

A joint ACT-UN and WDC meeting on

**Inquiry on the Iraq War: Who is Accountable?
Tuesday 18th August 2009**

Friends House, 173 Euston Road
opposite Euston Station, NW1 2BJ London, 6.30 – 8.30 pm

UN and Truth on Iraq War

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Introduction

The Iraq War was launched on the false pretence of existence of Weapons of Mass Destruction (WMD) and Iraq's connection to 9/11 attacks in New York. It was never proven that Iraq was connected to the 9/11 attacks on the World Trade Centre (New York, US) or that it had any WMD. The Washington Post dismissed the Al Qaeda links and stated, "*As of a relationship between Saddam Hussein and Al Qaeda, the US Intelligence agencies reported that no such relationship existed,*"

Today I am going to explore the issues around the Iraq war in a transparent and truthful way. Iraq was a pre planned war. It was clearly a violation of the UN Charter and the Universal Declaration of Human Rights. Was it a war of aggression and did war crimes take place and was it legal under America's War Powers Act? I will discuss the chronology and the cost of the Iraq war and finally give my recommendations. And I will also examine if anyone is accountable for the Iraq fiasco.

The Iraq war - pre planned

The Iraq war was a pre planned military adventure well before the 9/11 attacks. I say this because of the following reasons. The decision to invade Iraq was taken well before 2003. The revelation about Sir Roderic Lyne's (a member of the Iraq Inquiry) views on Iraq confirms this. Sir Roderic, a Downing Street advisor at that time, was in communication with the US about plans to invade Iraq and tear down Saddam Hussein's government - a decade before Britain invaded on the pretext of Weapons of Mass destruction. He also said that the US was determined to go to war years before the weapons inspectors were denied access to Baghdad.

Additional Evidence of Intent for War and not Disarmament is clear from the Downing Street Memos by the British government. Documents were leaked to the press in May 2005 from the head of British Intelligence (equivalent to the US Director of the CIA) reporting in July 2002 that the Bush administration had already committed to war with Iraq:

*"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. The National Security Council had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record."*¹

Another reason to pre-emptively invade Iraq was to keep the vital oil supplies flowing from the Middle East as America was deprived of its oil by Saddam and Saudi Arabia. This is stated in the testimony of General Smedley Butler, who was the most decorated Marine in US History. Upon his retirement, General Butler wrote the book, '*War is a Racket,*' which powerfully communicates to the American public that political and media rhetoric for war often masks the real incentives: massive profits for our most powerful corporations.²

Furthermore, the war was structured to redress the regional balance of power in the Middle East. It was well known that Saddam was anti-West and was going to change from dollars to Euros for its transactions in oil. The Iraq war and the war in Afghanistan is a manifestation of our long standing reliance on imperialism and militarism in our relations with other countries. This can result in perpetual war and insolvency like the collapse of the former Soviet Union.

¹ Downing Street Memo homepage: <http://downingstreetmemo.com/> , After Downing Street. Text of DowningStreet Memo. May 26, 2005: <http://www.afterdowningstreet.org/?q=node/1>

² Butler, S. War is a Racket. 1935. Two-page summary from Wanttoknow.info: <http://www.wanttoknow.info/warcoverup> .

At one time there were over 30 national armies from different countries in the so called 'coalition of the willing' fighting the war in Iraq. Some 45,000 British troops were in the coalition force assembled to topple Saddam Hussein in 2003.

The blood was spilled, people died. By one informal count, the number of Iraqis killed is over 1.3 million against US 4,500 and British 179. In May 2003, George Bush declared 'mission accomplished.' The war in its different manifestations has not yet ended. The refugee situation remains dire as above 3 million people are displaced refugees itself which in itself a violation of their basic human rights. Many roads, bridges, schools, and water supplies are still in a poor condition. Damage to Iraq's cultural, heritage sites has been immense. Even now the sectarian and ethnic tensions, violence, bombings and deaths continue in Iraq.

A 2008 UN report documents over 800,000 displaced children, most of whom are so impoverished and they don't have access to clean water. There are millions of displaced Iraqis within the country, having fled from their homes to escape sectarian violence.

Britain is sharply divided over the accuracy of intelligence information regarding Saddam Hussein's effort to develop WMD's, of US led coalition war without justification, the invasion and occupation of Iraq and more importantly how the facts were presented to the public in the run up to the invasion.

The Iraq war - the UN charter, UDHR, war crimes and war of aggression

The Iraq War was a violation of UN Charter.

Sometimes people discuss that the US invasion of Iraq was legal due to UN Security Council Resolution 1441 that demanded Saddam's full cooperation to account for any WMD or face "serious consequences."³ This claim is legal nonsense because the US does not speak and act for the UN Security Council. The US only has authority for military force when they have the votes from the Security Council. In this instance, the US specifically chose not to call for a vote authorizing force because they didn't have the votes.⁴

The then United Nations Secretary-General, Kofi Annan, stated that the US-led invasion of Iraq was an illegal act that contravened the UN charter. Annan believed there should have been a second UN resolution following Iraq's failure to comply over weapons inspections. He indicated that "*it was not in conformity with the UN charter from our point of view, from the charter point of view, it was illegal.*"

Prior to the war, the governments of the United States and the United Kingdom claimed that Iraq's alleged possession of weapons of mass destruction (WMD) posed an imminent threat to their security and that of their coalition allies.

The US and UK mounted the pressure on the UN Security Council to get the second resolution by declaring all sorts of threats or offering sweeteners to countries for them to vote in favour of it. But with the stiff opposition from France and Germany, it was not possible to get the resolution. The US and UK decided to bypass the UN to start the invasion of Iraq. In other words, the war was illegal and a violation of the UN charter.

They took refuge under article 51 (self defence) of the UN Charter, which states that you could defend yourself (military action) in the interest of international peace and security. This never happened as Iraq never took military action or posed such a threat. Under article 51, you can defend yourself if an armed attack occurs against another member state of the United Nations which in this case never happened.

³ Armscontrol.org. Dismantling Saddam – a chronology of Iraq and UN weapons inspections from 2002-2003. July, 2003: <http://www.armscontrol.org/factsheets/iraqchron> .

⁴ Huffington Post. Solomon, N. NSA spied on U.N. diplomats in push for invasion of Iraq. Dec. 27, 2005: http://www.huffingtonpost.com/norman-solomon/nsa-spied-on-un-diploma_b_12927.html .

Under Chapter VII (Article 51), “*nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*”

On another count, the war did not comply with the UN Charter I (Article I: 1) and (Article 2: 3) which states “*to take effective collective measures for the prevention and removal of threats to the peace*” and “*all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*”

The War Powers Act (WPA),⁵ concerning the War Powers of Congress and the President, states in Section 8 (d) (1): “*Nothing in this joint resolution-- (1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties.*” The applicable treaties are the UN Charter and the Nuremberg Charter. As a consequence of humanity’s experience of two global wars, all country-initiated warfare was declared illegal except defensive wars when under direct attack. Iraq did not attack the US. The National Intelligence Estimate found no evidence of imminent danger of attack upon the US. To date, President Bush has not presented such evidence. Therefore, the military campaign failed to meet the *prima facie* legal requirement of defensive war and is illegal under US and international law. Specifically, the invasions of Iraq and Afghanistan are Wars of Aggression.

In August 2008, Scott Ritter, a former Marine Corps intelligence specialist and a chief weapons inspector for the United Nations in Iraq, wrote that Iraq scientists and weapons technicians testified to him that they were being paid by the US military to keep silent about their knowledge that Iraq had no WMD prior to the war. These Iraqis also report that their lives are in danger for telling the truth on this issue.⁶

All peaceful methods for settling the dispute were not exhausted. The UN inspectors were not given enough time to carry on their inspections as they were of the opinion that Iraq never had any WMDs which proven to be the case. On that count, the war on Iraq contravened the UN Charter.

Violations of UDHR

There was widespread prisoner abuse in Abu Ghraib, Iraq. The torture of prisoners in US custody in Iraq was authorised and routine even after the Abu Ghraib scandal came to light, according the Human Rights Watch. Soldiers' accounts show that detainees routinely faced severe beatings, sleep deprivation and other abuses for much of 2003-2005. Soldiers who tried to complain about the abuse were rebuffed or ignored.

John Sifton, author of the Human Rights Watch (HRW) report, said the accounts given to the group by former US soldiers revealed the opposite. “These accounts rebut US government claims that torture and abuse in Iraq was unauthorised and exceptional - on the contrary, it was condoned and commonly used,” he said.

Photos showing US soldiers abusing and sexually humiliating Iraqi prisoners at the Abu Ghraib prison near Baghdad in 2004 shocked the world. Eleven US soldiers have now been convicted in connection with the abuse. No senior officers have so far been convicted.

The HRW report gives first-hand accounts of abuses at a detention centre at Baghdad airport called Camp Nama, as well as a facility near Mosul airport and a base near al-Qaim on the Syrian border. An interrogator posted at Mosul in 2004 told HRW that he and his fellow interrogators had been told by the officer in charge of their unit to use abuse techniques on some detainees.

⁵ Avalon Project. The War Powers Act: http://avalon.law.yale.edu/20th_century/warpower.asp

⁶ Truthdig. Ritter, S. “Where are the weapons of mass destruction?” Aug. 11, 2008: http://www.truthdig.com/report/page4/20080811_where_are_the_weapons_of_mass_destruction/

In International Law, torture is a War Crime. The testimony pointing to torture is mounting, despite a lack of comprehensive coverage in the mainstream media. For example, Maj. Gen. Antonio Taguba, the military's chief investigator and report author of the torture at Abu Ghraib reported in June, 2008:

*"After years of disclosures by government investigations, media accounts and reports from human rights organizations, there is no longer any doubt as to whether the current administration has committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account...The commander-in-chief and those under him authorized a systematic regime of torture."*⁷

The US military acknowledged that they "segregate" some detainees in "humane" sealed crates measuring 3-foot square and 6-foot high for up to 12 hours.⁸ There was no mention if the crates are stored outside, where the average daily temperature in Baghdad from June to August is 110 degrees.

War Crimes and War of Aggression in Iraq: A War of Aggression is defined as a nondefensive war for territorial gain and unauthorized by the UN Security Council. The US legal argument that the "War on Terror" is not a War of Aggression is that the US actions against Iraq and Afghanistan were defensive. Saddam was in the process of executing an attack against the US, and Osama bin Laden was being protected by the Afghan government, which made them co-terrorists. This legal opinion of "defensive action" supersedes the opinion of the UN Security Council – which is untrue.

Chronology of Iraq War

The history of Iraq war started with Britain and US bombing raids in 2001 return of the UN weapons inspectors in 2002, the attack and bombing raid on Iraq in 2003 including US forces advance into central Baghdad, ousting of Saddam Hussein and intensifying of insurgency with Saddam Hussein put on trial in 2005. The sectarian violence increased in 2006 with average 100 civilians killed per day in violence in Iraq with security situation grave and deteriorating. In 2006 Saddam Hussein found guilty and sentenced to death and executed by hanging. In 2007 there were black water shooting and Turkish raids. In 2008 Australia and its combat operations in Iraq and US forces hand over control of western forces to Iraqi government.

In March 2009 President Barak Obama announces withdrawal of most US troops by 2010. November, the pact was signed by the Iraqi parliament with United States under which all US troops are due to leave by 2011. The suicide attacks bombings and violence continues. UK has withdrawn its troops from Basra and handed over the security to new Iraqi forces.

The Iraq Study Group has found that labs were shutdown and work on WMD's was ended as Baghdad believed that it could never continue under U.N. sanctions and U.S. attacks. The U.S.-U.K. no fly zones continued, as well as U.N. sanctions, and Iraq never restarted its weapons programs. The problem of course was that the West completely missed these changes in Iraq. Saddam's constant refusal to cooperate with inspections convinced the United States that Iraq would never give up its desire to have WMD. These unresolved issues were left to fester, and became a driving issue for many American politicians and foreign policy officials, who later gained office in the Bush administration.

Cost of Iraq War

The Bush Administration was wrong about the benefits of the war and it was wrong about the costs of the war. The president and his advisers expected a quick, inexpensive conflict. Instead, we have a war that is

⁷ Empire Burlesque. Floyd, C. Torturegate: Truth but no Consequences. June 20, 2008: <http://www.chrisfloyd.com/content/view/1543/135/> .

⁸ CNN. Starr, B. U.S. segregates violent Iraqi prisoners in crates. Aug. 7, 2008: http://edition.cnn.com/2008/US/08/07/segregation_boxes/index.html .

costing more than anyone could have imagined. By conservative estimates, the Iraq war is costing upward of \$400,000 per troop or over \$3 trillion for the US alone.

A \$3 trillion figure for the total cost strikes us as judicious, and probably errs on the low side. Needless to say, this number represents the cost only to the United States according the Nobel Peace Prize winning economist, Joseph Stiglitz.

From the beginning, the United Kingdom has played a pivotal role - strategic, military, and political - in the Iraq conflict. Militarily, the UK contributed 46,000 troops, 10 per cent of the total. Unsurprisingly, then, the British experience in Iraq has paralleled that of America: rising casualties, increasing operating costs, poor transparency over where the money is going, overstretched military resources, and scandals over the squalid conditions and inadequate medical care for some severely wounded veterans. Before the war, Gordon Brown set aside £1 billion for war spending. As of late 2007, the UK had spent an estimated £7 billion in direct operating expenditures in Iraq and Afghanistan.

In addition, the social costs in the UK are similar to those in the US - families who leave jobs to care for wounded soldiers, and diminished quality of life for those thousands left with disabilities. Based on assumptions set out in our book, the budgetary cost to the UK of the wars in Iraq and Afghanistan through 2010 will total more than £18 billion. If we include the social costs, the total impact on the UK will exceed £20 billion.

The military spending for 2008, according to SIPRI, stands at \$1.4 trillion (over 1,400 billion) against a paltry peacekeeping budget of \$7.1 billion. Just imagine how much more we could do to stop violence if our troops were trained in conflict prevention, peacekeeping and reconciliation.

Recommendations - What should British Iraq Inquiry establish?

My recommendations are under the terms of the Iraq Inquiry and outside the remit of the inquiry. However, they are important for peaceful resolution of future conflicts.

- Iraq Inquiry should be a full, transparent and accountable public inquiry, which should include reasons for the UK government deciding to go to war.
- The UN weapons inspectors, leaders, civil servants, including the injured and families of soldiers who have died in the war should get a public hearing in the Iraq Inquiry.
- The Attorney-General's advice, the Iraq dossier and the '45 minute' warning of a major attack should be published and discussed thoroughly
- The future role of troops should include peacekeeping, conflict prevention and reconciliation.
- To recommend to the UK government to set up a special Tribunal for Iraq like the one in the Former Yugoslavia and Rwanda to investigate British involvement in Iraq. Over 1 million people have died and it has led to the displacement of millions.
- The British Inquiry into the Iraq war should investigate allegations of human rights violations and abuses committed in the Britain's name after a war supposedly to bring basic human rights. It should recommend to the UK government to launch a separate torture inquiry owing to a large number of cases pertaining to rapes, undue detentions and beatings.
- The UK government should set up a Truth and Reconciliation Commission for Iraq like the one in South Africa. Representatives of Shia, Sunni, Kurdish and Christian communities should have a peace process similar to the successful one in Northern Ireland. It brings into open grievances of warring tribes about the misgivings of different communities. It will help them to bring the truth out and work for reconciliation leading to a peaceful future.
- To recommend urgent reforms of the Security Council for the authorisation of war. No war should be undertaken without a UN Security Council mandate. In the case of Iraq War, if the UN weapons inspectors were given more time, the truth about Iraq not having any Weapons of Mass destruction would have surfaced and hence, there would not have been sufficient reason to invade Iraq.

- To recommend that the authorisation of war in the UK also needs to be looked at. Under the Royal Prerogative, the Prime Minister does not require parliamentary consent to go to war. The Inquiry should recommend that the Prime Minister, on his own, cannot take the country to war without the approval of Parliament. It should be done with proper consultation with Parliament and civil society.
- To recommend to the UK government to compensate the people of Iraq, restore infrastructure and Iraqi cultural heritage sites which were destroyed during the war.
- Follow UN charter guidelines for future disputes to be settled peacefully without recourse to violence.

Is anyone accountable for the Iraq fiasco?

We have explored the relation of the Iraq war with the UN charter, UDHR, war crimes and war of aggression. So are there enough grounds for a case for further investigations of wrong-doing?

The pertinent question is that if the findings of the Iraq Inquiry are of the view that there is a case for further investigation of certain leaders, generals or civil servants, is there a mechanism to go forward with prosecutions? Yes there is. We have the International Criminal Court (ICC) which is formed for the purpose of trying leaders or individuals for unlawful activity.

The ICC is a relatively new body finding its feet and way to operate. There are two cases which are prominent examples which are handled by the ICC at present. One is the case of Charles Taylor of Liberia who was arrested and is being successfully prosecuted for crimes against humanity against its own people. The other case is of President Omar Al-Bashir of Sudan who bears criminal responsibility. There is ample evidence that he is complicit in perpetrating crimes against its citizens where hundreds of thousands of people have been killed. An arrest warrant has been issued by the prosecutor of the ICC, Luis Moreno-Ocampo. However, he is free to roam around in Africa and attend conferences – in other words, it's business as usual.

So what we need is to give a chance to the ICC to become a formidable institution with teeth to handle major players who have done much wrong in the world, but are running around scot-free.

Conclusion

There is only one body which can provide legitimacy to the action of world leaders and countries – and that is the United Nations. It is imperfect but remains indispensable. It is a platform in which all leaders of the world discuss and solve present and future problems under one roof. All countries in the world, by signing the UN Charter, have agreed to abide by its rules and norms for maintaining international peace and security and not resort to military action for settling their differences.

The problems and task in Iraq are overwhelming with increasing violence, suicide bombing and simmering tensions between the Shia, Sunni, Kurdish, and Christian communities. However, the cost of inaction is far greater.

What we need to do urgently have large number of trained peacekeepers, to bring all the warring parties from the circle of sectarian violence to be replaced by dialogue to end the conflict, and to agree a peace agreement which can lay a strong foundation for a democratic, sustainable, just and peaceful Iraq. To get out of the Iraq quagmire, the lessons learnt from the successful Northern Ireland peace process can be applied to stop the violence and kick start the political process for finding a safer future for Iraq.

I'm going to conclude by stating that British policies in Iraq, Afghanistan and Pakistan are unjustified, unwinnable and nothing short of madness, given Albert Einstein's definition of madness – *'as doing the same thing over and over again and expecting different results.'*

Thank you for listening.

Notes

The following publications were consulted and excerpts have been taken from them during the writing of this article:

BBC News Online, 'Timeline Iraq' 5 August 2009

The Times, 'The three trillion dollar war,' 23 February 2008

The Washington Post, 'Column: Britain weighing cost of war,' 6 Aug 2009

http://www.mlive.com/opinion/muskegon/index.ssf/2009/08/column_britain_weighing_cost_o.html

Foreign Affairs, 'Who Lost Iraq,' (James Dobbin) September/October 2007

Vijay Mehta, 'Why Peacekeeping is not Effective – The Alternatives,' August 2009 (speech delivered at Chichester University)

Daniel Yergin, 'The Prize: The epic quest for oil, money and power.' Free Press (1990)

The full version of this speech can be downloaded from:

- VM Centre for Peace www.vmpeace.org
- Action for UN Renewal www.action-for-un-renewal.org.uk

Vijay Mehta is president of VM Centre for Peace www.vmpeace.org , Founding Trustee of Fortune Forum Charity www.fortuneforum.org , Chair of Action for UN Renewal www.action-for-un-renewal.org.uk and co-Chair of World Disarmament Campaign. He is an author and global activist for peace, development, human rights and the environment. Some of his notable books are The Fortune Forum Summit: For a Sustainable Future, Arms No More, and The United Nations and Its Future in the 21st Century.

His latest book is on Global Warming and is called 'Climate Change IQ,' which is available to download free of charge in electronic form from the website www.climatechange365.co.uk

He along with his daughter Renu Mehta founder of Fortune Forum charity held two summits in London in 2006 and 2007. The summits raised over a million pounds for charity and attracted a worldwide audience of 1.3 billion people (one fifth of humanity) including print and media coverage. The keynote speakers for the first and second summit were Bill Clinton, former US President and Al Gore, former US vice-President, and recipient of the Nobel Peace Prize 2007.

Vijay Mehta has appeared in various TV programmes including BBC World, Press TV, Ajtak-24 hour Indian news channel, and Think Peace documentary, Canada, among others. The Sunday Times, Independent, Observer, Guardian and Irish Times newspapers, among other journals have written about him. His life is devoted to the service of peace, humanity and our planet.