-use technology applications for export to the U.S.S.R. during that same time period.[\[66\]](#)

I've deleted the footnote list for reasons of space. The list is in the original document; the sources are impeccable.

MADE IN THE USA, PART III: US GOVERNMENT AGENCY LISTINGS

BY JIM CROGAN

Thursday, April 24, 2003 - 12:00 am

CENTERS FOR DISEASE CONTROL AND PREVENTION

(Atlanta, Georgia)

1984 to 1993 — The CDC shipped a number of "viruses, retroviruses, bacteria and fungi" to Iraq from "October 1, 1984 thru October 13, 1993," stated then-CDC director David Satcher in a 1995 letter to the Senate Committee on Banking, Housing and Urban Affairs. According to Satcher, CDC's

shipments to Iraq continued two years after the first Gulf War. However, he included no information regarding the post-Gulf War I shipments. The pre-war shipments included:

1985 — Three shipments of West Nile virus, two shipments of dengue-fever virus, one shipment of Yersinia pestis (non-virulent plague bacteria), one shipment of Bhanja virus, one shipment of Hazara virus, one shipment of Kemerovo virus, one shipment of Langat virus, one shipment of Sandfly Fever/Naples virus, one shipment of Sandfly Fever/Sicilian virus, one shipment of Sindbis virus, one shipment of Tahyna virus, one shipment of Thogoto virus, five plague-infected mouse-tissue smears and a variety of antigens and antibodies.

1985 — Three yeast cultures of candida

1985 — Eight vials of antigens (substances that stimulate the production of antibodies) as well as antibodies for ricketts and typhus

1986 — Two vials of non-infectious botulinum toxoid

1988 — A variety of teaching supplies and CDC procedures manuals

1989 — A variety of enterococcus bacteria and one shipment of streptococcus bacteria

[\(return to agency index\)](#)

CENTRAL INTELLIGENCE AGENCY

(Langley, Virginia)

1982 — President Ronald Reagan signed a National Security Council directive ordering the agency to provide Iraq with intelligence-information advice and hardware. The order was enthusiastically carried out by then-CIA Director William Casey (see Bechtel), who supported the sale of cluster bombs to Iraq. CIA also assisted in the sale of non-U.S. weapons, ammunition and vehicles to Iraq.

1984 — Agency secretly provided Iraq with instructions on how to calibrate its mustard-gas attacks on Iranian troops.

1986 — Agency authorized secret study documenting Iraqi use of chemical weapons.

1988 — CIA Director William Webster acknowledged to Congress that Iraq was the largest producer of chemical weapons in the world.

[\(return to agency index\)](#)

DEPARTMENT OF AGRICULTURE

(Washington, D.C.)

1983 to 1990 — Extended billions of dollars worth of loan guarantees to Iraq through the Agriculture Department's Commodity Credit Corporation. Iraq used some of these funds to buy material, equipment and technology for its chemical-weapons and ballistic-missile programs. After Iraq defaulted on some its loan obligations, the federal government agreed, in 1995, to pay \$400 million to BNL (an Italian bank) to settle claims. Iraq is liable for reimbursing the U.S. treasury, but repayment is considered unlikely.

1992 — An Agriculture Department employee shredded documents describing department's role in obtaining \$5.5 billion in U.S. taxpayer-guaranteed loans to Iraq through BNL, an Italian bank. The shredding was witnessed by a Justice Department paralegal.

[\(return to agency index\)](#)

DEPARTMENT OF COMMERCE

(Washington, D.C.)

1985 to 1990 — Approved \$1.5 billion worth of export licenses for shipments of goods with both military and civilian applications to Iraq. According to an Inspector General's report, Commerce officials later tampered with export records to disguise shipments of equipment and technology used by the Iraqi military. Five records alterations pertained to the proposed shipment of more than \$1 billion in trucks originally described as "designed for military use."

1988 — Department approved shipments of equipment to upgrade Iraq's Scud-missile program.

1992 — Commerce Department inspector general admitted to Congress that department officials altered 66 export licenses for Iraq.

[\(return to agency index\)](#)

DEPARTMENT OF DEFENSE

(Arlington, Virginia)

1982 — President Ronald Reagan ordered department to provide Iraq with intelligence information, advice and hardware.

1983 — Private citizen Donald Rumsfeld (currently the secretary of defense) was dispatched to Iraq as the personal envoy of President Reagan. Met with Saddam Hussein and pledged support for regime. Rumsfeld's trip occurred as U.S. was receiving reports of chemical-weapons use by Iraq. Rumsfeld also carried with him a secret offer of help to Iraq from then-Israeli Foreign Minister Yitzhak Shamir.

During both the Reagan administration and the first Bush administration (prior to the invasion of Kuwait), the department supported export licenses transferring weapons technology and weapons materials to Iraq.

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DEPARTMENT OF STATE

(Washington, D.C.)

1982 — Department removed Iraq from list of countries sponsoring terrorism.

1983 — Reagan Secretary of State George Shultz (See Bechtel) successfully lobbied Commerce Department to approve sale of helicopters to Iraq. State Department begins receiving reports of chemical-weapons use by Iraqi military.

1984 — Schultz persuaded Representative Howard Berman (D-Los Angeles) to drop his bill returning Iraq to list of countries sponsoring terrorism.

1984 — Diplomatic relations reestablished with Iraq.

1986 — Reagan sent secret message to Saddam Hussein, advising him to step up his air war on Iran. Message delivered to Hussein through Egyptian President Hosni Mubarak by Vice President George Bush.

1988 — At the U.N., Schultz downplayed Iraq's use of chemical weapons on Kurds.

1989 — Department supplied visas for three Iraqi nuclear scientists to attend an international detonation conference in Portland, Oregon. This conference discussed nuclear-weapons technology and flyer-plate technology used to control the force and shape of implosive shock waves.

1989 — Secretary of State James Baker received memo informing him that Iraq was aggressively developing chemical-, biological- and new missile-weapons programs.

1990 — Bush administration approved \$4.8 million in sales of advanced technology to Iraq's Ministry of Industry and Military Industrialization. MIMI was responsible for Iraq's nuclear-, missile and chemical-weapons program.

[\(return to agency index\)](#)

NATIONAL SECURITY COUNCIL

(Washington, D.C.)

1983 to 1989 — During this period, the NSC, usually with the State Department, successfully lobbied the Commerce Department to approve sales to Iraq of military-related items and items with dual military and civilian use, such as heavy trucks, to Iraq.

1983 — Successfully lobbied the Commerce Department to approve the sale of 10 "civilian" Bell helicopters to Iraq in 1983. The helicopters were eventually modified and used in 1988 to spray poison gas on Iranians and possibly the Kurds.

1989 — President George Bush signed NSC Directive 26, which established closer ties to Baghdad and provided \$1 billion in agricultural loans.

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U.S. NUCLEAR WEAPONS LABORATORIES:

LAWRENCE LIVERMORE (University of California, Livermore, California)

LOS ALAMOS (University of California, Los Alamos, California)

SANDIA (Sandia National Laboratories are government-owned but operated under contract by Lockheed Martin, which is based in Fort Worth, Texas)

U.S. DEPARTMENT OF ENERGY (Washington, D.C.)

U.S. DEPARTMENT OF DEFENSE (Washington, D.C.)

1989, California — These three labs in conjunction with the U.S. Departments of Energy and Defense organized a quadrennial international detonation conference in Portland, Oregon. There,

representatives from these nuclear labs presented information on nuclear-weapons-detonation technology and flyer-plate technology used to control the force and shape of implosive shock waves. Three Iraqi nuclear scientists attended this conference from the Al Qaqaa State Establishment. Al Qaqaa supplied bomb parts for Iraq's nuclear-weapons testing.

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SEARCH



<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB113/index.htm#2>

Reagan administration officials interceded on behalf of José Bueso Rosa, a Honduran general who was heavily involved with the CIA's contra operations and faced trial for his role in a massive drug shipment to the United States. In 1984 Bueso and co-conspirators hatched a plan to assassinate Honduran President Roberto Suazo Córdoba; the plot was to be financed with a \$40 million cocaine shipment to the United States, which the FBI intercepted in Florida.

Document 13

Declassified e-mail messages indicate that Oliver North led the behind-the-scenes effort to seek leniency for Bueso. The messages record the efforts of U.S. officials to "cabal quietly" to get Bueso off the hook, be it by "pardon, clemency, deportation, [or] reduced sentence." Eventually they succeeded in getting Bueso a short sentence in "Club Fed," a white collar prison in Florida.

Document 14 (See page 76 of **Document 6, the Kerry Report**)

The Kerry Committee report reviewed the case, and noted that the man Reagan officials aided was involved in a conspiracy that the Justice Department deemed the "most significant case of narco-terrorism yet discovered."

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB113/index.htm#2>

(north and drug running and Noriega

panama canal treaty

Article V

Principle of Non-Intervention

Employees of the Panama Canal Commission, their dependents and designated contractors of the Panama Canal Commission, who are nationals of the United States of America, shall respect the laws of the Republic of Panama and shall abstain from any activity incompatible with the spirit of this Treaty. Accordingly, they shall abstain from any political activity in the Republic of Panama as well as from any intervention in the internal affairs of the Republic of Panama. The United States of America shall take all measures within its authority to ensure that the provisions of this Article are fulfilled.

JANUARY 1988

Deciding that he has outlived his usefulness to the Contra cause, the Reagan Administration approves an indictment of Noriega on drug charges. By this time, U.S. Senate investigators had found that 'the United States had received substantial information about criminal involvement of top Panamanian officials for nearly twenty years and done little to respond.'

APRIL 1989

The Senate Subcommittee on Terrorism, Narcotics and International Communications, headed by Sen. John Kerry of Massachusetts, issues its 1,166-page report on drug corruption in Central America and the Caribbean. The subcommittee found that 'there was substantial evidence of drug smuggling through the war zone on the part of individuals Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contras supporters throughout the region.' U.S. officials, the subcommittee said, 'failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua.' The investigation also reveals that some 'senior policy makers' believed that the use of drug money was 'a perfect solution to the Contras' funding problems.'

http://www.fas.org/irp/congress/1998_cr/980507-1.htm

the above sums up U.S. involvement in drug trafficking by congress

L.A. Times

A review of thousands of declassified government documents and interviews with former policymakers shows that U.S. intelligence and logistical support played a crucial role in shoring up Iraqi defenses against the "human wave" attacks by suicidal Iranian troops. The administrations of Ronald Reagan and George H.W. Bush authorized the sale to Iraq of numerous items that had both military and civilian applications, including poisonous chemicals and deadly biological viruses, such as anthrax and bubonic plague."

"Leaked Report Says German and US Firms Supplied Arms to Saddam: Baghdad's uncensored report to UN names Western companies alleged to have developed its weapons of mass destruction." Tony Paterson, The Independent (UK). Wednesday, 18 December, 2002

Archived at: <http://www.shalomctr.org/node/100>

<http://www.casi.org.uk/info/usdocs/usiraq80s90s.html>

excerpt:

Analysts recognized that "civilian" helicopters can be weaponized in a matter of hours and selling a civilian kit can be a way of giving military aid under the guise of civilian assistance.^[8] Shortly after removing Iraq from the terrorism sponsorship list, the Reagan administration approved the sale of 60 Hughes helicopters.^[9] Later, and despite some objections from the National Security Council (NSC), the Secretaries of Commerce and State (George Baldrige and George Shultz) lobbied the NSC advisor into agreeing to the sale to Iraq of 10 Bell helicopters,^[10] officially for crop spraying. See "1988" for note on Iraq using U.S. Helicopters to spray Kurds with chemical weapons.

SUHARTO, EAST TIMOR, AND THE US:

Indonesia's tight relationship under Suharto with successive US presidents is fairly well known and needs little elaboration. From the brutal Indonesian civil war of the mid 1960's, through the repression of independence movements in Aceh and Western New Guinea (annexed by Suharto in 1969 under murky circumstances), the invasion of East Timor and right up to the Clinton era, Suharto sought and used his status as a loyal US ally and anti-communist to bolster and arm his regime. However, what might be more disputed is US complicity in the Indonesian invasion of East Timor in 1975. For the undeniable smoking gun, see **the** George Washington University's National Security Archive: (<http://www.gwu.edu/~nsarchiv/>), in particular

East Timor Revisited: FORD, KISSINGER AND THE INDONESIAN INVASION, 1975-76, Ford and Kissinger Gave Green Light to Indonesia's Invasion of East Timor, 1975; New Documents Detail Conversations with Suharto. National Security Archive Electronic Briefing Book No. 62 <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62>

An excerpt:

The New Evidence

The Indonesian invasion of East Timor in December 1975 set the stage for the long, bloody, and disastrous occupation of the territory that ended only after an international peacekeeping force was introduced in 1999. President Bill Clinton cut off military aid to Indonesia in September 1999—reversing a longstanding policy of military cooperation—but questions persist about U.S. responsibility for the 1975 invasion; in particular, the degree to which Washington actually condoned or supported the bloody military offensive. Most recently, journalist Christopher Hitchens raised questions about the role of former Secretary of State Henry Kissinger in giving a green light to the invasion that has left perhaps 200,000 dead in the years since. Two newly declassified documents from the Gerald R. Ford Presidential Library, released to the National Security Archive,

shed light on the Ford administration's relationship with President Suharto of Indonesia during 1975. Of special importance is [the record of Ford's and Kissinger's meeting with Suharto in early December 1975](#). The document shows that Suharto began the invasion knowing that he had the full approval of the White House. Both of these documents had been released in heavily excised form some years ago, but with Suharto now out of power, and following the collapse of Indonesian control over East Timor, the situation has changed enough that both documents have been released in their entirety.

Other documents found among State Department records at the National Archives elucidate the inner workings of U.S. policy toward the Indonesian crisis during 1975 and 1976. Besides confirming that Henry Kissinger and top advisers expected an eventual Indonesian takeover of East Timor, archival material shows that the Secretary of State fully understood that the invasion of East Timor involved the "illegal" use of U.S.-supplied military equipment because it was not used in self-defense as required by law.

The discussion here continues in this vein and culminates in links to

Memorandum of Conversation between Presidents Ford and Suharto, 5 July 1975, 12:40 p.m. - 2:00 p.m.

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62/doc1.pdf>

The Secretary's 8:00 a.m. Staff Meeting, Tuesday, August 12, 1975, Secret [excerpt], with cover memorandum on highlights of meeting attached

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62/doc2.pdf>

President Carter's authorization of arms sales to Indonesia:

Summary at

http://www.dissidentvoice.org/Articles/Nevins_Carter.htm

excerpt:

Carter lauded and supported the brutal regime of the Shah of Iran until the bitter end, for example. In Nicaragua, his administration provided significant support to the hated Somoza dictatorship. And in El Salvador, he extended large amounts of military and economic aid to a country whose army was engaging in widespread massacres, even after the slaying of its Catholic archbishop, and four Americans--three Maryknoll nuns and one lay churchworker.

In the case of Indonesia's illegal invasion and occupation of East Timor, Carter followed a similar path. In late 1977, when Indonesia was actually running out of military equipment, his administration authorized a dramatic increase in arms sales to Jakarta. And over the next several months, the Carter White House approved sales of fighter jets and ground-attack bombers to Indonesia's Suharto regime, whose military employed them in East Timor to bomb and napalm the population into submission.

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Other items of interest:

Winter 1996 profile of Suharto in the *Yale International Forum*:

http://www.yale.edu/iform/Winter1996/Suharto_Win96.htm

Arms Sales to Indonesia, 1975-1995:

<http://www.worldpolicy.org/projects/arms/reports/indoarms.html>

An Article at the World Policy Center's Arms Trade Resource Center notes the uninterrupted flow of US arms to Indonesia since the East Timor invasion, and Clinton's willingness (in March 1997) to continue the policy. Again, a long and detailed discussion for those interested.

The article also contains a table detailing the 1.1 billion in arms sales to Indonesia over the period 1975-1995, with strong peaks in 1978 (Carter), 1986 (Reagan), and figures in the tens of millions every year from 1989-1995 (Bush I and Clinton).

Suharto in 1997: "A credit to Indonesia" – Paul Wolfowitz

http://www.fpif.org/commentary/0102wolfowitz_body.html

PDF attached, also at <http://www.fpif.org/pdf/gac/0102wolfowitz.pdf>

Interesting piece from Foreign Policy in Focus, Feb 2001 discussing the continued US silence on East Timor as "Classic Bipartisan foreign policy":

It mentions, among many other things, Paul Wolfowitz's speaking to Congress in 1997:

If that sounds like hyperbole, consider Wolfowitz's recent public comments on Indonesia. As late as May 1997, he was telling Congress that "any balanced judgment of the situation in Indonesia today, including the very important and sensitive issue of human rights, needs to take account of the significant progress that Indonesia has already made and needs to

acknowledge that much of this progress has to be credited to the strong and remarkable leadership of President Suharto.”

See also Tom Shorrock’s piece at

http://www.firstofthemonth.org/9_11/9_11_shorrock_asian.html

That disclosure reveals much about Holbrooke, Wolfowitz and US policy in Asia. East Timor is a classic example of the bipartisan nature of US foreign policy during the Cold War - and the secrecy surrounding US military support for authoritarian leaders like president Suharto, who ruled Indonesia from the US-backed coup in 1965 until his downfall in 1998. There is an unbroken link from the Ford-Kissinger years, when the US backed Suharto's invasion of the former Portuguese territory, through the Carter, Reagan, Bush, and Clinton eras, when US policy focused on supporting Suharto's military and burnishing his image to the world.

During the Reagan years, there was no greater champion of Suharto than Wolfowitz, whose career is a textbook example of Cold War politics that focused for nearly 50 years on the care and feeding of dictators like Suharto, Chun Doo-hwan in South Korea, and Ferdinand Marcos in the Philippines. While there were differences in nuance between Democratic and Republican presidents, these policies remained remarkably consistent from administration to administration. Where Wolfowitz and the Reagan Republicans departed from the Democrats was in their public stance toward these unsavory figures.

Suharto and Clinton

In May 1993, Clinton placed Indonesia on a Human Rights Watch List for its actions in East Timor, (among other places, noted at

<http://www.moreorless.au.com/killers/suharto.html> and

<http://www.hrw.org/reports/1994/WR94/Asia-06.htm>)

but this didn’t stop Suharto being warmly received in Washington in October 1995. The East Timor and Indonesia Action Network (ETAN) has copies of 1995 letters to Clinton by several prominent legislators protesting Suharto’s 1995 visit to the White house as well as an NY Times piece on the visit archived at:

<http://www.etan.org/legislation/archive/95oct.htm>

Be aware, for what it’s worth, that it was not Clinton himself who called Suharto “Our Kind of Guy” but instead the ever-popular “Senior Administration official”. This quote has also been attributed to Reagan. Speaking of Reagan:

Allegations of financial ties between the Clinton and Suharto regimes are well known, and L.J. Davis raised them in a 1997 article for Mother Jones Magazine:

<http://www.motherjones.com/news/outfront/1997/01/davis.html>

Suharto and Reagan

Ronald Reagan’s posthumous profile at Allexperts.com has been scrubbed of previous references to Reagan’s relationship with Suharto, and notes in passing “that Reagan-era papers which might provide further details [of the Iran-Contra affair] were originally

scheduled to be released starting in 2001, but President George W. Bush enacted a rule change to allow many of these to be withheld indefinitely”.

Of course, the *cached* version is still available, at

http://64.233.167.104/search?q=cache:MbTUinhUZeAJ:experts.about.com/e/r/ro/Ronald_Reagan.htm+reagan+suharto+friend&hl=en&gl=ca&ct=clnk&cd=10

or better yet, <http://tinyurl.com/gt3n4>

it quotes East Timorese Nobel Peace Prize recipient [Jose Ramos-Horta](#):

"Reagan, like Carter, ignored the rights of black South Africans who languished under a system of institutionalized terrorism and racism; the widespread and systematic use of torture in Chile and Guatemala. They not only ignored, but actively supported the mass murder of Timorese women, men, and children, orchestrated by their friend and ally, General Suharto of Indonesia. Under Carter, there were crocodile tears for the oppressed; under Reagan, there hasn't even been pretence of concern for those in Timor, Chile, [Paraguay](#), South Africa." (Funu: The Unfinished Saga of East Timor, 87)

Reagan responsible for massacres: Timor rights groups

A news item reported after Reagan's death.

Sydney Morning Herald, June 6, 2004 - 5:43PM

<http://www.smh.com.au/articles/2004/06/06/1086460167973.html>

It's a longish piece, but the key quote is, "Despite pleas from human rights groups, Reagan - who visited Indonesia at the height of the bloodshed in 1986 - refused to ban the use of US-supplied arms in East Timor."

A largely similar article appeared on [aljazeera.net](http://www.aljazeera.net), and can be found at

<http://www.worldpress.org/Americas/1869.cfm>

War Crimes

A report on United States War Crimes against Iraq

by Ramsey Clark and others

Report to the Commission of Inquiry for the International War Crimes Tribunal

Maisonneuve Press, 1992

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Protocol 1

Additional to the Geneva Conventions, 1977

PART IV: CIVILIAN POPULATION

Section 1: General Protection Against Effects of Hostilities

Chapter I: Basic Rule and Field of Application

Article 48: Basic Rule

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Article 49: Definition of Attacks and Scope of Application

1. "Attacks" means acts of violence against the adversary, whether in offense or in defense.
2. The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.
3. The provisions of this Section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.
4. The provisions of this Section are additional to the rules concerning humanitarian protection contained in the Fourth Convention, particularly in Part II thereof, and in other international agreements binding upon the High Contracting Parties, as well as to other rules of international law relating to the protection of civilians and civilian objects on land, at sea or in the air against the effects of hostilities.

Chapter II: Civilians and Civilian Population

Article 50: Definition of Civilians and Civilian Population

1. A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (I), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.
2. The civilian population comprises all persons who are civilians.
3. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.

Article 51: Protection of the Civilian Population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of

which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities.

4. Indiscriminate attacks are prohibited. Indiscriminate attacks are:

a) those which are not directed at a specific military objective; b) those which employ a method or means of combat which cannot be directed at a specific military objective; or c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

5. Among others, the following types of attacks are to be considered as indiscriminate:

a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

6. Attacks against the civilian population or civilians by way of reprisals are prohibited.

7. The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favor or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

8. Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57.

Chapter m: Civilian Objects

Article 52: General Protection of Civilian Objects

1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

2. Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

3. In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be

presumed not to be so used. Article 53 Protection of cultural objects and of places of worship without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; b) to use such objects in support of the military effort; c) to make such objects the object of reprisals.

Article 54: Protection of Objects Indispensable to the Survival of the Civilian Population

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.
3. The prohibitions in paragraph 2 shall not apply to such of the objects covered by it as are used by an adverse Party:
 - a) as sustenance solely for the members of its armed forces; or b) if not as sustenance, then in direct support of military action, provided, however, that in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.
4. These objects shall not be made the object of reprisals.
5. In recognition of the vital requirements of any Party to the conflict in the defense of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.

Article 55: Protection of the Natural Environment

1. Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.
2. Attacks against the natural environment by way of reprisals are prohibited.

Article 56: Protection of Works and Installations Containing Dangerous Forces

1. Works or installations containing dangerous forces, namely dams, dikes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and

consequent severe losses among the civilian population.

2. The special protection against attack provided by paragraph I shall cease:

- (a) for a dam or a dike only if it is used for other than its normal function and in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;
- b) for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support;
- c) for other military objectives located at or in the vicinity of these works or installations only if they are used in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.

3. In all cases, the civilian population and individual civilians shall remain entitled to all the protection accorded them by international law, including the protection of the precautionary measures provided for in Article 57. If the protection ceases and any of the works, installations or military objectives mentioned in paragraph 1 is attacked, all practical precautions shall be taken to avoid the release of the dangerous forces.

4. It is prohibited to make any of the works, installations or military objectives mentioned in paragraph 1 the object of reprisals.

5. The Parties to the conflict shall endeavor to avoid locating any military objectives in the vicinity of the works or installations mentioned in paragraph

1. Nevertheless, installations erected for the sole purpose of defending the protected works or installations from attack are permissible and shall not themselves be made the object of attack, provided that they are not used in hostilities except for defensive actions necessary to respond to attacks against the protected works or installations and that their armament is limited to weapons capable only of repelling hostile action against the protected works or installations.

6. The High Contracting Parties and the Parties to the conflict are urged to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces.

7. In order to facilitate the identification of the objects protected by this Article, the Parties to the conflict may mark them with a special sign consisting of a group of three bright orange circles placed on the same axis, as specified in Article 16 of Annex I to this Protocol. The absence of such marking in no way relieves any Party to the conflict of its obligations under this Article.

Chapter IV: Precautionary Measures

Article 57: Precautions in Attack

1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

2. With respect to attacks, the following precautions shall be taken:

a) those who plan or decide upon an attack shall:

- (i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection

but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;

(ii) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects;

(iii) refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(b) an attack shall be canceled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated;

(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.

3. When a choice is possible between several military objectives for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and to civilian objects.

4. In the conduct of military operations at sea or in the air, each Party to the conflict shall, in conformity with its rights and duties under the rules of international law applicable in armed conflict, take all reasonable precautions to avoid losses of civilian lives and damage to civilian objects.

5. No provision of this article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects.

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Principles of the Nuremberg Tribunal, 1950

No. 82

Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. Adopted by the International Law Commission of the United Nations, 1950.

Introductory note: Under General Assembly Resolution 177 (II), paragraph 1a), the International Law Commission was directed to "formulate the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal." In the course of the consideration of this subject, the question arose as to whether or not the Commission should ascertain to what extent the principles contained in the Charter and judgment constituted principles of international law. The conclusion was that since the Nuremberg Principles had been affirmed by the General Assembly, the task entrusted to the Commission was not to express any appreciation of these principles as principles of international law but merely to formulate them. The text below was adopted by the Commission at its second session. The Report of the Commission also contains commentaries on the principles (see Yearbook of the International Law

Commission, 1950, Vol. II, pp. 374-378).

Authentic text: English

Text published in Report of the International Law Commission Covering its Second Session, 5 June-29 July 1950, Document A/1316, pp. 11-14.

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; ii)

Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

{c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime or a crime against humanity as set forth in Principles VI is a crime under international law.

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The Charter of The United Nations

WE THE PEOPLE OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom....

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its members....

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Chapter VI: Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessity, call upon the parties to settle their disputes by such means.

War Crimes - report on United States War Crimes against Iraq

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The Truth Behind Economic Sanctions: A Report

The Truth Behind Economic Sanctions:

A Report on the Embargo of

Food and Medicines to Iraq

by Eric Hoskins, MD

excerpted from the book

War Crimes

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Resolution 661, passed by the United Nations Security Council on August 6, 1990, states that the following items are exempt from the economic embargo of Iraq: supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs.

Resolution 661 also calls for the establishment of a Sanctions Committee (called the Committee of the Security Council) to clarify and implement the terms of the Sanctions Resolution. One month later, on September 13, 1990, Resolution 666 was passed by the Security Council, further defining (and limiting) the conditions under which food and medicine would be permitted to enter Iraq. Since August 1990, the international community has been led to believe that economic sanctions did not include an embargo on food or medicine. Furthermore, the public was told that Iraqi civilians would continue to have access to these essential commodities. However, nothing could be further from the truth. The truth is that Iraqi civilians have been dying of starvation and disease in the thousands. They are dying because of lack of basic food and medicine-the same food and medicine that the United Nations claims the civilian population has always had access to.

It is likely that sanctions have resulted in more suffering and death of the civilian population of Iraq than even the war itself. The true and lasting war against the Iraqi people has been the war waged by economic sanctions. The continued imposition of punitive sanctions will, with certainty, lead to widespread epidemics (including cholera), hunger, and death. A blatant violation of fundamental human rights, sanctions have made their presence felt in a number of ways.

1. Medicines

It has been estimated by international experts that, since August 1990, less than one-thirtieth of Iraq's medicine requirements were being met. Historically, Iraq imports more than \$500 million worth of medicines each year (one of the highest per capita rates in the Middle East). All medicines -including medicated milk for infants with diarrhea, vaccines, drugs for chronic diseases (diabetes, asthma, angina, tuberculosis), anesthetics for surgery, and antibiotics-have been found to be in short supply and this shortage is well-documented by independent international observers since late 1990.

Medical supplies-syringes, intravenous fluids, spare parts for incubators, X-ray equipment, surgical supplies-either ran out or are in short supply. Now, with the country's infrastructure destroyed, most health facilities have no electricity, no running water, no emergency transport, patients and staff are

unable to find transport to reach health facilities, and food and medicine for patients is either unavailable or in short supply. Despite access to health care being a fundamental human right, the following methods were used to effectively prevent medicine from entering Iraq. All these methods are still being used against Iraq today.

a) It is illegal for the government of Iraq to purchase and import any medicines or medical equipment.

b) Many pharmaceutical companies refuse to sell or are being pressured not to sell medicines to Iraq following the August embargo

c) All medicines purchased or manufactured in the United States require a special license from the U.S. Treasury Department before export to Iraq. This is true for any humanitarian aid sent to Iraq and results in many delays and refusals.

d) More than fifty separate consignments of medicines and thousands of tons of infant formula and milk powder were purchased by the government of Iraq prior to August 1990. Governments of the countries where these consignments are being held still refuse to forward them to Iraq.

e) Only those items which the Security Council has deemed "supplies intended strictly for medical purposes" are allowed under the sanction's restrictions.

All materials, spare parts, transport, and other para-medical items essential for the operation of a health care system are still prohibited-except on a time-consuming and unreliable case-by-case basis involving application to the Security Council.

Following two extensive health assessments carried out in Iraq by Gulf Peace Team health and relief experts during March and April 1991, it is clear that the health care system in Iraq is almost totally non-functioning.

The Simpler Truth

The Gulf Peace Team carried out an extensive health assessment in Iraq over a four-week period ending April 24, 1991. Health experts visited fourteen towns, including Basra, Nasiriyah, Najaf, Kerbala, Baghdad, Kirkuk, Sulaimaniyah, Erbil, Mosul, Dohuk and al Amadiyah.

The team's findings include:

1. In all parts of the country, critical shortages of clean drinking water have led to epidemic levels of gastroenteritis (infectious diarrhea). Thousands have died. Already at this early date over fifty cases of cholera have been confirmed by laboratory diagnosis. The true number could be one hundred times this figure since, in most parts of Iraq, hospital laboratories have been shut down due to lack of electricity and reagents-making diagnosis impossible. In Nasiriyah Pediatric Hospital, ninety eight percent of admissions are children with diarrhea. Infants as young as two months old are admitted badly malnourished and dying from diarrheal disease. A lack of infant formula and contaminated water are responsible. Now these babies, in hospital, are given only an intravenous drip of fluid since doctors have no drugs with which to treat the diarrhea, and no medicated milk (the drug of choice for diarrhea) with which to feed them.
2. Hospitals have been reduced to mere reservoirs of infection since most medicines are in short supply, laboratories cannot function, operating theaters

have no supplies, and basic services (including food, water and electricity) are unavailable. In Kirkuk Hospital, an old man lay dying at the entrance to the emergency ward. Suffering from a potentially fatal exacerbation of his chronic high blood pressure, there were no medicines to give him. Inside, the 400-bed hospital's only physician explained how she had just completed an emergency cesarian section, "with flies swarming over the incision because operating room windows had been shattered during bomb blasts" and sanctions will not allow their replacement.

3. Food throughout the country is prohibitively expensive and generally in scarce supply. Agricultural production has been halted due to a lack of inputs (fertilizers, seeds, fuel and spare parts) all prohibited under the sanctions resolutions. Between August 1990 and January 1991, food prices had gone up by as much as 1,000%.

For the first time in history, a government has been prohibited from purchasing and importing food and medicine for its own people. Despite clear indications that a humanitarian emergency existed within Iraq, from August 6, 1990 to March 1991 no food whatsoever was allowed to enter Iraq (from any source) according to the provision of sanctions Resolutions 661 and 666. It is patently obvious that thousands of innocent Iraqi civilians (mostly children) are dying of disease and starvation. They are dying because the international community has withdrawn from them their fundamental human right to food and medical care. It is a dreadful lie when governments and individuals claim that food and medicine are getting through in adequate amounts to the Iraqi people. We must decide who the coalition forces fought this war against. We must also decide whether it is worth sacrificing the lives of thousands more innocent victims to achieve the removal of Saddam Hussein. And finally, we must show equal compassion to all innocent victims of this war regardless of their locality.

It is the opinion of the health assessment team that most of the current civilian ill-health and suffering (mostly of children) is a direct result of both the war and especially the continued imposition of punitive sanctions against Iraq. These sanctions violate not only of the Geneva Conventions and Protocols but also the Universal Declaration of Human Rights and every other United Nations resolution and convention concerned with human rights. The situation with regards to foodstuffs is even more worrisome.

2. Foodstuffs

The text of Resolution 661 referring to the importation of foodstuffs states that the embargo does not include, in humanitarian circumstances, foodstuffs. Resolution 666 passed on September 13, 1990, issues a clarification that no food will be allowed into Iraq from any source until such time as a humanitarian emergency requiring the importation of food into Iraq is declared by the Security Council of the United Nations. Such a declaration requires a report issued from the Secretary-General's office and based on a United Nations mission to Iraq, recommending the declaration of a humanitarian emergency.

The Security Council must then go on to ask the Secretary-General to "seek urgently, and on a continuing basis, information . . . on the availability of food in Iraq." However, no such information was gathered until February 16,

1991, when the first United Nations mission (a UNICEF / WHO medical convoy from Teheran) entered Iraq to assess the humanitarian situation. Despite clear indications that a humanitarian emergency existed within Iraq, from August 6, 1990 to March 3, 1991, no food was allowed to enter Iraq (from any source) according to the provisions of sanctions Resolutions 661 and 666. In early March, after considerable pressure by humanitarian organizations and non-aligned governments, a humanitarian emergency was finally declared by the United Nations Security Council and food was allowed into Iraq subject to the following stringent conditions:

- a) all foodstuffs should be provided through the United Nations in cooperation with the International Committee of the Red Cross or other appropriate humanitarian agencies,
- b) Iraq would continue not to be allowed to purchase or distribute its own foodstuffs.

Up until this point in time, only two humanitarian agencies had been declared "appropriate" by the Sanctions Committee of the Security Council-the United Nations itself and the International Committee of the Red Cross. For all anticipated shipments of food, candidate humanitarian agencies would have to submit in advance to the Sanctions Committee a detailed application requesting approval to import and distribute specific food items. The truth is that this is a mechanism guaranteed to obstruct the movement of even small quantities of food, since many agencies either had no knowledge of the application procedure required, had no access to the Sanctions Committee in New York, were unable to draw up detailed lists weeks in advance of predicted convoys, or were unlikely to gain approval as "acceptable" to the security Council.

More to the point, Iraq historically imports more than seventy percent of its foodstuffs. As a result of war, agricultural production had ground to a halt (due to lack of seeds, fertilizers, spare parts and fuel for irrigation pumps, etc.). This meant that Iraq had become almost totally dependent on food obtained from abroad. With a population of 18 million persons, Iraq's daily food requirements (of grain only) amount to approximately 10,000 metric tons per day. From August 1990 to April 1991, the total amount of food provided by the international community was less than 10,000 metric tons-enough for only a single day's ration for the Iraqi people. Distribution of this token amount of food has been limited to hospitals and orphanages with no general ration distribution using these foodstuffs.

Not only is the international community entirely incapable of responding to Iraq's food requirements, it seems totally unwilling to try. Of the \$178 million requested by the United Nations for humanitarian relief within Iraq, less than twenty percent has been forthcoming. Meanwhile, aid continues to pour in for Kurdish refugees in Turkey. While in urgent need of such aid, the 1-2 million Kurdish refugees share this need with over 17 million other Iraqis living in emergency conditions throughout the country. It is clear that until such time as the United Nations and the international community end the punitive sanctions against Iraq and allow them to import food and medicine for themselves, conditions within Iraq will continue to deteriorate. Starvation is already

apparent in some parts of Ira* it is only a matter of time before widespread famine (as predicted by the United Nations itself) sets in.

3. Recommendations

Until the government of Iraq is able to begin purchasing and importing medicines, undoubtedly Iraqi civilians will continue to suffer. In light of this urgent situation, the following recommendations need to be implemented immediately:

- a) End all punitive sanctions against Iraq. Conditions under which the sanctions resolutions were applied (that is, the Iraqi invasion of Kuwait) no longer exist. Furthermore, it has become clear in recent days, and publicly stated, that even if Iraq complies with all items of the cease-fire agreement, sanctions will not be loosened (let alone withdrawn) until such time as Saddam Hussein is removed from power. This blatant use of food, disease, and human lives as weapons for interfering with the internal politics of a country is both offensive and illegal.
- b) Negotiate the release of Iraqi government assets currently frozen in overseas accounts to be used for the purchase of essential humanitarian commodities.
- c) Allow Iraq to export commodities (including petroleum) for the purchase of food and medicine for the civilian population.
- d) Release consignments of food and medicines currently being held in ports and along borders around the world.
- e) Urgently implement the bilateral agreement signed between the United Nations and the Iraqi government regarding humanitarian assistance to affected groups.
- f) Urgently implement a massive humanitarian relief effort to supply food and medicine to the civilian population of Iraq, both within Iraq and in neighboring countries.

In the concluding paragraph of his report, United Nations special representative Martti Ahtisaari states that "the Iraqi people may soon face a further imminent catastrophe, which could include epidemic and famine, if massive life-supporting needs are not rapidly met." Without an immediate and unqualified lifting of the punitive economic sanctions against Iraq and the Iraqi people, conditions will continue to deteriorate, thousands upon thousands of innocent civilians will perish, and the responsibility for the continuing despair of so many Iraqi women, men and children will rest on our shoulders and on our conscience.

Dr. Eric Hoskins was the Medical Coordinator for the Gulf Peace Team which was based in Amrnan and London. He is a specialist in public health and disaster relief.

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The Charges excerpted from the book War Crimes A report on United States War Crimes against Iraq by Ramsey Clarke and others Report to the Commission of Inquiry for the International War Crimes Tribunal

Introduction

The Charges

excerpted from the book

War Crimes

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Maisonneuve Press, 1992

p1

Facts are blunt things, easy to cite and substantiate. This is a study based on a factual analysis of unfolding events. But facts are a thin reed when there are great material interests at stake.

The oil-rich Gulf region is the largest concentration of natural wealth on the planet today. Yet it is a looted region of wrenching poverty. Facts or defenseless humans seem to matter little in the struggle over who dominates and controls this essential resource.

Seventy-five years ago in the midst of World War I those who opposed the war, claiming that it was a struggle to re-divide and carve up the world markets, had far fewer facts to prove their point. In the heat of a war that cost 20 million lives, the very charge was treated as treason. Today, any high school history book will describe World War I as a war of the great imperial powers for control of world markets. This is no longer even an issue of historical debate.

To the millions who were drafted to fight and die in a supposed struggle for democracy and self-determination the fact that French and British politicians found time to meet secretly and carve up the Arabian Peninsula was unknown. The secret Sykes-Picot Treaty of 1916 laid the basis for the present war in the Gulf. A similar re-division of resources is the real issue today. The open bribery of members of the United Nations Security Council by U.S. President George Bush and the public price tag set on the amount of the war costs Japan or Germany would have to bear leave little doubt to the secret treaties on the allocation of oil resources in the new re-division.

It is the victors who write the history of every war. Nowhere is this more obvious than in the U.S. media today. The Pentagon is acutely aware of how it packaged the Gulf War, in preparation for other wars. The war against Iraq is presented as a heroic, patriotic mobilization that had enormous support both in the U.S. and world-wide. It is described as a high-tech war with few U.S. casualties, a war fought with smart bombs and pinpoint accuracy.

In reality the U.S. war against Iraq was a war in which an incredible amount of information was hidden and distorted. It will take a long struggle and the

distance of many years before the most explosive information sees the light of day. The aim of this book is to expose and substantiate as much as possible of what has been suppressed. But what makes this book unique among the many books now being published on the Gulf War is that this study puts what is well-known and acknowledged about the destruction of Iraq into the context of the very treaties and conventions that the U.S. government has sworn to uphold, yet so flagrantly violated. These international treaties clearly define crimes against peace, war crimes, and crimes against humanity. Even in the heat and hatred of war, some tactics have been considered so heinous, particularly attacks on defenseless civilian populations, that almost all countries have signed agreements pledging not to use such measures.

"War crime" is an inflammatory charge; the very term itself is loaded. Yet in less than one week of U.S. bombardment of Iraq, Baghdad, a city of three million people, had no running water, no sanitation and no electricity; food processing, storage and distribution facilities were destroyed; the city bridges were bombed and the telephone network destroyed. This was not a hidden dimension of the war. The U.S. bombing of Iraq, up to 3,000 sorties a day, was extensively covered. The destruction of the infrastructure of Iraq was well publicized in all the major media. However none of the coverage in the western media mentioned that a large number of these attacks were direct violations of international law and are considered war crimes. The bombing was always described as legitimate. In the many hundreds of hours of extensive news coverage and commentary on the war, the provisions of the Nuremberg, Hague and Geneva Conventions on war were never even discussed in the context of U.S. bombing targets.

Protocol I to the Geneva Conventions, 1977, on the conduct of war states quite explicitly: "It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away or for any other motive." This Protocol stipulates that civilian populations must be protected against the dangers arising from military operations and that civilian populations must not be the object of attack. The U.S. and every one of its major allies against Iraq are signatories to this document and other well known conventions described in this book.

The U.S. enforced blockade of Iraq and the international sanctions which continue to this day are also an explicit violation of Article 54 of the Geneva Conventions-"starvation of civilians as a method of warfare is prohibited." The graphic and detailed eyewitness testimony to the devastation documented in this work shows the painful human dimension to the casualty figures so carelessly estimated, depending on who is doing the counting, of between 100,000

to 250,000 Iraqi deaths. The United Nations Security Council-the international body that through open and publicly revealed U.S. bribery' authorized the war-sent its own investigating commission to Iraq to measure the destruction at the end of the war. The UN Mission, headed by Under Secretary General Martti Ahtisaari and comprising representatives of various UN Agencies, visited Iraq from March 10 to 17, 1991. Their report alone is damning evidence of war crimes committed against the civilian population.

To quote, "It should be said at once that nothing we had seen or read had quite prepared us for the particular form of devastation which has now befallen the country. The recent conflict has wrought near-apocalyptic results upon the infrastructure of what had been until January 1991, a highly urbanized and mechanized society. Now most means of modern life have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology".

Equally well publicized but also robbed of its moral context are other blatant violations of these international conventions. The crimes include the bombing of an air raid shelter, the use of certain types of prohibited weapons such as napalm and the killing of defenseless soldiers such as the systematic bombing of tens of thousands of soldiers and civilians fleeing Kuwait City. These are not facts which are in dispute; there are hundreds of photos published in newspapers around the world which document this conduct. But all too often it is only presented as a grisly by-product of war.

"War is hell," was Defense Department spokesman Pete Williams' comment confirming that huge U.S. Army earth movers had buried alive up to 8,000 Iraqi soldiers. By Army accounts they were in trenches and desperately trying to surrender and incapable of mounting any resistance. This revelation, recently reported-as these lines were written-by Patrick Sloyan in the New York Newsday [September 12, 1991], demonstrates yet another violation of international conventions on combat. The resulting mass graves violate even the responsibility of the commanding officer to attempt to provide an accounting for the dead among enemy soldiers. The Pentagon has refused even to notify the Red Cross about the location of these mass graves.

The most serious charges are the Crimes Against Peace. The Nuremberg Charter, which is the law under which the Nazis were tried by the same allies who made war on Iraq, clearly defines the charge of planning, preparation and initiation of a war of aggression. This is the real indictment of the U.S. role.

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Initial Complaint

Charging

George Bush, J. Danforth Quayle, James Baker, Richard Cheney, William Webster,

Colin Powell, Norman Schwarzkopf and Others to be named With

Crimes Against Peace, War Crimes, Crimes Against Humanity and Other Criminal Acts and High Crimes in Violation of the Charter of the United Nations, International Law, the Constitution of the United States and Laws made in Pursuance Thereof.

Preliminary Statement

These charges have been prepared prior to the first hearing of the Commission of Inquiry by its staff. They are based on direct and circumstantial evidence from public and private documents; official statements and admissions by the persons charged and others; eyewitness accounts; Commission investigations and witness interviews in Iraq, the Middle East and elsewhere during and after the bombing; photographs and video tape; expert analyses; commentary and interviews; media coverage, published reports and accounts gathered between December 1990 and May 1991. Commission of Inquiry hearings will be held in key cities where evidence is available supporting, expanding, adding, contradicting, disproving or explaining these, or similar charges against the accused and others of whatever nationality. When evidence sufficient to sustain convictions of the accused or others is obtained and after demanding the production of documents from the U.S. government, and others, and requesting testimony from the accused, offering them a full opportunity to present any defense personally, or by counsel, the evidence will be presented to an International War Crimes Tribunal. The Tribunal will consider the evidence gathered, seek and examine whatever additional evidence it chooses and render its judgment on the charges, the evidence, and the law.

Background

Since World War I, the United Kingdom, France, and the United States have dominated the Arabian Peninsula and Gulf region and its oil resources. This has been accomplished by military conquest and coercion, economic control and exploitation, and through surrogate governments and their military forces. Thus, from 1953 to 1979 in the post World War II era, control over the region was exercised primarily through U.S. influence and control over the Gulf sheikdoms of Saudi Arabia and through the Shah of Iran. From 1953 to 1979 the Shah of Iran acted as a Pentagon/CIA surrogate to police the region. After the fall of the Shah and the seizure of U.S. Embassy hostages in Teheran, the U.S. provided military aid and assistance to Iraq, as did the USSR, Saudi Arabia, Kuwait and most of the Emirates, in its war with Iran. U.S. policy during that tragic eight year war, 1980 - 1988, is probably best summed up by the phrase, "we hope they kill each other."

Throughout the seventy-five year period from Britain's invasion of Iraq early in World War I to the destruction of Iraq in 1991 by U.S. air power, the United

States and the United Kingdom demonstrated no concern for democratic values, human rights, social justice, or political and cultural integrity in the region, nor for stopping military aggression there. The U.S. supported the Shah of Iran for 25 years, selling him more than \$20 billion of advanced military equipment between 1972 and 1978 alone. Throughout this period the Shah and his brutal secret police called SAVAK had one of the worst human rights records in the world. Then in the 1980s, the U.S. supported Iraq in its wrongful aggression against Iran, ignoring Iraq's own poor human rights record.

When the Iraqi government nationalized the Iraqi Petroleum Company in 1972, the Nixon Administration embarked on a campaign to destabilize the Iraqi government. It was in the 1970s that the U.S. first armed and then abandoned the Kurdish people, costing tens of thousands of Kurdish lives. The U.S. manipulated the Kurds through CIA and other agencies to attack Iraq, intending to harass Iraq while maintaining Iranian supremacy at the cost of Kurdish lives without intending any benefit to the Kurdish people or an autonomous Kurdistan. The U.S. with close oil and other economic ties to Saudi Arabia and Kuwait has fully supported both governments despite the total absence of democratic institutions, their pervasive human rights violations and the infliction of cruel, inhuman and degrading punishments such as stoning to death for adultery and amputation of a hand for property offenses.

The U.S., sometimes alone among nations, supported Israel when it defied scores of UN resolutions concerning Palestinian rights, when it invaded Lebanon in a war which took tens of thousands of lives, and during its continuing occupation of southern Lebanon, the Golan Heights, the West Bank and Gaza. The United States itself engaged in recent aggressions in violation of international law by invading Grenada in 1983, bombing Tripoli and Benghazi in Libya in 1986, financing the contra in Nicaragua, UNITA in southern Africa and supporting military dictatorships in Liberia, Chile, El Salvador, Guatemala, the Philippines, and many other places.

The U.S. invasion of Panama in December 1989 involved the same and additional violations of international law that apply to Iraq's invasion of Kuwait. The U.S. invasion took between 1,000 and 4,000 Panamanian lives. The United States government is still covering up the death toll. U.S. aggression caused massive property destruction throughout Panama. According to U.S. and international human rights organization estimates, Kuwait's casualties from Iraq's invasion and the ensuing months of occupation were in the "hundreds"-between 300 and 600.4 Reports from Kuwait list 628 Palestinians killed by Kuwaiti death squads since the Sabah royal family regained control over Kuwait.

The United States changed its military plans for protecting its control over oil and other interests in the Arabian Peninsula in the late 1980s when it became clear that economic problems in the USSR were debilitating its military capacity and Soviet forces withdrew from Afghanistan. Thereafter, direct military

domination within the region became the U.S. strategy.

With the decline in U.S. oil production through 1989, experts predicted U.S. oil imports from the Gulf would rise from 10% that year to 25% by the year 2000. Japanese and European dependency is much greater.

The Charges

1. The United States engaged in a pattern of conduct beginning in or before 1989 intended to lead Iraq into provocations justifying U.S. military action against Iraq and permanent U.S. military domination of the Gulf

In 1989, General Colin Powell, Chairman of the Joint Chiefs of Staff, and General Norman Schwarzkopf, Commander in Chief of the Central Command, completely revised U.S. military operations and plans for the Persian Gulf to prepare to intervene in a regional conflict against Iraq. The CIA assisted and directed Kuwait in its actions. At the time, Kuwait was violating OPEC oil production agreements, extracting excessive amounts of oil from pools shared with Iraq and demanding repayment of loans it made to Iraq during the Iran-Iraq war. Kuwait broke off negotiations with Iraq over these disputes. The U.S. intended to provoke Iraq into actions against Kuwait that would justify U.S. intervention.

In 1989, CIA Director William Webster testified before the Congress about the alarming increase in U.S. importation of Gulf oil, citing U.S. rise in use from 5% in 1973 to 10% in 1989 and predicting 25% of all U.S. oil consumption would come from the region by 2000. In early 1990, General Schwarzkopf informed the Senate Armed Services Committee of the new military strategy in the Gulf designed to protect U.S. access to and control over Gulf oil in the event of regional conflicts.

In July 1990, General Schwarzkopf and his staff ran elaborate, computerized war games pitting about 100,000 U.S. troops against Iraqi armored divisions. The U.S. showed no opposition to Iraq's increasing threats against Kuwait. U.S. companies sought major contracts in Iraq. The Congress approved agricultural loan subsidies to Iraq of hundreds of millions of dollars to benefit U.S. farmers. However, loans for food deliveries of rice, corn, wheat and other essentials bought almost exclusively from the U.S. were cut off in the spring of 1990 to cause shortages. Arms were sold to Iraq by U.S. manufacturers. When Saddam Hussein requested U.S. Ambassador April Glaspie to explain State Department testimony in Congress about Iraq's threats against Kuwait, she assured him the U.S. considered the dispute a regional concern, and it would not intervene. By these acts, the U.S. intended to lead Iraq into a provocation justifying war.

On August 2, 1990, Iraq occupied Kuwait without significant resistance.

On August 3, 1990, without any evidence of a threat to Saudi Arabia, and King

Fahd believed Iraq had no intention of invading his country, President Bush vowed to defend Saudi Arabia. He sent Secretary Cheney, General Powell, and General Schwarzkopf almost immediately to Saudi Arabia where on August 6, General Schwarzkopf told King Fahd the U.S. thought Saddam Hussein could attack Saudi Arabia in as little as 48 hours. The efforts toward an Arab solution of the crisis were destroyed. Iraq never attacked Saudi Arabia and waited over five months while the U.S. slowly built a force of more than 500,000 soldiers and began the systematic destruction by aircraft and missiles of Iraq and its military, both defenseless against U.S. and coalition technology. In October 1990, General Powell referred to the new military plan developed in 1989. After the war, General Schwarzkopf referred to eighteen months of planning for the campaign.

The U.S. retains troops in Iraq as of May 1991 and throughout the region and has announced its intention to maintain a permanent military presence. This course of conduct constitutes a crime against peace.

2. President Bush from August 2, 1990, intended and acted to prevent any interference with his plan to destroy Iraq economically and militarily. Without consultation or communication with Congress, President Bush ordered 40,000 U.S. military personnel to advance the U.S. buildup in Saudi Arabia in the first week of August 1990. He exacted a request from Saudi Arabia for U.S. military assistance and on August 8, 1990, assured the world his acts were "wholly defensive." He waited until after the November 1990 elections to announce his earlier order sending more than 200,000 additional military personnel, clearly an assault force, again without advising Congress. As late as January 9, 1991, he insisted he had the constitutional authority to attack Iraq without Congressional approval.

While concealing his intention, President Bush continued the military build up of U.S. forces unabated from August into January 1991, intending to attack and destroy Iraq. He pressed the military to expedite preparation and to commence the assault before military considerations were optimum. When Air Force Chief of Staff General Michael J. Dugan mentioned plans to destroy the Iraqi civilian economy to the press on September 16, 1990, he was removed from office. President Bush coerced the United Nations Security Council into an unprecedented series of resolutions, finally securing authority for any nation in its absolute discretion by all necessary means to enforce the resolutions. To secure votes the U.S. paid multi-billion dollar bribes, offered arms for regional wars, threatened and carried out economic retaliation, forgave multi-billion dollar loans (including a \$7 billion loan to Egypt for arms), offered diplomatic relations despite human rights violations and in other ways corruptly exacted votes, creating the appearance of near universal international approval of U.S. policies toward Iraq. A country which opposed the U.S., as Yemen did, lost millions of dollars in aid, as promised, the costliest vote it ever cast. President Bush consistently rejected and ridiculed Iraq's efforts to negotiate a

peaceful resolution, beginning with Iraq's August 12, 1990, proposal, largely ignored, and ending with its mid-February 1991 peace offer which he called a "cruel hoax." For his part, President Bush consistently insisted there would be no negotiation, no compromise, no face saving, no reward for aggression. Simultaneously, he accused Saddam Hussein of rejecting diplomatic solutions. President Bush led a sophisticated campaign to demonize Saddam Hussein, calling him a Hitler, repeatedly citing reports-which he knew were false-of the murder of hundreds of incubator babies, accusing Iraq of using chemical weapons on his own people and on the Iranians knowing U.S. intelligence believed the reports untrue.

After subverting every effort for peace, President Bush began the destruction of Iraq answering his own question, "Why not wait? world could wait no longer." The course of conduct constitutes a crime against peace.

3. President Bush ordered the destruction of facilities essential to civilian life and economic productivity throughout Iraq.

Systematic aerial and missile bombardment of Iraq was ordered to begin at 6:30 p.m. EST January 16, 1991, eighteen and one-half hours after the deadline set on the insistence of President Bush, in order to be reported on television evening news in the U.S. The bombing continued for forty-two days. It met no resistance from Iraqi aircraft and no effective anti-aircraft or anti-missile ground fire. Iraq was defenseless.

The United States reports it flew 110,000 air sorties against Iraq, dropping 88,000 tons of bombs, nearly seven times the equivalent of the atomic bomb that destroyed Hiroshima. 93% of the bombs were free falling bombs, most dropped from higher than 30,000 feet. Of the remaining 7% of the bombs with electronically guided systems, more than 25% missed their targets, nearly all caused damage primarily beyond any identifiable target. Most of the targets were civilian facilities.

The intention and effort of the bombing of civilian life and facilities was to systematically destroy Iraq's infrastructure leaving it in a preindustrial condition. Iraq's civilian population was dependent on industrial capacities. The U.S. assault left Iraq in a near apocalyptic condition as reported by the first United Nations observers after the war. Among the facilities targeted and destroyed were:

- * electric power generation, relay and transmission;
- * water treatment, pumping and distribution systems and reservoirs;
- * telephone and radio exchanges, relay stations, towers and transmission facilities;
- * food processing, storage and distribution facilities and markets, infant milk formula and beverage plants, animal vaccination facilities and irrigation sites;
- * railroad transportation facilities, bus depots, bridges, highway overpasses,

highways, highway repair stations, trains, buses and other public transportation vehicles, commercial and private vehicles;

* oil wells and pumps, pipelines, refineries, oil storage tanks, gasoline filling stations and fuel delivery tank cars and trucks, and kerosene storage tanks;

* sewage treatment and disposal systems; factories engaged in civilian production, e.g., textile and automobile assembly; and

- historical markers and ancient sites.
-

As a direct, intentional and foreseeable result of this destruction, tens of thousands of people have died from dehydration, dysentery and diseases caused by impure water, inability to obtain effective medical assistance and debilitation from hunger, shock, cold and stress. More will die until potable water, sanitary living conditions, adequate food supplies and other necessities are provided.

There is a high risk of epidemics of cholera, typhoid, hepatitis and other diseases as well as starvation and malnutrition through the summer of 1991 and until food supplies are adequate and essential services are restored.

Only the United States could have carried out this destruction of Iraq, and the war was conducted almost exclusively by the United States. This conduct violated the UN Charter, the Hague and Geneva Conventions, the Nuremberg Charter, and the laws of armed conflict.

4. The United States intentionally bombed and destroyed civilian life, commercial and business districts, schools, hospitals, mosques, churches, shelters, residential areas, historical sites, private vehicles and civilian government offices.

The destruction of civilian facilities left the entire civilian population without heat, cooking fuel, refrigeration, potable water, telephones, power for radio or TV reception, public transportation and fuel for private automobiles. It also limited food supplies, closed schools, created massive unemployment, severely limited economic activity and caused hospitals and medical services to shut down. In addition, residential areas of every major city and most towns and villages were targeted and destroyed. Isolated Bedouin camps were attacked by U.S. aircraft. In addition to deaths and injuries, the aerial assault destroyed 10 - 20,000 homes, apartments and other dwellings. Commercial centers with shops, retail stores, offices, hotels, restaurants and other public accommodations were targeted and thousands were destroyed. Scores of schools, hospitals, mosques and churches were damaged or destroyed. Thousands of civilian vehicles on highways, roads and parked on streets and in garages were targeted and destroyed. These included public buses, private vans and mini-buses, trucks, tractor trailers, lorries, taxi cabs and private cars. The purpose of this bombing was to terrorize the entire country, kill people, destroy property, prevent movement, demoralize the people and force the overthrow of the government.

As a result of the bombing of facilities essential to civilian life, residential and other civilian buildings and areas, at least 125,000 men, women and children were killed. The Red Crescent Society of Jordan estimated 113,000 civilian dead, 60% children, the week before the end of the war.

The conduct violated the UN Charter, the Hague and Geneva Conventions, the Nuremberg Charter, and the laws of armed conflict.

5. The United States intentionally bombed indiscriminately throughout Iraq. In aerial attacks, including strafing, over cities, towns, the countryside and highways, U.S. aircraft bombed and strafed indiscriminately. In every city and town bombs fell by chance far from any conceivable target, whether a civilian facility, military installation or military target. In the countryside random attacks were made on travelers, villagers, even Bedouins. The purpose of the attacks was to destroy life, property and terrorize the civilian population. On the highways, civilian vehicles including public buses, taxicabs and passenger cars were bombed and strafed at random to frighten civilians from flight, from seeking food or medical care, finding relatives or other uses of highways. The effect was summary execution and corporal punishment indiscriminately of men, women and children, young and old, rich and poor, all nationalities including the large immigrant populations, even Americans, all ethnic groups, including many Kurds and Assyrians, all religions including Shia and Sunni Moslems, Chaldeans and other Christians, and Jews. U.S. deliberate indifference to civilian and military casualties in Iraq, or their nature, is exemplified by General Colin Powell's response to a press inquiry about the number dead from the air and ground campaigns: "It's really not a number I'm terribly interested in."

The conduct violates Protocol I Additional, Article 51.4 to the Geneva Conventions of 1977.

6. The United States intentionally bombed and destroyed Iraqi military personnel, used excessive force, killed soldiers seeking to surrender and in disorganized individual flight, often unarmed and far from any combat zones and randomly and wantonly killed Iraqi soldiers and destroyed materiel after the cease fire.

In the first hours of the aerial and missile bombardment, the United States destroyed most military communications and began the systematic killing of soldiers who were incapable of defense or escape and the destruction of military equipment. Over a period of forty-two days, U.S. bombing killed tens of thousands of defenseless soldiers, cut off most of their food, water and other supplies and left them in desperate and helpless disarray. Without significant risk to its own personnel, the U.S. led in the killing of at least 100,000 Iraqi soldiers at a cost of 148 U.S. combat casualties, according to the U.S. government. When it was determined that the civilian economy and the military

were sufficiently destroyed, the U.S. ground forces moved into Kuwait and Iraq attacking disoriented, disorganized, fleeing Iraqi forces wherever they could be found, killing thousands more and destroying any equipment found. The slaughter continued after the cease fire. For example, on March 2, 1991, U.S. 24th Division

Forces engaged in a four-hour assault against Iraqis just west of Basra. More than 750 vehicles were destroyed, thousands were killed without U.S. casualties. A U.S. commander said, "We really waxed them." It was called a "Turkey Shoot." One Apache helicopter crew member yelled "Say hello to Allah" as he launched a laser-guided Hellfire missile.

The intention was not to remove Iraq's presence from Kuwait. It was to destroy Iraq. In the process there was great destruction of property in Kuwait. The disproportion in death and destruction inflicted on a defenseless enemy exceeded 1,000 to one.

General Thomas Kelly commented on February 23, 1991, that by the time the ground war begins "there won't be many of them left." General Norman Schwarzkopf placed Iraqi military casualties at over 100,000. The intention was to destroy all military facilities and equipment wherever located and to so decimate the military age male population that Iraq could not raise a substantial force for half a generation.

The conduct violated the Charter of the United Nations, the Hague and Geneva Conventions, the Nuremberg Charter, and the laws of armed conflict.

7. The United States used prohibited weapons capable of mass destruction and inflicting indiscriminate death and unnecessary suffering against both military and civilian targets.

Among the known illegal weapons and illegal uses of weapons employed by the United States are the following:

- * fuel air explosives capable of widespread incineration and death;
- * napalm;
- * cluster and anti-personnel fragmentation bombs; and
- * "superbombs," 2.5 ton devices, intended for assassination of government leaders.

Fuel air explosives were used against troops-in-place, civilian areas, oil fields and fleeing civilians and soldiers on two stretches of highway between Kuwait and Iraq. Included in fuel air weapons used was the BLU-82, a 15,000-pound device capable of incinerating everything within hundreds of yards. One seven mile stretch called the "Highway of Death" was littered with hundreds of vehicles and thousands of dead. All were fleeing to Iraq for their lives.

Thousands were civilians of all ages, including Kuwaitis, Iraqis, Palestinians, Jordanians and other nationalities. Another 60-mile stretch of road to the east was strewn with the remnants of tanks, armored cars, trucks, ambulances and thousands of bodies following an attack on convoys on the night of February 25,

1991. The press reported that no survivors are known or likely. One flatbed truck contained nine bodies, their hair and clothes were burned off, skin incinerated by heat so intense it melted the windshield onto the dashboard. Napalm was used against civilians, military personnel and to start fires. Oil well fires in both Iraq and Kuwait were intentionally started by U.S. aircraft dropping napalm and other heat intensive devices.

Cluster and anti-personnel fragmentation bombs were used in Basra and other cities, and towns, against the convoys described above and against military units. The CBU75 carries 1,800 bomblets called Sadeyes. One type of Sadeyes can explode before hitting the ground, on impact, or be timed to explode at different times after impact. Each bomblet contains 600 razor sharp steel fragments lethal up to 40 feet. The 1,800 bomblets from one CBU-75 can cover an area equal to 157 football fields with deadly shrapnel.

"Superbombs" were dropped on hardened shelters, at least two in the last days of the assault, with the intention of assassinating President Saddam Hussein. One was misdirected. It was not the first time the Pentagon targeted a head of state. In April 1986, the U.S. attempted to assassinate Col. Muammar Qaddafi by laser directed bombs in its attack on Tripoli, Libya.

Illegal weapons killed thousands of civilians and soldiers.

The conduct violated the Hague and Geneva Conventions, the Nuremberg Charter and the laws of armed conflict.

8. The United States intentionally attacked installations in Iraq containing dangerous substances and forces.

Despite the fact that Iraq used no nuclear or chemical weapons and in the face of UN resolutions limiting the authorized means of removing Iraqi forces from Kuwait, the U.S. intentionally bombed alleged nuclear sites, chemical plants, dams and other dangerous forces. The U.S. knew such attacks could cause the release of dangerous forces from such installations and consequent severe losses among the civilian population. While some civilians were killed in such attacks, there are no reported cases of consequent severe losses presumably because lethal nuclear materials and dangerous chemical and biological warfare substances were not present at the sites bombed.

The conduct violates Protocol I Additional, Article 56, to the Geneva Convention, 1977.

9. President Bush ordered U.S. forces to invade Panama, resulting in the deaths of 1,000 to 4,000 Panamanians and the destruction of thousands of private dwellings, public buildings, and commercial structures.

On December 20, 1989, President Bush ordered a military assault on Panama USiDg

aircraft, artillery, helicopter gunships and experimenting with new weapons, including the Stealth bomber. The attack was a surprise assault targeting civilian and non-combatant government structures. In the El Chorillo district of Panama City alone, hundreds of civilians were killed and between 15,000 and 30,000 made homeless. U.S. soldiers buried dead Panamanians in mass graves, often without identification. The head of state, Manuel Noriega, who was systematically demonized by the U.S. government and press, ultimately surrendered to U.S. forces and was brought to Miami, Florida, on extra-territorial U.S. criminal charges.

The U.S. invasion of Panama violated all the international laws Iraq violated when it invaded Kuwait and more. Many more Panamanians were killed by U.S. forces than Iraq killed Kuwaitis.

President Bush violated the Charter of the United Nations, the Hague and Geneva Conventions, committed crimes against peace, war crimes and violated the U.S. Constitution and numerous U.S. criminal statutes in ordering and directing the assault on Panama.

10. President Bush obstructed justice and corrupted United Nations functions as a means of securing power to commit crimes against peace and war crimes. President Bush caused the United Nations to completely bypass Chapter VI provisions of its Charter for the Pacific Settlement of Disputes. This was done in order to obtain Security Council resolutions authorizing the use of all necessary means, in the absolute discretion of any nation, to fulfill UN resolutions directed against Iraq and which were used to destroy Iraq. To obtain Security Council votes, the U.S. corruptly paid member nations billions of dollars, provided them arms to conduct regional wars, forgave billions in debts, withdrew opposition to a World Bank loan, agreed to diplomatic relations despite human rights violations and threatened economic and political reprisals. A nation which voted against the United States, Yemen, was immediately punished by the loss of millions of dollars in aid. The U.S. paid the UN \$187 million to reduce the amount of dues it owed to the UN to avoid criticism of its coercive activities. The United Nations, created to end the scourge of war, became an instrument of war and condoned war crimes. The conduct violates the Charter of the United Nations and the Constitution and laws of the United States.

11. President Bush usurped the Constitutional power of Congress as a means of securing power to commit crimes against peace, war crimes, and other high crimes.

President Bush intentionally usurped Congressional power, ignored its authority, and failed and refused to consult with the Congress. He deliberately misled, deceived, concealed and made false representations to the Congress to prevent its free deliberation and informed exercise of legislature power. President Bush

individually ordered a naval blockade against Iraq, itself an act of war. He switched U.S. forces from a wholly defensive position and capability to an offensive capacity for aggression against Iraq without consultation with and contrary to assurances given to the Congress. He secured legislation approving enforcement of UN resolutions vesting absolute discretion in any nation, providing no guidelines and requiring no reporting to the UN, knowing he intended to destroy the armed forces and civilian economy of Iraq. Those acts were undertaken to enable him to commit crimes against peace and war crimes. The conduct violates the Constitution and laws of the United States, all committed to engage in the other impeachable offenses set forth in this Complaint.

12. The United States waged war on the environment.

Pollution from the detonation of 88,000 tons of bombs, innumerable missiles, rockets, artillery and small arms with the combustion and fires they caused and by 110,000 air sorties at a rate of nearly two per minute for six weeks has caused enormous injury to life and the ecology. Attacks by U.S. aircraft caused much if not all of the worst oil spills in the Gulf. Aircraft and helicopters dropping napalm and hel-air explosives on oil wells, storage tanks and refineries caused oil fires throughout Iraq and many, if not most, of the oil well fires in Iraq and Kuwait. The intentional destruction of municipal water systems, waste material treatment and sewage disposal systems constitutes a direct and continuing assault on life and health throughout Iraq.

The conduct violated the UN Charter, the Hague and Geneva Conventions, the laws of armed conflict and constituted war crimes and crimes against humanity.

13. President Bush encouraged and aided Shiite Muslims and Kurds to rebel against the government of Iraq causing fratricidal violence, emigration, exposure, hunger and sickness and thousands of deaths. After the rebellion failed, the U.S. invaded and occupied parts of Iraq without authority in order to increase division and hostility within Iraq.

Without authority from the Congress or the UN, President Bush continued his imperious military actions after the cease fire. He encouraged and aided rebellion against Iraq, failed to protect the warring parties encouraged migration of whole populations, placing them in jeopardy from the elements, hunger, and disease. After much suffering and many deaths, President Bush then without authority used U.S. military forces to distribute aid at and near the Turkish border, ignoring the often greater suffering among refugees in Iran. He then arbitrarily set up bantustan-like settlements for Kurds in Iraq and demanded Iraq pay for U.S. costs. When Kurds chose to return to their homes in Iraq, he moved U.S. troops further into northern Iraq against the will of the government and without authority.

The conduct violated the Charter of the United Nations, international law, the Constitution and laws of the United States, and the laws of Iraq.

14. President Bush intentionally deprived the Iraqi people of essential medicines, potable water, food, and other necessities.

A major component of the assault on Iraq was the systematic deprivation of essential human needs and services. To break the will of the people, destroy their economic capability, reduce their numbers and weaken their health, the United States:

- * imposed and enforced embargoes preventing the shipment of needed medicines, water purifiers, infant milk formula, food and other supplies;
- * individually, without congressional authority, ordered a U.S. naval blockade of Iraq, an act of war, to deprive the Iraqi people of needed supplies;
- * froze funds of Iraq and forced other nations to do so, depriving Iraq of the ability to purchase needed medicines, food and other supplies;
- * controlled information about the urgent need for such supplies to prevent sickness, death and threatened epidemic, endangering the whole society;
- * prevented international organizations, governments and relief agencies from providing needed supplies and obtaining information concerning needs;
- * failed to assist or meet urgent needs of huge refugee populations including Egyptians, Indians, Pakistanis, Yemenis, Sudanese, Jordanians, Palestinians, Sri Lankans, Filipinos, and interfered with efforts of others to do so;
- * consistently diverted attention from health and epidemic threats within Iraq caused by the U.S. even after advertising the plight of Kurdish people on the Turkish border;
- * deliberately bombed the electrical grids causing the closure of hospitals and laboratories, loss of medicine and essential fluids and blood; and
- * deliberately bombed food storage, fertilizer, and seed storage facilities. As a result of these acts, thousands of people died, many more suffered illness and permanent injury. As a single illustration, Iraq consumed infant milk formula at a rate of 2,500 tons per month during the first seven months of 1990. From November 1, 1990, to February 7, 1991, Iraq was able to import only 17 tons. Its own productive capacity was destroyed. Many Iraqis believed that President Bush intended that their infants die because he targeted their food supply. The Red Crescent Society of Iraq estimated 3,000 infant deaths as of February 7, 1991, resulting from infant milk formula and infant medication shortages. This conduct violates the Hague and Geneva Conventions, the Universal Declaration of Human Rights and other covenants and constitutes a crime against humanity.

15. The United States continued its assault on Iraq after the cease fire, invading and occupying areas at will.

The United States has acted with dictatorial authority over Iraq and its external relations since the end of the military conflict. It has shot and killed Iraqi military personnel, destroyed aircraft and materiel at will occupied vast areas of Iraq in the north and south and consistently threatened use of force against Iraq.

This conduct violates the sovereignty of a nation, exceeds authority in UN resolutions, is unauthorized by the Constitution and laws of the United States, and constitutes war crimes.

16. The United States has violated and condoned violations of human rights, civil liberties and the U.S. Bill of Rights in the United States, in Kuwait, Saudi Arabia and elsewhere to achieve its purpose of military domination. Among the many violations committed or condoned by the U.S government are the following:

- * illegal surveillance, arrest, interrogation and harassment of Arab-American, Iraqi-American, and U.S. resident Arabs;
- * illegal detention, interrogation and treatment of Iraqi prisoners of war;
- * aiding and condoning Kuwaiti summary executions, assaults, torture and illegal detention of Palestinians and other residents in Kuwait after the U.S. occupation; and
- * unwarranted, discriminatory, and excessive prosecution and punishment of U.S. military personnel who refused to serve in the Gulf, sought conscientious objector status or protested U.S. policies.

Persons were killed, assaulted, tortured, illegally detained and prosecuted, harassed and humiliated as a result of these policies.

The conduct violates the Charter of the United Nations, the Universal Declaration of Human Rights, the Hague and Geneva Conventions and the Constitution and laws of the United States.

17. The United States, having destroyed Iraq's economic base, demands reparations which will permanently impoverish Iraq and threaten its people with famine and epidemic.

Having destroyed lives, property and essential civilian facilities in Iraq which the U.S. concedes will require \$50 billion to replace [estimated at \$200 billion by Iraq], killed at least 125,000 people by bombing and many thousands more by sickness and hunger, the U.S. now seeks to control Iraq economically even as its people face famine and epidemic. Damages, including casualties in Iraq, systematically inflicted by the U.S. exceed all damages, casualties and costs of all other parties to the conflict combined many times over. Reparations under these conditions are an exaction of tribute for the conqueror from a desperately needy country. The United States seeks to force Iraq to pay for damage to Kuwait largely caused by the U.S. and even to pay U.S. costs for its violations of Iraqi sovereignty in occupying northern Iraq to further manipulate the Kurdish population there. Such reparations are a neocolonial means of expropriating Iraq's oil, natural resources, and human labor.

The conduct violates the Charter of the United Nations and the Constitution and laws of the United States.

18. President Bush systematically manipulated, controlled, directed, misinformed and restricted press and media coverage to obtain constant support in the media for his military and political goals.

The Bush Administration achieved a five-month-long commercial for militarism and individual weapons systems. The American people were seduced into the celebration of a slaughter by controlled propaganda demonizing Iraq, assuring the world no harm would come to Iraqi civilians, deliberately spreading false stories of atrocities including chemical warfare threats, deaths of incubator babies and threats to the entire region by a new Hitler.

The press received virtually all its information from or by permission of the Pentagon. Efforts were made to prevent any adverse information or opposition views from being heard. CNN's limited presence in Baghdad was described as Iraqi propaganda. Independent observers, eyewitnesses' photos, and video tapes with information about the effects of the U.S. bombing were excluded from the media. Television network ownership, advertisers, newspaper ownership, elite columnists and commentators intimidated and instructed reporters and selected interviewees. They formed a near-single voice of praise for U.S. militarism, often exceeding the Pentagon in bellicosity.

The American people and their democratic institutions were deprived of information essential to sound judgment and were regimented, despite profound concern, to support a major neocolonial intervention and war of aggression. The principal purpose of the First Amendment to the United States was to assure the press and the people the right to criticize their government with impunity. This purpose has been effectively destroyed in relation to U.S. military aggression since the press was denied access to assaults on Grenada, Libya, Panama and, now on a much greater scale, against Iraq.

This conduct violates the First Amendment to the Constitution of the United States and is part of a pattern of conduct intended to create support for conduct constituting crimes against peace and war crimes.

19. The United States has by force secured a permanent military presence in the Gulf, the control of its oil resources and geopolitical domination of the Arabian Peninsula and Gulf region.

The U.S. has committed the acts described in this complaint to create a permanent U.S. military presence in the Persian Gulf, to dominate its oil resources until depleted and to maintain geopolitical domination over the region.

The conduct violates the Charter of the United Nations, international law, and the Constitution and laws of the United States.

Scope of the Inquiry

The Commission of Inquiry will focus on U.S. criminal conduct because of its destruction of Iraq, killing at least 125,000 persons directly by its bombing while proclaiming its own combat losses as 148, because it destroyed the economic base of Iraq and because its acts are still inflicting consequential deaths that may reach hundreds of thousands. The Commission of Inquiry will seek and accept evidence of criminal acts by any person or government, related to the Gulf conflict, because it believes international law must be applied uniformly. It believes that "victors' justice" is not law, but the extension of war by force of the prevailing party. The U.S. Senate, European Community foreign ministers, and the western press, even former Nuremberg prosecutors, have overwhelmingly called for war crimes trials for Saddam Hussein and the Iraqi leadership alone. Even Mrs. Barbara Bush has said she would like to see Saddam Hussein hanged, albeit without mentioning a trial. Comprehensive efforts to gather and evaluate evidence, objectively judge all the conduct that constitutes crimes against peace and war crimes and to present these facts for judgment to the court of world opinion requires that at least one major effort focus on the United States. The Commission of Inquiry believes its focus on U.S. criminal acts is important, proper, and the only way to bring the whole truth, a balanced perspective and impartiality in application of legal process to this great human tragedy.

Ramsey Clark May 9, 1991

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In the work of this Commission, we are undertaking an historic task. We are here to inquire into and ultimately judge whether the United States has violated laws that are fundamental to a civilized world; laws that are designed to protect people, human beings, from the barbarity of war. These laws prohibit war except

in the narrowest of circumstances; they severely restrict who can be killed, the types of weapons that can be used and the appropriate targets. An indicia of a civilized country is adherence to these laws, not only by pious words but through actions. To act outside these laws, to disobey these laws, to flaunt these laws is to become "hostis humani generis," an enemy of all mankind. In days past "enemies of all mankind" were slave traders and pirates. They could be brought to justice wherever found. Today such enemies include those countries and individuals who violate the fundamental laws that protect the peace and limit war. The testimony presented at the various Commissions of Inquiry here in New York and in other hearings throughout the world will determine whether the United States and its leaders are enemies of all mankind.

As people living in the United States we have an obligation not to close our eyes, cover our ears and remain silent. We must not and cannot be "good Germans." We must be, as Bertrand Russell said about the crimes committed by the U.S. in Vietnam, "Against the Crime of Silence." We must bear witness to the tens of thousands of deaths for whom our government and its leaders bear responsibility and ask the question-Has the United States committed war crimes with regard to its initiation and conduct of the war against Iraq? As investigators we believe that the United States and its leaders have committed international crimes. Although we cannot bring them to justice, we can reveal their criminal conduct to ourselves, to the people of the United States, and to the world with the hope that U.S. conduct will be repudiated, conduct, which by the way, still continues. The U.S. still occupies parts of Iraq, it continues an embargo against food, and it engages in battle after a cease-fire. Today I want to outline for you the legal framework in which we are operating and explain some of the broad principles of law applicable to judging the United States' conduct.

War crimes are violations by a country, its civilians, or its military personnel of the international laws of war. The laws of war are laws that must be obeyed by the United States, its officials and its military, and by the UN. The laws are contained in treaties that the U.S. has signed, for example the Geneva Convention of 1949 on Prisoners of War. They are reflected in what is called customary international law. This law has arisen over hundreds if not thousands of years. All countries must obey it.

War crimes are divided into two broad categories. The first are called crimes against peace. Crimes against peace include the planning, preparation, or initiation of a war of aggression. In other words one country cannot make aggressive war against another country. Nor can a country settle a dispute by war; it must always, and in good faith, negotiate a settlement. The second category are what we can call crimes against humanity; I am including here crimes against civilians and soldiers. These are violations of the rules as to the means and manner by which war is to be conducted once begun. These include the following prohibitions: killing of civilians, indiscriminate bombing, the

use of certain types of weapons, killing of defenseless soldiers, ill treatment of POWs and attacks on non-military targets.

Any violation of these two sets of laws is a war crime; if the violations are done on purpose, recklessly or knowingly, they are considered very serious and called grave breaches; Nazis and Japanese following World War II were hanged for such grave breaches.

First, I want to discuss crimes against peace and give you some sense of its application here. This prohibition is embodied in the Charter of the United Nations, the Nuremberg Charter, which is the law under which the Nazis were tried, and a treaty called the Kellogg-Briand pact. As the Nuremberg Charter defines,

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i)

The United Nations Charter is the highest expression of this prohibition on aggressive war and sets down very rigorous rules for avoiding the use of force—rules which were flagrantly violated by the United States and a Security Council it controlled. Article 2(3) of the UN Charter requires that international disputes be settled by peaceful means so that international peace, security and justice are not endangered; Article 2(4) requires that force shall not be used in any manner that is inconsistent with the purposes of the UN and Article 33 requires that parties to a dispute shall first of all seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies, or other peaceful means. Not until all such means are exhausted can force be used.

So, taken together we have two basic rules: a nation cannot plan and make war, and second, if there is a dispute, the nations must exhaust every means of settlement—every means. Even then, only the UN can authorize war. There is strong evidence, some of which is presented in the papers here, that the U.S. violated both of these basic laws. These facts are not hidden. Much of the evidence indicating that the U.S. set up the war with Iraq is contained in U.S. Rep. Gonzalez's impeachment resolution and brief in support presented to Congress and printed in full in the Congressional Record (H. Res. 86, February 21, 1991). It is only the major commercial press which has ignored the facts. In part it includes the following revelations:

As early as October 1989 the CIA representatives in Kuwait had agreed to take advantage of Iraq's deteriorating economic position to put pressure on Iraq to accede to Kuwait's demands with regard to the border dispute.

. . . Encouraging Kuwait to refuse to negotiate its differences with Iraq as required by the United Nations Charter, including Kuwait's failure to abide by

OPEC quotas, its pumping of Iraqi oil from the Rumaila oil field and its refusal to negotiate these and other matters with Iraq.

Months prior to the Iraqi invasion of Kuwait, the United States administration prepared a plan and practiced elaborate computer war games pitting United States forces against Iraqi armored divisions.

In testimony before Congress prior to the invasion, Assistant Secretary Kelly misleadingly assured Congress that the United States had no commitment to come to Kuwait's assistance in the event of war.

April Glaspie's reassurance to Iraq that the dispute was an 'Arab' matter and the U.S. would not interfere.

Even if we suspend judgment and believe that the U.S. neither planned nor prepared this war, it had no right to initiate war until all means of negotiation were at an end. The U.S., however, never wanted to negotiate. It wanted war. According to the New York Times, the U.S. wanted to "block the diplomatic track because it might defuse the crisis at the cost of a few token gains for Iraq." Iraq at about this time made an offer to negotiate to settle the crisis. It offered to withdraw from Kuwait for some form of control over two uninhabited islands that would give it access to the Gulf and control over the Rumaila oilfield. The offer was, according to the some U.S. officials, "serious and negotiable." Offers continued until the eve of war and by that time Iraq was willing to withdraw totally from Kuwait. The U.S. instantly dismissed all offers to negotiate a settlement and refused to pursue them. "No negotiations" was the constant theme of U.S. President George Bush. The U.S. and its allies wanted to see the crisis settled by force. It is the U.S. that chose war and not peace; it is the U.S. that committed a crime against peace.

I want to say a word about the UN Resolutions embargoing Iraq and supposedly authorizing the use of force. All of the UN Resolutions were suspect because of what Rep. Gonzalez called in his impeachment resolution the "bribing, intimidating and threatening of others, including members of the UN Security Council." Gonzalez cites the following outright bribes:

- * Immediately after the November 29 vote in the UN authorizing force, the administration unblocked a \$140 million loan for the World Bank to China and agreed to meet with Chinese government officials.
- * The Soviet Union was promised \$7 billion in aid from various countries and shipments of food from the United States.
- * Zaire was promised forgiveness of part of its debt as well as military assistance.
- * A \$7 billion loan to Egypt was forgiven, a loan the President had no authority to forgive under U.S. law.
- * Syria was promised that there would be no interference in its Lebanon actions.
- * Saudi Arabia was promised \$12 billion in arms sales.
- * The U.S., which owes the most money to the U.N., paid off \$187 million of its debt immediately after the vote authorizing the use of force.
- * The administration attempted to coerce Yemen by threatening the cutoff of U.S. funds.

But even were this not the case, can the UN apply measures of force such as the embargo, effectively a blockade and an act of war, and authorize all necessary means-which the U.S. saw as war-without negotiating first? It cannot do so according to the stipulations of its own Charter.

Nor was the UN permitted to embargo food and limit the importation of medicine. Neither the UN nor any country can take measures that intentionally or knowingly have the effect of starving and hamstringing the civilian population. This is prohibited by every tenet of international law. It is well known that Iraq imports 60 to 70 percent of its food. As testimony presented elsewhere in book and in many reports from fact finding missions to Iraq since the end of the war, many children died because of the lack of infant formula and adequate food and medicine.

And what of this infamous resolution that authorized all necessary means to remove Iraqi forces from Kuwait? Did this authorize war? Not by its own terms. The resolution was left specifically vague, stipulating only "all necessary means." Nowhere did it mention war and certainly many other means were readily available for achieving the goals of the UN resolutions. All other means were never exhausted. From the U.S. standpoint, massively violent war was the first and only option. All other means had to be precluded at any cost.

Finally, on the point of the U.S. commission of crimes against peace even if we get over all of the other illegalities and assume that the UN had the authority to authorize war and did so in this case, what did it authorize? It authorized the use of force only to obtain the withdrawal from Kuwait. It certainly never authorized the incursion into, much less the occupation of, Iraq and the total subjection of that nation to the dictates of the UN acting out policies originating in the U.S. government. No one has authorized the U.S. to have even one soldier in Iraq. This is aggression in the classic sense. U.S. forces moved in from the north down to the 36th parallel and have set up camps for displaced Kurds. Nor did the resolution authorize any bombing of Iraq, certainly not the bombing of Baghdad or Basra or the near complete destruction of the economic infrastructure.

The second broad category we are concerned with are what are referred to as crimes against humanity. By this I mean both crimes against civilians and combatants. There is a long history of outlawing certain kinds of conduct once war has begun. The principle is that the means and manner of waging war are not unlimited. In other words, while it is of primary importance to prevent war, once war has begun there are limits on the types of targets that can be attacked and the weapons that can be employed. Central to these laws of war is the desire to protect civilians, noncombatants, soldiers who are no longer fighting, and the resources and infrastructure necessary to their survival. Again, at Nuremberg, the Nazis were tried for crimes against humanity which included killings of the civilian population and the wanton destruction of cities, towns or villages and devastation not justified by military necessity.

These laws are embodied in various treaties, including most importantly the Hague Convention of 1907, the Geneva Conventions of 1949, and Protocol I Additional to the Geneva Conventions. They all reflect a similar set of rules, violations of which are war crimes. They are built around two principles. First, military operations are to be directed at military objectives-the civilian population and civilian objects are not to be targets. So, massive bombing, as was engaged in by the U.S., which kills civilians and destroyed the water supply, is illegal. In fact, when the dispute was barely a month old, in September, Air Force chief of staff General Michael J. Duggan was fired for leaking to the press suggestions that the U.S. was already planning bombing targets which would include Iraqi power systems, roads, railroads, and petroleum plants.

At the height of the war, this sort of bombing campaign was defended by Pentagon spokespersons in terms reminiscent of the Vietnam War. Many parts of Iraq became "free fire zones" in which everyone who remains in such a zone is declared unilaterally by the U.S. as a legitimate target for destruction. The entire city of Basra, Iraq's second largest, became such a free fire zone, as described by Brigadier General Richard I. Neal. The Washington Post story recounts: "In Riyadh, Marine Brig. Gen. Richard I. Neal gave a detailed explanation of why repeated allied pounding of the southern Iraqi city of Basra is causing 'collateral damage.' Basra, Neal said, 'is a military town in the true sense, it is astride a major naval base and a port facility. The infrastructure, military infrastructure, is closely interwoven within the city of Basra itself.' The destruction of targets in and around Basra is part of what Neal described as an 'intensifying' air campaign against all 'echelons of forces, from the front lines and all the way back ... There is no rest for the weary, for any of them.... There is no division, no brigade, there is no battalion that really is spared the attacks from our pilots."

The second limit international law places on the conduct of war is the principle of proportionality-you can only use the amount of force against military targets necessary to achieve your objective. So, for example, destroying the retreating Iraqi army was disproportional for it was not necessary to achieve the Iraqi withdrawal from Kuwait. The whole conduct of the war, in fact, violates every conceivable notion of proportionality.

International law lays down rules for how the civilian population is to be protected. Obviously civilians cannot be intentionally attacked, but, indiscriminate attacks are prohibited as well. Such attacks are defined as those that "employ a method of combat which cannot be directed at specific military objectives." While the mass media, especially TV news, gave the impression during the war that the U.S. was using only "smart" bombs that directly hit their military targets, in fact 93 percent of the bombs used were "dumb" bombs of which at least 60 to 70 percent missed their targets, killing lots of people.

Such bombs cannot be directed exclusively at a military objective and in my view are illegal. Nor can bombs dropped from a B-52 flying at thirty to forty thousand feet hit their targets.

There is a special law protecting objects indispensable to the civilian population-the infrastructure of a country. This includes prohibitions on destroying food supplies, water and sewer systems, agriculture, power, medical services, transportation and similar essentials. These cannot be attacked even if there is some military goal, if the effect would be to leave civilians without the essentials for life. In fact, the U.S. government openly stated its goal of destroying the infrastructure of Iraq including water, food supplies, the sewer system, electricity and transportation. The story was not reported in U.S. newspapers until late June of 1991, but the facts were obvious to even a casual observer. According to the Washington Post story, U.S. officials admitted that "Some targets, especially late in the war, were bombed primarily to create postwar leverage over Iraq, not to influence the course of the conflict itself.... the intent was to destroy or damage valuable facilities that Baghdad could not repair without foreign assistance." A report of the United Nations Mission to Iraq led by Under Secretary General Martti Ahtisaari said that Iraq had been bombed into the pre-industrial age. Thousands of additional people-all civilians and most children-are dying as a result.

Attacks are also to be limited to strictly military objectives. These are defined as those that make an effective contribution to military action and whose destruction offer a definite military advantage. Civilian objects are not to be attacked. In case of doubt, such as a school, it should be presumed that it is not used as a military object. What does this rule say about bombing of the al-Ameriyah shelter? At least 300 children and parents were incinerated in a structure that the U.S. knew was built as a shelter for civilians. Its possible use as a military communications center was only a matter of speculation and weak supposition. Or, what are we to make of the destruction of the baby milk factory at the beginning of the bombing campaign? Again, an American general has admitted that this was a mistake-a mistake that has cost many, many babies their lives.

There are also a series of very specific laws:

1. The use of asphyxiating gases is prohibited. The U.S. violated this by its use of fuel-air explosive bombs on Iraqi frontline troops; these bombs are terror bombs which can bum the oxygen over a surface of one or two square kilometers, destroying human life by asphyxiation.
2. These fuel-air bombs and the U.S. use of napalm are also outlawed by the Hague and Geneva Conventions, which prohibit the use of weapons causing unnecessary harm to combatants. The level of U.S. evil is demonstrated by the sending to the Gulf of a stingray blinding laser system which is supposed to knock out optics on enemy weapons, but has the side effect of blinding soldiers

as well who operate the weapons.

3. The bombing of peaceful nuclear power facilities is forbidden and particularly so because of the dangers of the spread of radioactivity. The UN International Atomic Energy Agency classified the reactors as peaceful, yet the U.S. bombed them, not caring about the spread of radioactivity. The bombing was intentional and planned in advance, clearly in violation of international law.

4. Both the Hague Convention of 1954 and Protocol I to the Geneva Conventions prohibit attacks against historic monuments, works of art, places of worship and sites which constitute the cultural and spiritual heritage of a people. Catholic churches, a 4th century monastery and a Sunni Moslem mosque represent just some of the massive violations that occurred.

5. Protocol I of the Geneva Convention also requires protection of the natural environment against widespread and severe damage-the U.S. massive bombing, the blowing up of reactors, the hitting of oil storage facilities all violate this prohibition.

What I have tried to outline today is the broad framework in which we can evaluate the criminal conduct of the United States. I believe that these hearings will establish beyond doubt the criminal nature of American actions in this war. I want to close with the words of Bertrand Russell when he addressed the war crimes that had been revealed at the War Crimes Tribunal held in 1967 in Stockholm and in 1968 in Copenhagen to judge U.S. actions in Vietnam: It is not enough, however, to identify the criminal. The United States must be isolated and rendered incapable of further crimes. I hope that America's remaining allies will be forced to desert the alliances which bind them together. I hope that the American people will repudiate resolutely the abject course on which their rulers have embarked. Finally, I hope that the peoples of the Third World will take heart from the example of the Vietnamese and join further in dismantling the American empire. It is the attempt to create empires that produces war crimes because, as the Nazis also reminded us, empires are founded on a self-righteous and deep-rooted belief in racial superiority and God-given mission. Once one believes colonial peoples to be untermenschen-'gooks' is the American term-one has destroyed the basis of all civilized codes of conduct.

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