

Conservation Centre of Environmental & Reserves in Iraq (CCERF)

REPORT TO THE NINTH SESSION OF THE HUMAN RIGHTS COUNCIL

THE UNIVERSAL PERIODIC REVIEW

THE UNITED-STATES

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Summary:

This report is submitted to the Office of the High Commissioner for Human Rights in the context of the universal periodic review on the United-State. The report stresses the responsibility of the United-State as occupying power in Iraq to fulfil its obligations deriving from both Human right law and Humanitarian Law, and is to be held accountable for these violations, in particular the Use of Weapons prohibited under international law, the absence of scrutiny for the basic rules of engagement, the consequences of such behaviours in the absence of an effective health care system and the responsibility of the occupying powers for the destruction and dismantlement of the Health, Electricity and Water supply infrastructure in the more general context of the rising and widespread corruption, which is the direct result of the invasion and occupation of the United-States to Iraq.

The use of unlawful Weapons

The United-States have used indiscriminate and especially injurious weapons in Iraq that are banned by international conventions or widely considered unacceptable. The US has extensively used a napalm-type incendiary bomb known as MK-77 that is considered inhumane by many human rights organizations as it burns victims to death. Further, the US made use of white phosphorus against ground targets in densely populated areas, which causes grave injuries. During the 2003 invasion, the Coalition also used cluster bombs and depleted uranium, a radioactive substance which may have long-term harmful effects on the environment and on human health. The use of these weapons is strictly prohibited under international law, as they do not distinguish between combatants and non-combatants and cause indiscriminate harm and unnecessary suffering.

The armed forces of the United-States attacked civilians with different kinds of conventional, non-conventional, and banned weapons such as cluster bombs ammunitions, napalm bombs, white phosphorous weapons and depleted Uranium weapons. We focus here on the use of Depleted Uranium by American troops which has devastating long lasting effect on both the population of Iraq and its environment and as such constitute clearly a war crime under international law..

Exploration programs and site measurements by Iraqi and non-Iraqi researchers all proved the existence of Depleted Uranium related contamination over most Iraqi territories. Hundreds of tons of Depleted Uranium expenditure have been fired & exploded on Iraqi highly populated areas like Basrah, Baghdad, Nasriya, Dewania, Samawa, and other cities.

Depleted Uranium is a radioactive and chemically toxic heavy metal. If ingested, inhaled, or enters the human body through wounds or skin, it remains there for decades.

Iraq's Minister of Environment admitted in July 23, 2007 in Cairo that "at least 350 sites in Iraq are

contaminated with Depleted Uranium". She added that the nation is facing a tremendous number of cancer cases and called for the international community to help Iraq cope with this problem.

A spokesman for the US military, Michael Kilpatrick, said it always took public health concerns "very seriously", but that "No studies to date have indicated environmental issues resulting in specific health issues."

One could fill many large volumes with the details of the environmental and human horrors the United States has brought to Fallujah and other parts of Iraq during seven years of using white phosphorous shells, depleted uranium, napalm, cluster bombs, neutron bombs, laser weapons, weapons using directed energy, weapons using high-powered microwave technology, and other inventions.

A few years after exposure to Depleted Uranium contamination, a multi fold increase of malignancies, congenital malformations, miscarriages, children leukaemia, and sterility cases have been registered in suburb areas of Basrah and other surrounding areas. Similar problems appeared in Falluja, where illegal weapons were also used intensively in the 2004 attack of occupation forces on the city.

The continuous and intentional use of radioactive weapons by the United-States in Iraq is a crime against humanity due to its undifferentiated harmful health effects on civilians in contaminated areas tens of years to come after the military engagements. The existence of Depleted Uranium radioactive contamination in the surrounding environment is a continuous source of exposure to low level radiation. This exposure can be considered as a systematic attack on Iraqi civilians in an armed conflict, and as a crime against humanity to its undifferentiated harmful health impacts on civilians long times to come after the military operations according to Article 4 of the official regulations and Article 7 of the ICC.

- *Laboratory studies and scientific evidence prove the link and causal relationship between exposure to Depleted Uranium and the increased risk of inducing neurodegenerative diseases, immune and hormonal system damage, initiation or promotion of cancer, Tetratogenic Toxicity which causes mental retardation and congenital malformations, miscarriages, and sterility.*
- *The drastic increase of cancer incidences in Iraq since 1995 to date and the Depleted Uranium related diseases like congenital malformation, miscarriages, etc., are all attributed to the use of prohibited weapons including Depleted Uranium.*
- *Depleted Uranium contaminated areas all over the country are continuous source of radioactive pollution. Without cleaning and other measures, re suspension of these contaminants with each dust and sand storm can be considered as systematic attacks by the US army on civilians in an armed conflict.*

The use of lawful Weapons in indiscriminate way

The utilization of unlawful weapons is forbidden by international law primarily because it cannot make the proper distinction necessary to civilian protections on the battlefield. But it is important to stress the fact that the indiscriminate results of the utilization of a weapon is not due only to the composition of the weapon, thus a "classical" weapon can have the same devastating effect as the unlawful one, depending on the way it is being used by the soldiers on the ground. This is precisely the reason that gives to the rules of engagements all their importances, because those rules are determining the behaviour of the soldiers toward its surrounding. As shown by recent events, the

rules of engagement of the United-States armed forces are doubtful and their application on the battlefield often constitute criminal offences or war crimes. We describe in the following the most recent example of unlawful conduct of US soldiers in Iraq, this is the most shocking footage to come out of Iraq. None of the members of the group were taking hostile action, contrary to the Pentagon's initial cover story, and as stated by an expert in international law, there is a case to be made that a war crime may have been committed.

The devastating effect of the utilization of unlawful weapons coupled with the absence of scrutiny toward the basics rules of engagement and the absence of accountability led to a humanitarian disaster whose consequences will last for the decades to come as the majority of the Iraqi territory is known to be contaminated with chemical and/or radioactive substances which contaminate the water and the whole range of agricultural product.

- ***Example: July 12, 2007 Baghdad airstrike***

Calling it a case of "[collateral murder](#),"¹ the WikiLeaks Web site (**On 4 April 2010**) released harrowing until-now secret video of a U.S. Army Apache helicopter in Baghdad in 2007 repeatedly opening fire on a group of men that included a Reuters photographer and his driver -- and then on a van that stopped to rescue one of the wounded men.

None of the members of the group were taking hostile action, contrary to the Pentagon's initial cover story; they were milling about on a street corner. One man was evidently carrying a gun, though that was and is hardly an uncommon occurrence in Baghdad.

Reporters working for WikiLeaks determined that the driver of the van was a good Samaritan on his way to take his small children to a tutoring session. He was killed and his two children were badly injured.

In the video, which Reuters has [been asking to see](#) since 2007, crew members can be heard celebrating their kills.

"Oh yeah, look at those dead bastards," says one crewman after multiple rounds of 30mm cannon fire left nearly a dozen bodies littering the street.

A crewman begs for permission to open fire on the van and its occupants, even though it has done nothing but stop to help the wounded: "Come on, let us shoot!"

Two crewmen share a laugh when a Bradley fighting vehicle runs over one of the corpses.

And after soldiers on the ground find two small children [shot and bleeding](#) in the van, one crewman can be heard saying: "Well, it's their fault bringing their kids to a battle."

The shooting, which took place on July 12, 2007, was carried out by two United States Army helicopters in Al-Amin al-Thaniyah, in Baghdad. The helicopters carried out three air strikes, two incidents in which 30 mm caliber rounds were used – wounding two children and killing several civilians, including Reuters news staff Saeed Chmagh and Namir Noor Eldeen – and a third incident in which three AGM-114 Hellfire missiles were used to destroy a building. Recorded from the gun sight Target Acquisition and Designation System of one of the attacking helicopters, the video depicts the three incidents, including the uncensored radio chatter between the aircrews and units involved.

An anonymous US military official confirmed the authenticity of the footage.² The Pentagon

¹ - http://www.huffingtonpost.com/2010/04/05/wikileaks-exposes-video-o_n_525569.html

² Leaked U.S. video shows deaths of Reuters' Iraqi staffers. Reuters. 2010-04-05.

maintains that no crimes was committed and no investigation will be carried out.

In an article published in The Independent on **April 8, 2010**, human rights activist Joan Smith asserts that the engagements were as a game to the helicopter crew. She writes that that the co-pilot urged a dying, unarmed journalist to pick up a weapon as he tried to crawl to safety; and claims that the footage shows "...the Apache crew opening fire on civilians...". When the crew were informed that a child had been injured by their attack, one commented "Well, it's their fault for bringing kids into a battle".

In other words, the attack targeted innocents civilian in indiscriminate ways using disproportionate means, as such, there is no doubt that it constitutes a war crime.

- *The arbitrary murder and killing of innocent civilian including journalists and children constitutes clearly a war crime.*
- *This event shows clearly that the basics rules of engagement on the battlefield in Iraq and in particular in Urban areas are not respected.*
- *By refusing to investigate the case, the United-States administration is trying to escape its responsibility and offers an exoneration for all its soldiers for such horrible crimes.*

The destruction of the Health Care System

The Fourth Geneva Convention of 1949 contains specific provisions pertaining to the delivery of healthcare services in occupied territories.

Article 55 states: *To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territories are inadequate.*

Article 56 states: *To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishment and services, public health and hygiene in the occupied territory with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties (...)*

As occupying powers, the United-States are in breach of Articles 55 and 56 of the Geneva Conventions. There has been a total failure to carry out even minimal humanitarian duties. Indeed the healthcare system in Iraq has massively deteriorated since the start of the war.

The Iraqi medical system was once an enviable one. Prior to the United-States invasion in 2003, Iraq had one of the foremost health care systems in the region with advanced resources, medical schools and broadly accessible care. Even in the 1990s, when much of Iraq was staggering under UN-imposed sanctions, people came from across the region to study medicine and receive treatment.

Since the war of aggression led by the United-States and the illegal occupation of the territory of Iraq in 2003, doctors and other medical personnel have fled Iraq in droves. Many have yet to return. In an effort to instil fear and foment chaos, many medical personnel were kidnapped, killed or forced to flee.

Figures from the end of 2008 suggest that 120 medical staff were killed that year in targeted murders. The Ministry of Health's estimate from the same time period indicates that out of as many as 30,000 doctors in Iraq before the war, up to half fled during the invasion, while only about 800 of them have come back.

Several reports paint a catastrophic picture of Iraq's health care under US Occupation and responsibility. "It's in the level of some African countries", Jon Pedersen, deputy managing director of the Norway-based Institute Fafo told The Associated Press. The state of the Iraqi Medicine is worrisome, with the lack of mentors in hospitals and the wrong diagnoses made by inexperienced doctors, the students or hospital workers operate on self-teaching method, studying textbook and searching the net for information.

Less than a third of the population nationwide has access to clean drinking water, and just 19 percent have a functioning sewage system. Both the water and sewage systems were damaged heavily by US bombardments in the 1991 Persian Gulf War and the 2003 invasion. After toppling the Iraqi government, US forces did nothing to stop looters from stripping water treatment and pumping stations of essential equipment. "Reconstruction" here, as elsewhere, has proven catastrophically inadequate.

The United-States occupation is the main sources of the deteriorating conditions in Iraq. Unreliable supplies of electricity have made it hard to boil water for safe drinking. The destruction of Iraq's infrastructure, including the sewage and water systems has exacerbated the problem and led to increase in outbreaks of virulent diseases such as hepatitis. More that 20% of urban residents and 60% of rural Iraqis don't have access to clean water, as a result of the destruction of Iraq's infrastructure.

The US is unable to provide all Iraqis with acceptable and equal health care. Health care in the US is worse than any of the developing countries, with appalling statistics. The US is one of the few countries in the world that do not provide universal health care for children and pregnant women. Infant mortality, low birth weight, and child deaths under five are ranked among the highest in the US as compared to Western industrial nations and Japan.

The best and lasting solution to the humanitarian catastrophe in Iraq is for the US to stop the violence against the Iraqi people, withdraw its forces from Iraq, and restoration of Iraq's sovereignty. Iraq's sovereignty should be restored to ensure the peaceful rehabilitation of Iraq's infrastructure and health care system.

- *The health situation for the general population is poor, with a shortage of basic services: 80% of people lack effective sanitation, 70% lack access to regular clean water, and only 60% have access to the public food distribution system.*
- *Diarrhoea and acute respiratory infections, worsened by increased levels of malnutrition, account for about two thirds of deaths among children under five. The chronic child malnutrition rate is estimated at 21%, according to the findings of the 2006 UNICEF Multiple Indicators Cluster Survey (MICS3).*
- *Access to health care in central Iraq and in Baghdad is heavily restricted by security threats, putting the injured at risk, as well as those who need treatment for chronic ailments, or services for pregnant women, children and the elderly.*
- *Health centres are suffering from reduced staff and unreliable supplies despite the efforts of the national and international partners. The daily violence coupled with difficult living and working conditions are pushing hundreds of qualified and experienced health staff to leave the country.*

The rising corruption

Soon after capturing Baghdad, US commanders and political leaders announced a massive reconstruction program to restore Iraq and bring the country to a new level of prosperity. President Bush even compared the effort to the Marshall Plan in Europe after the Second World War. Washington spent billions of dollars of Iraqi oil revenue – and billions in US aid grants – to finance thousands of projects. But fraud, corruption, and theft wrecked these programs and money was increasingly diverted into shadowy "security" operations. Malfeasance began in the earliest days under the US-run Coalition Provisional Authority. It has continued ever since, while US officials and advisor's have looked the other way. Corruption has revealed the greed of the occupiers and the deeply flawed governing system they put in place. Few wrongdoers have been held accountable, corruption appears to grow constantly, and Iraqi citizens suffer the consequences.

On May 22, 2003, just three months after the invasion, the UN Security Council established the Development Fund for Iraq (DFI), to manage Iraq's future oil revenue, as well as remaining monies in the UN's Oil-for-Food account. The Fund was handed over to the US-dominated Coalition Provisional Authority (CPA), but the Council required that it be "managed in a transparent manner" so as "to meet the humanitarian needs of the Iraqi people." The Council also set up the International Advisory and Monitoring Board (IAMB) to oversee the Fund and make it accountable.

At the beginning, the CPA completely controlled the Fund. In just thirteen months, CPA officials disbursed or obligated \$19.6 billion – more than 90% of all DFI resources then available. Auditors later found that of major contracts awarded with DFI monies in 2003, 74% went to US firms, 11% went to UK firms, and just 2% went to Iraqi firms. No less than 60% went to US construction firm Halliburton, under abusive no-bid contracts. Financial records were sloppy or non-existent. The CPA lasted from April '03 until June '04, and during that time at least \$10 billion in cash remains unaccounted for, and billions more were siphoned off through bloated and fraudulent contracts to GOP and Bush family favoured companies.

When the CPA was finally dissolved on June 28, 2004, management of the Development Fund for Iraq passed to the Iraqi Interim Government and its successors. DFI spending then grew still more murky. The Iraqi Ministry of Finance did not establish any accounting unit for the DFI until February 2005 and by the end of 2006 there was still no separate account to allow proper oversight of DFI monies. At every phase, US advisor's had great and even decisive influence within the Ministry of Finance as well as the spending ministries. US assistance programs claimed to address "capacity building," "audit controls," "good governance," "vetting and reforming personnel roles" and the like. Yet corruption and financial malfeasance in Iraq steadily worsened.

Iraq is considered to be one of the most oil rich regions in the world, but the occupations and its administration have deprived the people of Iraq of the benefit of this resource. The International Advisory and Monitoring Board discovered the Iraqi oil exports were un-metered, so there was no way to know how much oil was going through. Official reports state that Iraq exported at least another \$10 billion worth of oil in that first year of the U.S. occupation. Christian Aid has estimated that up to \$4 billion more was exported, with few records of payment to the fund.

Until this year (2010) no real construction to the basic infrastructure of the country was conducted, a matter that left most of the 27 million Iraqi without drinkable water, sanitation, health services and adequate food.

The United States bears the full responsibility of the economic and social consequences of the widespread corruption in the country. The United States have put the whole Iraqi economic and social infrastructure under threat from the first days of the occupation by issuing irrational laws that have only caused the impunity for the pillage of the Iraqi assets. Now Iraq is one of the most corrupted countries in the world.