

The Association of Iraqi Jurists

US Violations of Occupation Law in Iraq Report to the Ninth Session of the Human Rights Council The Universal Periodic Review

The UNITED STATES

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Summary:

The successive US Administrations are committing war crimes and other serious violations of international law in Iraq as a matter of routine policy. Beyond the now-infamous examples of torture, rape, and murder at Abu Ghraib prison, the United States has ignored international law governing military occupation and violated the full range of Iraqis' national and human rights—economic, social, civil and political rights.

The systematic nature of these violations provides compelling evidence of a policy that is rotten at its core and requires fundamental change.¹

The occupation of Iraq is not leading to greater respect for rights and democracy, as promised by the Bush Administration, but rather entrenching a climate of lawlessness and feeding an increasing spiral of violent conflict that will not end until the occupation ends and underlying issues of justice are addressed.

The question is: how long will it take, and how many lives will be lost, before Iraqis are able to exercise genuine self-determination and control their own destiny?

¹ - See for example, WikiLeaks, 5th April 2010 <http://www.collateralmurder.com/>, and Deformed Iraqi babies caused by USA use of depleted uranium:

http://www.aztlan.net/du_deformed_iraqi_babies.htm, The Abu Ghraib Prison Photos

<http://www.antiwar.com/news/?articleid=2444>, Time Report Shows Torture Is Widespread in Iraq Friday, Apr. 17, 2009, <http://www.time.com/time/world/article/0,8599,1892038,00.html>,

TEN CATEGORIES OF U.S. VIOLATIONS:

As documented by the Center for Economic and Social Rights, there are at least ten categories of U.S. violations.²

1. **Failure to Allow Self-Determination.** The “full sovereignty” that the USA Administration claims will be restored to Iraq on June 30, 2004 is so far without legal effect. Genuine self-determination requires the free exercise of political choice, full control over internal and external security, and authority over social and economic policy. Until this happens, Iraq is, and will remain, an occupied country, and the U.S. will remain subject to the laws of occupation.
2. **Failure to Provide Public Order and Safety.** The US violated international law and caused untold damage to the people and heritage of Iraq by allowing the wholesale looting of Iraq’s public, religious, cultural, and civilian institutions and properties. The U.S. also created a climate of unbridled lawlessness by dismissing the entire army, security, and law enforcement personnel without a back-up plan to maintain public safety—predictably resulting in a sharp increase in violent crime, especially directed against women.
3. **Unlawful Attacks.** U.S. forces have routinely conducted indiscriminate attacks in populated areas of Iraq, causing widespread and unnecessary civilian casualties. Ambulances, medical staff and facilities have been targeted by snipers and regular forces in violation of the Geneva Conventions. To date there has been no official effort to seek accountability for these war crimes.
4. **Unlawful Detention and Torture.** It is regular policy for U.S. forces to indiscriminately arrest and detain Iraqi civilians without charge or due process. Up to 90% of Iraqis detained under the occupation are reported to be innocent bystanders swept up in illegal mass arrests. The much-publicized torture, rape, and murder of detainees is a systemic practice in U.S. prisons throughout Iraq, the result of decisions made at the highest levels of the Bush Administration.
5. **Collective Punishment.** Taking a cue from Israeli tactics in the Occupied Palestinian Territories that have been widely condemned as war crimes, the U.S. has imposed collective punishment on Iraqi civilians. These tactics include demolishing civilian homes, ordering curfews in populated

² - The Center for Economic and Social Rights (CESR), Beyond Torture, U.S. Violations of Occupation Law in Iraq,

areas, preventing free movement through checkpoints and road closures, sealing off entire towns and villages, and using indiscriminate, overwhelming force in crowded urban areas.

6. **Failure to Ensure Vital Services.** The U.S. is legally required to meet the needs of Iraq's population by maintaining electricity, water, sanitation, and other services vital to people's life, health, and well-being. Yet despite the Bush Administration's funneling billions of taxpayer dollars to major corporate contributors in secret deals to "reconstruct" Iraq, these essential services remain in disrepair, often in worse condition than before the occupation.
7. **Failure to Protect the Rights to Health and Life.** The U.S. is violating Iraqis' rights to life and health by failing to ensure access to healthcare and to prevent the spread of contagious disease. The health infrastructure is in disrepair, unsanitary conditions are widespread even in hospitals, drugs and medical supplies are in short supply, clean water and sanitation are largely unavailable, and medical staff report disease outbreaks and increased mortality throughout the country.
8. **Failure to Protect the Rights to Food and Education.** The U.S. is required to ensure that the population has physical and financial access to food and education. Yet 60% of the population depends on a monthly food ration and 11 million Iraqis are classified as food insecure. The education system is in shambles, with two-thirds of school-age children in Baghdad skipping school because of dilapidated conditions, lack of teachers, and well-founded fears of crime.
9. **Failure to Protect the Right to Work.** In violation of the right to work, the U.S. summarily dismissed more than half a million workers, civil servants, teachers, and other professionals—without any evidence of wrongdoing or opportunity to defend themselves. Moreover, American corporations in Iraq generally rely on foreign rather than Iraqi contractors, exacerbating the unemployment crisis, and slowing the reconstruction process. More than 60% of Iraqis are unemployed.
10. **Fundamentally Changing the Economy.** As an Occupying Power, the U.S. is prohibited from imposing major legal, political, or economic changes in Iraq. However, the Coalition Provisional Authority has issued a number of executive orders that aim to privatize Iraq's economy for the benefit of American corporations, with little consideration for the welfare and rights of the Iraqi people. These changes violate international law and have no binding legal effect.

Conclusion and recommendations:

This report is grounded in the assumption that the U.S. is not above the law, but rather should be bound and limited by law. Yet the entire thrust of U.S. policy in Iraq stands in contradiction to the post-World War II legal order and particularly the legal framework governing occupation. The primary conclusion to be drawn is that the occupation itself is the root cause of systematic rights violations. They will not end until the occupation ends and Iraqis are allowed to exercise genuine self-determination. Full justice will not be done until all war criminals—U.S. as well as Iraqi—are put in the dock and held to account, and the U.S. pays reparations for the illegal devastation inflicted on Iraqi society.

These international law-based demands can be expressed as follows:

- Stop the violations
- End the occupation
- Establish accountability
- Pay reparations

The Association of Iraqi Jurists, is a non-governmental organization represents the Iraqi Jurists in the diaspora.