WORLD TRIBUNAL ON IRAQ
Culminating Session Istanbul 23RD -27TH June 2005

Declaration of the Jury of Conscience

27th June 2005, Istanbul

In February 2003, weeks before an illegal war was initiated against Iraq, millions of people protested in the streets of the world. That call went unheeded. No international institution had the courage or conscience to stand up to the threat of aggression of the US and UK governments. No one could stop them. It is two years later now. Iraq has been invaded, occupied, and devastated. The attack on Iraq is an attack on justice, on liberty, on our safety, on our future, on us all. We, people of conscience, decided to stand up. We formed the World Tribunal on Iraq (WTI) to demand justice and a peaceful future.

The legitimacy of the World Tribunal on Iraq is located in the collective conscience of humanity. This, the Istanbul session of the WTI, is the culmination of a series of 20 hearings held in different cities of the world focusing on the illegal invasion and occupation of Iraq. The conclusions of these sessions and/or inquiries held in Barcelona, Brussels, Copenhagen, Genoa, Hiroshima, Istanbul, Lisbon, London, Mumbai, New York, Östersund, Paris, Rome, Seoul, Stockholm, Tunis, various cities in Japan and Germany are appended to this Declaration in a separate volume.

We, the Jury of Conscience, from 10 different countries, met in Istanbul. We heard 54 testimonies from a Panel of Advocates and Witnesses who came from across the world, including from Iraq, the United States and the United Kingdom.

The World Tribunal on Iraq met in Istanbul from 24-26 June 2005. The principal objective of the WTI is to tell and disseminate the truth about the Iraq War, underscoring the accountability of those responsible and underlining the significance of justice for the Iraqi people.

I. Overview of Findings

1. The invasion and occupation of Iraq was and is illegal. The reasons given by the US and UK governments for the invasion and occupation of Iraq in March 2003 have proven to be false. Much evidence supports the conclusion that a major motive for the war was to control and dominate the Middle East and its vast reserves of oil as a part of the US drive for global hegemony.
2. Blatant falsehoods about the presence of weapons of mass destruction in Iraq and a link between Al Qaeda terrorism and the Saddam Hussein régime were manufactured in order to create public support for a “preemptive” assault upon a sovereign independent nation.
3. Iraq has been under siege for years. The imposition of severe inhumane economic sanctions on 6 August 1990, the establishment of no-fly zones in the Northern and Southern parts of Iraq, and the concomitant bombing of the country were all aimed at degrading and weakening Iraq’s human and material resources and capacities in order to facilitate its subsequent invasion and occupation. In this enterprise the US and British leaderships had the benefit of a complicit UN Security Council.
4. In pursuit of their agenda of empire, the Bush and Blair governments blatantly ignored the massive opposition to the war expressed by millions of people around the world. They embarked upon one of the most unjust, immoral, and cowardly wars in history.
5. Established international political-legal mechanisms have failed to prevent this attack and to hold the perpetrators accountable. The impunity that the US government and its allies enjoy has created

a serious international crisis that questions the import and significance of international law, of human rights covenants and of the ability of international institutions including the United Nations to address the crisis with any degree of authority or dignity.

6. The US/UK occupation of Iraq of the last 27 months has led to the destruction and devastation of the Iraqi state and society. Law and order have broken down, resulting in a pervasive lack of human security. The physical infrastructure is in shambles; the health care delivery system is in poor condition; the education system has virtually ceased to function; there is massive environmental and ecological devastation; and the cultural and archeological heritage of the Iraqi people has been desecrated.
7. The occupation has intentionally exacerbated ethnic, sectarian and religious divisions in Iraqi society, with the aim of undermining Iraq's identity and integrity as a nation. This is in keeping with the familiar imperial policy of divide and rule. Moreover, it has facilitated rising levels of violence against women, increased gender oppression and reinforced patriarchy.
8. The imposition of the UN sanctions in 1990 caused untold suffering and thousands of deaths. The situation has worsened after the occupation. At least 100,000 civilians have been killed; 60,000 are being held in US custody in inhumane conditions, without charges; thousands have disappeared; and torture has become routine.
9. The illegal privatization, deregulation, and liberalization of the Iraqi economy by the occupation regime has coerced the country into becoming a client economy that is controlled by the IMF and the World Bank, both of which are integral to the Washington Consensus. The occupying forces have also acquired control over Iraq's oil reserves.
10. Any law or institution created under the aegis of occupation is devoid of both legal and moral authority. The recently concluded election, the Constituent Assembly, the current government, and the drafting committee for the Constitution are therefore all illegitimate.
11. There is widespread opposition to the occupation. Political, social, and civil resistance through peaceful means is subjected to repression by the occupying forces. It is the occupation and its brutality that has provoked a strong armed resistance and certain acts of desperation. By the principles embodied in the UN Charter and in international law, the popular national resistance to the occupation is legitimate and justified. It deserves the support of people everywhere who care for justice and freedom.

II. Charges

On the basis of the preceding findings and recalling the Charter of the United Nations and other legal documents indicated in the appendix, the jury has established the following charges.

A. Against the Governments of the US and the UK

1. Planning, preparing, and waging the supreme crime of a war of aggression in contravention of the United Nations Charter and the Nuremberg Principles.

Evidence for this can be found in the leaked Downing Street Memo of 23rd July, 2002, in which it was revealed: "Military action was now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy." Intelligence was manufactured to willfully deceive the people of the US, the UK, and their elected representatives.

2. Targeting the civilian population of Iraq and civilian infrastructure by intentionally directing attacks upon civilians and hospitals, medical centers, residential neighborhoods, electricity stations, and water purification facilities. The complete destruction of the city of Falluja in itself constitutes a glaring example of such crimes.

3. Using disproportionate force and weapon systems with indiscriminate effects, such as cluster

munitions, incendiary bombs, depleted uranium (DU), and chemical weapons. Detailed evidence was presented to the Tribunal by expert witnesses that leukemia had risen sharply in children under the age of five residing in those areas that had been targeted by DU weapons.

4. Using DU munitions in spite of all the warnings presented by scientists and war veterans on their devastating long-term effects on human beings and the environment. The US Administration, claiming lack of scientifically established proof of the harmful effects of DU, decided to risk the lives of millions for several generations rather than discontinue its use on account of the potential risks. This alone displays the Administration's wanton disregard for human life. The Tribunal heard testimony concerning the current obstruction by the US Administration of the efforts of Iraqi universities to collect data and conduct research on the issue.

5. Failing to safeguard the lives of civilians during military activities and during the occupation period thereafter. This is evidenced, for example, by "shock and awe" bombing techniques and the conduct of occupying forces at checkpoints.

6. Actively creating conditions under which the status of Iraqi women has seriously been degraded, contrary to the repeated claims of the leaders of the coalition forces. Women's freedom of movement has severely been limited, restricting their access to the public sphere, to education, livelihood, political and social engagement. Testimony was provided that sexual violence and sex trafficking have increased since the occupation of Iraq began.

7. Using deadly violence against peaceful protestors, including the April 2003 killing of more than a dozen peaceful protestors in Falluja.

8. Imposing punishments without charge or trial, including collective punishment, on the people of Iraq. Repeated testimonies pointed to "snatch and grab" operations, disappearances and assassinations.

9. Subjecting Iraqi soldiers and civilians to torture and cruel, inhuman, or degrading treatment. Degrading treatment includes subjecting Iraqi soldiers and civilians to acts of racial, ethnic, religious, and gender discrimination, as well as denying Iraqi soldiers Prisoner of War status as required by the Geneva Conventions. Abundant testimony was provided of unlawful arrests and detentions, without due process of law. Well known and egregious examples of torture and cruel and inhuman treatment occurred in Abu Ghraib prison as well as in Mosul, Camp Bucca, and Basra. The employment of mercenaries and private contractors to carry out torture has served to undermine accountability.

10. Re-writing the laws of a country that has been illegally invaded and occupied, in violation of international covenants on the responsibilities of occupying powers, in order to amass illegal profits (through such measures as Order 39, signed by L. Paul Bremer III for the Coalition Provisional Authority, which allows foreign investors to buy and takeover Iraq's state-owned enterprises and to repatriate 100 percent of their profits and assets at any point) and to control Iraq's oil. Evidence was presented of a number of corporations that had profited from such transactions.

11. Willfully devastating the environment, contaminating it by depleted uranium (DU) weapons, combined with the plumes from burning oil wells, as well as huge oil spills, and destroying agricultural lands. Deliberately disrupting the water and waste removal systems, in a manner verging on biological-chemical warfare. Failing to prevent the looting and dispersal of radioactive material from nuclear sites. Extensive documentation is available on air and water pollution, land degradation, and radioactive pollution.

12. Failing to protect humanity's rich archaeological and cultural heritage in Iraq by allowing the looting of museums and established historical sites and positioning military bases in culturally and archeologically sensitive locations. This took place despite prior warnings from UNESCO and Iraqi museum officials.

13. Obstructing the right to information, including the censoring of Iraqi media, such as newspapers (e.g., *al-Hawza*, *al-Mashriq*, and *al-Mustaqila*) and radio stations (Baghdad Radio), the

shutting down of the Baghdad offices of Al Jazeera Television, targeting international journalists, imprisoning and killing academics, intellectuals and scientists.

14. **Redefining torture in violation of international law, to allow use of torture and illegal detentions,** including holding more than 500 people at Guantánamo Bay without charging them or allowing them any access to legal protection, and using "extraordinary renditions" to send people to be tortured in other countries known to commit human rights abuses and torture prisoners.

15. **Committing a crime against peace by violating the will of the global anti-war movement.** In an unprecedented display of public conscience millions of people across the world stood in opposition to the imminent attack on Iraq. The attack rendered them effectively voiceless. This amounts to a declaration by the US government and its allies to millions of people that their voices can be ignored, suppressed and silenced with complete impunity.

16. **Engaging in policies to wage permanent war on sovereign nations.** Syria and Iran have already been declared as potential targets. In declaring a "global war on terror," the US government has given itself the exclusive right to use aggressive military force against any target of its choosing. Ethnic and religious hostilities are being fueled in different parts of the world. The US occupation of Iraq has further emboldened the Israeli occupation in Palestine and increased the repression of the Palestinian people. The focus on state security and the escalation of militarization has caused a serious deterioration of human security and civil rights across the world.

B. Against the Security Council of the United Nations

1. Failing to protect the Iraqi people against the crime of aggression.

2. Imposing harsh economic sanctions on Iraq, despite knowledge that sanctions were directly contributing to the massive loss of civilian lives and harming innocent civilians.

3. Allowing the United States and United Kingdom to carry out illegal bombings in the no-fly zones, using false pretenses of enforcing UN resolutions, and at no point allowing discussion in the Security Council of this violation, and thereby being complicit and responsible for loss of civilian life and destruction of Iraqi infrastructure.

4. **Allowing the United States to dominate the United Nations** and hold itself above any accountability by other member nations.

5. Failure to stop war crimes and crimes against humanity by the United States and its coalition partners in Iraq.

6. Failure to hold the United States and its coalition partners accountable for violations of international law during the invasion and occupation, giving official sanction to the occupation and therefore, both by acts of commission and acts of omission becoming a collaborator in an illegal occupation.

C. Against the Governments of the Coalition of the Willing

Collaborating in the invasion and occupation of Iraq, thus sharing responsibility in the crimes committed.

D. Against the Governments of Other Countries

Allowing the use of military bases and air space, and providing other logistical support, for the invasion and occupation, and hence being complicit in the crimes committed.

E. Against the Private Corporations which have won contracts for the reconstruction of Iraq and which have sued for and received "reparation awards" from the illegal occupation regime

Profiting from the war with complicity in the crimes described above, of invasion and occupation.

F. Against the Major Corporate Media

1. Disseminating the deliberate falsehoods spread by the governments of the US and the UK and failing to adequately investigate this misinformation, even in the face of abundant evidence to the contrary. Among the corporate media houses that bear special responsibility for promoting the lies about Iraq's weapons of mass destruction, we name the *New York Times*, in particular their reporter Judith Miller, whose main source was on the payroll of the CIA. We also name Fox News, CNN, NBC, CBS, ABC, the BBC and ITN. This list also includes but is not limited to, *The Express*, *The Sun*, *The Observer* and *Washington Post*.

2. Failing to report the atrocities being committed against Iraqi people by the occupying forces, neglecting the duty to give privilege and dignity to voices of suffering and marginalizing the global voices for peace and justice.

3. Failing to report fairly on the ongoing occupation; silencing and discrediting dissenting voices and failing to adequately report on the full national costs and consequences of the invasion and occupation of Iraq; disseminating the propaganda of the occupation regime that seeks to justify the continuation of its presence in Iraq on false grounds.

4. Inciting an ideological climate of fear, racism, xenophobia and Islamophobia, which is then used to justify and legitimize violence perpetrated by the armies of the occupying regime.

5. Disseminating an ideology that glorifies masculinity and combat, while normalizing war as a policy choice.

6. Complicity in the waging of an aggressive war and perpetuating a regime of occupation that is widely regarded as guilty of war crimes and crimes against humanity.

7. Enabling, through the validation and dissemination of disinformation, the fraudulent misappropriation of human and financial resources for an illegal war waged on false pretexts.

8. Promoting corporate-military perspectives on "security" which are counter-productive to the fundamental concerns and priorities of the global population and have seriously endangered civilian populations.

III. Recommendations

Recognizing the right of the Iraqi people to resist the illegal occupation of their country and to develop independent institutions, and affirming that the right to resist the occupation is the right to wage a struggle for self-determination, freedom, and independence as derived from the Charter of the United Nations, we the Jury of Conscience declare our solidarity with the people of Iraq.

We recommend:

1. The immediate and unconditional withdrawal of the Coalition forces from Iraq.

2. That Coalition governments make war reparations and pay compensation to Iraq for the humanitarian, economic, ecological, and cultural devastation they have caused by their illegal invasion and occupation.

3. That all laws, contracts, treaties, and institutions established under occupation, which the Iraqi people deem inimical to their interests, be considered null and void.

4. That the Guantánamo Bay prison and all other offshore US military prisons be closed immediately, that the names of the prisoners be disclosed, that they receive POW status, and receive due process.

5. That there be an exhaustive investigation of those responsible for the crime of aggression, war

crimes and crimes against humanity in Iraq, beginning with George W. Bush, President of the United States of America, Tony Blair, Prime Minister of the United Kingdom, those in key decision-making positions in these countries and in the Coalition of the Willing, those in the military chain-of-command who master-minded the strategy for and carried out this criminal war, starting from the very top and going down; as well as personalities in Iraq who helped prepare this illegal invasion and supported the occupiers.

We list some of the most obvious names to be included in such investigation:

- prime ministers of the Coalition of the Willing, such as Junichiro Koizumi of Japan, Jose Maria Anzar of Spain, Silvio Berlusconi of Italy, José Manuel Durão Barroso and Santana Lopes of Portugal, Roh Moo Hyun of South Korea, Anders Fogh Rasmussen of Denmark;
- public officials such as Dick Cheney, Donald H. Rumsfeld, Paul Wolfowitz, Colin L. Powell, Condoleezza Rice, Richard Perle, Douglas Feith, Alberto Gonzales, L. Paul Bremer from the US, and Jack Straw, Geoffrey Hoon, John Reid, Adam Ingram from the UK;
- military commanders beginning with: Gen. Richard Myers, Gen. Tommy Franks, Gen. John P. Abizaid, Gen. Ricardo S. Sanchez, Gen. Thomas Metz, Gen. John R. Vines, Gen. George Casey from the US; Gen. Mike Jackson, Gen. John Kiszely, Air Marshal Brian Burridge, Gen. Peter Wall, Rear Admiral David Snelson, Gen. Robin Brims, Air Vice-Marshal Glenn Torpy from the UK; and chiefs of staff and commanding officers of all coalition countries with troops in Iraq.
- Iraqi collaborators such as Ahmed Chalabi, Iyad Allawi, Abdul Aziz Al Hakim, Gen. Abdul Qader Mohammed Jassem Mohan, among others.

6. That a process of accountability is initiated to hold those morally and personally responsible for their participation in this illegal war, such as journalists who deliberately lied, corporate media outlets that promoted racial, ethnic and religious hatred, and CEOs of multinational corporations that profited from this war;

7. That people throughout the world launch nonviolent actions against US and UK corporations that directly profit from this war. Examples of such corporations include Halliburton, Bechtel, The Carlyle Group, CACI Inc., Titan Corporation, Kellog, Brown and Root (subsidiary of Halliburton), DynCorp, Boeing, ExxonMobil, Texaco, British Petroleum. The following companies have sued Iraq and received “reparation awards”: Toys R Us, Kentucky Fried Chicken, Shell, Nestlé, Pepsi, Phillip Morris, Sheraton, Mobil. Such actions may take the form of direct actions such as shutting down their offices, consumer boycotts, and pressure on shareholders to divest.

8. That young people and soldiers act on conscientious objection and refuse to enlist and participate in an illegal war. Also, that countries provide conscientious objectors with political asylum.

9. That the international campaign for dismantling all US military bases abroad be reinforced.

10. That people around the world resist and reject any effort by any of their governments to provide material, logistical, or moral support to the occupation of Iraq.

We, the Jury of Conscience, hope that the scope and specificity of these recommendations will lay the groundwork for a world in which international institutions will be shaped and reshaped by the will of people and not by fear and self-interest, where journalists and intellectuals will not remain mute, where the will of the people of the world will be central, and human security will prevail over state security and corporate profits.

Arundhati Roy, India, *Spokesperson of the Jury of Conscience*
Ahmet Öztürk, Turkey
Ayşe Erzan, Turkey

Chandra Muzaffar, Malaysia
David Krieger, USA
Eve Ensler, USA
François Houtart, Belgium
Jae-Bok Kim, South Korea
Mehmet Tarhan, Turkey
Miguel Angel De Los Santos Cruz, Mexico
Murat Belge, Turkey
Rela Mazali, Israel
Salaam Al Jobourie, Iraq
Taty Almeida, Argentina

Information about the Culminating Session of the "World Tribunal on Iraq" (WTI) in Istanbul: http://www.worldtribunal.org

German translations: http://www.iraktribunal.de/

International Law Appendix

Explanatory Note

This international law appendix is intended to back up the Jury Statement that rests its assessments primarily on a moral and political appraisal of the Iraq War. The Statement relies upon the extensive testimony given in written and oral form by international law experts who have a world-class scholarly reputation during the Istanbul Culminating Session of the World Tribunal on Iraq (WTI). It also reflects the testimony and submissions on related issues of war crimes and the failure of the United Nations to protect Iraq against aggression.

The Jury of Conscience was not a body composed of jurists or international law experts. It did not hear arguments supporting the legality of the invasion of Iraq as would have been made before a judicial body under the authority of either the state or an international institution acting on behalf of the international community. The World Tribunal on Iraq throughout all of its session proceeded from a sense of moral and political outrage of concerned citizens from all over the world, with respect to the war. The Tribunal was not interested in a debate solely as to legality. The legal issues were relevant to the extent that they added weight to the moral and political purpose of the Tribunal, which was to expose the Iraq War as the crime it is, appealing to and drawing upon the deep bonds that link us all in our humanity. Therefore the Tribunal sought testimony and evidence to call into question the mantle of respectability thrown over the Iraq War by the aggressors, and the false impression disseminated by mainstream media, that the Iraq War was in any sense justified by political circumstances, moral considerations, or legal analysis.

The WTI is a worldwide process dedicated to reclaiming justice on behalf of the peoples of the world. It aims to record the severe wrongs, crimes, and violations that were committed in the process leading up to the aggression against Iraq, during the war, and throughout the ensuing occupation, continuing with unabated fury to this day. The role of international law is understood in light of these WTI goals.

The concerns of the WTI range much further than the demand for the implementation of international law, especially as much of this law currently serves the interests of wealth and power. Nevertheless, international law with respect to the use of force and recourse to war is important in relation to the work of the WTI. International law is useful for the WTI for the following reasons:

- International law grounds the political and moral demand for the criminal indictment and prosecution of those responsible for the Iraq War, and it clarifies the extent of criminal accountability as extending to corporate and media participation;
- International law rejects the dangerous imperialist claims of the United States and the United Kingdom to be exempt from international legal obligations.

In addition, the WTI makes use of international law to fulfill its mission:

- The WTI connects a call for global justice with the demand for the implementation of international law, but also for a rethinking of the premises and operations of international law so that it might be of greater relevance to the achievement of human security in the future;
- The WTI demands an interrogation as to why international institutions, particularly the United Nations, proved powerless against US unilateralism and aggression;
- The WTI insists that United Nations exercise its constitutional responsibility to protect its Members from aggression and illegal occupation;
- The WTI possesses the authority, as representing civil society, to declare and seek enforcement of international legal obligations when states and the United Nations fail to uphold international law in matters of war and peace.

It is important to distinguish:

- violations of international law, including the UN Charter, by *a state*; and
- crimes associated with these violation committed by *political and military leaders, government officials, corporations and their officers, soldiers and private contractors, journalists and media personnel.*

Legal Analysis

- International law consists of (1) international treaties, including the UN Charter [see list of documents]; (2) international customary law [especially in relation to the conduct of states in war]; (3) international criminal law [a sub-category of (1) resting on treaties and agreements among states, based on the framework of the Nuremberg Judgment in 1945, unanimously affirmed by the UN General Assembly's adoption of the Nuremberg Principles in 1946, Res. 95(I)].
- In the War on Iraq the three principles of customary international law have been violated: (1) Principle of Proportionality: force can only be used to attain permissible legal objectives, and then only to the extent required by 'military necessity'; (2) Principle of Discrimination: force and weaponry can only be used if confined to military targets; indiscriminate weapons and tactics are prohibited; (3) Principle of Humanity: force must never be used to cause unnecessary suffering and maximum care must be taken to protect civilian society, including its cultural heritage.
- The War on Iraq violates the Nuremberg Principles that set forth the following essential guidelines (as formulated by the International Law Commission of the UN in 1950 in response to request from General Assembly):

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

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

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

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

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

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

a) **Crimes against peace:**
i. Planning, preparation, initiation or waging of a war of aggression or a war in violation of

international treaties, agreements or assurances;
ii. Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

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

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

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

Violations and Crimes:

I. The invasion of Iraq on March 20, 2003, together with the continuing occupation of Iraq, constitutes a violation of the core obligation of the United Nations Charter:

- resolving international conflicts by recourse to force or the threat of force is unconditionally prohibited by Article 2(4) of the Charter;
- the only exception to this probation is the right of states to act in self-defense against a prior armed attack as allowed by Article 51, but with the requirement that defending state report its claim to the Security Council;
- the claims of the US/UK Governments based on doctrines of ‘preemption’ or ‘preventive war’ have no standing in international law, and reliance on such specious arguments was in any event unsupported by facts; even if weapons of mass destruction had existed in Iraq it would not provide a legal justification for the invasion; nor would the claim that ‘regime change’ would liberate the Iraqi people from dictatorial rule violative of human rights;
- with respect to Iraq there existed no basis for claiming self-defense or acting on the basis of a Security Council authorization; the invasion of Iraq and the subsequent occupation of the country constitutes a continuing aggression against a sovereign state and member of the UN in violation of international law;
- the cumulative effect of these violations is to create a strong factual and legal foundation for the indictment, prosecution, and punishment of the individuals responsible for planning, initiating, and waging a crime of aggression against Iraq.

II. Iraq War by the invading military forces, principally those of the United States and United Kingdom, and subsequent occupation, violated the law of war such as the Geneva Conventions on the Humanitarian Laws of War (1949), Additional Protocols to Geneva Conventions (1977) and Hague Conventions on the Laws of War (1899, 1907) in numerous respects, including the following:

- use of cluster bombs, napalm, depleted uranium;
- bombing of civilian targets and areas (e.g. markets, restaurants, media facilities, religious and cultural sites);

- intense and indiscriminate military operations against many cities and towns causing massive civilian casualties (e.g. Najaf, Falluja);
- repeated and systematic use of torture and degrading treatment of Iraqi civilian and military personnel detained in prison facilities or covertly transferred to foreign countries known for torture and severe prison conditions;
- overall failure to protect the civilian population and their property, cultural heritage (shootings at check points; house raids; lootings of museums and other cultural sites; refusal to assess extent of civilian death and damage) [see especially common Article 3 of the Geneva Conventions imposing duty to take special measures to protect civilian population to the extent possible) (Also Geneva Convention IV specifies the obligations of the occupying power in Articles 47-78);
- the cumulative effect of this pattern of flagrant and extensive violations of the laws of war is to create the foundation for the indictment, prosecution, and punishment of those individuals responsible, as policy makers, leaders, and as implementers at various levels of command;
- Article 1 of the Geneva Conventions reads: "The High Contracting Parties, including US/UK, undertake to respect and ensure respect for the present Convention in all circumstances." The American legal specialists in Office of the Legal Counsel in the White House, in the Justice Department, and Department of Defense who advised on the 'legality' of torture and other behavior that violates the law of war are priority targets for indictment and prosecution.

III. The occupation of Iraq has fragrantly violated The Right of Self-Determination of the People of Iraq:

- Article 1 of the International Covenant on Economic, Social, and Cultural Rights and of the International Covenant on Political and Civil Rights (1966): "(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development";
- It is evident that the occupation, by its decrees, practices, imposition of an interim government, managed elections, and administered constitution-making process has violated the right of self-determination of the Iraqi people, a fundamental element of international human rights law.

IV. The occupation of Iraq has included massive abuses of the Iraqi civilian population, including the widespread and pervasive reliance on torture, the practice of which is unconditionally prohibited by international law:

- Article 5 of the Universal Declaration of Human Rights: "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment (repeated in Article 7 of International Covenant on Civil and Political Rights (1966), including Article 4(2) that affirms there are no exceptions, even in conditions of war or emergency) and further confirmed by the widely ratified treaty—Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

V. The United Nations has failed to uphold its obligations to protect sovereign states, especially its members, from violations of their legal rights to political independence and territorial integrity, passively allowing Iraq to be threatened and attacked for twelve years prior to the invasion of 2003:

- the UNSC maintained sanctions on Iraq that had a demonstrated genocidal effect on the civilian population during the period 1991-2003;
- the UNSC refrained from censuring and preventing repeated air strikes within Iraq territory during the period 1991-2003;
- the UNSC refrained from censuring and preventing overt calls for the subversion and replacement of the Iraqi government, as well as the financing and training of exiles dedicated to armed struggle;

- the UNSC failed to condemn or act to prevent aggressive threats or the actual initiation and conduct of an aggressive war against Iraq in 2003, and has to a limited extent cooperated in the illegal occupation of Iraq since the invasion .

Conclusions

1. The Jury Statement is consistent with an objective understanding of international law, including the United Nations Charter.
2. Members of the United Nations and governments of sovereign states have legal obligations to uphold the Charter and act to ensure respect for the laws of war.
3. All three categories of Nuremberg Crimes are associated with the invasion and occupation of Iraq.
4. The International Criminal Court should indict, prosecute, and punish the perpetrators and collaborators for this aggression against Iraq and the related international crimes arising from the subsequent occupation of the country.
5. The ICC should be supplemented by a specially constituted international tribunal with authority to indict, prosecute, and punish for crimes committed before 2002 when the ICC was established and to the extent that crimes associated with states not Parties to the ICC are not addressed.
6. The UNGA should be encouraged to implement international law with respect to the Iraq War and occupation.
7. National courts relying on universal jurisdiction should be urged to investigate and prosecute individuals associated with Nuremberg Crimes in Iraq.

Organs of civil society, including the WTI, should act to ensure that the recommendations and conclusions of the Jury Statement are promptly and fairly implemented.

Appendix: List of Legal Documents

- Hague Convention IV Respecting the Laws and Customs of War on Land (1907)
- Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods (1925)
- General Treaty ('Pact of Paris') for the Renunciation of War as an Instrument of National Policy (1928)
- Universal Declaration of Human Rights (1948)
- Geneva Conventions (I-IV) on International Humanitarian Law (1949)
- Nuremberg Principles Recognized in the Charter of the Tribunal and in the Nuremberg Judgment (1950)
- European Convention on Human Rights and Fundamental Freedoms (1950)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Convention on the Political Rights of Women (1953)
- Code of Conduct for the Armed Forces of the United States of America (1963)
- International Convention on the Elimination of all Forms of Racial Discrimination (1965)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- American Convention on Human Rights (1969)
- Convention on the Prohibition of the Development, Production and Stockpiling of Biological Weapons and Toxin Weapons (1972)
- Universal (or Algiers) Declaration of the Rights of Peoples (1976)
- Principles of Co-Operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes or Crimes Against Humanity (1973)
- Protocol Additional (I-II) to the Geneva Conventions of 1949 (1977)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- African Charter on Human and Peoples' Rights (1981)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- International Convention Against the Recruitment, Use, Financing and Training of Mercenaries (1989)
- Convention on the Rights of the Child (1989)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons (1992)
- Declaration for the Protection of War Victims (1993)
- Rome Statute of the International Criminal Court (1998)