

# Wars of Aggression Indictment

**Count 1:** The Bush administration authorized a war of aggression against Iraq.

**Count 2:** The Bush administrations authorized conduct of the war that involved the commission of “war crimes.”

**Count 3:** The Bush administration authorized the occupation of Iraq involving, and continuing to involve, the commission of “war crimes”, “crimes against humanity” and other illegal acts.

The invasion, occupation and torture of prisoners are clear violations of existing International Law, including the following:

- 1) Customary international law;
- 2) United Nations Charter, 59 Stat. 1031, 3 Bevans 1153 (1945);
- 3) Universal Declaration of Human Rights, G.A. Res. 217A(iii), (U.N. Doc A/810 (1948));
- 4) The International Covenant on Civil and Political Rights, G.A. Res. 2220A(XXI) 21 U.N. Doc., GAOR Supp. (No 16) at 52, U.N. Doc A/6316 (1966);
- 5) Geneva Conventions of 1949, Conventions I-IV, August 12, 1949, Additional Protocols I and II to the Geneva Conventions of 1949, opened for signature, December 12, 1977;
- 6) Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, G.A. Res. 39/46, 39 U.N. Doc, GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984);
- 7) International Covenant on Economic, Social, and Cultural Rights and of the International Covenant on Political and Civil Rights (1966);
- 8) Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 3452, 30 U.N. Doc., GAOR Supp. (No 34) at 91, U.N. Doc. A/10034 (1976);
- 9) United Nations Standard Minimum Rules for the Treatment of Prisoners, U.N. Doc. A/CONF/611, ANNEX I, ESC Res. 663(c), 24 U.N. ESCOR Supp. (No 1), at 11, U.N. Doc. E/3048 (1957), amended E.S.C. Res. 2076, 62 U.N. ESCOR Supp. (No. 1), at 35, U.N. Doc. E/5988 (1977);
- 10) European Convention for the Protection of Human Rights and Fundamental Freedoms, November 4, 1950, 213 UNTS. 221;
- 11) The Nuremberg Principles [1];
- 12) Common Law of the United States of America, and;
- 13) Statutes and common law of the State of New York, including, but not limited to assault and battery, and the

intentional infliction of emotional distress.

### **Count 1**

As part of an illegal doctrine of “preemptive war,” based on deliberate and conscious lies, and with no legitimate claim of self defense, the Bush administration planned, prepared and waged the supreme crime of a war of aggression in contravention of the United Nations Charter, the 1949 Geneva Convention [2] and the Nuremberg Principles.

### **Count 2**

The Bush administrations authorized conduct of the war that involved the commission of “war crimes,” including by not limited to:

The targeting of Iraqi leaders in “decapitation” strikes, including prior to the official outbreak of the war included the following:

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, as well as intense and indiscriminate military operations against many cities and towns causing massive civilian casualties.

Using disproportionate force and weapon systems with indiscriminate effects, such as cluster munitions, incendiary bombs, depleted uranium (DU), and chemical weapons.

Using DU munitions with devastating long-term effects on human beings and the environment.

Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly. (Geneva Convention)

Seizure of, destruction of willful damage done to institutions dedicated to religion (Mosques), charity and education, the arts and sciences, historic documents and works of art and science.

Willfully causing great suffering or serious injury to body or health. (Geneva Convention)

Attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, and buildings.

Wanton destruction of cities, towns or villages, and devastation not justified by military necessity, for example, the wanton destruction of ancient Babylon, where U.S. troops are based with large numbers of troops and material, and the destruction and looting of ancient texts, artifacts, art, and the cultural history of one of the most ancient civilizations in the world.

### **Count 3**

The Bush administration authorized the occupation of Iraq involving, and continuing to involve, the commission of “war crimes”, “crimes against humanity” and other illegal acts, including but not limited to:

The invasion, occupation and imposition of a U.S.-controlled provisional authority has violated the right of self-determination of the Iraqi people by its decrees, practices, imposition of an interim government, managed elections, and administered constitution-making process, violating Article 1 of the International Covenant on Economic, Social, and Cultural Rights and of the International Covenant on Political and Civil Rights (1966) which states: “(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.”

Unlawful attacks, including assassinations, summary executions, murders, disappearances, kidnappings and torture, including using deadly violence against peaceful protestors.

Imposing punishments without charge or trial, including collective punishment.

Unlawful detention and torture, including by U.S. military personnel and by paramilitary civilian forces operating anonymously, including widespread, 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, practices which are unconditionally prohibited by international law.

Failure to provide public order and safety, ensure vital services, or to protect Iraqi health and life, including by authorizing, ordering and condoning the systematic destruction of economic, social, cultural, medical, educational, governmental and diplomatic resources, properties and facilities throughout Iraq.

Actively creating conditions under which the status of Iraqi women has seriously been degraded and where many of their civil rights have been lost.

Re-writing the laws of a country that has been illegally invaded and occupied, including fundamental changes in Iraq’s economic structure, including the right of private foreign investors to retain 100% of any profits made in Iraq.

Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly. (Geneva Convention)

Attack, or bombardment, of undefended towns, villages, dwellings, or buildings.

Willfully causing great suffering or serious injury to body or health. (Geneva Convention)

Willfully depriving a prisoner of war or a civilian of the rights of fair and regular trial. (Geneva Convention)

Willfully devastating the environment, including through the use of DU munitions.

Failing to protect humanity’s rich archaeological and cultural heritage in Iraq

Systematically utilizing, controlling, directing, manipulating, misinforming and restricting press and media coverage and deliberately presenting false and misleading reports to obtain support for U.S. military and political and actions; and to deprive the American people of knowledge essential to develop an informed opinion which is essential to democratic processes and elections.

Ordering young people, American soldiers in particular, to commit terrible acts that will haunt them, their families and their communities. Their acts of torture of Iraqi detainees, and the killing of women, children, injured people, doctors, nurses, and the bombing of places of worship and hospitals will not only brutalize these soldiers individually, but will further the violence and militarization of American culture.