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Current Concerns

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express

Editorial

In the light of the catastrophic deterioration of the situation in Iraq, we decided to compile for our readers an electronic dossier.

During the 5th session of the Human Rights Council the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy gave his report. With respect to Iraq he proposed to establish an international and independent court of justice whose mandate will be the trial of those who committed all the crimes in Iraq before and after 2003.

Our dossier contains important information and analysis about the so-called Iraq Special Tribunal which was established by the US after the invasion of Iraq in 2003.

This is part from our ongoing efforts to oppose the war, occupation and all its consequences. In this dossier you will find articles and

statements by public independent figures who are determined to raise their voices in conscientious opposition to this situation.

Current Concerns is a monthly independent newspaper produced by a group of concerned intellectuals in Switzerland. It is edited by the independent volunteer cooperative *Zeit-Fragen*. The cooperative also publishes the weekly German-language *Zeit-Fragen* as well as the French-language newspaper *Horizons et Débats*.

Please share this information as widely as possible – *Spread the word!*

We are looking forward to your response.

The Editorial Staff of Current Concerns

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The Iraqi Special Tribunal: A Corruption Of Justice

Prepared by Ramsey Clark, Curtis F.J Doebbler*

The Iraqi Special Tribunal: illegal, unfair¹

The Iraqi Special Tribunal (IST) is an illegal and unfair tribunal. The subsequent execution of the Iraqi President following his unfair trial before this extraordinary tribunal that was established to ensure his execution was arbitrary, summary, and extrajudicial.

The defects of legality, due process/fair trial, and the illegality of the execution as well as proof of facts are articulated in some detail in this submission which was prepared by lawyers acting for Iraqi President Saddam Hussein.

The overwhelming majority of the defects of legality, due process/fair trial, and of proof of facts were submitted to the IST, but the IST refused to provide a reasoned ruling on them. Moreover, the defects of legality and due process/fair trial have been recognized by numerous international bodies, including the United Nations Working Group on Arbitrary Detention. The opinion of the Working Group dated 1 September 2006 states that the trial is unfair and violates article 14 of the International Covenant of Civil and Political Rights. This opinion should be respected by the appellate division of the IST because the government of Iraq has voluntarily agreed to be bound by this treaty and has recognized the authority of the Working Group to interpret this treaty.

The views of the Working Group are shared by the United Nations Special Rapporteur on the independence of judges and lawyers, the international non-governmental organization Human Rights Watch, and every independent expert who has reviewed the trial.

The trial was unfair and included many violations of international human rights law.

The defense arguments on illegality and unfairness should have been considered at the start of the trial when they were submitted by the defense lawyers, they must consider now by the appellate division and the trial chamber must be reversed. Instead the IST repeatedly refused to consider them from the start of the trial to the very end of it. Even on the day that the IST issued its verdict the chief judge Raouf Rasheed Abdel-Rahman refused to consider arguments about the illegality and unfairness of the court. Instead judge Abdel Rahman criticized the defense lawyers for making these legal arguments and without warning ordered Mr. Ramsey Clark, a lawyer for President Saddam Hussein and a former Attorney-General of the United States, removed from the courtroom by force when the defense lawyers tried to submit arguments

concerning the illegality and unfairness of the IST. Mr. Clark was not provided an opportunity to reply or reasons for his removal.

The repeated corruption of justice by the trial chamber of the IST require that the appellate court declare the proceedings void and reverse the 5 November 2006 judgment.

The proceedings before the Iraqi Special Tribunal (IST) are an attempt to impose victors' injustice on the Iraqi people and another example of the United States' unfortunate disregard for international law. The clearly perceived unfairness of the proceedings and the illegality of the IST insult the Iraqi people and contribute substantially to the increasing violence in Iraq.

The carefully edited pictures of the trial released after American censorship show few Americans in the Courtroom, but behind every door and more disturbingly behind almost every action there are Americans pulling the strings.

This American puppet show of disrespect for the rule of law—a patently unfair trial—insults the basic principles upon which the United Nations is based. Harrowingly it will continue to its irreversible conclusion unless the member states of the United Nations act quickly to stop it.

The IST is Illegal

The IST is illegal in its origin primarily because the invasion and occupation of Iraq are illegal.

The international community has overwhelmingly condemned the United States' aggression against the Iraqi people. Not only have scores of leading international lawyers condemned the invasion as illegal, but so have the majority of governments. Examples of the widespread condemnation of the United States aggression against the Iraqi people include the statements of the majority of the permanent members of UN Security Council. Additionally, Germany, a non-permanent member of the Security Council in 2003, unambiguously declared that a United States-led invasion of Iraq without further Security Council authorization would violate international law. Even United Nations Secretary-General Kofi Annan has reiterated what is obvious to almost every international lawyer: the invasion and occupation of Iraq is illegal.

This is a textbook case of illegal aggression in violation of the prohibition of the use of force by one country against another found in article 2(4) of the Charter of the United Nations and under customary international law.

The Nuremberg Tribunal described such aggression as

*essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.*²

It is not the person on trial in Iraq who committed this crime, but the American President George W. Bush and his allies. Rather than being brought to justice for their crimes, the Bush administration and its allies have resorted to trying their victims in a manner that insults longstanding concepts of justice and fair trial. These values have long been central to Iraqi law, Islamic values, and are international human rights. To the members of the Bush administration this action justifies or distracts attention away from its own illegal actions.

One of the ends of the illegal act of aggression was to capture, detain, try, and execute the President of Iraq, President Saddam Hussein, who had dared to stand up to the United States violations of international law. The IST, sometimes known as the Iraqi Higher Criminal Court, was created to fulfill this goal. The IST is a directly intended consequence of the United States illegal use of force.

Under international law, when illegal acts have consequences, all states are obliged not to recognize them. The United Nations International Law Commission's Draft Articles on State Responsibility, which in relevant part reflects customary international law, states this principle explicitly: states are prohibited from benefiting from their own illegal acts.

In this case, the IST and its proceedings against Iraqi President Saddam Hussein and his colleagues are intended consequences of the United States illegal aggression against the Iraqi people. These consequences must not be recognized by any state under international law because of their illegal origins.

International humanitarian law applying to occupying powers irrespective of the illegality of the use of force also prohibits the creation of new or special courts or tribunals and the political manipulation of an existing judiciary. The longstanding and almost universally ratified provisions of the Fourth Geneva Convention forbid changes to the laws or judicial system of a country under occupation.

As if the inherent illegality of the IST were not enough, the United States has constantly taunted the international community by orchestrating a trial that is as widely criticized as unfair and even farcical.

The IST is Incapable of Providing a Fair Trial

In the proceedings to date the IST has violated almost every provision of the right to fair trial in article 14 of the International Covenant on Civil and Political Rights that could be violated that at juncture of the proceedings.

The security of all participants in the IST proceedings is constantly threatened; the competence, independence, and impartiality of the IST is constantly undermined; and the ability of the IST to conduct a fair trial is irreparably compromised. These deficiencies are highlighted by the fact that four of the five originally selected judges of the IST have been either replaced or killed and almost half the defense lawyers representing the Iraqi President have been killed.

The Security concerns alone are reasons that a fair trial cannot be held before the IST in Iraq.

Already before the proceedings began, in March 2005, the Associated Press reported that a judge on the tribunal had been killed.

In late November 2005, another judge recused himself after the trial had started, according to the Associated Press, "... because one of the co-defendants may have been involved in the execution of his brother."

In January 2006, two judges resigned in a matter of weeks. First, IST Chief Judge Rizgar Amin was pressured into resigning by, among other individuals, Ali al-Adeeb, a senior Shiite official in Prime Minister Ibrahim al-Jaafari's party and a member of the Interim legislature, who declared to the Associated Press that "[t]he Chief Judge should be changed and replaced by someone who is strict and courageous." Shortly thereafter Judge Rizgar Amin was pressured to rescind his resignation.

In January after Judge Amin refused to rescind his resignation, the new Chief Judge of the IST was announced as Saeed al-Hamash. Within days he too was removed because of pressure from Ali Faisal, the head of the de-Ba'athification Commission, which is a creation of the U.S.-led occupying powers.

On 24 January 2006, The Jordan Times reported that a new judge, Raouf Rasheed Abdel-Rahman, was brought in by the powers controlling the IST. This judge is from Halabja, one of the cities in which it is claimed that the defendants committed crimes against multiple victims. It can be assumed that he is a relative or friend of some of the alleged victims. He is also alleged to have called for the President's execution without trial before joining the IST.

On 10 February 2006, Kurdish Media reported that 60-year-old Judge Ali Hussein al-Shimmiri had died. This judge had allegedly had an altercation with the new Chief Judge at a prior meeting of the IST and had fallen ill afterwards.

Finally, even before the trial began Judge Dara Nureddin refused to join the IST after having been nominated because he had allegedly been convicted and sentenced to prison by the courts functioning under the government of Iraqi President Saddam Hussein.

Shortly after joining the IST, new Chief Judge Raouf Rasheed Abdel-Rahman refused to provide a reasoned decision on a motion seeking his disqualification for bias. Despite his refusal to decide the motion in first instance, he has alleged that the Court of Appeal of the IST has decided the motion, but again no written decision has been provided. When a decision was finally provided it rejected the defense motion claiming that it should have been submitted before the proceedings on the merits started in October 2005, almost five months before Judge Abdel-Rahman whose disqualification was sought, had joined the IST. It was thus impossible for defense counsel to have challenged his impartiality at that time.

On 20 October 2005, just one day after the first hearing, defense lawyer Mr. Sadoon al-Janabi was gunned down by individuals claiming to be from the Iraqi Interim Ministry of Interior.

On 8 November 2005, another defense lawyer, Mr. Adil Mohammad Abbas al-Zubeidi, was killed and a colleague seriously injured, again with alleged involvement of the Iraqi interim government and the occupying United States forces, according to independent news reports.

On 21 June 2006, a third defense lawyer, Mr. Khamis al-Obedi, was killed, again under circumstances in which both Iraqi and United States authorities appeared to be involved.

Already after just a few days of the second trial before the IST and while the verdict from the Dujail proceedings is being awaited in the early days of September 2006, a fourth defense lawyer, Abdel-Moneim Hussein Yassin, was murdered.

Among the other striking violations of the human right to a fair trial are the lack of equality of arms between the parties and the lack of an independent and impartial tribunal.

The inequality of arms can be illustrated simply in dollar values. The United States has spent hundreds of millions of dollars supporting the prosecution of the Iraqi President. This stands in stark contrast to the defense lawyers who have been volunteering their services as pro bono lawyers with no adequate resources.

The inequality of arms can also be illustrated in terms of the amount of time that each side has been allowed to prepare their case. The prosecution alleges to have been collecting evidence since at least 1991—which, of course, could only be true if it were the United States government doing the collecting—and has at least been doing so since April 2003 when dozens of Amer-

ican lawyers and Iraqis who had not lived in Iraq for years were shuttled in to build a case. In contrast, the defense lawyers, despite requesting visits with their client since December 2003 when he was detained, have never been allowed the confidential visits that are necessary to begin to prepare a defense. No visits were allowed with the most senior lawyers until after the trial had started and at each visit American officials exercise the authority to read any materials brought into the visiting room despite the fact that all meetings remain under close audio and visual surveillance. Moreover, the defense was provided just a matter of minutes to begin presenting its defense, including calling defense witnesses, after the charges were made known on 15 May 2006. And within weeks, as compared to the months allowed the prosecution, the defense was forced to end its defense after being told it could not call any more defense witnesses.

As if this were not enough, evidence was also withheld from defense counsel. The defense lawyers were denied access to investigative hearings, were denied prior notice of witnesses, and were prevented from even visiting the site of the alleged crime.

Frequently trial sessions have been announced without advance notice and without any consultation with the defense lawyers. This makes it impossible for the most experienced lawyers to attend the hearings and they have thus missed their only opportunities for meetings with the President.

All of these rights are part of the right to a fair trial under both Iraqi law and international law. This law, however, is violated with impunity. The extent of this impunity was evidenced on 24 January of this year when the judicial clerk Mr. Riza Hasan attempted to return the more than fifty page brief that had been submitted to IST claiming that "the judges did not want it." Perhaps he was explaining why none of the motions that have been submitted to the IST, including motions on illegality of the IST and disqualification of specific judges, have never received a reasoned reply and most have received not reply at all.

The interference with the independence of the tribunal has permeated all its aspects. Four out of five judges who started the cases have been removed through publicly acknowledged interference that can be attributed to the United States' interference. The judges have been continuously harassed by Iraqi and American politicians. Even American President George W. Bush has declared that the trial is on track and that the Iraqi President will be executed.

And as an apparent attempt to prevent the disclosure of the serious violations of human rights, the IST has repeatedly refused to provide defense lawyers a transcript of the proceedings.

In September 2005, four prominent statesmen wrote the UN Secretary-Gener-

al advising him of the threat to participants in the trial in Iraq. These warnings were ignored. Several weeks later, two defense lawyers were murdered in a manner evidencing the involvement of the United States authorities and the Iraqi authorities who are cooperating with them. In May 2006, a defense witness was killed after his whereabouts were disclosed to US authorities.

The judges' lack of impartiality has also been repeatedly made apparent. In a film shown in France in 2005 and produced by Jean-Pierre Krief for Arte France and KS Visions, a judge of the IST states that the Iraqi President who at the time was about to go on trial before the IST had "persecuted the Kurds. He killed them, wiped many of them out. He also used chemical weapons with the aim of committing genocide against this race, against this people, to eradicate them as a nation. He also went after the Shiites due to their religious beliefs." In the same film, another judge states that the President is "one of the worst tyrants in history." These are not the statements of impartial judges, who in the inquisitorial system of justice such as that of the IST, is both the evaluator of law and fact. These are instead the statements of persons who have been put in place by an illegal occupying power to serve its ends and not to achieve justice.

On 12 of June, 2006, further evidence of the bias of IST was provided. In public, in the presence of all participants in the proceedings in the courtroom, a judge of the IST proceeded to read out loud a series of allegations of unethical conduct by defense counsels. The judge accused the defense counsel for the President of bribing their own witnesses. The allegations were claimed to have been based on statements made by the defense witnesses who had in the interim been beaten, arrested and held without access to counsel of their choosing by the Iraqi government with the cooperation of the United States authorities. These allegations were read in front of the lawyers' clients and in a public session of the IST panel that is trying the clients of these lawyers. The IST did not bring the defense witnesses into the courtroom, although it had had them in custody for almost two weeks before this statement was made. The IST did not provide defense counsel copies of the allegations nor the right to respond to them. And the IST subsequently—through a person who claimed to be an officer of the IST—threatened the defense lawyers with arrest if they challenged the IST's actions.

These numerous incidents are irrefutable evidence that the IST is biased, the trial is unfair, and that a mistrial must be declared.

In March 2006 the European Court of Human Rights avoided deciding whether the trial violated international human rights law by claiming that it had no jurisdiction. The European Court supported its ruling by holding that it had not been proven that

any of the European members of the American-led coalition were involved in the trial. The European Court did implicitly seem to agree that it was the United States—and not Iraq—that was responsible for the trial. The UN Working Group on Arbitrary Detention on 30 November 2005 and the UN Special Rapporteur on the Independence of Judges and Lawyers on 31 August 2005 and again on March 2006 explicitly confirmed that the United States shared responsibility with the Iraqi authorities. Annex's A, B, and C.

These international human rights experts have also condemned the trial as unfair. In his March 2006 report to the newly created Council on Human Rights, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy stated that after "analysis and special concern of the Special Rapporteur since 10 December 2003 when the Statute of the Iraqi Special Tribunal (IST) was adopted and throughout its development ... [the Special Rapporteur] express[es] his reservations regarding the legitimacy of the tribunal, its limited competence in terms of people and time and the breach of international human rights principles and standards to which it gives rise." Annex C.

On 1 September 2006, in a decision sent to defense lawyers on 25 October 2006, the UN Working Group on Arbitrary Detention handed down a final opinion stating unequivocally that

The deprivation of liberty of Mr. Saddam Hussein is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political rights to which Iraq and the United States are parties, and falls within category III of the categories applicable to the consideration of the cases submitted to the Working Group.

This decision constitutes an authoritative decision concerning the legally binding obligations in article 14 of the International Covenant on Civil and Political Rights.

The first chief judge Amin Rizgar also expressed his opinion that the trial was unfair on 5-7 November 2006 in the television interview broadcast in Iraq.

No unbiased observer has considered the IST to be both legal and acting with respect for the human right to a fair trial. Many observers have had the courage to condemn the IST it for its illegality or violations of human rights.

Action That Needs to be Taken

Both, Professor M. Cherif Bassiouni of DePaul University, a leading expert in international criminal law and the IST original architect, as well as Professor Leandro Despouy, the United Nations' expert on fair trial, have called for the trial to be held before a truly international court under UN auspices. Both these eminent experts have

pointed to the several recent examples of tribunals or courts under United Nations auspices that can ensure justice and a fair trial.

Only removing the trial to a forum that can ensure a fair trial will restore respect for the rule of law. The solutions proffered by the United States to date merely emulate and emphasize already serious violations of international law. Furthermore, the path currently being followed before the IST indicates a significant disregard for international law.

Although there is a widespread perception that the trial is illegal and unfair, the Security Council, has to date refused to act to ensure respect for the rule of law.

The UN Security Council has acknowledged in its Resolution 1483(2003) that the Secretary-General's Special Representative for Iraq is responsible for "promoting the protection of human rights" in Iraq, but little successful action has resulted from this acknowledgment.³

The situation has deteriorated to such a state that in early 2006 the outgoing UN human rights chief in Iraq, Mr. John Pace, described the situation of human rights in Iraq as the worst it has ever been and deteriorating daily.

The UN should take a stand on the issue of unfair trial as part of its explicit mandate to promote human rights in UN Security Council Resolution 1483(2003). The fairness of these proceedings, which are closely followed by Iraqis and throughout the Arab world, is a crucial test of the international community's commitment to the rule of law.

The international community failed to stop the United States' illegal aggression against the Iraqi people and the United States illegal—foreign and oppressive—occupation of the Iraqi people. It has now failed to stop an illegal execution.

Instead the United States has been allowed to act in 'aggressor's injustice.' Despite attempts to claim that it was an Iraqi process, as shown below and as found by independent international legal experts, the United States controlled every aspect of the trial and the illegal execution. Every American or other person who participated in this trial is guilty of the war crime of intentionally participating in an unfair trial in violation of the Third Geneva Convention Relative to the Treatment of Prisoners of War. Article 129 of this treaty requires almost every country in the world to "enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches ... [and] to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and ... [to] ... bring such persons, regardless of their nationality, before its own courts .. [or] ... if it prefers, and in accordance with the provisions of its own leg-

isolation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case." (art. 129). Among the grave breaches listed in article 130 are "those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health ... [and] wilfully depriving a prisoner of war of the rights of fair and regular trial ...". All state in the international

community should thus capture and prosecute any individual known to have participated in the Dujail trial before the Iraqi Special Tribunal.

Moreover, as predicted, the imposition of an illegal judgment has already contributed to an increase in violence and sectarian divisions in Iraq. It has also unfortunately sent a very clear and irreversible message to the Iraqi people that they cannot rely on the law to stop the illegal actions of the United States against them, but must resort to all other necessary means. This is indeed a sad message for the Unit-

ed States government to spread throughout the world. •

* For full draft report: <http://www.cdpublishing.org>

¹ The arguments made in this introduction are elaborated and substantiated with extensive citations in the following text and annexes. This introduction is merely intended to lay out the subsequent arguments in summary form.

² Judgment of the Nuremberg International Military Tribunal, 1949, reprinted in *Trial of the Major War Criminals before the International Criminal Tribunal, Nuremberg, Vol. 1, p. 186 (1947)*.

³ Para. 8(g) of UNSC Res. 1483, UN Doc. S/RES/1483 (22 May 2003).

A Drop into the Abyss

by Haifa Zangana*

Saddam jailed me but his hanging was a crime. Iraq's misery is now far worse than under his rule

At 3.30am last Saturday, I was abruptly woken by the phone ringing. My heart sank. By the time I reached the phone, I was already imagining bodies of relatives and friends, killed and mutilated.

It was 6.30am in Baghdad and I thought of the last time I spoke to my sister. She was on the roof of her house trying to get a better signal on her mobile phone, but had to end the call as an American helicopter started hovering above. Iraqis know it is within the US "rules of engagement" to shoot at them when using mobiles, and that US troops enjoy impunity whatever they do. But the call was from a Turkish TV station asking for comments on Saddam's execution. I drew a deep sigh of relief, not for the execution, but because I did not know personally anyone killed that day.

Death is now so commonplace in Iraq that we end up ranking it in these personal terms. Last month, I attended the a'azas (remembrance events) of three people whose work I highly respected. One was for Dr Essam al-Rawi, head of the university professors' union who documented the assassination of academics. A week before his killing his office at Baghdad University had been ransacked and documents confiscated by US troops. The others were for Dr Ali Hussain Mukhif, an academic and literary critic, and Saad Shlash, professor of journalism in Baghdad University and editor of the weekly journal *Rayet Al Arab*, who insisted on resisting occupation peacefully - offering writers, including myself, a space to criticise the occupation and its crimes, despite all the risks involved.

About 500 academics and 92 journalists have been murdered since the invasion of Iraq. Hundreds more have been kidnapped, and many others have fled the country after

receiving threats against their lives. The human costs are so high that many Iraqis believe that had there been a competition between Saddam's regime and the Bush-Blair occupation over the killing of Iraqi minds and culture, the latter would win by far. Sadly, I am becoming one of them.

I am speaking as one who has been, from the start, a politically active opponent of the Ba'ath regime's ideology and Saddam Hussain's dictatorship. At times that was at the high personal cost of prison and torture. In 1984, during the Iran-Iraq war, my family had to pay for the bullets used to execute my cousin Fouad Al Azzawi before being allowed to collect his body. But I find myself agreeing with many Iraqis, that life now is not just the continuity of misery and death under new guises. It is much, much worse - even without the extra dimensions of pillage, corruption and the total ruin of the infrastructure.

Every day brings with it, due to the presence of occupation troops to protect US citizens' safety and security, less safety and security for Iraqis.

The timing and method of the execution of Saddam Hussein proves that the US administration is still criminally high on the cocktail of power, arrogance, and ignorance. But above all racism: what is good for us is not good for you. We are patriots but you are terrorists.

The US and their Iraqi puppets in the green zone chose to execute Saddam on the first day of Eid al-Adha, the feast of the sacrifice. This is the most joyous day in the Muslim calendar when more than 2 million pilgrims in Mecca start their ancient rituals, with hundreds of millions of others around the world focused on the events. They then further humiliated Muslims by releasing the official video of the execution, with the 69-year-old having a noose placed around his neck and being led to the drop. The unofficial recording shows Saddam looking calm and composed, and even

managing a sarcastic smile, asking the thugs who taunted him "hiya hiy al marjala?" ("is this your manliness?"), a powerful phrase in Arabic popular culture connecting manliness to acts of courage, pride and chivalry. He also managed to repeatedly say the Muslim creed as he was dying, thus attaching himself in the last few seconds of his life to one billion Muslims. Saddam had literally the final say. From now on, no Eid will pass without people remembering his execution.

This was the climax of a colonial farce with the court proceedings' blatant sectarian overtones welcomed by Bush and the British government as a "fair trial". The occupation also welcomed the grotesque public execution as "justice being done". Contrast this with the end of our hopes, as Iraqis in opposition, of persuading our people of the humanity of democracy and how it would, unlike Saddam's brutality, put an end to all abuses of human rights, to execution in public, and to the death penalty.

It is no good the deputy prime minister John Prescott now condemning the manner of Saddam's execution as "deplorable" when, as a representative of one of the two main occupying powers, his government is both legally and morally responsible for what took place.

It is hell in Iraq by all standards, and there is no end in sight to the plight of Iraqi people. The resistance to occupation is a basic human right as well as a moral responsibility. That was the case during the Algerian war of independence, the Vietnamese war of independence, and it is the case in Iraq now.

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* Haifa Zangana is an Iraqi-born novelist and former prisoner of Saddam's regime.

Human Rights Council 5th Session, 11-18 June 2007, Geneva

Major Developments in International Justice – Supreme Iraqi Criminal Tribunal

From the Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy

[...] *Against the backdrop of the dramatic deterioration of the situation in Iraq and the judgement handed down by the Supreme Iraqi Criminal Tribunal, the Special Rapporteur reiterates his criticism expressed to the General Assembly in October 2006, and recommends that the United Nations contribute to the establishment of an independent tribunal to comply with international standards on human rights.* [...]

54. The Special Rapporteur has followed from the outset the establishment and activities of the Iraq Special Tribunal, initially with anticipation and subsequently with concern. The legal problems surrounding the Tribunal, which is now called the Supreme Iraqi Criminal Tribunal, may be divided into four main areas.

55. The first relates to the establishment of the Tribunal and its possible violation of the rules of war. The Geneva Conventions prohibit the occupying Power from establishing courts *ex novo*, and although the Statute adopted by the Coalition Provisional Authority was subsequently endorsed by the Governing Council and thereafter by the elected Iraqi authorities, this does not resolve the original problem. The changes made to the Statute of the Tribunal and its organizational affiliation - there have been several changes in its position in the hierarchy - have led to instances of serious incompatibility with the norms of due process and the independence of the judiciary.

56. Besides the many limitations of the Statute of the Tribunal in terms of the time periods and individuals covered, as indicated in previous reports, it should be noted that in many respects the Statute does not comply with international human rights standards. The fact that it does not rule out confessions obtained as a result of torture or arbitrary detention, includes as offences acts which were defined as such only after their commission by Saddam Hussein's regime, and does not protect the right not to testify against oneself has been mentioned by the Special Rapporteur and many human rights organizations.

57. The third and no less worrying problem concerns the development and conduct of the trial relating to the Al-Dujail massacre, with regard to both the pretrial investigation and the trial proceedings. One judge, several proposed judges, three defence lawyers and a court employee were assassinat-

ed during this trial. Another judge withdrew from the case after being subjected to pressure on account of his former links with the Ba'ath regime. The judge who replaced him and handed down the judgement had been accused and imprisoned for activities against the Hussein regime. For several months the accused were refused access to a lawyer of their choosing, and when they were allowed access, the lawyers in question complained so much of threats against them and interference in their work that they were expelled from the trial.

58. The death sentence imposed on several of the accused is of particular significance. Above and beyond the widespread current condemnation of the death penalty, whose reintroduction in Iraq* made it impossible for the United Nations to cooperate in the establishment of the Tribunal, there is broad consensus even among those who support this type of sentence that it cannot be handed down unless all judicial safeguards have been respected. This was not the case in the trial held in the wake of the Al-Dujail massacre; thus to enforce the sentence would not only violate the right to due process, but also the right not to be arbitrarily deprived of one's life. This is tantamount to violation of a peremptory norm that would shatter the foundations on which the new Iraq is to be built. It would also have a harmful effect on the right to justice and the right of many other victims of the serious and repeated crimes committed by Saddam Hussein to obtain compensation. Lastly, some believe that the enforcement of the death sentence would be an aggravating factor in the civil war which is unfolding in Iraq and the spread of violence throughout the region. [...]

V. Conclusions

[...] 67. The Special Rapporteur pays particular attention in his work to the activities of the specialized tribunals. This report refers to two of them, including the tribunal in Iraq, whose activities have been followed up in a series of reports, and where he has had to intervene on many occasions as a result of the assassination of judges, lawyers and court officers and the failure to observe international standards relating to the right to a fair trial. The establishment of the Ex-

traordinary Chambers in Cambodia is welcomed, and efforts to end the impunity of those who have committed grave human rights violations are encouraged. [...]

Vi. Recommendations

[...] 77. As far as the Supreme Iraqi Criminal Tribunal is concerned, the Special Rapporteur reiterates emphatically the recommendations he made to the General Assembly in October 2005: that the Iraqi authorities should be urged to follow the example of other countries with shortcomings in their judicial systems, by seeking the assistance of the United Nations in the establishment of an independent tribunal which complies with international human rights standards; and also that it should refrain from imposing the death penalty under all circumstances. [...]

Source: *Implementation of General Assembly Resolution 60/251 of 15 March 2006 entitled "Human Rights Council"*, A/HRC/4/25, 18 January 2007

* after being briefly suspended by the Occupying Powers

Human Rights Council 5th Session, 11-18 June 2007, Geneva

Statement by Mr. Elias Khouri, representative of the Union of Arab Jurists on the report of the Special Rapporteur, Mr. Leandro Despouy, on the Independence of the Judges and Lawyers

Mr. President,

On behalf of the Union of Arab Jurists, I extend my appreciation to the Special Rapporteur, Mr. Leandro Despouy for his valuable and substantive report.

We are following very closely and appreciate the Special Rapporteur's efforts to strengthen the judicial systems around the world.

We support the recommendations of Mr. Despouy in this regard and hope that the Human Rights Council will take all necessary actions to achieve justice and the independence of the judiciary and to enhance the office and mandate of the Special Rapporteur in order to enable him continue his efforts in this field.

The Special Rapporteur has indicated that corruption of the judiciary and attack against its independence are the most serious threats to the rule of law. He stated several elements that contribute to the de-

terioration of the judiciary system, the political and ideological loyalty of the judges are among it.

This deterioration is what the international community has repeatedly noticed are rampant in Iraq where the trials there are based on vindictiveness. They lack the basic principle of any legal trial. They become means of carrying out summary, arbitrary and extra-judicial execution. These killings have been carried out as revenge against the former legitimate Iraqi leaders who were removed from power by an illegal act of aggression in which the Iraqi authorities ruling the country today have participated against their own people.

The height of the abuse of judicial authority has been the summary, arbitrary, and extra-judicial execution of the legitimate president of Iraq, who was executed on the morning of 30 December 2006. President Saddam and other members of the Iraqi government were arrested by the occupation forces and formally declared prisoners of war. They were subsequently handed over to Iraqi authorities who the occupying powers knew would torture and kill them without a fair trial. These acts – both by the occupying powers and Iraqi authorities – constitute grave breaches of international laws and are war crimes. They must not be overlooked and those responsible are held accountable. Impunity for these grave breaches is a stain on international human rights law.

In addition, the so-called Iraqi Criminal Court that was established by the occupying powers is itself a serious violation of the Geneva Conventions, which prohibit an occupying power from establishing courts. The court did not and does not meet the minimum requirements for fair trials. The trials lack the most minimum guarantees of due process, in particular those contained in the International Covenant on Civil and Political Rights and the Geneva Conventions. This court regularly deprives defendants of the right to an adequate defense by constantly threatening lawyers who appear before it and prevented them from making their arguments. The court has ordered some lawyers be imprisoned without cause. The court has even been connected to the assassination of several lawyers.

Defendants are regularly deprived of their legal right to appeal rulings issued against them as judgements are not sent to

the Appellate Court within the regular Iraqi judicial system, but are instead handled by one of the chambers of the special Criminal Court made up of the same judges who decide cases in first instance. Often pleadings are not even read or give judicial consideration. In one instance the High Court even changed a sentence of life to one of death [Taha Yassin Ramadan] without specifying the crime.

Mr. President

It is now urgent that the international community—especially this Council—apply pressure on the occupation authorities and Iraqi authorities to stop these illegal trials and to immediately implement the Special Rapporteur's proposal to establish an international tribunal to prosecute with impartiality and independence of all serious crimes committed in Iraq, especially those committed after the invasion in 2003.

Mr. President

The Union of Arab Jurists wishes to draw the attention of the Council to attempts led by some influential members of the Security Council to destroy the foundations of the international judiciary system and to politicize the law through hypocritical action aimed at embedding the hegemony of a few in the unipolar world. The most recent hypocritical action has been the decision of the Security Council, in Resolution No. 1757 adopted under Chapter VII, to form an international court to try the perpetrators of alleged political assassinations in Lebanon, while remaining conspicuously silent in the face of the war crimes, genocide and crimes against humanity that are being committed in Lebanon, in Iraq, and in the occupied Palestine Territories. This silence and impunity must be ended, we call up on the Council to work towards this goal.

Thank you.

11 June 2006

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Human Rights Council 5th Session, 11-18 June 2007, Geneva

Oral Statement by the International Federation for Human Rights (FIDH) on the Independence of Judges and Lawyers

Mr President,

The International Federation for Human Rights (FIDH), and its member organisation in the United States, the *Center for Constitutional Rights*, together with the *Republican Attorneys' Association (RAV)*, and *Lawyers Against the War (LAW)* submitted in February 2006 a complaint to the *Mr. Leandro Despouy*, UN Special Rapporteur on the Independence of Judges and Lawyers, claiming that the case filed in 2004 on behalf of Iraqi citizens who were tortured while detained at Abu Ghraib and other US detention centres, was evidently dismissed by the German Federal Prosecutor for political rather than legal reasons. A second complaint in April 2007 this year was submitted by the plaintiffs to the German prosecutor and was also dismissed. It had been brought under Germany's universal jurisdiction law, the 2002 Code of Crimes against International Law, which provides for the prosecution of war criminals wherever they are found and "even when the offence was committed abroad and bears no relation to Germany."

The criminal case requests an investigation into war crimes allegedly carried out by high ranking American civilian and mil-

itary officials, including Donald Rumsfeld, former US Secretary of Defense. The charges include violations of the German Code "War Crimes against Persons," which outlaw killing, torture, cruel and inhumane treatment, sexual coercion and forcible transfers. The Code makes criminally responsible those who carry out the above acts as well as those who induce, condone or order the acts. It also makes commanders liable, whether civilian or military, who fail to prevent their subordinates from committing such acts.

The Code grants universal jurisdiction for the above-described crimes. As soon as the lawsuit against Donald Rumsfeld and others was made public, the Pentagon warned German authorities that such "frivolous lawsuits", if taken seriously by the German judiciary, would affect the broader US-Germany relationship.

Mr President,

States also have the crucial duty to ensure that prosecutors can carry out their professional functions impartially and objectively, therefore both the United States and Germany committed a violation of that principle. Prosecutors have the obligation to act in-

dependently when the case submitted provides them with an abundance of irrefutable evidence accompanying the complaint, evidence of torture, such as the case filed in Germany. The Committee Against Torture stated that a public prosecutor commits a breach of his duty of impartiality if he fails to appeal for the dismissal of a judicial decision in a case where there is evidence of torture.

We call on Germany to ensure the independence of the judiciary in this case and to respond positively to Mr Despouy.

We also call on all members of the Human Rights Council to reaffirm the independence of the prosecutor, in particular for acts of torture involving public officials and to send a strong message in favour of human rights protection by shedding light on the violations committed respectively by the United States government and the German justice system.

11 June 2007

Statement by Nord-Sud XXI in Relation to the Report of the Special Rapporteur on the Independence of Judges and Lawyers

This statement is on behalf of Nord-Sud XXI in relation to the report of the Special Rapporteur on the independence of judges and lawyers.

We strongly encourage all members of the Council to study Professor Despouy's findings concerning the independence of judiciary and lawyers in Iraq and it is to this aspect of his report that we address our comments.

Has any one in this room – even those of you who are not lawyers and who only watch courtroom dramas on television – ever seen a courtroom where the judges are chosen by and given their orders by a foreign occupying power, where the judges publicly declare in their courtroom that human rights are irrelevant, where foreign lawyers write judgments, where defense witnesses and defense lawyers are threatened, attacked, and killed en masse with the alleged collaboration the governing authorities? All of these occurrences characterize the Iraqi judiciary since March 2003 where

it is estimated that dozens of people have been summarily, arbitrarily, and extrajudicially executed after unfair trials.

In no country in the world is the judicial process currently being abused to the extent that it is in Iraq by the United States and its collaborators. This has been the assessment of several mechanisms of this Council concerning trials in Iraq. For the first time since the creation of the Office of the High Commissioner for Human Rights has this officer of the UN felt compelled to write a brief pointing out the unfairness – the illegality – of judicial process in Iraq.

The United States and its collaborators know that these trials are unfair. They made them this way and they continue to willfully ensure that they are unfair. This is a war crime and crime against humanity. The third and fourth Red Cross Geneva Conventions make willfully participating in an unfair trial a war crime, in fact, a grave breach.

If the members states that are the Human Rights Council are serious about implementing human rights and combating im-

munity, as the High Commissioner herself urged this morning, there is no place deserving of more attention than Iraq. If you are concerned about ending violence in Iraq and restoring respect for the rule of law, you will urge the prosecution of the Americans and their collaborators who are ensuring unfair trials in Iraq.

We call upon member states and members of civil society to show their true commitment to human rights by calling for the prosecution of these individuals. We hope that the Special Rapporteur will follow up in his future reports on efforts to combat the immunity of those who are participate in the intentional destruction of the rule of law in Iraq.

11–18 June 2007

For further information contact: cdoebbler@gmail.com

Human Rights Council 5th Session, 11-18 June 2007, Geneva

Statement of Juliette Sayegh, Representative of the General Federation of Arab Women to the UN at the 5th Session of the Human Rights Council

On behalf of the GAWF we wish to thank the special rapporteur, Mr. Despouy, for his report and for pointing out the deficiencies in the judicial systems and the application of the rule of law in various countries of the world.

In this context, we support the proposal of the special rapporteur to establish an international and independent court of justice whose mandate will be the trial of those who committed all the crimes in Iraq before and after 2003.

Concerning specifically the situation in Iraq, the special rapporteur exposes the serious defects in the country's judicial system, due to the continuous intervention of the occupying authority. His statement as well as those made by many judicial and humanitarian organizations confirm that what is named a criminal court in Iraq is nothing else than a reflection of the corruption in all

aspects of life in the country as a result of the invasion and occupation since 2003.

Contrary to the Geneva Conventions, the court was created by the occupation authority under which new laws were promulgated to judge the former Iraqi leaders. The results were criminal and barbaric assassinations of the former president and other members of the former leadership. This was done in spite of the appeals by many countries and international organizations to respect international law and the principles of justice.

Mr. Despouy in his report and statements indicates that the court did not ensure the minimum requirements to have a fair trial. The whole process, from the trial to conviction, rejection of the defendants; appeals, and the execution of the verdict were grossly flawed, all having been carried out by a body within the same court and by the same partial judges.

Mr. Chairman,

Presently, the Iraqi criminal tribunal continues to pursue its illegal trial procedures and assassination of the Iraqi people according to their political, ethnical and sectarian backgrounds. The prosecutor has just announced a new list of former Iraqi officials who will be tried.

Thus, we urge the council to take the necessary steps to exert pressure on the occupying powers and the Iraqi authorities to stop the functions of this illegal court.

We hope that the Council will act on the rapporteur recommendations and will provide him with the necessary support to enable him continue this important work.

11 June 2007

United Nations Press Release

Expert on Judiciary Expresses Concern about Saddam Hussein Trial and Verdict and Calls for International Tribunal

Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, issued the following statement today:

A day after the Iraqi High Tribunal ended its first trial of Saddam Hussein and sentenced him to death by hanging, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, reiterates his strong objections regarding the conduct of the trial and expresses his concern about the consequences this judgment may have over the situation in Iraq and in the region.

The following are among the main objections of the Special Rapporteur:

- The restricted personal jurisdiction of the tribunal, which enables it only to try Iraqis.
- Its limited temporal jurisdiction. The competence of the tribunal does include neither the war crimes committed by foreign troops during the first Gulf war (1990), nor the war crimes committed after 1 May 2003, date of the beginning of the occupation.
- Its doubtful legitimacy and credibility. The tribunal has been established during an occupation considered by many as illegal, is composed of judges who have been selected during this occupation, in-

cluding non Iraqi citizens, and has been mainly financed by the United States.

- The fact that the Statute of 10 December 2003 contains advanced provisions of international criminal law which are to be applied in combination with an outdated Iraqi legislation, which allows the death penalty.
- The negative impact of the violence and the insecurity prevailing in the course of the trial and in the country. Since its beginning one of the judges, five candidate judges, three defence lawyers and an employee of the tribunal have been killed. Moreover, another employee of the tribunal has been seriously injured.
- Finally, and most importantly, the lack of observance of a legal framework that conforms to international human rights principles and standards, in particular the right to be tried by an independent and impartial tribunal which upholds the right to a defence.

The Special Rapporteur welcomes the determination of the Iraqi Government to sanction the main authors of the atrocities committed during three decades in the country and its will to see the trial take place in Iraq. At the same time, he deems it essential that this will be expressed through a

trial conducted by an independent tribunal, legitimately established, acting in absolute transparency and providing all guarantees for a fair trial, in accordance with international human rights standards. If those conditions are not fulfilled, the verdict of the Iraqi High Tribunal, far from contributing to the institutional credibility of Iraq and the rule of law, risks being seen as the expression of the verdict of the winners over the losers.

The Special Rapporteur urges the Iraqi authorities not to carry out the death sentences imposed, as their application would represent a serious legal setback for the country and would be in open contradiction to the growing international tendency to abolish the death penalty, as demonstrated by the increasing number of ratifications of the Second Optional Protocol to the International Covenant of Civil and Political Rights.

It is clear that the verdict and its possible application will contribute to deepen the armed violence and the political and religious polarization in Iraq, bringing with it the almost certain risk that the crisis will spread to the entire region.

The trial of Saddam Hussein has a particular significance not only for the thousands

of victims in Iraq but also for its symbolism in the fight against impunity throughout the world. In this context, the Special Rapporteur reiterates its proposal for the establishment of an independent, impartial and international tribunal with all the necessary guarantees to enable it to receive the support of the United Nations, and which will take advantage of the rich experience acquired by other international tribunals. Since the

present verdict is subject to appeal, it opens the possibility to consider the establishment of such an international tribunal which can guarantee a fair trial, either by reopening the present trial or by dealing with the appellate stage. This should be done with urgency, to attenuate the negative impact this verdict already started to produce in Iraq and the proliferation of violence in the region. Another reason for the establishment of such a tribu-

nal is that the current trial is only a stage in a larger judicial process, since it only examines seven charges, which include genocide and crime against humanity, amongst the numerous ones attributed to Saddam Hussein and his close collaborators.

6 November 2006

<http://www.ohchr.org/english/press/newsFrame-set-2.htm>

United Nations Press Release

United Nations Human Rights Independent Expert Reiterates Concerns about Death Sentence on Former Vice President of Iraq

The Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, issued the following statement today:

„Following the recent dismissal of the appeal by Taha Yassin Ramadan against the death sentence imposed by the Iraqi High Tribunal, the Special Rapporteur on the independence of judges and lawyers deems it necessary to reiterate his concerns expressed earlier in his press statements of 28 December 2006 and of 24 January 2007.

In its decision of 12 of February 2007, the Appeals Chamber of the Iraqi High Tribunal had not addressed the grave shortcomings of the first instance trial, but had

expressed dissatisfaction with the life sentence imposed on Ramadan, describing it as too lenient, and had sent his case back to the trial court for it to be increased to death, shortly after the much criticized executions of Saddam Hussein, Barzan Ibrahim al-Tikriti and Awad Hamad al-Bandar. On 14 March 2007, all nine members of the appeals court ratified the death sentence on Taha Yassin Ramadan.

The shortcomings of the trial are related to the lack of observance of international human rights standards and principles, in particular the right to be tried by an independent and impartial tribunal and the right to adequate defense, as stipulated *inter alia*

in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The Iraqi High Tribunal has violated international standards on due process: therefore it is not in a position to sentence Taha Yassin Ramadan to death.

The Special Rapporteur urges the Iraqi Government not to carry out the death sentence imposed upon Taha Yassin Ramadan following what appears to have been a procedurally flawed legal process“.

16 March 2007

UN Human Rights Expert Condemns Assassination of Iraqi Lawyer

The Special Rapporteur on the independence of judges and lawyers, Mr Leandro Despouy, today strongly condemns the assassination of a legal member of the defense team of Saddam Hussein and called on the Iraqi Government to launch an independent investigation into the killing.

The victim, Mr. Khamis al-Obeidi, was shot to death Wednesday after he was abducted from his Baghdad home. Mr. Despouy said he was particularly concerned at allegations that the police forces might have been involved. This is the third killing of a member of Saddam Hussein's defense team since the trial started in October last year.

In this context, the Special Rapporteur wishes to recall that the Iraqi High Tribunal has certain deficiencies and that its legitimacy has been rightfully criticized. He is concerned by the fact that its jurisdiction is limited since it cannot judge those responsible for war crimes committed by foreign armed forces neither during the first Gulf war (1990) nor after 1 May 2003. Also, the Tribunal was set up in the context of an armed occupation which is mainly consid-

ered to be illegal. Moreover, it should be noted that the Tribunal violates a number of international human rights standards on the right to be tried by an independent and impartial tribunal and on the right to defense. In this regard, there have been numerous reports of external pressures on the judges of the Iraqi High Tribunal, which may have contributed to the removal and resignation of some of them. Also, the right to an appropriate and independent defense is undermined in particular by the extremely serious attacks against defense lawyers. Finally, he is concerned that the Tribunal is empowered to impose the death penalty and that the prosecution called for the death penalty for Saddam Hussein, his half-brother Barzan al-Tikriti and former senior regime member Taha Yassin Ramadan, in the context of proceedings where fair trial standards are not guaranteed.

The Special Rapporteur wishes to reiterate his support for the establishment of an international tribunal to ensure that the entire spectrum of barbaric crimes committed in Iraq are prosecuted in a comprehen-

sive, independent and impartial manner, in full respect of the right to truth of all victims and of the international community at large. In this context, the prompt execution of Saddam Hussein would entail a loss of precious evidence. Both for Iraq and internationally, a sentence for Saddam Hussein reached at the end of proceedings that meet international human rights standards would have tremendous symbolic impact in the context of the fight against impunity and would exemplify that it is possible to impart justice which is not the verdict of the winners against the losers. The Special Rapporteur is convinced that, in the current circumstances, the Iraqi High Tribunal hardly is in a position to achieve its stated objectives of justice.

22 June 2006

Source: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D6B5F26EC9FAF2D9C1257195004FB0B6?opendocument>

Human Rights Situation in Iraq

1 million civilians killed since the US-UK invasion

by Karen Parker, International Educational Development

The situation in Iraq is catastrophic. The number of civilians killed since the US-British invasion and occupation, is at least 655,000 according to the study published in the British Medical Journal, The Lancet six months ago. Now, the number is soaring up to more than one million. On the other hand, (official) Iraqi reports say that around half a million families are internally displaced; a number much less than other sources are documenting. According to UN, on average one thousand Iraqis are forced into homelessness everyday, in spite of (or is it because of!) the 4 month Iraqi-American security plan in Baghdad.

More than 1.8 million Iraqis left to live in the neighboring countries especially Jordan and Syria. Most of them lost their income, properties and even families in Iraq. Iraqi hospitals and universities lost more than 80% of their scientific and professional cadres. Journalists, writers, intellectuals, judges, businessmen, religious, tribal and political personalities and others who are counted on to rebuild the country either left, were kidnapped, or assassinated in an organized campaign to empty the country from its leading people.

Leading US American and British officials involved in corruption

Nothing is functioning in Iraq now. Administrative and financial corruption as a wide, open phenomenon is new in Iraq. The Iraqi state never knew such phenomenon before the occupation. Transparency International sited Iraq on the top of corruption list. In its statement on Sept 10, 2006, the Commission of Public Integrity in Iraq said that the number of Iraqi high officials who are involved in financial corruption cases has reached 73 (yes seventy three!), 15 of them are ministers, the rest are deputy ministers, general directors, Parliament members and parties leaders. All are granted legal immunity. Another corrupt official, who is already in jail now, is the High Commissioner of the Elections, Adil Allami, on charges of fraud and bribes in millions, the very person who was in charge of the American falls (elections) in Iraq. It is more than unfortunate that those who are stealing the Iraqi people revenue are welcomed in most of the European countries, where they save their income from the corruption in the European banks; nobody asks them from where they brought these hundreds of millions of US dollars while Iraqis are living under poverty. Reports of the Iraqi NGOs confirm the participation of top American and British leaders in this corruption as well as the smuggling of Iraqi oil through illegal ports.

Women enjoyed more rights before the invasion

In regards to Iraqi women, it is a well known fact that Iraqi women, before the invasion, were enjoying their rights better than any other country in the region. Education rate among women was equal to the rate among men. As for women's civil and political rights, the Iraqi law gave protection for them and for their rights. They were ministers, doctors, engineers, parliament members, lawyers, and army officers. After the year 2003, Iraqi women became the first victims of occupation. The invading troops treated Iraqi women brutally and aggressively. Women were arrested to force their sons, husbands, and brothers to surrender or to put pressure on them during investigations. Raping was widely reported. That kind of US-UK soldiers' behavior led some women to commit suicide after being released. Iraqi authorities did nothing for these cases; they talk only about cases announced by the American themselves. Despite giving a special quota to women in the so called Iraqi national assembly, the reality that Iraqi women were deprived from their basic rights, they live in fear and terror under the criminal environment created by the occupier and their puppets in Iraq.

Political parties in the government are involved in the death squads and sectarian militias' atrocities against civilians. This is a fact confirmed by the Iraqi people and officials, member of the (National Assembly), and by the Interior Minister himself. Meanwhile, the American and their Iraqi security forces are continuing their raids, killings, and mass arrests in certain areas against civilians simply because they are against the occupation and its puppets. The pretext is as usual, fighting terrorists. Names, addresses and operation rooms of the real terrorists in Iraq (militias and death squads) are well known and talked about publicly (maps are published on the internet) but the security and the occupation troops just ignore them in obvious collusion.

The Tribunal violates various standards of international human rights

The country is devastated, with some dark-minded mullahs controlling its bloody streets. Those preferred by the western decision-makers instead of the previous secular regime. Saddam Hussein, who built the modern Iraq, faced his opponents in a (court) that lacked the basic principles of any fair trial. "(...) The Tribunal was set up in the context of an armed occupation which is mainly considered to be illegal," in accordance with the UN Special Rapporteur

on the Independence of Judges and Lawyers, who also said that "(...) it should be noted that the Tribunal violates a number of international human rights standards on the right to be tried by an independent and impartial tribunal and on the right to defense". A similar position was announced by the UN Experts Working Group on Arbitrary Detention. Despite all that, Saddam, the legitimate President of Iraq and the POW according to Geneva Convention, was hanged on 30 December 2006, in a brutal way on the hands of the American occupation and their puppets.

US troops killed more than 1000 Iraqis at a demonstration

Saddam's trial was based on the allegation of the execution by a special court of 148 persons in al-Dujail city in Iraq in response to an assassination attempt against him by a group loyal to Iran while the two countries were engaged in a war. Few weeks after the hanging of Saddam for this reason, the US troops together with troops and militias belonging to the current Iraqi Government killed more than one thousand Iraqis in a raid on their demonstration in Zerqa Village near Najaf. Again nobody spoke out against that massacre. Needless to say, nothing is done about all these tragedies. Obviously nobody is speaking out against the main reason behind all that. It is the American Administration and its closet allies, especially UK who should be held responsible for the crimes in Iraq. These are the immediate results of their invasion and occupation of a member state of the UN.

We, together with the Iraqi Civil Society and NGOs, urge all member states and in particular the Human Rights Council, and the High Commissioner for Human Rights to seriously examine the human rights situation in Iraq. We urge your esteemed Council to reinstitute the position of a Special Rapporteur on Iraq, which was dismantled after the occupation. The Human Rights situation in Iraq is worse than any other situation and must be brought to the attention of the international community.

Source: Humanitarian Law Project International Educational Development, Los Angeles, California 90048

E-mail: ied@igc.org

Civilians without Protection

The ever-worsening humanitarian crisis in Iraq

cc. The ICRC's report on the humanitarian crisis in Iraq shows the disastrous impact of the occupation. The ICRC commits itself with all its might to alleviating the suffering of the Iraqi population. We are publishing the full wording of the text with the ICRC's friendly permission.

The humanitarian situation is steadily worsening and it is affecting, directly or indirectly, all Iraqis.

Protecting Iraq's civilian population must be a priority, and the ICRC urgently calls for better respect for international humanitarian law. It appeals to all those with military or political influence on the ground to act now to ensure that the lives of ordinary Iraqis are spared and protected. This is an obligation under international humanitarian law for both States and non-State actors.

The ICRC aims to ensure that Iraqis receive the aid they need most. It cooperates closely with the Iraqi Red Crescent. However, humanitarian aid is clearly not enough when it comes to addressing the immense needs of Iraqis in the present disastrous security situation.

A conflict that spares no one

The conflict in Iraq is inflicting immense suffering on the entire population. Civilians bear the brunt of the relentless violence and the extremely poor security conditions that are disrupting the lives and livelihoods of millions. Every day, dozens of people are killed and many more wounded. The plight of Iraqi civilians is a daily reminder of the fact that there has long been a failure to respect their lives and dignity.

Shootings, bombings, abductions, murders, military operations and other forms of violence are forcing thousands of people to flee their homes and seek safety elsewhere in Iraq or in neighbouring countries. The hundreds of thousands of displaced people scattered across Iraq find it particularly difficult to cope with the ongoing crisis, as do the families who generously agree to host them.

Health-care facilities are stretched to the limit as they struggle to cope with mass casualties day-in, day-out. Many sick and injured people do not go to hospital because it's too dangerous, and the patients and medical staff in those facilities are frequently threatened or targeted.

Food shortages have been reported in several areas. According to the Iraqi Red Crescent, malnutrition has increased over the past year. The vastly inadequate water, sewage and electricity infrastructure is presenting a risk to public health.

Unemployment and poverty levels are rising and many families continue to rely on government food distributions to cover their

immediate needs. According to government sources, an estimated one third of the population lives in poverty, while over five per cent live in extreme poverty. Much of Iraq's vital infrastructure is in a poor state of repair owing to lack of maintenance and because security constraints have impeded repair work on electrical power grids, water and sanitation systems, medical facilities and other essential facilities.

Power shortages are growing worse throughout the country, including northern areas, owing largely to the failure to carry out maintenance and to increase generation capacity. Fuel shortages affecting power stations and acts of sabotage are further aggravating the crisis. As a result, watertreatment plants, primary health-care centres and hospitals rely mainly on back-up generators, which often break down owing to excess usage or fall victim to the chronic fuel shortages.

The destructive legacy of previous conflicts, from 1980 onwards, and the years of international sanctions imposed on Iraq after its invasion of Kuwait in 1990 are further exacerbating the current crisis.

"Once I was called to an explosion site. There I saw a four-year-old boy sitting beside his mother's body, which had been decapitated by the explosion. He was talking to her, asking her what had happened. He had been taken out shopping by his mom."

Saad, a young humanitarian worker from Baghdad.

"Some time ago, there was a shooting near Abu Hanifa Mosque between the police and an armed group. A young man passing by was hit by stray bullets and lay badly wounded and crying out for help. Because of the gunfire, nobody could get close to him to drag him out. He bled to death right in front of us."

Raad, a shopkeeper in the Adhamia area of Baghdad

"I was accosted by gunmen who gave me two hours to leave my home, together with my wife and three children. They told me not to take any of my belongings, not even my children's clothes."

Saad, an engineer from the Hurriya area in Baghdad

"You're lucky if you get a warning to leave your home. If you do, it means at least you have a chance to survive. You must be ready to flee your place any moment."

An ICRC employee in Baghdad

The ICRC in Iraq

Despite the difficult security situation, the ICRC spares no effort to help the families most in need. It works closely with the Iraqi Red Crescent, which regularly distributes relief provided by the ICRC and collects and delivers Red Cross messages (brief personal messages to relatives made otherwise unreachable by armed conflict).

The ICRC – a strictly humanitarian organization committed to the principles of neutrality, independence and impartiality – strives to monitor and promote respect for international humanitarian law and other legal standards applicable to the current situation in Iraq.

Sliding to disaster

Since the bombing of the sacred Shiite shrine of Samarra in February 2006 and the subsequent increase in violence, the problem of displacement in Iraq has become particularly acute. Thousands of Iraqis continue to be forced out of their homes owing

International Humanitarian Law and displaced people

Internally displaced persons are protected by international humanitarian law and the ICRC gives them priority as civilians in particular need of its help. International humanitarian law, which is legally binding on both States and non-state actors, provides an adequate legal basis for addressing the problem of internal displacement caused by armed conflict.

The most effective way of preventing displacement is to respect the rights of the civilian population in the event of armed conflict or other situations of violence. No person in need should go unassisted or unprotected.

to military operations, general poor security and the destruction of houses. And the outlook is bleak, particularly in Baghdad and other areas with mixed communities, where the situation is likely to worsen.

Most displaced people have taken refuge with host families, who often struggle to cope with the additional burden on their limited resources. Some have found refuge in camps, public buildings and abandoned military barracks. Where displaced people decide to seek refuge often depends on the presence of relatives or friends and, because of the prevailing sectarian violence, on the religious or ethnic make-up of the host community.

"My family is Shiite. We live together with a Sunni family. Both families were forced to leave their homes by

militias. There are 30 of us, sharing the same living space: 14 children and 14 adults, including grannies on both sides. We live on an abandoned construction site and protect ourselves from the weather with plastic sheets provided by the ICRC along with food supplies. The adult members of both families are trying to keep on working, taking any job we can find. But what we don't earn enough to live decently."

Abu Ahmed, from a displaced family

Frequently, both the displaced families and the communities hosting them are badly in need of shelter materials, access to clean water, adequate sanitation, food and other essentials.

The displacement of hundreds of thousands of people places an additional burden on Iraq's basic infrastructure, which is barely sufficient to serve the resident population.

The Iraqi Red Crescent estimates that approximately 106,000 families have been displaced inside the country since

Humanitarian aid is needed by a wide range of particularly vulnerable civilians, including elderly and disabled people and female-headed households.

Medical care under threat

Medical professionals are fleeing the country in large numbers following the murder or abduction of colleagues. Hospitals and other key services are desperately short of qualified staff. According to the Iraqi Ministry of Health, more than half the doctors have left the country.

The mass influx of casualties to hospitals following the daily attacks against civilians

and other violent incidents is putting the health-care system under tremendous additional strain. Staff and resources are often stretched to the limit.

The failure to observe the special status of medical staff and facilities is a major concern. A hospital director in Baghdad told the ICRC that poor security conditions were preventing staff from providing medical services. And there have been frequent reports of armed men storming hospitals and forcing doctors to give their companions priority treatment at the expense of others in more urgent need.

Road-blocks and check-points sometimes prevent doctors and patients from reaching health-care centres in time. The lack of security also hampers the distribution of medical supplies in many parts of Iraq.

Over the past year, the ICRC has provided medicines and surgical supplies sufficient to treat and operate up to 3,000 war-wound victims at various facilities. These include the Al-Imam, Al-Kindi, Al-Yarmouk, Al-Nauman hospitals and the Medical City facility in Baghdad, as well as various facilities in Al Anbar, Karbala, Mosul, Kirkuk, Najaf, Basra, Missan, Qadisiyah and Arbil governorates. In addition, the ICRC has pre-positioned surgical and medical supplies kits across the country to facilitate a rapid response to emergencies.

"With attacks being carried out daily, it is as if Baghdad were in a state of constant emergency. We are doing our best to cope with the influx of casualties with the means at our disposal, with the support of the Ministry of Health and the help of the ICRC. Our surgical wards are always full and working conditions are extremely dif-

ficult. Of the 208 surgeons who used to work here, only 40 or so are still on duty today."

Dr Adel Al-Shammari, director of Al-Kindi Teaching Hospital, Baghdad (February 2007)

"When I was giving birth to my daughter I had to call a midwife since no maternity hospitals were functioning in Baquba. After delivery, I had severe complications. I bled heavily for eight days. A transfusion was impossible and I kept losing consciousness. Eventually, I was taken to Baghdad with all the risks and hazards of the journey. I don't know how I managed to survive"

Myriam from Baquba

Ahmed – from Rasafa district in Baghdad

Because of the increasingly difficult living conditions in Baghdad, Ahmed had to leave school and start working at the market to earn his living. His mother died and his father left. He now lives with his grandfather. In December 2006 he was caught in a huge explosion at the market, which left many people killed and injured.

"The only thing I remember is waking up on a hospital bed without my legs," he remembers. "I didn't feel like living anymore, but my grandfather kept on encouraging me, asking around about the best place where I could get artificial legs."

On the advice of friends, Ahmed went to the limb-fitting and rehabilitation centre run by the ICRC in Arbil. He was told that his wounds had not healed yet and he needed to wait before being treated.

Ahmed felt very depressed, but the centre's staff encouraged him. "I was reimbursed for the costs of returning to Baghdad," he says. "They even gave me some more money so that I could come back when I'm ready. I'm looking forward to being able to walk again."

Dirty and scarce – the water crisis

Both the quantity and quality of drinking water in Iraq remain insufficient despite limited improvements in some areas, mainly in the south. Water is often contaminated owing to the poor repair of sewage and water-supply networks and the discharge of untreated sewage into rivers, which are the main source of drinking water. Electricity and fuel shortages and the poor maintenance of infrastructure mean that there is no regular and reliable supply of clean water and that sewage is often not properly disposed of.

Besides carrying out maintenance and repair work to ensure emergency water sup-

The ICRC in 2006

- Over 227,000 people, mostly members of displaced families, received food aid in various parts of Iraq. Over 161,000 people received essential household items.
- Some 83,000 people, including members of displaced families, had their water supply ensured through emergency ICRC water and sanitation projects.
- In all, over four million people benefited from water and sanitation projects.
- Twenty major hospitals in Hilla, Baghdad, Diwaniya, Karbala, Najaf and Tal Afar received medical and surgical supplies for the treatment of wounded patients.
- Eight limb-fitting centres in Baghdad, Hilla, Najaf and Basra were supported by the ICRC, as was an Iraqi Red Crescent centre in Mosul. This was in addition to the Arbil centre, which is run entirely by the ICRC. In all, these centres helped nearly 21,000 patients, who received 7,300 artificial and some 460 pairs of crutches.
- Twelve hospital emergency wards received new equipment.
- Ten hospitals, with a combined capacity to treat some 5,000 inpatients, had their water and sanitation systems repaired.
- Sixty-seven primary health-care centres in Anbar, Babel, Baghdad, Diwaniya, Karbala, Salah Al Deen and Wasit governorates had their sanitation facilities repaired or upgraded. They treat an average of over 9,000 patients per day.
- More than 32,000 detainees were visited, almost 9,000 of them individually, during 109 visits to 28 places of detention.
- Nearly 6,400 detainees held in Camp Bucca and in the Shaiba facility benefited from the ICRC family-visit programme.
- Nearly 37,000 Red Cross messages were delivered and over 30,500 collected by the ICRC in conjunction with the Iraqi Red Crescent.

plies, the ICRC is also trucking drinking water daily to displaced and other particularly vulnerable people. It also distributes water in sealed plastic bags.

International humanitarian law and medical care

Both States and non-State parties to armed conflict are obliged to protect medical staff and facilities and to ensure access to adequate health and medical services for all people at all times.

Torn apart – The fate of separated families

The conflict has torn apart many families, with relatives being detained or fleeing their homes to seek safety elsewhere in Iraq or outside the country. Dispersed members of families often need help to locate loved ones and restore contact. Some have been without news of their loved ones for many years.

Tens of thousands of people are currently being detained by the Iraqi authorities and the multinational forces in Iraq. Many families remain without news of relatives who went missing during past conflicts or the current hostilities.

Visiting people detained in connection with the armed conflict in Iraq remains a humanitarian priority for the ICRC. Persons held by the multinational forces or the Kurdish regional government are regularly visited to assess their conditions of detention and treatment.

Family-visit programme

The ICRC helps families of detainees held at Camp Bucca and Shaiba to visit them there. It provides monthly financial aid for

Iraqi Red Crescent Society

- 18 branches
- 135 offices in local communities
- Over 1,500 staff and 9,000 active volunteers

close relatives to cover part of their travel expenses such as transportation and accommodation. Most of the families, who come from all over Iraq, cannot afford long and expensive trips. Since the ICRC's family-visit programme started in 2005, it has enabled over 6,500 detainees to receive visits.

Wives of detainees

"It has been three years since I last saw my husband. Ever since he was detained, I have been running our household alone. In the Middle East, all the daily problems and family busi-

ness are dealt with by the men. Raising children, above all boys, without a father present is a huge challenge. Children need role models and I can't be both mother and father figure. The years pass and the children grow up. I'm trying to prepare them for the day when they will go 'out there' and face the world. It's hard to do all alone."

For further information, please see our website: <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/iraq-update-311207>

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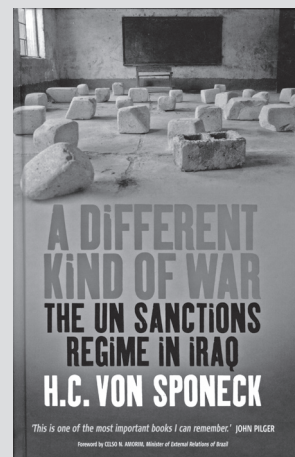
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Hans von Sponeck – A Different War: The UN Sanctions Regime in Iraq

At a time when the international community is again threatening some countries with sanctions, this book comes as a warning. It should be mandatory reading for all those politicians and their foreign-policy advisors who continue to consider sanctions an effective form of policy. The author not only offers us a critical, lucid, and well-informed survey of political developments in Iraq, but also a heart-rending account of the suffering of the Iraqi people. It was they who bore the brunt of the 13-year sanctions, while the members of Saddam's regime continued to live in luxury and accumulate huge fortunes. H. C. von Sponeck, the former "UN Humanitarian Coordinator for Iraq" explores the UN's sanction policies against Iraq, their consequences, and the domestic conditions during this period. His extensive research is based on previously unpublished internal UN documents and discussions with UN decision makers (such as General Secretary Kofi Annan), Iraqi officials and politicians (including Saddam Hussein), and ordinary Iraqis. The author's findings question who really benefited from the program, what role the UN Security Council and its various member states played, and whether there were then and are today alternatives to the UN's Iraq policies.

Bergahn Books 2006, ISBN 1845452224



“Attributing a Transparent Statement to the Courage of One’s Own Convictions”

An interview with Hans-Christof Graf von Sponeck on the situation in Iraq and Europe’s tasks

Current Concerns: What are the problems that people in Iraq are confronted with today?

Hans Christof von Sponeck: They obviously face issues of direct security. People in all parts of Iraq, even in the Iraqi part of Kurdistan, are uncertain about their own personal security on a daily basis. I believe this is the most major day-to-day challenge for everyone in Iraq. I would put an emphasis here: Personal security, employment, health care, schools, these are all topics which became important immediately after the invasion, but have now become ever more pressing with the country’s current development. What was a problem during the years of sanctions – except security – is much more intense today. Whether with regard to electricity or water supply, sewage disposal, the way to school, or employment; all this already existed on a tragically difficult level but has become much more important today. People have not escaped their poverty. But insecurity is the problem that casts a cloud over every situation in which people live.

In your opinion, who is responsible for the disaster in the Iraq?

We can discuss this back and forth, but I believe that the only correct answer is that this development was caused by an illegal invasion contrary to international law carried out by the United States and its allies. All the problems existing in the country today can somehow be traced back to this illegal act of invading the country in violation of international law. In 2003 the Americans did exactly what they accused the Iraqis of in 1991, when they invaded Kuwait. And today one can take what Mr. Baker said to Tariq Aziz in Geneva on 15 January 1991 and say: The Iraqis can tell that to the Americans today. What Mr. Baker said, was: «If the Iraqis do not withdraw from Kuwait they will be punished.» And today the world community must tell the Americans: By remaining in Iraq you are committing a criminal offence, which must be punished. In other words: The problem which the world has to deal with is a double standard of power, which the Americans do not want to give up. The Americans demand that the world do things which in no way they themselves would be willing to do. This is not only with respect to adhering to the UN Charter or general international law, but also to the American claim that they have the right to develop a new generation of nuclear weapons, the worst weapons the world has ever seen, while at the same time negotiating with other countries to pursue their own interests on a more harmless level; not less risky, however, but more harmless. This dou-

ble standard will not allow a solution to the enormous problems on the agenda. Whether it is with regard to the environment or energy supplies or development aid, all these problems cannot be solved if the Americans – and the Americans in particular – and the West in general are not willing to realize that globalization must mean a better distribution of justice, and be willing to organize people’s chances for life more equitably as far as their opportunities are concerned. If we do not recognize these facts the polarization of alliances will progress and life in this world will become increasingly dangerous.

What does Europe have to do to help improve the catastrophic situation for people in the Iraq?

The first thing that comes to my mind is to attribute a transparent statement to the courage of one’s own conviction. We cannot always say the right thing behind closed doors and be reserved when we should influence events and political decisions of others — in the alleged interest of the alliance, of transatlantic loyalty, or whatever we call it. I think the European governments, individually and in the context of the European community, must make more convincingly, considerably and courageously clear to our friend on the other side of the Atlantic that the road he has chosen is a dead-end, in which we ultimately only face a wall of resistance. As things are now, we are not getting anywhere. If we do not recognize this fact, we will increasingly lose our capacity to take part in the decision-making process, because new great powers will develop — the Chinese, Indians and others — who will unify and oppose this dead-end street. If Europe does not understand that it has an obligation, due to several centuries of enjoying advantages based on its developmental chances, if we deny this, we do not merit being recognized as a pioneer in progress, ethics, and civilization.

What can the individual citizen do?

Individual people have an immense chance in Europe, which is represented by their capacity for information: To inform ourselves and thereby establish the basis for judgement; to make clear to our politicians that there are alternatives to the chosen approaches, which are peaceful, fair and which are primarily aimed at solving conflicts. One issue, for instance, could revolve around how Europe and the European community, how Germany, how others are placing all their capacities in the fight against so-called terrorism. If we think we can bring peace to Afghanistan via ten Tor-

nado fighter planes or by deploying 170 000 soldiers to Iraq to bring them democracy, we have not learned anything from history. Individuals must recognize this and must participate in the political dialogue, if necessary from no other motivation than from the lowest, from mere egoism. I believe, however, that this is far from being egoistic, far more than just involving one’s own interests. It is in the interest of the commonwealth of nations that we participate in the political dialogue on the basis of self-established information. That sounds very general, but in plain language it means: We all live in the proximity to those politicians we elected. A dialogue with those we elected must be intensified. We ought to endeavour to influence these persons. This is a long process requiring the realization of the common interests of the individual citizens. We must group ourselves better and thus increase our pressure on our political representatives, who often do their work in good will, but who have to be roused from their routine. As a consequence they may come to realize that in the course of globalisation the issues have become so serious that it is necessary to look far beyond the end of one’s nose to meet the enormous developments, and is necessary to correctly and timely deal with the emerging conflicts. Each individual has a chance here.

We all enjoy the tremendous luxury of good education and may undertake further training whenever we want it. Due to our material situation we can do more than our fellows in Africa, in parts of Latin America or Asia, where they have to struggle for physical survival. We therefore have an obligation to do our utmost, not only for us and our immediate environment, but for all of us, in the spirit of the commonwealth of nations.

Thank you for the interview.

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“Working to Stop the War and to End the Occupation”

*Interview with Mustafa Ali, Iraq**

Current Concerns: What is everyday life now like in Iraq?

Mustafa Ali: Well as you may have heard from the news, it is very complicated, it is very difficult, life. Sometimes I say there is really no life in Iraq. If we take one family as example, when they wake up in the morning they can not find electricity in their home, there is no fuel gas to make food, to make their breakfast. The kids have to go to school. Her or his mother has to accompany them and to watch them all the time. Because you don't know what will happen: If someone will kidnap them, if anything will happen to the school, if Americans will raid the area and the school will be among it, maybe. And if the father has to go outside also, to his work, nobody knows what will happen to him on his road, maybe some explosion, or the militia could kidnap him, Americans could detain him for any reason. So, every day, the member of the family when they left their house, they say good bye to each other as if it was for the last time. Nobody knows what will happen after that. Will everybody return safe or not. So this is part of it and you know, this is the daily life as from 2003, because the first result of the invasion and occupation is the destruction of the security and stability in the country, so nobody is secure in Iraq now, no one. The children are not secure in their school, the mother is not secure when she stays at home or when she goes to her work or to the market, the one who is working, when he goes to the office, you could not imagine what would happen to him.

Walls turn whole cities into prisons

How is the situation now in Baghdad and in other places in Iraq with the wall?

Well, beside all the catastrophic things that happened in the past four years since 2003, now we have this new strategy of building walls. That simply turned whole cities and districts to a prison for their population. They first implemented this idea in Falluja (a city 60km west of Baghdad) in the beginning of 2005, after they had the fighting in November 2004. So they decided after that that Fallujah should be surrounded by a wall. Anybody inside the city should have a special badge to go outside or enter the city. So they take their fingerprint, eye-scanning and other measures and they issued badges for everyone in the city. And they set a time, they are not free to go any time outside the city, they are not free to come any time inside. They start maybe from 9 am to 5 pm and then close it from 9 pm to 8 am. So they make it as we heard from friends there it becomes a prison to the inhabitants. And this does not solve the problem – the US thought that they

would limit the insurgency or the resistance that way. But it continues and everyday we hear that attacks against the Americans happen on a daily basis in Fallujah. Fallujah is west of Baghdad. The other example is Tall Afar, a small city with 150,000 inhabitants, (almost 300km north of Baghdad in Nineveh province) they also surrounded it by a type of wall. Because Tall Afar was among the cities that resist the Americans. So they thought by building this wall or barrier or anything similar they will eliminate the resistance. And as they said they will cut the relation between the resistance and the supply with arms and all that. But it seems also that it has failed, on the contrary, it fueled the anti American feeling of the whole population, and strengthened the resistance against the occupier and their regime.

Devastating impact on the population

On the other hand, these walls have a very negative impact on the population, on the civilians, on kids, women and sick people because it limits their movement; they cannot go outside, they cannot see their relatives, they cannot go to a hospital. It has a very bad impact on the population.

What about Baghdad?

Now they are implementing this in Baghdad. Baghdad is a huge city with over five million inhabitants. They are planning to surround at least ten districts of Baghdad with a wall. They already implemented them around at least four districts: We have it at Gazaliya, a district of 15,000 persons, they already have a wall there and they implemented one also in Al-Amiriya which has also about 20,000 inhabitants and these days they implement it in Al-Adhamiya which has a population of 150,000 inhabitants. They are surrounding these areas with a wall and this has a very bad impact on the population – it cuts them from the other parts of the city, prevents them from seeing each other, because they have their relatives in other parts, they have their work, universities, they don't have all this in one district. This will make it very difficult for the population. But it will not result in the goal of the Americans. It will fuel the whole population, the resistance will rise up. I think we will see more people resist the occupation.

The only solution is to stop the war

What would be the help for the Iraqi people in this situation, especially what can we as Europeans do to help?

All Iraqis, in deed all of them need the help from the Europeans or from any other country. But especially the European countries they can help a lot in this regard. There are some urgent things they could provide help with. But the main help they could provide

is working to stop the war and to end the occupation. Because the war is the main cause for all these consequences, and it is the main cause of all the suffering Iraqis during all the four past years. And Europeans can play an important role because they are having good relations with the Americans and also they have their impact inside the UN and other international bodies. And there is something that is very clear in Iraq, the American occupation is destroying everything and there has not been any good sign during the past four years from the occupation. On the contrary, the situation is getting worse and worse, so the only solution for all these problems and the suffering of the Iraqi people is to stop the war, to withdraw the occupation troops and at that time they could see what kind of help they could give to the Iraqi people. First, of course, they have to reconstruct the country. Any reconstruction plan could not be implemented during the war. So that should be after the withdrawing of the troops and

But the main help they could provide is working to stop the war and to end the occupation.

then rebuild the health system, the education and all that was destroyed during the past four years. As an urgent need now they should look at the crisis and the tragedy of the Iraqi refugees who are in Syria, in Jordan and in other countries, and try to help them as much as they can. But also they should work to clear the condition for those refugees to return back to their country because it is not the solution to have the better conditions outside and to let all the Iraqis leave their country. They should work as much as they can to clear the conditions inside Iraq to help these refugees to return. They could help also as an urgent need in the health system, try to help Iraqis inside Iraq by enhancing the capacities of the hospitals.

The attacks on hospitals must be prevented

But they should talk with the Americans to prevent them from attacking the hospitals – this is becoming a daily practice. Two days ago they attacked the hospital in Al-Adhamiya, a normal hospital and according to the appeal by the doctors in that hospital, they cannot treat the patients, the Americans were surrounding the hospital; they occupied it, they beat some doctors of that hospital, they detained, as I heard, thirteen persons from the hospital. This is happening everywhere. In Falluja in 2004 they also destroyed the hospital and also three other clinics, also in Tall Afar, in Al

* Mustafa Ali is from Fallujah.

Qaem in Haditha, in AL Ramadi, all these health centers were destroyed by the Americans. So now the Iraqis desperately need the help of the Europeans with regard to their health situation. But first they should stop the Americans from attacking the hospitals and ask them of course to leave. This is the best solution. End the occupation! This is the only solution to the problem.

Billions of dollars just disappear

Because as you see, each month we have a new conference regarding Iraq. Two weeks ago we had a new conference, maybe number 18 or 19 in Sharm Alshekh in Egypt, which was attended by 60 countries and all these conferences resulted in nothing. The situation is getting worse and

worse. If you compare the situation now with the first conference three years ago, at that time it was much better than now, so we have no real result from all these conferences. Some of these conferences which they call "Reconstructing Iraq" or something like that are just resulting in more money which is going to a few companies. They distribute it among the few companies without any real reconstruction in Iraq. With what they have they only reconstruct the walls, huge prisons, etc. We do not have any one school, any one hospital, any one clinic which was reconstructed during these four years of occupation while you have billions of dollars launched, no one can tell you where this money has gone. They could say we wanted to spend the money on such

and such but because of the security problem we had to re-allocate it to the security. Most of the money went to the security companies which are linked to the Army which is linked to US Administration and to some of these companies and the puppet government in Iraq. None of this money was spent to help the Iraqi people, nothing of these billions of dollars. So as long as we have the occupation as long as we have those puppets who came with the occupation, we will never have any sign of hope in Iraq, never. This is why the war has to stop and the occupation has to end.

Thank you very much.

UN Round Table on the Human Right To Peace

thk. In the afternoon of Thursday 15 March 2007 a round table on the Human Right to Peace was held in the large conference room XXIV of the Palais des Nations in Geneva.

The successful and well-attended event was chaired by Professor Carlos Villán Duran, President of the Spanish Society for the Advancement of International Human Rights Law and former lawyer with the Office of the UN High Commissioner for Human Rights. The speakers were Dr. Federico Andreu, Deputy Secretary-General of the International Commission of Jurists, a non-governmental organization based in Geneva, and Professor Alfred de Zayas, former Secretary of the UN Human Rights Committee and chief of Petitions at the UN High Commissioner for Human Rights.

The round table analyzed the various provisions of the "Luarca Declaration on the Human Rights to Peace" (see Current Concerns, March 2007, page 12), and the international prohibition of the use of force. Numerous constructive comments and proposals were made by members of the audience, including Zeki Ergas of the P.E.N. Club in Geneva and Javier Campos of the UN Secretariat.

In an oral statement to the Human Rights Council, Professor Villan Duran introduced the Luarca Declaration in the morning of the same day. Dr. Andreu spoke on previous United Nations General Assembly Resolutions on the Right to Peace, including Res. 39/11 of 12 November 1984 and referred to its regional codification, e.g. in article 23 of the African Charter of Human and Peoples' Rights, which affirms the right of all peoples to national and international peace, and the duty to strengthen solidarity and friendly relations among peoples.

Professor de Zayas presented a paper on the crime of aggression. "The human right to peace is but the positive expression of the negative jus cogens prohibition of the use of

force. Indeed, the greatest danger to human rights is armed conflict, which engenders war crimes, crimes against humanity and even genocide." Professor de Zayas gave a bird's eye view of man's centuries-old aspiration to abolish war as a means of furthering political ends. He recalled the motto of the 1648 Peace of Westfalia, *Pax optima rerum*, the Hague Peace Conferences of 1899 and 1907, the creation of the League of Nations in 1919, the Briand Kellogg Pact of 1928, and the San Francisco Conference of 1945.

The preamble of the UN Charter already announced the determination of the peoples of the world "to save succeeding generations" from the scourge of war. Article 1 declares the first purpose of the United Nations to be "To maintain international peace and security." Article 2, paragraph 3, of the UN Charter imposes an obligation to negotiate, i.e. "to settle their international disputes by peaceful means". Article 2, paragraph 4, obliges all States to "refrain in their international relations from the threat or use of force."

At the Nuremberg Trials the defeated Germans were tried for the "crime against peace", which the United States Chief Prosecutor Robert Jackson referred to as the "supreme crime". Many Nazis were found guilty of having committed this crime, were condemned, sentenced to death and executed. Robert Jackson stated at Nuremberg "We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow.... While this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose, it must condemn, aggression by any other nations, including those which sit here now in judgment" (IMT Vol. 2, November 21, 1945, p. 101). There have been many aggressive wars since the end of World War II

and since the Nuremberg Trials. And yet, no one has been prosecuted and punished.

Article 5 of the Statute of Rome of 17 July 1998, establishing the International Criminal Court, gives the ICC jurisdiction to try the "crime of aggression". The article, however, was sabotaged by the addition of a clause according to which the Court shall not be seized of cases concerning the crime of aggression until the States parties to the ICC Statute agree on a definition of "aggression". They could have used the terms of Article 6 (a) of the Nuremberg statute, which established the crime against peace, or the United Nations General Assembly Resolution 3314 on the "Definition of Aggression" of 14 December 1974.

Professor de Zayas recalled the language of article 20 of the International Covenant on Civil and Political Rights, which specifically prohibits propaganda for war. This is an underutilized article, and the international community should condemn all States who engage in propaganda for war, as was the case in the months preceding the bombardment and invasion of Iraq of 20 March 2003. This is imperative today in the light of the propaganda for war that some States are engaging in with regard to Iran.

Maybe the International Court of Justice should be seized of the issue and deliver an advisory opinion on the illegality of preventive or preemptive wars. Professor de Zayas recalled that the former UN Secretary General Kofi Annan specifically referred to the Iraq war as an "illegal war". A war against Iran would be just as illegal and it must be prevented in the name of the human right of all peoples to peace and security. •

Caritas Syria

“Need Will Increase Dramatically”

Interview with the head of the Caritas office at Jamarana, a Damascene suburb

64-year-old Antoinette Arbasch heads the Caritas office of Jaramana. Since the outbreak of the Iraqi War in 2003 the nun has been helping to provide the poorest refugees with medical care, food and other material aid. The interview partner is Gabriela M. Keller. 1.2 million Iraqi refugees are living in Syria by now. In how far has their situation changed since the outbreak of the War in 2003? In the beginning the rich Iraqi people came. They thought: We will be staying here until the violence stops, then we shall go back. Instead violence in Iraq has steadily increased. Many have tried desperately to reach the West, but there the doors were closed. So they are stuck here. They have consumed their savings and prices have been rising steeply because of the Iraqis. During the last years the real poor started to come and now all of them are living in real misery.

Sister Gabriela M. Keller: What are the Iraqis' greatest problems in Syria today?

Sister Antoinette: Often the refugees come and seek shelter with their relatives, who are already here; sometimes they arrive with five or six persons. That of course is a heavy burden for the families. Many of them say now: We don't know how to manage things this month. The Iraqis who are coming often have very serious chronic diseases. Some of them die because they cannot afford an operation.

You visit refugee families regularly. What are the conditions they live in?

Many of them cannot afford the rent any longer so they share a flat, sometimes two or three families a small flat with only two rooms. Some of them don't even have a mattress, so have to sleep on the naked floor. Others don't have any blankets and cover themselves with their clothes during the night. They are not starving right now but that's all.

What is your impression of the psychological state of the refugees?

On the one hand Iraq was a rich land and the people were used to have plenty to eat and to be looked after medically, actually almost for nothing. Now they have nothing and that's a great shock for them. On the other hand many Iraqis, among them many children, have witnessed awful violence. And they live with traumas. You see it in their eyes: Always this terrible fear. At the same time they feel their dignity has been violated, they have become victims of this insane war, a war they have to pay for with their lives.

What is your experience when you work with the refugees?

Every day a lot of refugees come to the Caritas office. Often they are loud and demanding. They say: "In former times we were rich, then the USA launched this illegitimate war in order to lay hands on our oil. Therefore we now have a claim that you help us to survive." They are so desperate that they cannot see that we are not to blame for their destiny. So we just try to soothe them.

How many of the refugees are Christians?

Christians are among the groups that are being persecuted massively in Iraq. Churches are burnt down, Christians often become victims of kidnappings and assaults. That is why their run on our office is very great. When the Pope delivered a speech last year that was considered hostile to Islam the situation became even worse. Since then certainly 30 per cent of the refugees have been Christians.

But the violence in Iraq is directed towards all religions. Right now most of those who flee the country are Sunnis. Nobody is safe there any longer.

Are there any tensions between Muslims and Christians?

Here in Syria we have an extraordinarily peaceful co-existence of all denominations. This is partly due to the government that takes a great effort to preserve the harmony between the religious groups. And the people accept it, because they are accustomed to it. For us as Christians it is very beneficial that our country is safe for us.

How do the Iraqis adapt to this peaceful co-existence?

They are very glad that they find calm and stability in Syria. But at the same time it is a fact that the refugees move to quarters that are purely Christian or purely Muslim according to their denomination. They feel better there.

Do you consider this massive Iraqi run onto Syria a risk factor for the country's safety?

There is no risk. The Iraqis who are arriving in Syria are victims of violence, they are not extremists. They have run away from the war. And also the security forces control the border very carefully to prevent the infiltration of extremists into Syria and they take very determined action against terrorist groups.

Iraqi children are allowed to visit the Syrian schools for free. But one third of them does not attend school. Why is that so?

Iraqi children feel insecure because they do not understand the Syrian dialect. Some of the public schools have exhausted their capacities since they have already admitted so many refugee children. Parents very often cannot even afford paper and pens. Many children are compelled to work because otherwise the families would not be able to survive. Unemployment is high in Syria: A ten-year-old boy who is ready to work for one Euro per day will find a job much quicker than an adult. They collect dirty dishes in restaurants or carry groceries across the market place.

What impact does the poverty of the refugees have on the suburbs they are living in?

The situation is very alarming. The young people have no access to the universities or to jobs, so what shall they do with their lives? Some of them will go downhill into crime. Theft and robbery are on the rise. Women and girls end up as prostitutes. That business is booming everywhere in the suburbs. When I am on my way in the evenings I see them standing at the side of the roads. Some of them aren't even twelve.

How do you assess international aid?

It is definitely not enough. Until the end of 2006 the aid has even been reduced. Only recently the situation has improved. As partners of the UNHCR the UN organisation that helps refugees we are able to provide food vouchers worth four dollars for 3000 people per month. But on the other side there are 15 000 Iraqis who have applied for this help as well. Shortly the program is to be extended to 10 000 people. We are waiting and hoping.

2000 refugees are crossing the border daily. What do you think will happen if this rush does not stop?

We hope that Iraq will find peace very soon, because these masses of refugees pose such a great humanitarian and social problem for Syria. Where shall we put them up? We cannot accept these amounts of refugees any longer unless the country is going to collapse. If things go on like that need will increase dramatically until the people here will starve, and that means both Iraqis and Syrians.

How do you personally cope with all this misery?

I feel compassion with these people who have lost everything and have come away with deepest wounds psychologically. I myself feel hurt, if I see former officials of high

rank who come to us to apply for a pair of glasses. Although I often come home with a headache in the evenings, it makes me happy that we are able to give them a little relief. All team members of Caritas are very

committed to this task. That is why I am willing to accept the difficulties in dealing with the Iraqis as a part of my work.

Source: www.caritas-international.de, April 2007

Caritas Jordan

A History of Flight

The history of Jordan's Caritas and the history of the refugee streams in the Middle East are tightly interwoven. Hardly any other country in the world has experienced such inflows of immigrants in proportion to its population. Hardly any other Caritas organisation in the world has gathered such an enormous experience in refugee aid than the Caritas Jordan.

Caritas Jordan was founded in 1967 in order to help Palestinian refugees who had to leave their native country after the six-day war. It had succeeded in integrating a large part of the Palestinians step by step but in 1991 the next large wave of refugees "flooded" the country during the Second Gulf War and Jordan again accommodated an enormous number of refugees. And again Caritas Jordan was there with full commit-

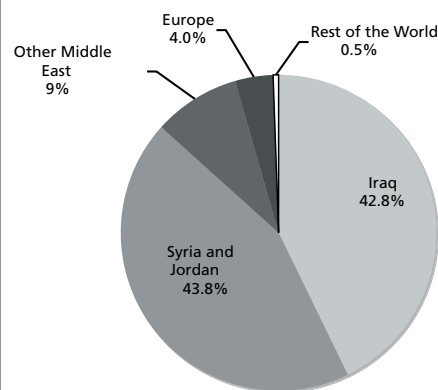
ment. Since 2003 Caritas Jordan has now faced an extreme new challenge: the mass exodus of Iraqi refugees as a consequence of the violence in Iraq getting out of hand. Already there are at least 750 000 Iraqi refugees in that small country with only 5.5 million inhabitants.

Amman – medical aid for refugees

Not only counselling is on Caritas Jordan's agenda. If necessary medical aid is also being organised. But the great helpfulness of Jordan's society is reaching its limits. The rise in prices as a consequence of higher demand for food and accommodation pose a vital challenge for many Jordanians as well.

Source: www.caritas-international.de, March 2007

Displaced Iraqis in the region



Syria	1'200'000
Jordan	750'000
Egypt	100'000
Iran	54'000
Lebanon	40'000
Turkey	10'000
Gulf States	200'000

Estimates include recognized refugees, asylum seekers, and other Iraqis who may be in need of international protection. Data subject to frequent revision. Check www.unhcr.org for updates.

Urgent Appeal

Iraq Needs Help

Due to the disastrous situation in Iraq and due to the humanitarian catastrophe, above all affecting the civilian population and especially Iraqi children, we, the editors of Zeit-Fragen, would like to urgently propose to all Swiss hospitals and to hospitals in other countries to provide emergency relief. As an immediate measure every hospital could make room and medical care available for at least one child with a close relative, at best the mother.

With this appeal for immediate help we would also like to address all schools in our country and in other European countries (especially in Germany and Austria), to admit one Iraqi youth. Traumatized by the long-lasting war and often deprived of their father or of both parents, these youths would be greatly aided by a willing reception on the part of a school community or a group of classmates in a host country. Not only would this

measure save lives, but it would enable young Iraqi students to continue their education, and would also represent a contribution to their country's future. For the pupils and teachers of the receiving school it would be an opportunity to provide spontaneous help for a fellow student from a threatened country, something that would enrich their lives, strengthen them in their human commitment and also create solidarity between the two countries. It is human nature to help others in need. Particularly in Switzerland, a neutral state with a humanitarian tradition, it must become a matter of national concern to take action in this manner. The same would apply to Germany and Austria.

Hans-Christof Graf von Sponeck (former Deputy Secretary General of the United Nations) and medical doctor Eva-Maria Hobiger (Gesellschaft für Österreichisch-Arabische Beziehungen GÖAB – Society for

Austrian-Arab Relations), are in touch with Iraqi groups inside and outside the country and have declared their readiness to assist making contact.

Current Concerns is in close contact with Iraqi medical doctors inside and outside the country.

We are presently endeavouring to establish a recognized trusteeship, i.e. an experienced and reliable mediator in Switzerland, to organize this aid. We urge all our readers to support us in this specific matter. As soon as an adequate structure is created, it will be advertised on our website and in the next edition of Current Concerns.

Specific suggestions can be presented to the editors of Current Concerns, phone +41 44 35065 50, or via email to: CurrentConcerns@zeit-fragen.ch

Thank you very much for your assistance!

Four Years into the Occupation: No Health for Iraq

by Dr. Bert De Belder*, Belgium

Iraq's health status, four years into the occupation, is nothing short of disastrous. Iraq's health index has deteriorated to a level not seen since the 1950s, says Joseph Chamie, former director of the United Nation's Population Division and an Iraq specialist.[1] People's health status is determined by social, economic and environmental factors much more than by the availability of healthcare. Not surprisingly, all these factors have deteriorated in the course of the occupation.

A recent UNDP-backed study reveals that one-third of Iraqis live in poverty, with more than 5 per cent living in abject poverty. The UN agency observes that this contrasts starkly with the country's thriving middle-income economy of the 1970s and 1980s.[2] But these figures may well be a grave underestimation, as other reports speak of eight million out of 28 million Iraqis living in extreme poverty on incomes of less than 1 dollar per day.[3] More than 500,000 Baghdad residents get water only for a few hours a day. Most Iraqis get three hours of electricity a day, in contrast to pre-war levels of about 20 hours.[4]

The devastated health of Iraqi children

The combination of sanctions, war and occupation has resulted in Iraq showing the world's worst evolution in child mortality rate: from an under-five mortality rate of 50 per 1000 live births in 1990, to 125 in 2005. That means an annual deterioration of 6.1 per cent — a world record, well behind very poor and AIDS-affected Botswana.[5] At the outset of the 2003 war, the US administration pledged to cut Iraq's child mortality rate in half by 2005. But the rate has continued to worsen, to 130 in 2006, according to Iraqi Health Ministry figures.[6]

Nutrition is, of course, vital to health. According to the United Nations Children's Agency (Unicef), about one in 10 Iraqi children under five are underweight (acutely malnourished) and one in five are short for their age (chronically malnourished). But this is only the tip of the iceberg, according to Claire Hajaj, communications officer at the Unicef Iraq Support Centre in Amman (ISCA). "Many Iraqi children may also be suffering from 'hidden hunger' — deficiencies in critical vitamins and minerals that are the building blocks for children's physical and intellectual development," Hajaj says. "These deficiencies are hard to measure, but they make children much more vulnerable to illness and less likely to thrive at school." [7] Hayder Hussainy, a senior official at the Iraqi Ministry of Health, states that approximately 50 per cent of Iraqi children suffer from some form of malnourishment.[8] [...]

Hospitals and clinics faced with a critical lack of resources

On 19 January 2007, a group of some 100 eminent UK doctors signed a letter to British Prime Minister Tony Blair to voice their grave concern over the fate of Iraq's children. The statement read: "We are concerned that children are dying in Iraq for want of medical treatment. Sick or injured children, who could otherwise be treated by simple means, are left to die in their hundreds because they do not have access to basic medicines or other resources. Children who have lost hands, feet, and limbs are left without prostheses. Children with grave psychological distress are left untreated." [9]

The Iraq Medical Association reports that 90 per cent of the almost 180 hospitals in Iraq lack essential equipment. [10] At Yarmouk Hospital, one of the busiest hospitals in Baghdad, five people die on average every day because medics and nurses don't have the equipment to treat common ills and accidents, according to Yarmouk doctor Husam Abud. That translates to more than 1,800 preventable deaths in a year in that hospital alone. [11] Hassan Abdullah, a senior health official in the Basra governorate, says that information suggests that from January to July 2006, about 90 children died in Basra as result of the lack of medicine, a worse figure than for the same period last year, when some 40 children died for similar reasons. Marie Fernandez, a spokeswoman for the Vienna-based aid agency Saving Children from War, deplors the lack of essential supplies, especially intravenous infusions and blood bags. "Children are dying because there are no blood bags available," says Fernandez. [12]

Hospitals subject to military attacks and occupation

"The Geneva Conventions state that hospitals are and should remain neutral and accessible to everybody, particularly civilians. Yet, when it's occupied by armed groups or official forces, people don't have this free and humanitarian access," says Cedric Turlan, information officer for the Coordinating Committee in Iraq (NCCI) NGO. His observation is corroborated by numerous reports and sources. [...]

On 7 December 2006, there was yet another US military raid at the Fallujah General Hospital that had suffered similar attacks during various US siege operations in the city in April and November 2004. Eyewitnesses said US soldiers raided the hospital "as if it were a military target". Doctors and medical staff were arrested, insulted and called terrorists. A hospital employee said that it was already the third time he was handcuffed by US soldiers, and alleged that "they have been

more vicious with medical staff than with others because they consider us the first supporters of those they call terrorists." [...]

The emergency unit in the Basra Teaching Hospital was closed for five months after unidentified assailants killed a number of doctors working there. Now many doctors and nurses refuse to go to work, fearing for their lives. [13] Likewise, clinics have shut down in Ramadi, Hit, Haditha and Fallujah. The Institute for War and Peace reports that in Baghdad, those doctors still practicing have moved their clinics into residential areas or inside medical compounds for safety reasons. They only open in the morning, because of curfews and poor security. [14]

Health workers harassed, arrested, kidnapped and assassinated

Under the Fourth Geneva Convention, Article 18 reads: "Civilian hospitals organised to care for the wounded and sick, infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict." On-the-ground reality in Iraq today is quite different. [...]

Doctors for Iraq received reports that armed gunmen had entered Tel Afar Hospital in the northwest of Iraq on 9 May 2006 and threatened and attacked staff and patients waiting to be treated. A doctor described how one of the armed men put a gun to his head demanding that he stop treating a wounded child and instead attend to a man with a minor shell wound in his leg. The armed group started vandalising and breaking hospital equipment and then attacked an ambulance driver, breaking his arm with a rifle butt. Another ambulance driver was punched in the face, and three armed men attacked the hospital pharmacist, taking turns in hitting and kicking him. One of the armed men fired bullets above a doctor's head, missing him narrowly and causing fear and hysteria in the hospital. [15] [...]

Dr Omer, a cardiovascular surgeon, left his job in Baghdad and is now working as a general practitioner in a primary health care clinic in Syria. "What could I do?" he asks, "I was threatened by armed militias inside the hospital. Three surgeons had been killed already and there were only three of us left. I couldn't be the next target as I have a child to raise." Dr Omer was forced to flee Iraq. He added: "I am not happy with what I am doing here in Syria. I was a specialist doctor and now I am working as a junior doctor. It is as if you were asking an officer to work as a soldier." [16]

A massive flight of health professionals

In March 2006, the British NGO Medact said that 18,000 out of Iraq's 34,000 physi-

cians had left the country since the onset of the war, according to official figures from the Iraq Medical Association (IMA). Farouk Najji, a clinician and senior member of IMA, declares: "About 2,000 physicians have been killed since 2003. The violence has increased and everyday we are losing the best professionals in Iraq." In some cases, ambulances picking up the injured after explosions are without paramedics or nurses, Najji says. "There are not enough professionals and the ones available are in hospitals, trying to figure out how to treat patients in improvised operating theatres," he adds.[17] [...]

Abt Associates was contracted to repair existing Iraqi hospitals but nothing of the sort happened, the company handing the job over to local sub-contractors who were inexperienced or corrupt. When, in April

2004, the security situation in Iraq turned from bad to worse, Abt Associates staff left the country. \$20.7 million of US taxpayers' money had already been paid to Abt Associates through USAID. [...]

Four years after its onset, it has become clearer than ever that the US-led war and occupation of Iraq have resulted in a massive public health disaster for Iraqis. Reversing the current trend of ever-deteriorating health conditions requires first and foremost the end of the occupation.

- [1] The Los Angeles Times, 15 November 2006
- [2] 18 February, 2007, <http://siteresources.worldbank.org/IRFFI/Resources/ExSumLivingStandardIraq3.pdf>
- [3] The Los Angeles Times, 15 November 2006
- [4] IRIN, 28 January 2007
- [5] Unicef, The State of the World's Children 2007

- [6] The Los Angeles Times, 15 November 2006
- [7] IRIN, 5 March 2007
- [8] Medact, Iraq Health Update, March 2006
- [9] The Independent, 20 January 2007
- [10] IPS, 26 November 2006
- [11] The Los Angeles Times, 15 November 2006
- [12] IRIN, 9 July 2006
- [13] IRIN, 9 July 2006
- [14] IPS, 14 December 2006
- [15] <http://www.health-now.org/site/article.php?menuId=14&articleId=632>
- [16] Communication of Dr Salam Ismael, 26 February 2007
- [17] IRIN, 7 November 2006

* The author: Dr. Bert De Belder is coordinator of Intal and Medical Aid For The Third World and member of the BRussells Tribunal Advisory Committee

Source: www.brusselstribunal.org March 20, 2007

Caritas Requests International Community to Intervene

The crisis that Iraqi refugees have to go through at present puts the stability of the complete Middle East at risk, warns Caritas Internationalis.

The United Nations High Commissioner on Refugees held a two days conference at Geneva dealing with the situation of refugees in Iraq and neighbouring countries. Caritas Internationalis, an association of 162 catholic organisations for aid, development and social problems was represent-

ed by its president Denis Vienot at this international meeting.

Sebastian Dechamps, delegate of the Caritas organisations for the Middle East and Northern Africa declared that there were two million homeless people now. "Syria, Jordan, Turkey, Lebanon and Egypt are not capable of carrying indefinitely that social and financial burden all alone." It is the responsibility of the international community of nations to assist the Iraqis, who

"are fleeing from the war, from violence and hopelessness."

Caritas Syria, Caritas Jordan, Caritas Lebanon and Caritas Turkey who are standing by the refugees right now described the situation as unbearable: Only a very small number of refugees are granted a legal status, they do not obtain any working permission.

Source: Zenit.org of 18 April 2007

Europe lets Iraqi refugees down all too often

While the UN High Commissioner for refugees, amnesty international, refugee groups, unions and churches in EU countries are urging Europe to provide safe protection for Iraqi refugees, Germany deprives even Iraqis who have been living here for years of the refugee status and the right to asylum. Since the Iraq war started the responsible Federal Department for Refugees and Migration has revoked the grant of asylum to 18,000 Iraqis. Especially those were concerned who, at the time, said they had been persecuted by the Saddam regime. In 2006

alone some 4200 Iraqis lost their German permit of residence and along with it, in most cases, also their work permit due to the loss of their refugee status.

In comparison: During the same period of time the department granted asylum to 190 Iraqis. Although it is obvious that Iraqi refugees cannot be deported presently, a majority of them have to live with the remark "given warning of deportation" in their passports.

Many Iraqis are wandering through various EU countries in search of more

security. "Pro Asylum" is not the only one who criticises that Germany is playing a not very glorious role "with this unique practice of revocation when dealing with Iraqi refugees seeking protection".

But also other EU states, among them members of the war "coalition of the willing", duck their responsibility for the humanitarian crisis.

Source: Vera Gaserow, in *Frankfurter Rundschau*, April 13, 2007 (Translation *Current Concerns*)

War in Haifa Street

Not the withdrawal but the presence of US troops is a deadly threat to Iraq

by Joachim Guilliard, Heidelberg

Today no one speaks about liberation anymore in Iraq. Four years after the overthrow of Saddam Hussein, Baghdad is at best a divided city. A few days ago, ap reached this conclusion. "Even if it seems impossible to reconcile Shiites and Sunnites, at least the spatial separation has largely succeeded", the US news agency euphemistically commented on the brutal ethnic cleansings following the occupation. "A peaceful coex-

istence" was "still a distant prospect". The New York Times as well praised the "homogeneous" neighbourhoods as an escape from the spiralling violence. Usually the "hostile religious groups" are held responsible for the terror and the victims in Iraq, scarcely ever the American troops. Quite a few people, even within the German peace movement, fear chaos, murder and strife in case the occupiers would withdraw – pre-

cisely, what today is bitter reality to most Iraqi people.

Occupiers engineer provocations

The long battle for the notorious Haifa Street not far from the "green zone" in Baghdad shows, just how much the occupying forces are responsible for the escalation of violence. There is a strong suspicion, that militias are being used as decoys in many operations.

Prior to the so-called “security offensive” last February, Shiite armed groups tried to penetrate into the mostly Sunnite neighbourhood. Local self-defence groups, probably with the aid of guerilla fighters, fought back, only to reveal their defensive positions. Then 400 American and 500 Iraqi soldiers pulled in, backed by tanks and helicopters. Even F-15 fighter aircraft began firing at Sunni positions within this densely populated area of the city. For hours the occupying forces battled their way forwards, metre by metre. They stormed house after house, taking all men with them. In the evening, the US-Army declared with a standard phrase, 50 “rebels” had been killed. According to Iraqi information, most of the victims were not fighters at all. Apparently these gradually gave way to the superiority and disappeared into the adjacent parts of the city.

Resistance protects Shiites and Sunnites

Haifa Street, once a famous quarter with modern high-rise buildings, was from the start a centre of resistance against the US occupation. It is a prime example of, how parts of Iraq were consistently able to defy control by the occupiers during longer periods of time, while their attempts to regain control fuelled the spiralling violence more and more.

In contrast to the image of constant violence connected with the neighbourhood, Haifa Street was, like most so-called rebellious areas, mostly calm, as the American

professor of sociology, Michael Schwarz, shows in a study. Shortly after the fall of Baghdad in April 2003, opponents of the occupation had taken over the military and political leadership in the neighbourhood. Militias formed up to control the surge of crime, which overran the capital after the dissolution of Police and Army. Other problems were also tackled autonomously. Although the neighbourhood is mainly Sunni, the Shiites enjoyed the same protection.

... the occupiers bring war

This comparatively peaceful life was always interrupted, when US-patrols intruded. Whenever the occupiers marched up for raids, war was waged: The residents regularly inflicted casualties on the attackers by street bombs, bazookas or snipers. Soon, Haifa Street was known to the US-troops as “Death Street”. For a long period it was one of the “no-go”-areas in Iraq, off-limits not only to American soldiers but to their Iraqi collaborators as well. During spring 2005, the US-troops eventually captured the area by an extremely brutal offensive lasting five months. In the US media, the “pacification” of “Death Street” was presented as the great success story, “finally bringing peace to a street rife with violence”. In fact, this was the bloodiest time in its history. The campaign is a perfect example of the continuous large-scale strategy, designed to rid recalcitrant city quarters of armed forces and to control them through a massive presence

of predominantly Iraqi army-units. In Haifa Street, however, the success was short-lived. The armed fighters, who had only retreated, were soon back and once again successively drove the occupiers out of the street. They finally had to leave the neighbourhood again in February 2006.

After this it stayed relatively calm in Haifa Street and in the surrounding neighbourhood. Notwithstanding the escalating violence, with the help of Sunni militias the residents succeeded in organising a quite effective protection, even for the Shiite minority. Through agreements with representatives from the surrounding, predominantly Shiite, neighbourhoods, which were under control by Muqtada al-Sadr’s Mehdi-militias, a quite large area had been created. This was reasonably safe from attacks by Sunnite and Shiite extremists as well as from marauding police units and militias close to the government – until the occupiers struck again in the course of their “security offensive”. With the imprisonment of leading members of the Mehdi-forces, the protection of the Shiite neighbourhoods was undermined, and communication between the neighbouring quarters was disrupted. The effect was an increase in attacks on Shiites, which served the USA as a pretext for their large-scale offensive. •

Source: “Junge Welt”, 7 April 2007
(Translation: *Current Concerns*)

«The Terrorist Bush Should Leave» «Yes to Iraq, yes to sovereignty, no to occupation»

by Bill Van Auken, USA

In a huge demonstration marking the fourth anniversary of the fall of Baghdad to US invasion forces, hundreds of thousands of Iraqis marched in the city of Najaf Monday to demand an end to the American occupation of their land.

Large crowds of men, women and children waving Iraqi flags – signaling an appeal to national unity against the occupation – marched behind banners reading “Down with Bush, Down with Amerietwa” Others burned American flags or stomped them with their shoes.

The overwhelmingly Shia demonstration, called by radical cleric Muqtada al-Sadr, was the largest seen in Najaf since the 2003 invasion of Iraq. Marchers chanted, “No, no, no to America ... Muqtada yes, yes, yes,” “Yes to Iraq, yes to sovereignty, no to occupation” and “The terrorist Bush should leave.” The massive march began outside a mosque in Najaf’s twin city of Kufa and proceeded to the center of Najaf, considered a holy city by the Shia community.

On the eve of the demonstration, al-Sadr issued a call for Iraqi soldiers and police not to fight on the side of the Americans against their co-religionists in the Mahdi Army, the Shia militia that is loyal to him. In an apparent indication of the potency of such an appeal, soldiers and police in uniform joined the demonstration in significant numbers.

The appeal came in the midst of the fierce fighting that erupted Friday as US and Iraqi forces laid siege to Diwaniya, a city of over 400,000, 110 miles south of Baghdad.

A stark indication of the deep distrust felt by the US military toward Iraqi security forces came in the form of a leaflet air-dropped on the city warning local police to stay inside and warning that any of them seen carrying a weapon would be shot on sight.

The fighting, dubbed Operation Black Eagle by American commanders, included air strikes by US warplanes. A missile attack Saturday demolished a house, killing at least six people inside, including two chil-

dren and a woman. Attack helicopters also hovered over the crowded urban area. Forces apparently organized by the Mahdi Army were reported to have destroyed and burned at least one US tank and two armored Humvees in the early stages of the fighting.

There were reports of scores of dead and wounded. The Iraqi press quoted Dr. Hamid Ja’ati, the general director of health services in Diwaniya, charging US forces with barring ambulances from transporting the wounded to the local hospital. He also issued an appeal for emergency medical aid to be rushed to the city.

Source: Global Research, April 10, 2007,
www.globalresearch.ca

A Global Pact Against Depleted Uranium

by Francis Boyle, Professor of International Law, University of Illinois

During September of 2004 I launched an international campaign to conclude a global pact against depleted uranium (DU) munitions by having every state in the world officially and publicly take the position that the Geneva Protocol of 1925 already includes within itself a flat-out prohibition on the use of DU in wartime, which they have not yet done.

In addition to prohibiting "the use of bacteriological methods of warfare," the 1925 Geneva Protocol also prohibits "the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials, or devices." Clearly DU is "analogous" to poison gas.[i] But we need every government in the world to legally and openly take that position. Then the entire world can pressure the United States to remove DU munitions from its arsenal.

Politically, the easiest way to accomplish that objective is not the conclusion of a new international treaty prohibiting the use of DU, but rather simply having every state in the world submit an interpretative Letter to that effect to the Government of France, which is the official depositary for the 1925 Geneva Protocol. This latter approach would also avoid the need to have the respective national legislatures of every state in the world to approve a new anti-DU treaty and thus complicate and prolong the process. All that needs to be done is for anti-DU citizens, activists and NGOs in each country of the world to pressure and convince their respective Foreign Ministers to sign, date, and then file this model letter

with the French Foreign Minister as indicated below. That task is eminently feasible.

As the Land Mines Treaty has already demonstrated, it is possible for a coalition of determined activists and NGOs, acting in concert with at least one sympathetic state, such as Canada, to actually bring into being an international treaty to address humanitarian

concerns. This template letter is for the use of concerned citizens, activists and NGOs worldwide, to pursue through universal governmental participation the complete and final elimination of DU munitions from the face of the earth:

E-Mail: fboyle@law.uiuc.edu

His Excellency
The Foreign Minister
French Republic
37, Quai d'Orsay
75351 Paris FRANCE
FAX: 33-1-43-17-4275

Dear Excellency

The Republic of X presents its compliments to the French Republic. I have the honor to draw to your attention the *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* of 17 June 1925, for which the Government of the French Republic serves as the depositary. The Geneva Protocol of 1925 prohibits the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, as well as the use of bacteriological methods of warfare. The government of X believes that the Geneva Protocol of 1925 already prohibits the use in war of depleted uranium, uranium ammunition, uranium armor-plate and all other uranium weapons. We respectfully request your Excellency to circulate this communication to the other High Contracting Parties to the Geneva Protocol of 1925.

Please accept, Excellency, the assurance of our highest consideration.

Foreign Minister
Republic of X
Day, Month, Year

"At the End of the Day, it Was an Iraqi Solution" British hand over province to Iraqi control

With the flourish of a pen and a business-like handshake, the British on Wednesday turned over a lawless stretch of desert and marshland to Iraqi provincial control.

Maysan was the fourth of Iraq's 18 provinces to be handed over and the third by British-led troops. Britain has started drawing down its forces in the four southern provinces even as the U.S. increases its troop strength in Baghdad and elsewhere.

"Ninety percent of the violence down here is all against us," the officer said, speaking on condition of anonymity. "You put more people on the ground, you are creating more targets."

At the time, British officials described the move out of Camp Abu Najj, which had come under numerous mortar attacks, as a "tactical readjustment." But Sadr's militia proclaimed the pullout a victory, declaring in messages broadcast over loudspeakers

throughout Amarah: "This is the first Iraqi city that has kicked out the occupier."

The next day, looters swarmed the place, making off with truckloads of booty, including doors, window frames and corrugated iron roofs.

Iraqi soldiers tried to fend them off by firing in the air, but members of the jubilant crowd returned fire.

Violence flared again in October, when Al Mahdi militiamen overran and destroyed at least three police stations. Some officers fought until their ammunition ran out, but others melted away, witnesses said at the time.

British officers noted that it was Iraqi authorities who restored order by rushing in soldiers and a high-level security team from Baghdad to negotiate a truce with the help of tribal leaders.

"At the end of the day, it was an Iraqi solution," said British Lt. Col. Richard Nixon-Eckersall, commander of the Queen's Royal Lancers battle group in Maysan.

The provincial government, which is dominated by Sadr's followers, has since rebuilt the police stations and arrested four people in the slaying of the provincial head of intelligence, a SCIRI member whose death helped touch off the violence.

Residents said violence in Amarah had decreased since October.

"Security is better simply because there are no more raids, confrontations, and explosions, which usually cause many casualties among innocent citizens," said Ammar Yasir Hassan, who owns a grocery store.

To Execute Innocent Women: The Hallmark of Western Occupation

cc. The condemnation of three Iraqi women to death by hanging, which is in breach of international law, meets furthermore international protests. Current Concerns no. 5, March 2007 has been reporting on this matter. Meanwhile a lawyer for international human rights could be found who will attend them. Women and mothers are worst hit by the brutality of the today's wars and deprive them and their children of any protection of violence. Under the puppet government of the occupiers the jurisdiction has degenerated into sheer arbitrariness. The dealing with prisoners and the unlawful trials show us the extend of this decline.

Dear all,

A short update on the status of Wassan Talib, Zainab Fadhil and Liqa Omar Muhammad, the three Iraqi women who face imminent execution:

1. This week we received from Iraq an account of a prison visit to the three women one person was able to make. We believe there is credibility to this account. The account corroborates initial information that these women were subject to unfair trials. We are trying to get precise detail on their trials in order to formally petition the UN Working Group on Arbitrary Detention. The Working Group on Arbitrary Detention has expressed willingness to take up the case, and indeed did some checking of its own. If we gain a more detailed account, we can push the Working Group to go further. An accomplished international human rights lawyer is willing to work with us on behalf of the three women.

2. The account of the prison visit leads us to believe that the women are still alive. Another mail came to us from another source relaying that the executions have been postponed. However, we can not confirm either detail. Despite the immense response to our appeal, and all the letters and emails sent to the holding authorities, no official statement has reached us that addresses the case of these three women. We continue to seek further information.

3. The trial of Wassan and Zeinab allegedly lasted 25 minutes with no evidence or witnesses presented. Wassan, Zeinab and Liqa deny the charges brought against them.

4. The account of the prison visit confirms that the three women are held in an unsafe location, Al-Kadhimiya Prison.

5. The account of the prison visit also mentions that 16 children are in Al-Kadhimiya Prison, some of which are the children of Zainab and Liqa.

6. We cannot yet confirm what exact article of the Iraqi Penal Code the three Iraqi women were convicted under. However, the fourth woman mentioned in Amnesty International's appeal, allegedly convicted on criminal charges and facing imminent execution, is mentioned in the prison visit account as being in Al-Kadhimiya Prison and having also been subject to an unfair trial.

We believe it very necessary for all to continue in their mobilization in solidarity



Women against War demonstrate in front of the Iraqi Embassy in Washington to free 3 Iraqi women sentenced to death by hanging. (photo Axis of Logic)

with Iraqi women and the struggle of the Iraqi people for independence, freedom, justice and the right to life.

The theme of this year's International Women's Day – "Ending Impunity for Violence against Women and Girls" – allows us to recall what is happening without censure every day in occupied Iraq: sexual abuse, humiliation, rape and torture, as well as murder. Our mobilization stands to expose the abyss between the occupation and its puppet government and the directive of the United Nations, which reads: "States have an obligation to protect women and girls from violence, to hold perpetrators accountable and to provide justice and remedies to victims. The failure to meet these obligations is unacceptable."

There is no national jurisdiction under occupation. This puppet government is in no situation to pass sentences and is unwilling and incompetent to protect these women. We call for the end of this criminal occupation and the release of Wassan, Zeinab and Liqa along with all political prisoners held illegally.

We congratulate the protests and campaigns thus far initiated against these imminent executions. We salute our Moroccan sisters and activists who staged on 5 March a 24-hour hunger strike and a sit-in

outside the UN office in Rabat. It is time for us all, in our actions, to push mandated authorities, including the UN, to end their hypocrisy and complicity in the horrendous crime that is the occupation of Iraq.

We remind holding authorities that it is prohibited under international law to hold prisoners in an unsafe place, and that an international movement of solidarity is awaiting confirmation of the well being of Wassan Zeinab and Liqa.

We will update all endorers as and when we have additional significant information. The situation in Iraq is extremely volatile and we are conscious at all times of the security and safety of those on the ground in Iraq who are assisting in our efforts.

Please keep us informed of all actions and progress you are making.

Ian Douglas
Hana Al Bayaty
Abdul Ilah Albayaty
Dirk Adriaensson
Iman Saadoun
Ayse Berktaay

Third report, March 9, 2007.

Source: Amnesty International appeal. <http://www.amnesty.org/library/Index/ENGMDE140052007>

“Sick or Injured Children, who Could be Easily Treated, are Left to die in Hundreds”

ks. Nearly 100 eminent doctors signed the following letter, which is a direct appeal to Tony Blair. In this letter, the desperate plight of children in Iraqi hospitals, who cannot be treated because of lack of medical equipment is revealed.

Thousands of children are left to die because of lack of the most simple and cheapest equipment such as oxygen masks, sterile needles, surgical gloves, but also powdered milk, tap water and a constant supply of electricity and gas.

Nearly 59 in 1000 newborn babies are dying in Iraq today, one of the highest mortality rates in the world. Since the 2003 invasion of Iraq up to 260 000 children have died.

The doctors who signed the letter are backed by a group of international lawyers, who claim that the conditions in Iraqi hospitals amount to a breach of the Geneva conventions that would require Britain and the US as occupying forces to protect human life.

Below now the letter in its exact wording:

“We are concerned that children are dying in Iraq for want of medical treatment. Iraq, instead of being a country at the top of the league for medicine, as it once was, now has conditions and mortality of a Third World country.

Sick or injured children, who could otherwise be treated by simple means, are left to die in their hundreds because they do not have access to basic medicines or other resources. Children who have lost hands, feet, and limbs are left without prostheses. Children with grave psychological distress are left untreated.

We understand that the UK may withdraw its forces from Iraq in 2007. Before

this happens, we call on the UK Government not to walk away from this problem, but to fulfil its obligations that it entered into under Security Council Resolution 1483 during the period 22 May 2003 to 28 June 2004.

This Resolution recognised the UK and US as being occupying powers in Iraq but also stated that they had to comply with the Geneva and Hague Conventions. These Conventions specifically require the occupying powers to maintain order and to look after the medical needs of the population. This they failed to do, and the knock-on effect of this failure is affecting Iraqi children's hospitals with increasing ferocity.

We also ask the UK, as one of the Occupying Powers designated by Resolution 1483 as Trustees of “The Development Fund For Iraq”, to properly account for these assets estimated at \$23bn in May 2003. It is asserted that by June 2004 some \$14bn vanished in corruption, theft and payment to mercenaries.

We ask that all the revenues from Iraq's oil now pass directly to the Iraqi people, and that illegal contracts entered into by the Coalition Provisional Authority are revoked.

Only in this way can the Iraqi people rebuild their country with its infrastructure, administration, and hospitals.”

Submitted by: Dr Chris Burns-Cox MD FRCP Consultant Physician, Gloucester Dr Heba Al-Naseri MB BS BSc Dr K Alston FRCRCSI Associate Specialist in Anaesthetics at Torbay Hospital Ghada Karmi MB ChB MRCP PhD MFPHM RCP former Consultant in Public Health Medicine, North Thanes Regional Health Authority Dr Brian Robinson MA MB BCH BAO (TCD) DPM (Engl) Dipl Clin Hypnosis (UCL) Martin Birnstingl MS FRCS Retired Senior Surgeon, St Bartholomew's Hospital Dr Fiona Godlee Editor-in-chief BMJ Dr Ihab M Emran MSc MD Consultant (Locum) Spinal Surgeon, Royal Devon and Exeter Hospital Dr Derek Summerfield BSc (Hons) MBBS MRCPsych. Hon Sen Lect, Inst of Psychiatry, Univ of London; Teaching Associate, Refugee Studies Centre, Univ of Oxford Dr. Maggie Wright BSc (hons) Pharmacology MB ChB FRCA Director of Intensive Care Unit, James Paget University Hospital Foundation Trust Lt Col G Vautier RAMC (ret) BM FRCP Consultant Gastroenterologist James Paget University Hospitals NHS Foundation Trust Richard LM Newell BSc FRCS Retired Consultant Trauma & Orthopaedic Surgeon Dr S.Sadullah FRCP FRCP Path Consultant Haematologist James Paget University Hospital, Great Yarmouth Dr Stephen J Wilson MB ChB FRCA Consultant Anaesthetist Honorary Senior Lecturer Dr Tim Paine FRCP MRCP General Practitioner (ret) Bristol Dr Christopher Richards MB ChB MRCP DCH Retired General Practitioner and Psychotherapist Bristol Dr Nicholas Mayne MD FRCP Consultant Physician Cheltenham Prof Allyson Pollock Director, Institute for International Health Policy, University of Edinburgh Prof Debbie Lawlor Professor of Epidemiology University of Bristol Dr Eric Brunner PhD FFPH Reader in Epidemiology and Public Health University College London Prof George Davey Smith Professor of Clinical Epidemiology University of Bristol Dr Philip Wilson DPhil MRCP MRCPCH FRCP General Practitioner and Senior Clinical Research Fellow University of Glasgow Dr John Macleod Senior Lecturer in Primary Care University of Birmingham Prof Trish Greenhalgh OBE MD FRCP FRCGP Pro-

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