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# US Genocide in Iraq

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*Does anyone believe there is  
another way to steal a country?*  
— Eduardo Galeano

## 1. Summary<sup>†</sup>

- The United States has committed and sponsored the crime of genocide in Iraq.
- Responsibility for genocide rests on specific intent and given or probable consequences of actions. The 2003 US invasion of Iraq was the culmination and intensification of a consistent US policy, spanning over 17 years, of destroying Iraq as a national and state entity.

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— The United States attempted and succeeded to destroy the state of Iraq, but has failed and cannot succeed in its attempt to destroy the nation of Iraq.

— The Iraqi people have the legal right to resist occupation, colonialism and genocide by all available means, including armed struggle.

— The national popular resistance in Iraq is combating genocide directly where international law as a preventative and protective mechanism has failed.

— In defence of civilisation, people the world over should rise up in support of the national liberation struggle of the Iraqi people.

— In defence of international law, jurists and law associations should work to bring the charge of genocide against the United States, its leaders and its allies.

— The world must criminalise all forms of war. Defensive wars would not be necessary in the absence of wars of aggression.

### 2. Introduction

The illegal US invasion of Iraq was and is a humanitarian catastrophe. Some try to explain this catastrophe as a by-product. They justify their concept on the absence of intent. Reviewing applicable principles of international law and American policy towards Iraq, this paper aims to prove that the humanitarian catastrophe present in Iraq is an essential component of US policy, constituting premeditated genocide against the people of Iraq. The intent that some propose is absent is flagrantly evident.

Consequently, this paper constitutes a call to jurists, law associations, and individuals from all walks of life to act on ending genocide in Iraq. This study was made not only because of the horrid consequences of the illegal US invasion of Iraq, but to lay a basis for stopping imperial adventures and to enrich the political

thinking of instruments that can save our civilisation.

### 3. Definitions

The prohibition and prevention of genocide is a peremptory norm of international law. No derogation is permitted: states are obliged, individually and severally, to prevent genocide from occurring and to prosecute perpetrators, conspirators, those complicit and those who incite it. When a crime is ongoing the duty of authorities to enforce law by halting the crime is of special urgency. Enforcing law means protecting potential victims and apprehending suspected perpetrators.

That the international community not only failed to prevent the illegal US invasion and subsequent occupation of Iraq, but also supported what from 1990 has been a gathering US-led genocide in Iraq, is a catastrophic betrayal for the Iraqi people and an injury to us all.

The reasons are multiple and include: 1) Structural inequalities of power in world politics, epitomised in the UN Security Council, that assure domination for the few and subservience for the many; 2) Structural inequalities of power in the world economy, characterising capitalism on a world scale, that scare dependent states from speaking out on imperial crimes; 3) The general subordination of human rights to “peace and security” (i.e., pacification and impunity) illustrated in the perpetuation of a toothless, complicit and apologetic UN human rights system; and 4) The success of Zionist ideology in making the concept of genocide a synonym for “the holocaust”, thus both its own exclusive preserve and the model against which all alleged genocides must be compared.

The blanket of silence surrounding this grievous international crime contributes to the deaths of hundreds of Iraqis every day. If genocide cannot be prevented, the UN and its

high ideals serve no function. At present nothing exists to prevent future atrocities on this scale or worse from occurring.

### a) What is genocide?

Of all terms in the lexicon, genocide is the true word for what is happening in Iraq. The controversy the word elicits reveals its potential. Some warn against using the term so as not to “debase its currency”. This is a misunderstanding of what genocide means. Others fear that if used wantonly, antiwar protest may appear sensationalist. In reality, any other word for US actions in Iraq is dishonest.

Looking closer, we find that the word genocide has two lives: its common meaning and its legal substance. Commonly, genocide is taken to mean the total annihilation of a people. Nothing less counts, hence scepticism in using the word. On rapid reading, UN General Assembly Resolution 96 of 1946 authorising the drafting of a genocide convention suggests the same understanding: “Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.”<sup>1</sup> But this definition bears reading again, for it is not the *fact* of annihilation that constitutes the crime of genocide, but rather denial of the *right* of existence of an entire given group. This nuance is important.

Article 2 of the 1948 Genocide Convention — now the legal standard<sup>2</sup> — makes this point clear by focusing on the concept of intent, supplementing this with the important phrase, “in whole or in part”, thus grounding genocide not in numbers annihilated, but in the iniquity of a *rationality* that intends massively

destructive consequences. This qualification is what ensures that the Genocide Convention is a preventative mechanism and not simply a reactive instrument. It also means that guilt is a moral determination.

Indeed, in origin the term itself — coined in the inter-war period by Raphael Lemkin, a Polish legal scholar — emerged from the effort to make “barbarity” and “vandalism” crimes under international law. It is intent to destroy that is the basis of the *crime* of genocide, illustrated in definable acts that *constitute* — or would — genocide.

Article 2 of the Genocide Convention reads:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 3 notes that punishable acts include:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

From Article 2 a number of questions emerge: 1) what qualifies as “in part”? 2) What qualifies under each enumerated group? 3) What is the meaning of the destruction of an enumerated group “as such”? 4) What qualifies as “serious bodily or mental harm”?

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<sup>1</sup> UN General Assembly Resolution 96, 11 December 1946, <http://un.org/documents/ga/res/1/ares1.htm>

<sup>2</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 U.N.T.S. 277, 280. [http://unhchr.ch/html/menu3/b/p\\_genoci.htm](http://unhchr.ch/html/menu3/b/p_genoci.htm)

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5) What timeframe might “physical destruction” properly be determined on? 6) What qualifies as “destruction”? and 7) What is “intent”?

Given that the last question is the most important, I will address it separately below.

On the first question, though the convention itself simply says “in part,” which reasonably could be understood to mean one person (and indeed this is the way it is understood in the Elements of Crimes adopted by State Parties to the International Criminal Court, wherein, in Article 6 (a)-(e), corresponding to the acts enumerated in the Genocide Convention, it is simply noted that enumerated acts concern “one or more persons”<sup>3</sup>), general jurisprudential custom deems it necessary to demonstrate that “in part” means a “substantial part” as, for example, stated in the United States Code.

Given that it is the United States that has perpetrated genocide in Iraq, it is fitting to use US Code definitions of the crime of genocide. Under Title 18, Section 1093 of US Code, dealing with definitions of genocide, it is stated: “the term ‘substantial part’ means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.”<sup>4</sup> This definition is nuanced, but arguably contains one element that may prove important in making the claim of US genocide in Iraq: the phrase “as a viable entity”.

“Viable entity” expands the qualification of what otherwise is often restricted to destruction as such: i.e., that the substantial part must be large enough to lead to the destruction of the whole group. Viable entity does not denote destruction — and certainly

not physical destruction — necessarily. It simply denotes that the group would no longer function viably if a “substantial part” of it were destroyed or “lost”.

As to enumerated groups, US Code states:

(2) the term “ethnic group” means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(7) the term “religious group” means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals

The qualification “as such” in the Genocide Convention is an element of purposive specificity: that any of the acts enumerated are conducted against individuals as part of a group understood as a group as such. Thus one is obliged to provide some level of proof that: 1) the group was targeted as such (which can be established on the basis of a pattern of accumulated actions and not necessarily any stated objective or intent); and 2) the targeting of the group could be understood within the context of “specific intent” to perpetrate genocide, either of that group as such or, arguably, of the nation “within which such a group is part.”

As this paper aims to establish overall, a complex genocide has unfolded in Iraq involving the targeting of several definable groups in order to destroy a “substantial part” of the nation of Iraq “of such numerical significance” that the state and nation of Iraq would cease to exist a “viable entity”.

Strictly on the definition provided under US Code of ethnic group, the nation of Iraq as a whole would qualify (notwithstanding the category of national group), and within that

<sup>3</sup> Elements of Crimes, 3-10 September 2002, [http://amicc.org/docs/Elements\\_of\\_Crimes\\_120704EN.pdf](http://amicc.org/docs/Elements_of_Crimes_120704EN.pdf)

<sup>4</sup> <http://uscode.house.gov/download/pls/18C50A.txt>

nation, arguably, the Iraqi middle class and the impoverished Iraqi rural class. As a targeted “national group”, members of the Iraqi Baath Party, while political, may qualify. As a targeted religious group, it is clear that Sunni Arabs have been and remain, at present, the predominant target of the US occupation.

Finally, concerning what constitutes “serious bodily or mental harm”, what timeframe upon which “physical destruction” might properly be determined, and what qualifies as “destruction”, international jurisprudence and incorporations of the Genocide Convention into the national law of states varies. In some instances, specific aspects are named as to what might be deemed serious bodily or mental harm<sup>5</sup>, while little in the way of jurisprudence defines the timeframe on which destruction ought properly to be viewed. Similarly with destruction itself; thus, in any given case, it is largely down to argument. And again, given that the Genocide Convention is designed also to be a preventative instrument, destruction may not even have taken place or begun as such.

Article 3 — as well as the focus on intent — indeed ensures that the Genocide Convention is not simply a reactive instrument to be invoked after a given genocide, but may be invoked before a single death has been recorded, particularly in section (b) where “conspiracy to commit” would appear to most strongly criminalise intent itself rather than the execution of that intent.

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<sup>5</sup> Reservations lodged by the United States to the Genocide Convention stipulate that for the United States: “the term ‘mental harm’ in Article 2 (b) means permanent impairment of mental faculties through drugs, torture or similar techniques.” <http://unhchr.ch/html/menu3/b/treaty1gen.htm>. These reservations remain controversial and would be irrelevant in a court of universal jurisdiction where the court exercises judgement relative to what would constitute a crime in the state of its location.

Reference to the crime of “complicity in genocide” also assures that the reach of the Genocide Convention is potentially very broad — in the case of Iraq, perhaps even criminalising the silence of the international community and responsible state leaders in the context of US actions that at the very least constitute — as defined by the Elements of Crimes of the ICC — the *crimes against humanity* of murder, extermination, imprisonment, torture, rape, sexual violence, persecution, enforced disappearance and other humane acts, and the *war crimes* of wilful killing, torture, inhuman treatment, wilfully causing great suffering, destruction and appropriation of property, denying fair trial, unlawful confinement, attacking civilians, attacking civilian objects, of excessive incidental death, injury or damage, of attacking undefended places, of killing or wounding a person *hors de combat*, of attacking protected objects, of destroying or seizing the enemy’s property, of depriving the nationals of the hostile power of rights or actions, of pillaging, of employing prohibited gases, liquids, materials or devices, of outrages upon personal dignity, of rape, of sexual violence, of starvation as a method of warfare, of murder, of cruel treatment, of torture, of taking hostages, of sentencing or execution without due process, of displacing civilians, and of treacherously killing or wounding, and which arguably constitute a pattern amounting to genocide.

In combination, from Articles 2 and 3 of the Genocide Convention we can conclude: 1) There is no threshold of genocide as such; rather, it is qualified on the basis of a determination of the moral degradation contained within qualifying acts that are conducted with the intent that destruction, or the rendering “unviable” of an enumerated group, whether in whole or in part, or substantial part, will be the consequence; 2) That genocide concerns an existential threat to

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a given group in intent, even if actual destruction of the group is not achieved; 3) That genocide also concerns the intent to annul the positive biological development of a group, whether by mental or bodily harm or by interceding to prevent propagation or disrupt social generation; 4) That intent alone is imputable under international law; and 5) That complicity with consequences that qualify as genocide is imputable under international law.

Once the complexity and flexibility of the operative articles of the Genocide Convention has been digested it is easier to understand what Lemkin opined when commenting on the incorporation of his concept into international law:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.<sup>6</sup>

Lemkin's prose definition of genocide is practically word for word what has happened in Iraq since 1990. The possibility of reading Lemkin's definition into the Genocide Convention denotes that the convention is undoubtedly an undervalued instrument that could be used to pressure an end to US

aggression on Iraq and potentially form the basis of reparative prosecutions. What is at issue, simply, is the burden of proof relative to specific intent, and substantiated argument relative to qualifying acts and enumerated groups "as such".

Again, states are obliged, individually and severally, to prevent genocide from occurring and to prosecute perpetrators, conspirators, those complicit and those who incite it. After four years of US carnage and 13 years of prior US-UN sanctions, the antiwar movement, in connection with jurists and legal associations, has the material, expertise and organisational skills to ensure that this obligation is met.

### b) What is intent?

Prosecution under the provisions of the Genocide Convention demands the demonstration of purposive or "specific intent". Referred to also as the *mens rea* ("guilty mind", "guilty or wrongful purpose", or criminal intent), specific intent usually, though not always, must infer an understanding that the action undertaken would lead to the destruction, or rendering unviable, in whole or in part, or substantial part, of an enumerated group; that as such would constitute an unlawful act, and that the consequence is desired. It is perhaps fair that the gravest of international crimes sets the burden of proof so high, but in the case of Iraq it is not unreachable.

In criminal law there are traditionally five levels to intent, differentiated according to different degrees of foresight and criminal desire: 1) *Purposive intent*, where an unlawful consequence is foreseen, desired and planned for. In this category it is not strictly required that the *actus rea* — the given act or set of acts constituting genocide — is present, though if it is it adds significantly to the weight and charge of the offence; 2) *Oblique intent*, where simply the consequences can be seen as an assured outcome of a given act or set of acts; 3)

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<sup>6</sup> Raphael Lemkin, "Genocide," in A L Hinton (ed), *Genocide: An Anthropological Reader* (Oxford: Blackwell Press, 2002), p. 27.

*Knowingly*, where the accused knows or reasonably should know the certainty of the outcome of a given act or set of acts; 4) *Recklessness*, where the consequences are seen to be possible but the act or set of acts is undertaken anyway; and 5) *Negligence*, where liability is centred on a firm sense that the consequences should have been foreseen but where the accused did not foresee the consequences.

Purposive and oblique intent and knowingly undertaking a given act are all under the umbrella of “specific intent”, whereas recklessness and negligence are deemed “general intent”. In a sense, knowingly undertaking a given act within the framework of specific intent is akin to negligence in general intent, where both oblique intent and clear purposive intent could constitute the degree of specific intent necessary to secure conviction under the provisions of the Genocide Convention. On the other hand, recklessness might be deemed a grave disregard for human life, and thus constitute the “requisite mental element” required for prosecution under the Genocide Convention. Negligence would fail the test of specific intent.

Simply put, the argument that the occupation of Iraq has been one blunder after another is contrary to the elements of the crime of genocide, which perhaps explains its present currency in popular discourse. On the other hand, if it could be established that the consequences of US actions in Iraq were certain, or even that the US administration ought reasonably to have known, specific intent, and hence conviction for genocide could be established. Without doubt, if it could be shown that there was a strong desire — even undeclared — to bring about the consequences that constitute genocide, responsibility for the crime of genocide would be unavoidable.

In jurisprudence there are three essential categories for how intent is judged: 1) the *objective test*, where *mens rea* is imputed on the basis that any reasonable person would have had the requisite mental element in the same circumstances. Here the continuum between “inevitable, probable, possible and improbable”, related to projected consequences of acts, is explored relative to the specific circumstances of a given case; 2) The *subjective test*, where a given court must be satisfied that the accused had the requisite mental element, or either direct intent or knowingly undertaking the act, or recklessly undertaking the act; and 3) A *hybrid* of objective and subjective determinations. The essence of the act of adjudication is to determine the relation between *foresight* (or foreseeability) and *desire* for the given consequences to occur.

In time of war, “intent to destroy” may appear indistinguishable from warfare. This is not the case. While in restricted circumstances warfare may permit so-called “legal killing”<sup>7</sup>, in all instances it is governed by international humanitarian law. Not everything is permitted in so-called “legal war”. In the case of Iraq, all use of US force was and remains illegal under international law<sup>8</sup>; but at issue here is under

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<sup>7</sup> International humanitarian law limits what is deemed acceptable in warfare, but the majority of the world’s legal scholars put the right to life as paramount, thus criminalising war in all circumstances. In the Anglo-American legal community, there is a split, with some supporting this majority decision and a majority arguing that killing is permissible in restricted circumstances. There is little jurisprudence.

<sup>8</sup> Clearly the Iraqi government is not a sovereign entity that can credibly request the continued presence of US forces in Iraq. Rather, it is an extension of an illegal occupation established after an illegal war of aggression. In this sense, UN Security Council Resolution 1546, which is the basis of subsequent extensions of the mandate for Multinational Force-Iraq, is contrary customary international law, in particular the Draft Articles on State Responsibility that prohibits

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what conditions might the use of force constitute “intent to destroy” as defined by the Genocide Convention.

In general, there are two conditions: 1) When the use of force is substantially disproportionate and indiscriminate (a determination based on an assessment of the level of force necessary to achieve a military objective, and the extent to which the obligatory distinction between military and civilian targets has been observed in the action); and 2) When patterns of given consequences destroy — or could reasonably be foreseen to destroy — in whole or “substantial part” an enumerated group.

Relative to substantially disproportionate and indiscriminate force, as illustrations of the principle, the massive and overwhelming destruction of Fallujah, Tel Afar, Al-Qaem, Haditha and Ramadi, among other cities and towns destroyed, qualifies. In Fallujah, 75 per cent of the city was levelled. In the words of 1st Lieutenant Ben Klay, who took part in the decimation of Ramadi, “We’re used to taking down walls, doors and windows, but eight city blocks is something new to us.”<sup>9</sup> Added to the illegal use of white phosphorus and napalm equivalent MK-77 in Fallujah and Tel Afar, these wilful illegalities reveal the *mens rea* of desire to destroy.<sup>10</sup>

Alternatively, the notion of “Shock and Awe” — 800 missiles raining down on Baghdad in the first 48 hours of a bombing campaign that lasted 300 hours — appears to declare outright intent to use disproportionate force, mortally targeting Iraqis as a national group as well as causing trauma and serious mental harm. As

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states from recognising as legal the consequences of a serious breach of international law.

<sup>9</sup> Arab Commission for Human Rights, et al., “War and Occupation in Iraq,” <http://globalpolicy.org/security/issues/iraq/occupation/report/index.htm>

<sup>10</sup> <http://brusselstribunal.org/WMD.htm>

one Pentagon strategist boasted to CBS News, “There will not be a safe place in Baghdad.”<sup>11</sup> This is also *prime facie* evidence of the *mens rea* of specific intent.

On whether the distinction between civilian and military targets has been respected and upheld, with credible studies reporting as many as 1,000,000 Iraqi civilian deaths since 2003 alone, a number that is increasing rapidly, US use of force would appear clearly indiscriminate.<sup>12</sup> Alternatively, the use of depleted uranium (DU) ordnance — about 2,000 tons to date since 2003, around 10 times what was used in the 1991 Gulf War — illustrates unequivocally indiscriminate and disproportionate force in that DU, which is airborne and waterborne, has a half-life of 4.7 billion years, causing sterility, cancer, leukaemia and birth defects, as well as rendering swathes of Iraqi land permanently lethal and unusable. Indeed, the United States has not only attacked living Iraqis, but also the unborn generations of Iraq.

Shuna Lennon makes an important point when stating: “desire to bring about the illegal result is not an essential component of intention, and

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<sup>11</sup> In the words of Harlan Ullman, chief architect of the shock and awe “regime”: “This ability to impose massive shock and awe, in essence to be able to ‘turn the lights on and off’ of an adversary as we choose, will so overload the perception, knowledge and understanding of that adversary that there will be no choice except to cease and desist or risk complete and total destruction.” <http://altnet.org/story/15027/> and <http://commondreams.org/views03/0127-08.htm>

<sup>12</sup> <http://brusselstribunal.org/Lancet111006.htm>. In the Report of the UN Sub-Commission on Genocide, the special rapporteur stated that “the relative proportionate scale of the actual or attempted destruction of a group, by any act listed in Articles II and III of the Genocide Convention, is strong evidence to prove the necessary intent to destroy a group in whole or in part.” Paragraph 93, *Prosecutor v. Clement Kayishema & Obed Ruzindana*, Case No. ICTR-95-1-T (21 May 1999). Further, in the recent ruling of the International Court of Justice on Srebrenica, 8,000 deaths was deemed sufficient to constitute genocide.



that bringing something about because it is a means to a quite different end can be sufficient.”<sup>13</sup> This illustrates the principle noted above of *knowingly* undertaking an act where the perpetrator claims either not to have known, or desired, the consequent outcome. In the instance of DU, it is simply unconvincing that US commanders could be unaware of the disproportionate and indiscriminate impact of its use. At best, it illustrates grave disregard for human life, and at worst oblique intention or direct intention. A strong argument could be made for the case of direct intent on the basis that many targets of US DU use are not military vehicles or other heavily armoured installations but rather civilian districts in Mosul, Basra, Samawa and Baghdad, among other towns and cities.<sup>14</sup>

On the other hand, specific intent can be inferred in the accumulated “pattern of purposeful action”. If the sum of the whole creates as a consequence the destruction, in whole or substantial part, of an enumerated group, and if these consequences are known or can be reasonably foreseen in advance, or even if brought to the attention of commanders mid-operation and ignored, this may be deemed genocide and *mens rea* specific intent. As Lennon states: “where a consequence is foreseen as a matter of moral certainty, intention can be said to be present.”

Ongoing attempts to impose a military solution on Iraq should be seen in this light, while the 13-year US-imposed UN sanctions regime that led to the “excess deaths” of 1,500,000 Iraqis

is a clear example of “patterns of given consequences” where foreseeability was present and the policy continued, suggesting at the least *oblique* intention (which is sufficient for conviction on genocide in being a category of specific intent), but more plausibly — given constant US bullying in the UN to maintain the clearly destructive sanctions regime — *purposive* intent.

Sanctions also illustrate the principle of complicity in genocide. Lennon opines:

Even if it is arguable that the UN did not know as a matter of moral certainty from the inception of the sanctions that they would bring about civilian starvation and deaths, it certainly knew from the time when its own investigations revealed to it the extent to which the sanctions were causing civilian deaths. The earliest date on which that occurred is perhaps open to debate. It may be as late as 1995. However, the fact that the blockade / sanctions regime inherently targets civilians must have been known to its architects from its inception and accordingly criminal liability attaches under the Geneva Protocol.<sup>15</sup>

This conclusion formed the basis of Francis Boyle’s petition for relief from genocide submitted to the secretary general of the UN and other relevant bodies 18 September 1991. In this petition, after listing (paragraphs 5-18) the risks faced by the applicants of the petition (4.5 million Iraqi children), Boyle states:

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<sup>13</sup> Shauna Lennon, “Sanctions, Genocide and War Crimes,” <http://hartford-hwp.com/archives/27c/437.html>

<sup>14</sup> Souad Al-Azzawi, “Depleted Uranium Radioactive Contamination in Iraq,” <http://brusselstribunal.org/DU-Azzawi.htm>. As Al-Azzawi rightly states, “Existing DU contamination in the surrounding environment is a continuous source of (low level radiation) exposure to civilians which can be considered systematic attacks on civilians in an armed conflict.”

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<sup>15</sup> As early as March 1991, the UN secretary-general dispatched to Iraq an inter-agency mission to assess Iraq’s humanitarian needs. The mission reported that “the Iraqi people may soon face a further imminent catastrophe, which could include epidemic and famine, if massive life-supporting needs are not rapidly met.” <http://un.org/Depts/oip/background/reports/s22366.pdf>. UN sanctions began in August 1990 and didn’t end until May 2003.

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Only the “specific intent” of Respondent George Bush to commit genocide against Applicants remains to be proven beyond a reasonable doubt to establish his criminal responsibility under United States municipal law and international criminal law. The open publication and widespread dissemination of the Harvard Report on 22 May 1991 makes that task possible. Any Bush administration official responsible for implementing the economic sanctions policy against Iraq who has knowledge of the conclusions of the Harvard Report would possess the “specific intent” required to serve as the mental element or *mens rea* of the international and municipal crime of genocide against Applicants, The 4.5 Million Children of Iraq. Applicants assert that Respondent George Bush has full knowledge of the genocidal consequences of the continuation of economic sanctions against Iraq and therefore has the *mens rea* necessary for committing the crime of genocide as recognized by the Genocide Convention and the Genocide Implementation Act.<sup>16</sup>

Boyle’s conclusion is echoed in an article by Elias Davidsson wherein the relationship between “knowledge” and intent in international criminal law is discussed. Davidsson concludes:

The conjunction of foreseeability, general intent to cause hardships, detailed and compelling notice served on a regular basis, and a protracted neglect to monitor the consequences, strongly suggests a

specific criminal intent to cause the observed harm in Iraq.<sup>17</sup>

So specific intent can also be established on the basis of reasonable foreknowledge of the consequences of a given action or pattern of actions; most especially when destructive consequences are identified midway into an action, or pattern of actions, and the concerned party fails to prevent these consequences, or continues to perpetrate them. In this instance not only are the consequences certain in and of themselves (oblique intention), and not only does the party know of them (knowingly undertaking a given act), but it cannot constitute reckless intent because the consequences are certain, not simply a possibility. It can only infer direct intent, or the highest level of criminal intent.<sup>18</sup>

Importantly, it would be for a court to decide if the pattern of consequences known and ignored or addressed insufficiently amounted to specific intent, not the individuals who perpetrated the acts. As explained by international law expert Roger O’Keefe, bodies like the International Court of Justice (ICJ) “can decide to convict on the balance of probabilities, rather than beyond all reasonable doubt.”<sup>19</sup>

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<sup>17</sup> Elias Davidsson, “United States Foreseeability, Awareness and Knowledge of the Consequences of the Sanctions Against Iraq,” <http://aldeilis.net/english/images/stories/economicsanctions/knowledge.pdf>

<sup>18</sup> Relative to UN sanctions as a specific case, the question would be to assess the extent to which humanitarian exemption, on the one hand, and the so-called Oil-for-Food Programme, on the other, ameliorated the overall debilitating effect of total international isolation, and whether the degree to which they did ameliorate those effects was reasonably sufficient in the face of given and known consequences. Other papers in this volume discuss the case of sanctions in detail (see chapters by Hans C Von Sponneck and Christian Scherrer).

<sup>19</sup> In the case of former Rwanda Prime Minister Jean Kambanda, the International Criminal Tribunal for

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<sup>16</sup> Francis Boyle, “On Behalf of Iraq’s 4.5 Million Children: A Petition for Relief from Genocide,” 23 November 2002, <http://counterpunch.org/boyle1123.html>

In all events, it is unlikely that direct intention will be declared openly.<sup>20</sup> Jean-Paul Sartre in his essay “On Genocide”, written in the context of the Vietnam War, discusses the question of intent when direct proclamations are absent. His analysis is sentient in the context of the current occupation of Iraq and US attempts to break resistance to that occupation.

Cognizant that Hitler was an exception to the rule when it came to candour, Sartre writes:

The declarations of American statesmen are not as frank as those that Hitler made in his day. But honesty is not indispensable; the facts speak for themselves ... it can only be *premeditated*. It is possible that in the past genocide was committed suddenly, in a flash of passion, in the midst of tribal or feudal conflicts. Anti-guerrilla genocide, however, is a product of our times that necessarily entails organisation, bases and, therefore, accomplices (from a distance) and the appropriate budget. It needs to be thought over and planned. Does this mean that those responsible are fully aware of their own intentions? It is difficult to decide: to do so one would have to probe the latent ill-will of puritanical motives ... [But] we do not have to worry about this psychological hide-and-seek. The truth is to be found *on the field* ... The young

Americans torture without repugnance, shooting at unarmed women for the pleasure of completing a hat-trick: they kick the wounded Vietnamese in the testicles; they cut off the ears of the dead for trophies ... Whatever the lies or nervous hedging of the government, the spirit of genocide is in the soldiers' minds. This is their way of enduring the genocidal situation in which their government has put them.<sup>21</sup>

Sartre's understanding of premeditation is reflected in the Elements of Crimes of the ICC that stands as a legal reference point in developing definitions of genocide.<sup>22</sup> This document contains illustrations of the kinds of conduct that would immediately qualify under subsections (a) to (e) of Article 2 of the Genocide Convention. Alongside intent is added “context”, which in all cases reads: “The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.”

Indeed, a review of the strategic context of US Middle East policy, and Iraq policy specifically (see below), suggests that the 2003 invasion was but the “execution phase”, or “endgame” of a general strategy of destroying the state and nation of Iraq predicated on the premeditated destruction of a “substantial part” of the Iraqi population, rendering the state and nation unviable as entities.

As Sartre might say, the facts speak for themselves. In the words of John Pace, former human rights chief of the UN Assistance Mission in Iraq: “The country has been blown

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Rwanda found that intention could be inferred from actions and omissions, though Kambanda claimed he did not have the intention to destroy an enumerated group in whole or in part. *Prosecutor v. Jean Kambanda*, Case No. ICTR 97-23-S (4 September 1998). Kambanda was convicted and sentenced to life imprisonment.

<sup>20</sup> Madelaine Albright's infamous statement that the price of 500,000 dead children was “worth it” is an exception, and almost certainly could have formed the basis of a petition to the International Court of Justice. Indeed, the renowned legal expert Francis Boyle offered to the Iraqi government to do just that. President Hussein decided not to proceed.

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<sup>21</sup> Jean-Paul Sartre, “On Genocide”, <http://brusselstribunal.org/GenocideSartre.htm>

<sup>22</sup> Elements of Crimes, 3-10 September 2002, [http://amicc.org/docs/Elements\\_of\\_Crimes\\_120704EN.pdf](http://amicc.org/docs/Elements_of_Crimes_120704EN.pdf)

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apart in terms of its social structures and social fibre.”<sup>23</sup>

### 4. Beyond law

Legal definitions by nature favour the exigencies of order. Ultimately, there is a second level — moral, civil and political — embodying the calling of common sense and conscience. While it is important, if the antiwar movement is to take up the term genocide, to understand in outline the legal issues, comprehending the broader context and its immediate manifestation is indispensable.

#### a) The genocidal logic of neo-colonial war

In his essay, “On Genocide”, Jean-Paul Sartre goes beyond legal definitions to place genocide as a “thing” in an evolving historical context. There is not one society that has not practised genocide, Sartre says, but the form that genocide takes is different relative to the nature of the state and states system from which it emerges, and the nature of warfare each suggests and produces.

From the 19th century, with the development of mass industry and the democratic evolution of bourgeois societies, Western states increasingly engaged one another in strategies of “total war”, entailing not only the industrial development of the machinery of war, but the breaking down of the distinction between the civilian population and the military, and the extension of competition between states into imperial acquisition worldwide. The logic of “total mobilisation” is the mirror of total war, in that defence of the nation becomes synonymous with defence of the “way of life” it expresses and embodies.<sup>24</sup> International laws

— in particular the laws of war — are but a “vain” attempt to humanise total war.

Total war between “advanced” states, however, rarely becomes genocide. On the one hand, total war finds comfortable expression in industrial competition, only coming to actual war when powers reach parity that in duration blocks the dynamic of competition and wealth production that are based respectively in inequality and exploitation. More importantly, the general equality of advanced states forestalls outright genocide because of the possibility of retaliation it embodies.

A different logic exists in the imperialist process. Here there is no parity of forces, so no military consideration prevents wars of conquest from being genocidal. On the other hand, the colonial endeavour in nature, at least to some extent and not always, protected the populations of colonies from outright genocide. Colonialism is a system whereby natural resources are plundered and manufactured goods are sold back to colonised populations at world market prices. The destruction of colonised peoples undermines the very logic of that colonial exchange.

The problem is that, generally, no people can accept to be the slaves of others for long. Thus, constant massacres and torture were embedded in the colonial system, in order to keep the numerically superior colonised subservient to the colonial settlers. At the same time, the colonial system destroys pre-existing social structures; constituting genocide of a different kind and building pressures within the colonial system that ultimately break out in wars of national liberation. By the mid-20th

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on behalf of the existence of everyone; entire populations are mobilised for the purpose of wholesale slaughter in the name of life necessity: massacres have become vital. If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population.”

<sup>23</sup> <http://uruknet.info/?p=21095>

<sup>24</sup> Michel Foucault makes a complementary point in his essay, “Right of Death and Power over Life”, in *The History of Sexuality, Volume 1* (London: Allen lane, 1979), p. 137: “Wars are no longer waged in the name of the sovereign who must be defended; they are waged

century, bolstered by their experience as proxy armies for colonial states, and increasingly aware of the nature of the international colonial system, numerous former colonies seized their independence.

*Neo-colonialism* has been the response of the former colonial powers; on the one hand subjecting newly post-colonial states to an institutionalised system of unequal exchange, and on the other hand staking their existence within political frameworks that open the way to military occupation and re-colonisation. The Cold War was such a system, and the “War on Terror” is its successor. In general, neo-colonial wars are different because what is at stake in each instance is the example that must be set to all other post-colonial states: that the colonial relation did not end, but can and will be reasserted at will.

Principally, it is the instrumentalisation of international financial, economic and political relations that allows for neo-colonisation. Such was the role of the UN sanctions regime and weapons inspections programme for Iraq. Only when the United States was assured there were no weapons of mass destruction in Iraq was it possible to wage the war it had long prepared; only when it was certain that economically and socially Iraq was on its knees could it invade. The US war on Iraq is not the conduct of politics by other means in any classical sense, nor even a classical war, but rather a neo-colonial war: a war of liquidation, genocide and plunder.

Neo-colonial war is “total war waged to the end by one side and with not one particle of reciprocity.” And it is this inequality that — akin to colonial suppression, only greater — contains within it the logic of genocide.

Sartre writes:

the scarcity and quality of weapons [on the side of the invaded state] ... dictates the nature of the fighting: terrorism, ambush, harassing the enemy, and the extreme

mobility of the combat groups which [have] to strike unexpectedly and disappear immediately. This [is] not possible without the participation of the entire population ... Against partisans backed by the entire population, [neo-colonial] armies are helpless. They have only one way of escaping from the harassment which demoralises them ... this is to eliminate the civilian population. As it is the unity of a whole people that is containing the conventional army, the only anti-guerrilla strategy which will be effective is the destruction of that people, in other words, the civilians, women and children ... A determined population, unified by its fierce and politicised partisan army, will not let itself be intimidated, as it was in the heyday of colonialism, by a massacre ‘as a lesson’. On the contrary, this will only increase its hatred. It is no longer a matter of arousing fear but of physically liquidating a people.

Sartre clarifies the point by exploring the psychology of the colonial soldier in Vietnam:

In these confused American minds the Viet Cong and the Vietnamese tend to become more and more indistinguishable. A common saying is ‘The only good Vietnamese is a dead one’, or, what comes to the same thing, ‘Every dead Vietnamese is a Viet Cong’ ... Originally, they were probably disappointed: they came to save Vietnam from Communist aggressors. They soon saw that the Vietnamese actually disliked them. Instead of the attractive role of the liberator they found themselves the occupiers. It was the beginning of self-appraisal: ‘They do not want us, we have no business here.’ But their protest goes no further: they become angry and simply tell themselves that [...] there is not a single Vietnamese who is not really a Communist: the proof is their hatred of the Yankees. Here, in the

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shadowy and robot-like souls of the soldiers, we find the truth about the war in Vietnam: it matches all of Hitler's declarations. He killed the Jews because they were Jews. The armed forces of the United States torture and kill men, women and children in Vietnam *because they are Vietnamese*.

In neo-colonial "wars of example", especially — as in Vietnam — where the economic interests are minimal, the "innate contradiction" in colonial logic that once forestalled genocide (keeping the natives alive as consumers for industrial goods), no longer pertains. In this case, Sartre writes, "Total genocide then reveals itself as the foundation of anti-guerrilla strategy. And, under certain circumstances, it would even present itself as the ultimate objective, either immediately or gradually."

This is not to say that the people aggressed have no choice. There is always submission. But submission is simply the revitalisation of colonialism, and as such is genocide by another name. As Sartre explains: "One cannot colonise without systematically destroying the particular character of the natives, at the same time denying them the right of integration with the mother country and of benefiting from its advantages ... It naturally follows that the colonised lose their national personality, their culture, their customs, sometimes even their language, and live in misery like shadows."

So the commencement of physical genocide is used as blackmail to force the aggressed to accept another genocide. Here "substantial part" loses all meaning, for its annihilation is but a means to force the rest into submission. That the choice is posed between death and submission doesn't stop the act from being genocide by intention. As Sartre writes:

Let us say that there is only a choice between immediate violent death and a slow death after mental and physical

degradation. In fact, say the American government, we have done nothing but offer the Vietnamese this choice: either you stop your aggression or we break you. This absurdity is not uncalculated: it is clever to formulate a demand which the Vietnamese cannot possibly satisfy. In this way, America remains the master of the decision to stop the fighting. But, one might read the alternatives as: declare yourselves conquered, or 'we will take you back to the Stone Age'. It does not cancel out the second term of the alternative, which is genocide. They have said: genocide, yes, but only conditional genocide. Is this legally valid? Is it even conceivable?

Until submission: "villages are burnt, the population has to endure massive and deliberately destructive bombardments, the cattle are shot at, the vegetation is ruined by defoliants, what does grow is ruined by toxic elements, machine guns are aimed haphazardly, and everywhere there is killing, rape and pillage." And not only the daily risk of death and environmental destruction, but also "the systematic destruction of the economic system, from the irrigation ditches to the factories of which 'there must not be a brick left upon another brick'; destruction of hospitals, schools, places of worship, consistent effort towards wiping out [national] achievements."

After submission: "most elementary needs are ignored. There is under-nourishment and complete lack of sanitation. The social structure is destroyed ... family life no longer exists. As the homes are broken up, the birth rate diminishes; all possibility of cultural or religious life is abolished. Even work that will improve the standard of living is denied ... The elder sister or the young mother, without a breadwinner and with so many mouths to feed, sinks to the utmost degradation in prostitution to the enemy."

In reality, neo-colonial strategy presents the aggressed population with one choice: resistance or collective death or disintegration. So long as it resists, it faces massive deliberate attacks or the possibility of extinction in an overwhelming genocidal campaign, while if it submits, it faces conditions of life that amount to genocide of another kind. Insofar as there is no choice except resistance and survival, popular resistance wages its struggle in the hope of debilitating the aggressor sufficiently enough as to slow him down and spark unrest within his domestic population, while not overly provoking him into launching an all out campaign of extermination. This cat and mouse war of attrition will last so long as a political solution is absent (i.e., the withdrawal of the colonial state) and so long as the political will of the resisting population remains firm.

From the vantage point of the neo-colonial state, either the aggressor “gives way, makes peace and recognises that a whole nation is opposing him,” or else, realising that classical colonial repression will not work, resorts — if he can do so without damaging his own interests — to “extermination pure and simple.”

The resisting population, on the other hand, can only choose resistance, as resistance — to the extent to which the full discharge of the neo-colonial state is avoided, and to the extent to which the effects of colonial terror “in its psycho-social consequences”<sup>25</sup> can be ameliorated — is the only possible path to liberty and independence.

### **b) Genocide by occupation**

One can surmise that because this equation must be understood in advance, the very waging of neo-colonial war is genocidal in that success amounts to cultural genocide for the colonised, while failure presents genocide as a

solution for the colonial state. A logic of genocide is inherent to neo-colonial war in all respects: in its duration in the face of popular resistance; in the tactics it must resort to in order to quell popular resistance; in the possibility of massive escalation in the face of popular resistance; and in the outcome if submission is achieved.

The principle of genocide by duration is currently exhibited in occupied Iraq. Under international humanitarian law, the United States as an occupying power is obliged to provide for the wellbeing of Iraqis. Yet so long as they are occupied, the Iraqi people, naturally set against the occupying power in resistance and embodying as such the continuity of the state, have no interest in pursuing anything but bare survival lest the situation of occupation become normalised.

This mode of resistance is illustrated well in how quickly sabotage, especially of strategic infrastructure like oil pipelines, took hold in Iraq following the onset of the US occupation.<sup>26</sup> Naturally, any resistance movement to occupation has an interest in making the occupation as difficult and as costly as possible for the occupying power. Given that US officials, in order to get American public backing for the war, stressed that Iraqi oil would pay to rebuild the country they would imminently destroy<sup>27</sup>, oil

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<sup>26</sup> <http://iags.org/iraqpipelinewatch.htm>

<sup>27</sup> When General Jay Garner, chief of the Office for Humanitarian Relief Assistance (ORHA), in February 2003 decried the fact that his team was allocated only \$27 million to rebuild Iraq where Garner forecasted the cost of reconstruction to be upwards of \$12 billion, Donald Rumsfeld told him: “If you think we’re spending our money on that, you’re wrong. We’re not doing that. They’re going to spend their money rebuilding their country.” Echoing the same attitude, in April 2003 Pentagon spokesman Lawrence Di Rita told ORHA officials: “We don’t owe the people of Iraq anything. We’re giving them their freedom. That’s enough.” See also <http://commondreams.org/headlines03/0110-01.htm>

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<sup>25</sup> <http://brusselstribunal.org/DeathAnxiety.htm>

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production has been constantly targeted by Iraqis themselves in order to drain the pocket of the American taxpayer.

Thus it is not simply the incompetence, corruption and punitive mentality of the United States and its local proxies that explain why four years into the US occupation even basic services like access to water and electricity are debilitated. The overall level of reconstruction is held at zero not only as a collective punitive measure, but also because the Iraqi resistance prevents Iraqi oil from reinforcing the occupation or paying for America's war of aggression. The \$50 billion in Iraqi assets that the US seized along with revenues from oil possibly exported has funded no real reconstruction in four years. Money is used, rather, on military and police operations, sunk into political corruption, or funding propaganda campaigns.

It is in this context that the intransigence of the US occupation — its unwillingness to accept its defeat and withdraw — suggests additional genocidal intent. So long as the US occupation continues, the overall suppression of Iraqi wellbeing persists, development and life-sustainability impeded. Intransigence leading to arrested development augments the toll of excess deaths and the general psychosis experienced by those living in continual fear of imminent annihilation, and steals from Iraq, every day the US occupation remains, countless productive life hours and life years.

Given that the US must be aware that Iraqi reconstruction is impossible so long as it remains an occupying power, the fact that it remains an occupying power is further evidence of the US “knowingly” committing genocide, or, if used as blackmail and punishment, “purposely” committing genocide as outlined above.

### **5. The destruction of the Iraqi state and national identity**

Sartre's analysis of the dynamics of neo-colonial war reveals the inner logic, in the abstract, of genocide inherent to contemporary colonialism — a logic that appears to the fore in two circumstances: 1) Where the innate contradiction of colonialism, represented in certain economic interests primarily, is absent; 2) When popular resistance to colonialism takes the form of guerrilla warfare and the entire aggressed population appears as a target. If this is indeed the inherent dynamic, all that would remain to be done would be to expose *as neo-colonialism* US aggression on Iraq. It is already clear that in Iraq popular resistance has taken the form of guerrilla warfare.

In reality, US policy in Iraq amounts to and exceeds colonialism. Current US actions in Iraq are an objective attempt to destroy Iraq as a state and nation. In this instance, the genocidal logic of neo-colonial war has been activated on purpose and established as the ultimate aim. It has nothing to do with accident or incompetence, and even goes beyond reactive vengeance. It is the outcome of an entire global, regional and national imperative. Thus we must penetrate, before outlining how the project has been implemented, the core context of Iraq's destruction as such. The strategic context for US genocide in Iraq gives us a framework through which to interpret events as well as fully appreciate the gravity of these events.

#### **a) The strategic context for genocide**

There are three primary sets of reasons why Iraq was singled out for destruction. These reasons, attendant to three levels of policy (global, regional and national), form a single overarching imperial strategy, each part interrelated and dependent on the others.

##### *i. Asserting US geopolitical, global hegemony*

Being “a region whose resources would, under consolidated control, be sufficient to generate



global power,”<sup>28</sup> command of the Middle East and Eurasia region is essential to any bid for world hegemony. Until 1989, US global supremacy was thwarted by the Soviet Union. Though embedded in the Middle East region economically and politically, US control remained virtual, not actual. In his 1980 State of the Union Address, President Jimmy Carter summed up Cold War US Middle East concerns: “Any attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States. It will be repelled by the use of any means necessary, including military force.”<sup>29</sup> Already in 1979, spurred by the Soviet invasion of Afghanistan, Carter had created the Rapid Deployment Joint Task Force (RDJTF), an ad hoc assortment of US forces designated for possible deployment in the Middle East.

In 1981, President Reagan added the “Reagan Corollary to the Carter Doctrine”, proclaiming that the US would not only use military force to “defend” Middle Eastern oil supplies from “external” threats, but would also use military force to maintain the “internal stability” of the region. By “stability” Reagan meant exactly what he said: the maintenance of the engineered status quo: the non-unity of the Arab Muslim world and guaranteeing the presence and superiority of Israel. Consequently, in 1983 Reagan consolidated the RDJTF as US Central Command. By late 1989, with the collapse of the Warsaw Pact, and with the Soviet bloc fragmenting, the United States was left unopposed in the most important geopolitical and geo-economic region of the world. Objectives long suppressed by the Cold War could be activated in full.

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<sup>28</sup> 1992 Draft “Defense Planning Guidance”, drafted by Paul Wolfowitz. <http://USgenocide.org/strategy.html>

<sup>29</sup> <http://jimmycarterlibrary.org/documents/speeches/su80jec.phtml>

In the words of Henry Kissinger, “Oil is too important a commodity to be left in the hands of the Arabs.” If this sums up US policy that until 1990 was covert, from the collapse of the Warsaw Pact it became overt. The 1990 sanctions regime, followed by the 1991 Gulf War, marks the opening salvo of a US drive for Middle East and Eurasia control that continues until now. History will prove or disprove the reasons of Iraq’s occupation of Kuwait. Legally Iraq had no right to invade Kuwait, but the sanctions regime adopted by the UN Security Council, in its rapidity, severity and results, is proof that already in 1990 there was a premeditated plan to destroy Iraq, rather than see only an end to the Kuwait invasion. If containment was the strategic philosophy of the Cold War, in 1990 it became subjugation and substitution. Sanctions reached into the heart of Iraq.

Why Iraq in particular? In addition to being sovereign over the world’s second largest proven reserves of oil, its geopolitical position is the answer. Regionally, “Iraq is a crossroads. Its land provides the necessary route for Iran to access Syria, Jordan and the Mediterranean, and for Syria and Jordan as they look towards Iran and the Arabian Gulf basin. It is also the natural path from Turkey to the Gulf, and vice versa.”<sup>30</sup> Globally, Iraq is positioned in the centre between Eurasia and the Mediterranean. If the US was to control the global economy, it could only do so by imposing itself as intermediary between Iraq, Europe and China. As formulated by Paul Wolfowitz and Dick Cheney (then US defense secretary) in 1992, the imperative was “precluding the emergence of any future potential global competitor” by maintaining the “mechanisms for deterring potential competitors from even aspiring to a larger

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<sup>30</sup> Abdul Ilah Alabayaty and Hana Al Bayaty, “Fortress Iraq,” *Al-Ahram Weekly*, Issue 722, 23-29 December 2004. <http://weekly.ahram.org.eg/2004/722/re1.htm>

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regional or global role.”<sup>31</sup>

By 1997, sanctions were not working. With Europe and China ever rising, entailing competition for access to oil for development, a group of ideologues, Zionists and corporate lobbyists coalesce and send a wake-up call to Washington.<sup>32</sup> Named the “Project for a New American Century” (PNAC), gone now is the language of “new era of multilateralism” attendant to the “new world order”. America’s very future depends, the PNAC neocons said, on “full spectrum dominance.” Military “presence in the Gulf region”, reads a PNAC 2000 strategy document, should be considered “a de facto permanent presence.” As the PNAC indiscreetly admitted: “The United States has for decades sought to play a more permanent role in Gulf regional security. While the unresolved conflict with Iraq provides the immediate justification, the need for a substantial American force presence in the Gulf transcends the issue of the regime of Saddam Hussein.”<sup>33</sup>

### *ii. US policy aimed to break Arab unity*

With the end of 1991 Gulf War, it was evident, although having suffered severe casualties and the enormous cost of war, that Iraq had a large and experienced army, capable of defending its national interests. Throughout the Iran-Iraq War, and the 1991 Gulf War, the Iraqi army proved that it was an army of technicians in all domains. In addition, the unity of the Iraqi

people behind its government against other regimes was evident. Iraq emerged as a defender of all Arabs against imperialism, Zionism and the Shah-inaugurated expansionist ambitions of Iran adopted by Tehran’s Mullahs in 1979. This situation was threatening for pro-American Arab regimes, for Israel, and all those afraid of a rising Arab nation hoping to pursue unity, economic independence, democracy and progress.

Since 1948, the US has attempted to break Arab unity in three principal ways: 1) Unconditionally supporting the State of Israel — an entity founded on theft and a war of colonial aggression on the Palestinian people — and bargaining US political favour on this predicate; 2) Balkanising the Arab world both at a regional level (the undermining of Arab solidarity) and a national level (conspiring to internally partition Arab states); and 3) Destroying Arab developmental achievements to pave the way for US corporate globalisation. These elements of consistent US Middle East policy are interdependent and mutually reinforcing. Overall, the US goal has long been to ensure that the Arab world remains an “arc of instability” wherein the United States, through an ever-increasing network of military bases, can play the role of permanent arbiter and final authority, guaranteeing US global hegemony and securing by military force US national interests.<sup>34</sup>

Washington’s use of the State of Israel as an offensive spearhead breaking into the Arab

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<sup>31</sup> 1992 Draft “Defense Planning Guidance”, <http://USgenocide.org/strategy.html>

<sup>32</sup> Geoffrey Geuens, “Imperialist State, Nation of Capitalists: The Links between the PNAC and the US Military-Industrial Complex,” *The BRussells Tribunal Dossier*, 14-17 April 2004. <http://brusselstribunal.org/pdf/DossierBRussellsTribuna1.pdf>

<sup>33</sup> “Rebuilding America’s Defences: Strategy, Forces and Resources for a New Century,” PNAC, September 2000. <http://newamericancentury.org/RebuildingAmericasDefenses.pdf>

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<sup>34</sup> To date, the US has over 700 declared bases in 130 countries. In Iraq, the US, as of 2007, has 55 bases remaining out of over 100 established in 2003-2004, many slated to be “enduring”; this in addition to building the largest embassy anywhere in the world: a huge complex covering an area bigger than the Vatican City and sporting an Olympic-size swimming pool, a state-of-the-art gymnasium, tennis courts, a cinema and restaurants. Cost estimates, including all the perimeter security, self-contained utilities and other amenities, come to over \$1 billion.

world is well documented. After every Israeli aggressive war on the Arab world its aid package has increased.<sup>35</sup> Before 1990, Iraq was the only Arab state sufficiently independent, as well as militarily capable, to be a counter-balance to Israeli colonial expansionism and to challenge Israel's illegal occupation of Arab lands. Unlike Saudi Arabia, Egypt, Jordan and the Gulf States, Iraq was not dependent on the US for security or the general welfare of its population. This independence placed Iraq — especially after the 1979 peace treaty between Egypt and Israel — at the centre of the political system of the Arab world. While Iraq's development was tolerated when involved in a never-ending weakening war with its eastern neighbour, its achievements quickly appeared contrary to US regional and global interests as soon a ceasefire was reached with Iran.

That Israel has long wished that Arab states be divided up into small ethnic and sectarian entities is well known. In his 1982 essay, "A Strategy for Israel in the 1980s", Oded Yinon argued:

*Lebanon's total dissolution into five provinces serves as a precedent for the entire Arab world including Egypt, Syria, Iraq and the Arabian peninsula ... The dissolution of Syria and Iraq ... into ethnically or religiously unique areas such as in Lebanon, is Israel's primary target on the Eastern front in the long run, while the dissolution of the military power of those states serves as the primary short term target ... Iraq, rich in oil on the one hand and internally torn on the other, is guaranteed as a candidate for Israel's targets. Its dissolution is even more important for us than that of Syria. Iraq is stronger than Syria. In the short run it is Iraqi power which constitutes the greatest*

threat to Israel. An Iraqi-Iranian war will tear Iraq apart and cause its downfall at home even before it is able to organise a struggle on a wide front against us. *Every kind of inter-Arab confrontation will assist us in the short run and will shorten the way to the more important aim of breaking up Iraq into denominations as in Syria and in Lebanon.* In Iraq, a division into provinces along ethnic/religious lines as in Syria during Ottoman times is possible. So, three (or more) states will exist around the three major cities: Basra, Baghdad and Mosul, and Shi'ite areas in the south will separate from the Sunni and Kurdish north." (*emphasis in original*)<sup>36</sup>

In his 1999 book, *Tyranny's Ally: America's Failure to Defeat Saddam Hussein*, David Wurmser, current Middle Adviser to Dick Cheney, would echo similar ideas when advocating that the US intervene to create a "loosely unified Iraqi confederal government, shaped around strong sectarian and provincial entities."<sup>37</sup> Wurmser in 1996, along with Douglas Feith (US undersecretary of defense for policy, 2001-05) and Richard Perle (chairman of the Defense Policy Board Advisory Committee 2001-03), both key neoconservatives, wrote for incoming Israeli Prime Minister Benjamin Netanyahu the strategy document, "A Clean Break: A New Strategy for Securing the Realm". Therein Netanyahu is encouraged to "re-establish" the "principle of pre-emption," including removing Saddam Hussein from power, deemed "an important Israeli strategic objective in its own right."<sup>38</sup>

<sup>35</sup> By credible estimates, US aid to Israel since 1948 passed \$100 billion in 2002.

<sup>36</sup> <http://informationclearinghouse.info/article1025.htm>

<sup>37</sup> David Wurmser, *Tyranny's Ally: America's Failure to Defeat Saddam Hussein* (Washington: AEI Press, 1999), pp. 136-37.

<sup>38</sup> <http://israeleconomy.org/strat1.htm>. Richard Perle was later to co-sign with Elliott Abrams, Richard L Armitage, John Bolton, Zalmay Khalilzad, William Kristol, Donald Rumsfeld and Paul Wolfowitz an "Open

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Yinon's essay and Wurmser's book echo the assertions of former Israeli Labour Foreign Minister Abba Eban that the "Arab East" is a "mosaic" of ethnic divergence.<sup>39</sup> Present plans to partition Iraq into three weak and conflicting protectorates are their direct progeny.<sup>40</sup> In Iraq, the current "political process" is not about stability, but the pursuit of war by other means, aimed to break up the state and sow conflicts throughout the region. In the words of Abdul Ilah Albayaty and Hana Al Bayaty:

The so-called political process, instead of bringing stability to Iraq, is and will be the cause of increasing instability in the region. Indeed, on the one hand, the Kurdish parties are working to create a Kurdish entity in the north, unrestrained by the central government. This will be a destabilising factor for Iran, Turkey and Syria, and is opposed by the majority of Arab Iraqis. On the other, the Shia religious forces are trying to build a Shia semi-state in the south, governed by the concept of "Wilayat Al-Fakih" (Rule of the Jurist — a laden concept which puts religious authority above nationalism), similar to and allied with Iran. This will be a destabilising factor for the whole Gulf region, including Saudi Arabia. It is opposed by most Arab countries. In reality, if there isn't a strong unified Iraq,

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Letter" of the Project for a New American Century (PNAC) think-tank to President Bill Clinton, 16 January 1998, urging Clinton, "to seize that opportunity, and to enunciate a new strategy that would secure the interests of the US and our friends and allies around the world. That strategy should aim, above all, at the removal of Saddam Hussein's regime from power," adding ominously that "American policy cannot continue to be crippled by a misguided insistence on unanimity in the UN Security Council."

<sup>39</sup> Saleh Abdel-Jawwad, "Israel: the ultimate winner", *Al-Ahram Weekly*, Issue #634, 17-23 April 2003. <http://weekly.ahram.org.eg/2003/634/op2.htm>

<sup>40</sup> For more on partition, see <http://USgenocide.org/partition.html>

peaceful and cooperative with its immediate neighbours, there will be no stability in Iraq or in the region. As was rightly observed by Saud Al-Faisal, the Saudi foreign minister, this may result in a civil and regional war.

That partition is even a proposal, given that none of the stated aims of the 2003 illegal US invasion suggest it, reveals that the US has moved consciously to fulfil Israel's agenda and bring about precisely this outcome. The overall result: a strategic victory for the State of Israel; ancillary benefits for Iran as a second level proxy; and justification for permanent and expanding US military presence in the whole of the Middle East region.

The third arm of US regional policy has been to destroy existing Arab developmental achievements, undermining and destroying Arab states as viable entities while promoting corrupt, incompetent and repressive regimes that serve the interests of foreign powers. Rejecting this destiny, it is well known that of all Arab states, Iraq prior to 1990 had the most developed system of national education, healthcare and primary state services. On the basis of a nationalised oil industry and Iraq's water resources, Iraq was able to achieve significant state and national development autonomous from foreign capital and thus independent of foreign influence, encompassing infrastructure, science, military advance, and social security. Sanctions targeted Iraqis as a people and state, not only the Iraqi government or army. Indeed, the regimen of punitive sanctions imposed on Iraq stands unprecedented in modern history, systematically destroying its attained levels of economic, social, political and military development and leading to an estimated 1,500,000 excess deaths over 13 years.<sup>41</sup>

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<sup>41</sup> Hans C von Sponeck, *A Different Kind of War: The UN Sanctions Regime in Iraq* (New York: Berghahn Books, 2006).

Overall, these three aspects of US regional policy — breaking regional unity by instrumentalising Israel; Balkanising and partitioning Arab states into ethnic and sectarian entities; and destroying Arab development capacities — by design aim to ensure that the Arab world as a whole never attains the requisite social, political, economic and military development to take advantage of the enormous oil, gas and mineral resources over which by right it is sovereign.

Keeping Iraq in particular unstable is key to US strategic designs for the whole Arab region. In the words of Abdul Ilah Albayaty and Hana Al Bayaty, given Iraq's median geopolitical position: "The slightest deterioration in relations between Iraq and any of its neighbours is automatically a setback for cooperation throughout the whole region."<sup>42</sup> Michael Ledeen, founding member of the Jewish Institute for National Security Affairs and a key neoconservative, in 2002 unabashedly told the truth about US regional policy in saying: "Stability is an unworthy American mission, and a misleading concept to boot. We do not want stability in Iran, Iraq, Syria, Lebanon, and even Saudi Arabia ... The real issue is not whether, but how to destabilise. Creative destruction is our middle name ... Our enemies have always hated this whirlwind of energy and creativity which menaces their traditions (whatever they may be) ... we must destroy them to advance our historic mission."<sup>43</sup>

### *iii. The US national emergency and corporate interests*

The entire entity of the United States is on death row. The end of the age of oil is its

execution order. Spending \$200,000 a minute on oil, no system of life on earth is as dependent on oil as that of the United States. The consumer economy, which depends on oil and relative high wages, is the guarantor of the internal tranquillity of the US. Many core US industries — protected and uncompetitive, and based on high wages — would collapse if guaranteed supplies of oil were to end, upon which guarantees stable prices depend. With the collapse of industries, the consumer economy would be oversupplied. Prices would plummet and growth would disappear. Outside the national sphere, US corporate globalisation, exploitative in nature, depends on the US military machine, which itself depends on foreign oil.<sup>44</sup> As the eclipse of the age of oil approaches, these objective realities constitute a national emergency for the United States.<sup>45</sup>

US economic vulnerability is not only centred on the supply of oil. The entire entity of the United States is wagered on the use of the dollar as the primary currency of oil transactions. The US long forced OPEC oil sales to be transacted only in dollars, establishing the dollar as the global currency of reserve. Indeed, the global oil industry is the guarantor and engine of the global dollar economy. Any alteration of this arrangement threatens to explode the illusion on which American economic prowess is built. If dollars were to flood back into the United States, hyperinflation would take hold, followed by

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<sup>42</sup> Abdul Ilah Albayaty and Hana Al Bayaty, "Fortress Iraq," *Al-Ahram Weekly*, Issue 722, 23-29 December 2004. <http://weekly.ahram.org.eg/2004/722/re1.htm>

<sup>43</sup> Michael Ledeen, *The War Against the Terror Masters: Why It Happened. Where We Are Now. How We'll Win* (New York: Truman Talley Books, 2002).

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<sup>44</sup> According to Defense Logistics Agency spokeswoman Lana Hampton, quoted in an article in the American Forces Information Service News, the US military is using 10-11 million barrels of fuel each month to sustain operations in Afghanistan, Iraq and elsewhere.

<http://defenselink.mil/news/newsarticle.aspx?id=16915>

<sup>45</sup> Michael Klare, *Resource Wars: The New Landscape of Global Conflict* (New York: Owl Books, 2002) and *Blood and Oil: The Dangers and Consequences of America's Growing Petroleum Dependency* (New York: Penguin Books, 2005).

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stagflation as uncompetitive and protected industries collapsed. As consciousness of the approaching end of the age of oil sinks in, and as others powers — the EU and China — rise, this monetary consideration is a second level to the US national emergency.<sup>46</sup>

By 1997, the PNAC understands well the twin levels of the US national emergency and commits itself to address it. Though the US-led destruction of Iraq has already begun, the signatories of the PNAC express concern that the US is resting on its laurels — they undertake to accelerate it. The PNAC announces its presence with a question and a warning: “Does the United States have the resolve to shape a new century favourable to American principles and interests? We are in danger of squandering the opportunity and failing the challenge. We are living off the capital — both the military investments and the foreign policy achievements — built up by past administrations.”<sup>47</sup> Admonishing the then Clinton administration, the neoconservatives of the PNAC argue for significant defence and foreign policy spending, to curtail — with no irony — “the promise of short-term commercial benefits” threatening to “override strategic considerations.”

In 1999, Dick Cheney, then CEO of Halliburton, the largest post-invasion contractor in Iraq, muses on the issue of supply: “by 2010 we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? ... While many regions of the world offer great oil opportunities, the Middle East with two thirds of the world's oil and the lowest cost, is still where the prize ultimately lies. Even though

companies are anxious for greater access there, progress continues to be slow.”<sup>48</sup> By September 2000, despite their ideas receiving some heed, the PNAC is running out of patience: “Global leadership is not something exercised at our leisure, when the mood strikes us or when our core national security interests are directly threatened; then it is already too late. Rather, it is a choice whether or not to maintain American military pre-eminence, to secure American geopolitical leadership, and to preserve the American peace.”<sup>49</sup>

Much has been said about the PNAC's claim that the transformation in American strategy would be slow and frustrating “absent some catastrophic and catalysing event — like a new Pearl Harbour.” Many believe that 9/11 was the convenient trigger. In reality, the true Pearl Harbour occurs within weeks of this PNAC prediction being published. On 6 November 2000, Iraq began selling oil in euros, with others (Venezuela, Iran, Russia and Libya) threatening to follow suit.<sup>50</sup> Later Iraq converted its \$10 billion reserve fund at the UN also to euros. In the aftermath of the 7 November 2000 US presidential elections, the Republican right faced the long-term national emergency immediately. If the oil economy were to shift to euros, the American economy would collapse. This is the context surrounding the deliberations of the Cheney Energy Policy Task Force in early 2001, whose conclusions until now remain

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<sup>46</sup> William R Clark, *Petrodollar Warfare: Oil, Iraq and the Future of the Dollar* (NY: New Society Books, 2005).

<sup>47</sup> “Statement of Principles”, Project for the New American Century, 3 June 1997.  
<http://newamericancentury.org/statementofprinciples.htm>

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<sup>48</sup> <http://energybulletin.net/559.html>

<sup>49</sup> “Rebuilding America's Defences: Strategy, Forces and Resources for a New Century,” PNAC, September 2000.

<http://newamericancentury.org/RebuildingAmericasDefenses.pdf>

<sup>50</sup> William R Clark, “The Real Reasons for the Upcoming War With Iraq: A Macroeconomic and Geostrategic Analysis of the Unspoken Truth”, 17 February 2003.

<http://globalresearch.ca/articles/CLA302A.html>

classified.<sup>51</sup>

The two national emergencies had rolled into one: Saddam Hussein and the Iraqi people were weathering sanctions while other states were circumventing them, slowing down progress in Big Oil regional ambitions; and President Hussein played the bourse card, threatening the entire basis of the American economy in one move. Iraq was the country that didn't compromise and succeeded in firing missiles on Israel; it was also the country that used its oil for progress and that aided poor countries in Asia, Africa and the Arab world. As a country that could defy imperialism when imperialism was victorious everywhere, Iraq signed its own death warrant. It should die. That US Big Oil corporations would make a killing on stolen Iraqi resources was a bonus.<sup>52</sup> The real issue was national defence — that is, defence of the system of life of a nation that consumes 25 per cent of the world's energy resources while it constitutes 4.6 per cent of the world's population, a system that creates 600,000 tons of garbage per day.

#### *iv. A unified strategy of genocide*

To truly secure US supremacy, Iraq would have to become the 51st economy of the United States. This could only suggest genocide. By no other means could the United States control what has been a geopolitical entity for 6,000 years and a bastion of Arab nationalism throughout the 20th century. By no other means could the United States seize from Iraqis their principle source of material and future welfare, imposing on their culture the idea of foreign ownership of the riches of the land. Destroying the Iraqi state would not be enough. To control Iraq, in its median

position, necessitates destroying its Arab Muslim identity — erasing its very being as a nation.

In combination, the above represents the strategic context and motive — global, regional and national — for destroying the state and nation of Iraq. No single aspect can be taken alone; each supports the others. It is through myriad acts meeting these three broad strategic concerns that US “intent to destroy” Iraq can be traced, while the general cohesion of these three pillars of US strategy suggests “intended destruction” of Iraq as the logical conclusion of well-established US Middle East and global strategic policy.

Nothing in this “logic” can excuse its execution. Indeed, nothing in this logic is excusable. It is specific intent, not implementation that defines the crime of genocide under international law. Claims of “benevolent hegemony” that accompany US global plans are irrelevant. These plans in intent constitute genocide. US national, regional and global designs dictate the rationality embedded in military planning and thinking. Implementation is merely the mirror of the intent. And if, in the words of Morris and Scharf, “it is unnecessary for an individual to have knowledge of all details of the genocidal plan or policy,” the pattern of implementation is enough to infer the crime.<sup>53</sup>

#### **b) Implementing genocide in Iraq<sup>54</sup>**

Having understood the desire, or *mens rea*, the means, or *actus rea*, becomes easier to unravel. From the above, it is clear that the United States had reasons to desire — within its own logic — the destruction of Iraq as a

<sup>51</sup> Disclosure of the 2001 deliberations of the National Energy Policy Development Group (commonly referred to as the “Cheney Energy Task Force”) is subject to ongoing legal action.

[http://judicialwatch.org/printer\\_1270.shtml](http://judicialwatch.org/printer_1270.shtml)

<sup>52</sup> <http://brusselstribunal.org/pdf/BigOil.pdf>

<sup>53</sup> Virginia Morris and Michael P Scharf, *The International Criminal Tribunal for Rwanda* (NY: Transnational Publishers, 1998).

<sup>54</sup> For more information on the section that follows see <http://albasrah.net/>, <http://uruknet.info/> and <http://heyetnet.org/en/>

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state and nation. The means by which it destroyed the Iraqi state, and attempted to destroy the Iraqi nation, follow on from and accord to these reasons.

Specifically, the US has sought to: 1) Destroy Iraq physically and culturally, and principally militarily, so that it can never re-emerge as an economic, political or military force; and 2) Break Iraq as a state and nation, substituting the state with three or more conflicting and weak entities based on ethnic and sectarian affiliations that presage the destruction of Iraq's Muslim Arab identity. These two objectives, if achieved, would allow for the plunder of Iraq's resource riches, control of its median position in order to attain global pre-eminence, serve in the protection of the US's offensive regional instrument and proxy, Israel, and erase the last official remnant of the pan-Arab nationalist movement.

This project of intended destruction — the legal substance of genocide — has been going on for 17 years. All together, the pattern of intent is irrefutable. It has led to an estimated 1,500,000 excess Iraqi deaths under sanctions, and as many as 1,000,000 excess violent Iraqi deaths since the US illegal war of aggression. By any definition, but also defined in law, this is genocide.

### *i. Destroying Iraq physically and permanently*

The destruction of Iraq began with sanctions in 1990 and the 1991 Gulf War. On the one hand, the war was not to liberate Kuwait. It was the opening shot of a broader objective of destroying Iraq, entailing permanently destroying its military capabilities and civil capacities, in order to replace the Iraqi state with an unviable entity in need of constant US assistance, while breaking its economy in order to break the will of the Iraqi people and later plunder Iraqi resources. Under sanctions, in finance and economy Iraq became a ward of

the UN Security Council, its budget managed by foreign powers, and with no end in sight.<sup>55</sup>

This marks the beginning of the dismantling of Iraq as a state and nation. Ground invasion takes place when established policy proves unable to achieve its goals.

Francis Boyle in his indictment for crimes against humanity and the crime of genocide describes well the 1991 Gulf War and its intent:

The bombing continued for 42 days. It met no resistance from Iraqi aircraft and no effective anti-aircraft or anti-missile ground fire. Iraq was basically defenceless. Most of the targets were civilian facilities. The United States intentionally bombed and destroyed centres for civilian life, commercial and business districts, schools, hospitals, mosques, churches, shelters, residential areas, historical sites, private vehicles and civilian government offices. In aerial attacks, including strafing, over cities, towns, the countryside and highways, United States aircraft bombed and strafed indiscriminately. The purpose of these attacks was to destroy life and property, and generally to terrorise the civilian population of Iraq. The net effect was the summary execution and corporal punishment indiscriminately of men, women and children, young and old, rich and poor, of all nationalities and religions. The intention and effort of this bombing campaign against civilian life and facilities was to systematically destroy Iraq's infrastructure leaving it in a pre-industrial condition. The United States intentionally

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<sup>55</sup> In the words of Martin Indyk, the top Middle East policymaker on Clinton's first National Security Council, "We will not be satisfied with Saddam's overthrow before we agree to lift sanctions." <http://thewashingtoninstitute.com/templateC07.php?CID=61>



bombed and destroyed defenceless Iraqi military personnel; used excessive force; killed soldiers seeking to surrender and in disorganised individual flight, often unarmed and far from any combat zones; randomly and wantonly killed Iraqi soldiers; and destroyed material after the ceasefire. The United States used prohibited weapons capable of mass destruction and inflicting indiscriminate death and unnecessary suffering against both military and civilian targets. Fuel air explosives were used against troops in place, civilian areas, oil fields and fleeing civilians and soldiers on two stretches of highway between Kuwait and Iraq.<sup>56</sup>

The material destruction of Iraq didn't end with the ceasefire that supposedly marked the end of the 1991 Gulf War. General Michael J Dugan, former chief of staff of the US Air Force, revealed the deliberations of the US administration when he stated in mid-summer 1991 that if another war comes, "We will bomb Iraq back into the Stone Age."

In reality, in the post-Gulf War period Iraq's defences were systematically obliterated by numerous US-UK bombing raids under justification of unilaterally imposed and illegal no-fly zones — first in the north, in April 1991, and later in the south.<sup>57</sup> Thus, contrary to what is usually assumed, the occupation of Iraq didn't start in 2003; it started in 1991. If occupation is the situation that pertains when the territory of a state is put under the authority of a foreign military power — as defined by The Hague IV Regulations<sup>58</sup> — then Iraq from this time, in losing effective

military control of at least two thirds of its territory, became de facto occupied.

The no-fly zone system also had an ancillary agenda: 1) It imposed a de facto division of Iraq into three regions that corresponded to a political agenda of partition<sup>59</sup>; 2) Provided political cover for continuous targeting of Iraq's military and civil infrastructure; and 3) Provided air cover for the US to gather conspiring opposition forces and for the US and Israel to train Iraqi separatist militias, which later would replace the national army.

Tied to UN sanctions, the UN weapons inspections programme (United Nations Special Commission, UNSCOM) presented Iraq with constantly shifting demands. The "100 per cent" verification order was technically — even according to former inspectors — impossible to satisfy. Aside from that, according to a 1999 article in *The Washington Post*, "United States intelligence services infiltrated agents and espionage equipment for three years into United Nations arms control teams in Iraq to eavesdrop on the Iraqi military without the knowledge of the UN agency that it used to disguise its work, according to US government employees and documents describing the classified operation."<sup>60</sup> Similar allegations surfaced in 2003 that the UK leaked false information on weapons in order to use inspections as political cover.

Combined, no-fly zones and weapons inspections allowed the United States and its

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<sup>56</sup> Francis Boyle, "Flashback: US War Crimes During the Gulf War," 2 September 2002, <http://counterpunch.org/boyle0902.html>

<sup>57</sup> <http://ccmep.org/usbombingwatch/2002.html>

<sup>58</sup> Laws and Customs of War on Land (Hague IV) 18 October 1907, <http://yale.edu/lawweb/avalon/lawofwar/hague04.htm>

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<sup>59</sup> Richard Becker, "Is the U.S. Attempting to Dismember Iraq?"

<http://globalpolicy.org/security/sanction/irqbckr.htm>

<sup>60</sup> "US Spied on Iraq Via UN," *The Washington Post*, 2 March 1999, <http://washingtonpost.com/wp-srv/inatl/daily/march99/unscom2.htm> UNSCOM was disbanded in 1999, replaced by United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). In 2003, UNMOVIC concluded that UNSCOM had successfully dismantled Iraq's unconventional weapons programme during the 1990s.

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allies to bomb Iraq at will for 13 years in the pre-invasion phase. Under the cover of weapons inspections in particular, scores of factories, schools, chemical plants of a civil nature — indeed anything suspected even remotely of having a prohibited military function — were blown up or bombed.

In the name of the no-fly zones, the US and allies hit infrastructure, communication lines, defensive installations and numerous non-military targets, ostensibly all in the name of protecting the civilian population. While the US administration was telling lies about seeking a diplomatic solution to the “Iraq crisis” it engineered, Operation Southern Focus begun in June 2002, entailing intensive bombing below the 33rd parallel, ostensibly to “soften up” Iraq for invasion. In September 2002 alone, US air forces dropped 54.6 tons of bombs, one month prior to Congress authorising war.

With the ground invasion the military and civil destruction of the Iraqi state accelerated dramatically. With the massive air bombing campaign dubbed “Shock and Awe”, the Iraqi state — already criminalised, as the “repressive arm” of the Iraqi Baath Party — in every instance of its human and infrastructural form was a target. Conscious that its forces were unequal to those of the foreign invaders, and after the Battle of Baghdad Airport where non-conventional weapons were used by the US, the Iraqi army disperses, a substantial part going underground to pursue pre-planned guerrilla warfare.

The police like the population as a whole stays home. Militias entering Baghdad alongside US forces inaugurate the breakdown of law and order sanctions long desired, looting and burning down all public institutions (ministries, hospitals, universities, schools, museums, libraries, cultural institutions, etc.), unopposed by US forces who have been ordered not to intervene. Nothing of exchange

value belonging to the Iraqi state is not stolen; everything else is destroyed. This policy of tabula rasa amounts to the effacement of modern and ancient Iraq. The result is a state of national shock and of preparation of the confrontation between the occupation and the Iraqi state apparatus that went underground.

Order #2 of US Civil Administrator L Paul Bremer will disband the national Iraqi army<sup>61</sup>, leaving 400,000 well-trained and experienced men with no immediate means of material survival and no legitimate national force responsible for defending Iraq’s population and territory. In addition to the looting of civil institutions, systematic looting of military installations and armories is organised<sup>62</sup>, all left unprotected by occupation forces allegedly on Iraqi soil to disarm by force the Iraqi state. Heavy materiel from national armories is either sold as iron or carried to the north. Army personnel are criminalised as Saddam’s “henchmen”.

Armaments, equipment and archives are destroyed or stolen, personnel killed or detained, and Iraqi military ideology — of being an army defending the unity of Iraq and the Arab nation — considered racial and sectarian. Iraq’s experienced and strong army, dating in origin to 1921 and which defended the unity of the Iraqi state and participated in the defence of Palestine, Jordan and Syria, will be replaced by Kurdish separatist and pro-Iranian militias. The task of the new army is

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<sup>61</sup> CPA Order #2, “Dissolution of Entities,” 23 August 2003, [http://cpa-iraq.org/regulations/20030823\\_CPAORD\\_2\\_Dissolution\\_of\\_Entities\\_with\\_Annex\\_A.pdf](http://cpa-iraq.org/regulations/20030823_CPAORD_2_Dissolution_of_Entities_with_Annex_A.pdf)

<sup>62</sup> James Glanz and William J Broad, “Looting at Weapons Plants Was Systematic, Iraqi Says,” *New York Times*, 13 March 2005.

<http://globalpolicy.org/security/issues/iraq/unmovic/2005/0313systematic.htm>. James Glanz, “Arms Equipment Plundered in 2003 Is Surfacing in Iraq,” *New York Times*, 17 April 2005.

<http://globalpolicy.org/security/issues/iraq/unmovic/2005/0417surfacing.htm>

not to defend the unity and integrity of Iraq, but to defend the occupation and its local proxies against the people of Iraq labelled “terrorists” or “Saddamists”.

Iraq’s territorial borders are left unsecured. Private foreign security contractors working as mercenaries, create a parallel system of fear and danger, operating free of all accountability to law.<sup>63</sup> The militias of sectarian forces brought in with the occupation begin to operate across the Iraqi territory. Simultaneously, a wave of assassinations targets pilots, engineers, scientists and military officers, with reports linking the killing to intelligence agencies of Israel and Iran suspected of circulating elaborate “hit lists”. With weapons being disseminated across the country, kidnapping becomes a threat to daily civil security, along with extortion and summary execution. Corpses quickly start to appear on the streets of Baghdad.

Parallel to military campaigns, from 1990 the US deliberately pursued a policy of weakening Iraq economically to be sure that Iraq could not recover from the systematic destruction of civil infrastructure during the 1991 Gulf War and again emerge as an economically developing country. UN sanctions, which prevented the free sale of oil from 1990 onwards, had a devastating effect on Iraq’s economy, and necessarily the majority of Iraqi citizens. The majority of Iraq’s working population in 1990 were employed in the public sector and thus dependant on oil revenue that prior to 1990 comprised 90 per cent of Iraq’s GDP.

Given that Iraq was a welfare state, the debilitation of public services affected all Iraqi citizens. Ostensibly eased by the Oil-for-Food

Programme, which was based on limited sales quotas until 1998 and thereafter remained heavily regulated, sanctions continued from 1996 to devastate commerce and infrastructure.<sup>64</sup> The banning of “dual use” items even included paper.<sup>65</sup> Sanctions also would play a role in the de facto partition of Iraq: the northern Kurdish area, under the no-fly zone, was effectively exempted, allowing Kurdish separatists to flourish and entrench their autonomy from the central government.

One aspect of the package established by UN Security Council Resolution 687 of 3 April 1991 was the UN Compensations Commission that throughout the period of sanctions, when economically Iraq was crippled and when over 5,000 children were dying monthly, collated damages claims from the Gulf War and siphoned a third of Iraq’s oil revenues (restricted under quotas) to pay reparations. This situation is ongoing with claims amounting to \$352.5 billion.<sup>66</sup> For contrast, when in December 1996, under the Oil-for-Food Programme, Iraq was permitted to export oil in return for humanitarian supplies it was restricted to an overall quota of \$2 billion in oil sales every six months. In effect, Iraq had no means of sustaining itself, the total of its remittances from oil amounting to disposable revenue of \$15 per Iraqi per month. Exasperated by a system they deemed “genocide,” Denis Halliday and Hans von Sponeck (both former UN humanitarian coordinators for Iraq who resigned) in November 2001 wrote: “The uncomfortable truth is that the West is holding the Iraqi people hostage.”<sup>67</sup>

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<sup>63</sup> CPA Order #17, “Status of the CPA, MNFI, Certain Missions and Personnel in Iraq,” 27 June 2004, [http://cpa-iraq.org/regulations/20040627\\_CPAORD\\_17\\_Status\\_of\\_Coalition\\_Rev\\_with\\_Annex\\_A.pdf](http://cpa-iraq.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf)

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<sup>64</sup>

<http://globalpolicy.org/security/sanction/iraq1/2002/paper.htm>

<sup>65</sup> <http://iraqwar.org/list.htm>

<sup>66</sup> <http://www2.unog.ch/uncc/status.htm>

<sup>67</sup> Hans Von Sponeck and Denis Halliday, “The Hostage Nation,” 29 November 2001, <http://zmag.org/halsponiraq.htm>

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Upon invasion, US strategy in Iraq can be summed up in one phrase: privatisation by military force. Order #12 of US Civil Administrator Bremer enacted on 7 June 2003 suspended all tariffs, customs duties, import taxes, licensing fees and similar surcharges for goods entering or leaving Iraq, and all other trade restrictions that may apply to such goods<sup>68</sup>; Order #17 grants foreign contractors, including private security firms, full immunity from Iraq's laws<sup>69</sup>; Order #39 allows for the privatisation of Iraq's 200 state-owned enterprises, 100 per cent foreign ownership of Iraqi businesses, national treatment of foreign firms, unrestricted, tax-free remittance of all profits and other funds, and 40-year ownership licenses<sup>70</sup>; Order #40 turns the banking sector from a state-run to a market-driven system overnight by allowing foreign banks to enter the Iraqi market and to purchase up to 50 per cent of Iraqi banks<sup>71</sup>; Order #49 drops the tax rate on corporations from a high of 40 per cent to a flat rate of 15 per cent. The income tax rate is also capped at 15 per cent<sup>72</sup>; and Order # 81 prohibits Iraqi farmers from using the methods of agriculture that they have used for

centuries.<sup>73</sup> The common worldwide practice of saving heirloom seeds from one year to the next is made illegal in Iraq.

The consequences are as follows: 1) A rise of unemployment to over 70 per cent; 2) Systematic plunder by multinational corporations; 3) Corruption on a scale unprecedented; and 4) The institution of two economic realities: the economy of graft limited to the Green Zone, and the non-economy of the rest of Iraq, known as the "Red Zone".

### *ii. Substituting the Iraqi state and nation*

In its attempt to destroy and substitute the Iraqi state and nation, the United States pursued two parallel tracks: 1) Demonising the Arabism of the Iraqi state, of the Iraqi Baath Party — a non-sectarian national movement of six million sympathisers — and Saddam Hussein; and 2) Promoting, funding and organising sectarian groups of the Iraqi opposition.

Kick-starting the policy of destroying the Iraqi nation defined as being composed of Iraqis, Bush Sr encouraged the rebellion of "Kurds" and "Shias" against the Iraqi central government in 1991 as the Iraqi national army was demobilising, implying that those who ruled them were "Sunnis". In the words of Francis Boyle: "Bush encouraged and aided Shiite Muslims and Kurds to rebel against the government of Iraq causing fratricidal violence, emigration, exposure, hunger and sickness and thousands of deaths. After the rebellion failed, the US invaded and occupied parts of Iraq without lawful authority in order

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<sup>68</sup> CPA Order #12, "Trade Liberalisation Policy," 26 February 2004, <http://cpa-iraq.org/regulations/CPAORD12.pdf>

<sup>69</sup> CPA Order #17, "Status of the CPA, MNFI, Certain Missions and Personnel in Iraq," 27 June 2004, [http://cpa-iraq.org/regulations/20040627\\_CPAORD\\_17\\_Status\\_of\\_Coalition\\_Rev\\_with\\_Annex\\_A.pdf](http://cpa-iraq.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf)

<sup>70</sup> CPA Order #39, "Foreign Investment," 20 December 2003, [http://cpa-iraq.org/regulations/20031220\\_CPAORD\\_39\\_Foreign\\_Investment\\_.pdf](http://cpa-iraq.org/regulations/20031220_CPAORD_39_Foreign_Investment_.pdf)

<sup>71</sup> CPA Order #40, "Bank Law," 19 September 2003, [http://cpa-iraq.org/regulations/20030919\\_CPAORD40\\_Bank\\_Law\\_with\\_Annex.pdf](http://cpa-iraq.org/regulations/20030919_CPAORD40_Bank_Law_with_Annex.pdf)

<sup>72</sup> CPA Order #49, "Tax Strategy for 2004," 20 February 2004, [http://cpa-iraq.org/regulations/20040220\\_CPAORD\\_49\\_Tax\\_Strategy\\_of\\_2004\\_with\\_Annex\\_and\\_Ex\\_Note.pdf](http://cpa-iraq.org/regulations/20040220_CPAORD_49_Tax_Strategy_of_2004_with_Annex_and_Ex_Note.pdf)

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<sup>73</sup> CPA Order #81, "Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law," 26 April 2004, [http://cpa-iraq.org/regulations/20040426\\_CPAORD\\_81\\_Patents\\_Law.pdf](http://cpa-iraq.org/regulations/20040426_CPAORD_81_Patents_Law.pdf)

to increase division and hostilities within Iraq.”<sup>74</sup>

UN sanctions forced Iraq, as both a state and a nation, into complete isolation. While President Saddam Hussein, and by extension the Iraqi Baath Party, was the main focus of relentless vilification, from 1990 onwards to be non-Kurd Iraqi was to be suspect. With the demonisation of President Hussein began the process in discourse that would undermine the very concept of Iraqi citizenship: the imposition of sectarianism in allegations, now questioned, that “Saddam gassed the Kurds” and “oppressed the Shia”, and ruled in the name of the “Sunni minority”. The Iraqi Baath Party, central to the operation of the state, was falsely cast as “Sunni”, repressive of Iraqi Kurds and Shias *as* Kurds and Shias — a canard that would later allow for the targeting of Sunnis simply because they are Sunni.

Covertly, and later overtly, the United States started funding sectarian militias and opposition groups. The US-sponsored 1992 opposition conference in Salah El-Din (on Iraqi soil, with US security guarantees — a blatant breach of Iraqi sovereignty) crystallised the ideas of what would replace the political regime of the Iraqi Baath Party: a sectarian division of Iraq, as well as sectarian quotas in government. A decade of unsuccessful attempts to unify that opposition on the details of carving up Iraq would follow. By 1998, US official policy, announced in the Iraq Liberation Act, became “regime change”, including official funding of sectarian opposition groups. Within a month and a half of the passing of the act, the United States launched a major bombing campaign across Iraq. Various plots for a coup d’etat were supported and funded by the CIA.

After years of conspiracy, the December 2002 London conference of the Iraqi National Congress (INC; pre-1998 funded by the CIA, post-1998 funded by US Congress, and headed by Ahmed Chalabi) agreed on what percentages each participating faction of the US-assembled “opposition” would gain in the sectarian quota system. Unable to replace the Iraqi state and its national movement without the Islamist “factor”, the INC London conference also crystallised an accord between the US and Iran on how to, and who would, replace the regime of Saddam Hussein: an alliance between Kurdish separatists allied to the US; pro-US Iraqi liberals (the INC and the Iraqi National Accord of Iyad Allawi); and pro-Iranian Islamists under Mohammed Bakr Al-Hakim of the Supreme Council for the Islamic Revolution in Iraq (SCIRI).<sup>75</sup>

This constituted body of US-approved spokespeople for the virtual constituents of Iraqi society — Shias, Kurds, liberals — would help justify the need in the media for a ground invasion and provide candidates for the first US installed interim government. Silenced are the Iraqi people as well as the 23 February 2003 London meeting of authentic Iraqi opposition forces who opposed the US agenda of illegal pre-emptive war and the interference of foreign powers in Iraqi national affairs.<sup>76</sup>

The phase of “creative destruction” in the Iraqi political domain starts with, and is predicated upon, an unprecedented propaganda campaign directed at both international and Iraqi public opinion, based on sectarian vocabulary and virtual identities and predating the invasion. It reads: 1) “The Kurds have been gassed,” so should be protected and given special rights, presaging Kurdish succession and the

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<sup>74</sup> Francis Boyle, “Flashback: US War Crimes During the Gulf War,” 2 September 2002, <http://counterpunch.org/boyle0902.html>

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<sup>75</sup> Ghassan Atiyyah, “Fixing it: the London conference, Tehran deal, and beyond”, 1 September 2003, [http://opendemocracy.net/conflict-iraqivoices/article\\_872.jsp](http://opendemocracy.net/conflict-iraqivoices/article_872.jsp)

<sup>76</sup> See “On Democracy in Iraq,” Documentary, dir. Hana Al Bayaty, 2003, 52mins.

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fragmentation of the Iraqi state; 2) “Shias are the majority” — a baseless assertion given that no reliable census has been conducted — oppressed not only by Saddam’s regime but also throughout their history, the “democratic process” simply the harbinger of social justice; 3) “Sunnis are the criminals” and oppose the “New Iraq” because of loss of privileges and the power to oppress others; 4) “Iraq is an artificial creation” comprised of three homogenous regions: Kurds in the north, Sunnis in the centre, and Shias in the south.

Inherent to this propaganda is a purposive blurring of the distinction between ethnic and sectarian identities: the Shias and Sunnis are not Arab or Kurd; Kurds are not Muslim, be it Shia or Sunni; and there is no such thing as “the Iraqis”, only a composition of Sunni, Shia and Kurd. All other components of Iraqi society — Turkomans, Assyrians and other Christians, and Yazidi and Sabbits — are purposely ignored.

The aim of this propaganda is to facilitate US destruction of the Iraqi state. The first order passed into law by US Civil Administrator Bremer, outlaws the Iraqi Baath Party in its entirety.<sup>77</sup> Immediately 100,000 able members of the administrative cadre are criminalised and disbarred from state employment. Silenced is the fact that 58 per cent of those targeted by the US-imposed DeBaathification Commission are Shias. In place of the dissolved state, the Transitional Administrative Law (TAL) is drafted and imposed, legislating the disbanding of the army and the privatisation of the economy. Civil and political resistance to the occupation is outlawed, and civil and political resistance to US corporate privatisation is criminalised.

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<sup>77</sup> CPA Order #1, “DeBaathification of Iraqi Society,” 16 May 2003, [http://cpa-iraq.org/regulations/20030516\\_CPAORD\\_1\\_De-Ba\\_athification\\_of\\_Iraqi\\_Society\\_.pdf](http://cpa-iraq.org/regulations/20030516_CPAORD_1_De-Ba_athification_of_Iraqi_Society_.pdf)

No one who does not endorse the TAL is permitted to participate in the “political process”, which itself is reduced to a competition between sectarian leaders. The whole domain of Iraqi politics becomes US-drafted. The US claims to know who represents the Iraqi people better than the people itself. The TAL, in effect, legislates the alienation of the Iraqi people from democratic politics. Violating the UN Draft Articles on State Responsibility, UN Security Council Resolution 1546 in June 2004 “welcomes” and “endorses” the formation of a “fully sovereign” interim Iraqi government as a stage on the road to an independent, democratic and federal Iraq, thereby recognising the consequence of an illegal state act — the invasion.

The following period of general repression can be split between two phases: 1) The imposition of illegal elections; and 2) The imposition of a permanent constitution based on the TAL. Across Iraq, the occupation attempts to create three de facto realities on the ground: 1) Northern autonomy for the Kurds with promises of generous representation in parliament, and the annexation of oil-rich Kirkuk, allowing the occupation to justify its “democratic process” and in turn instrumentalise Kurdish militias to suppress the Iraqi resistance; 2) The promotion of Islamist clergy in the south in exchange for Sistani’s support of the political process and his compelling *fatwas* for all Shias to participate in national elections; 3) The central region identified as Sunni and subject to waves of violence, uricide and terror.

Ahead of and after elections, waves of violence and arbitrary detentions target Sunni communities. The vilification of the Baath Party and its assimilation with Sunnis deepens. Media sources speak of “Sunni terrorists”, “Saddam loyalists”, “The Sunni Triangle”, “The Triangle of Death” and “Sunni Al-Qaeda”, all presaging and constituting the

destruction of Iraq's unifying Arab Muslim identity and the very idea of Iraqi citizenship and nationality. This sectarian propaganda will directly play a role in later attempts to spark civil war, and will contribute to the enforced homogenisation of city districts and justify the erasure by military force of whole towns in predominantly Sunni provinces. That these provinces rise up in resistance in response to US military aggression is taken as proof that the resistance is Sunni, thereby sectarian and should be repressed. In order to achieve its goals, the sectarian occupation accuses the Iraqi people and its resistance of sectarianism.

The so-called "political process" is but theatre in which the public has no right to change the issue. While Iraq is under real and concrete illegal occupation; while political free expression is absent thanks to the deBaathification and the repression of Sunnis; while Iraqi citizens cannot prove themselves citizens because of the absence of registers — destroyed in the looting<sup>78</sup> — and state institutions; while the condition of participating in politics is acceptance of the TAL; while those who survey and organise the elections are well known pro-occupation propagandists; while the political process is under the occupation's guns; while you lose your food ration or your life if you don't vote as you should, how can anyone think that the result is the real expression of Iraqi people? The elections can be summed in an Iraqi proverb: "You choose a rabbit, I give you a rabbit; you choose a gazelle, I give you a rabbit." The spectacle is organised to institute a divided Iraq.

Further, elections will be based solely on sectarian lists, the main lists benefiting from generous US funding and access to US-sponsored media. Fifty per cent of Iraqis will

boycott, despite the price of starvation exacted for non-participation. In the new National Assembly, contradictory agendas ensure permanent instability. The "political process", already stripped of legitimacy, cannot but further deepen the confrontation between the occupation and the Iraqi people. How can a permanent constitution be drafted by a parliament that does not fairly represent the population and fails — and cannot succeed — to ensure peaceful coexistence in society?

The theatrical elections and the political process are unable to hide the gap between the real Iraq and the real plans of the occupation. The real occupation is using military force to impose its model. The "political process" simply creates a clique working for, or accepting, the occupation's plan of destruction for Iraq. As with the elections, the constitution in 2005 is passed at gunpoint by referendum. Based on the TAL, it legislates the destruction of Iraq as a state and nation. By its central provisions and blurred jargon it: 1) Cancels the concept of the united republic of Iraq; 2) Cancels the concept of citizenship; and 3) Cancels the concept of Iraq as an Arab-Muslim nation.

The draft oil law — the major plank in the strategy of plunder of the US occupation — if passed would contribute to the de facto partition of Iraq in shrinking the funding source of central government, as well as opening the way to foreign ownership of Iraqi oil. As set in the illegal constitution, the proposed Oil Law that until now cannot be passed, has two objectives: 1) To end all public management of the Iraqi oil industry by opening it up to private capital; and 2) to pass to confederated regions real decisions on oil, neglecting the existence and the necessity of a united Iraq with a central government.

These two principles are more political propaganda to ignite local dreams and conflicts than real law to organise Iraq's oil

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<sup>78</sup> Saad Kiryakos, "Destroying Iraq's Public Records," July 2003, <http://globalresearch.ca/articles/KIR307A.html>

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industry. All who are concerned with the oil industry in Iraq, including international oil companies, know it is impossible to direct the oil industry but by a central entity, whether it is public or private, and that these principles are a source of potential unending conflicts between Iraqis.

The US oil project is to give in the north the presenting producing fields of Kirkuk to the Kurds, and in the south the presently producing fields to Shias, while obliging the centre — which it names “Sunni” and which has, according to estimations, twice what the north and the south have — to render its oil to foreign companies. The occupation’s propaganda on oil is solely to ignite conflicts between Iraqis. All know it is unrealisable. Technically, oil fields do not respect sects and ethnicities. Legally, the occupation’s laws are not binding for Iraqis. And politically, all Iraqis believe that oil is the property of the nation and its privatisation is plunder and treason.

Iraq, prior to when the genocide began in 1990, was a modern Arab state led by its middle class culture. It became nothing less than hell for those living in it now. US “creative destruction” has touched all aspects of society as a whole. Through the dismantlement of the state, the middle class has been decimated. The targeted assassination of all kinds of professionals has accurately been described as the imposition of the “Salvador Option”<sup>79</sup> in Iraq. Not only has this lead to tens of thousands of murders, driving the middle class that remained, despite the first wave of migration during the sanctions period, into exile, but in stripping Iraq of its middle class culture it has led to a breakdown of social values at all levels.

Further, all welfare provision has completely collapsed, ensured by the disbanding of Iraq’s competent civil service under deBaathification

and the promotion of sectarian and feudal forces that understand only nepotism. With mass deprivation, child begging has risen 450 per cent. Criminality and prostitution have burgeoned, as has the drug economy. Extortion and kidnapping is a whole parallel economy. Forced displacement has denied thousands of families of their possessions and property. For those unable to flee, the only economy is collaboration, which amounts to genocide of another kind. Instead of sustaining the occupation by joining the Iraqi army or the police, millions are choosing poverty and dignity.

Equally destructive has been the targeting of women. Iraq’s women have been central to its public history for generations. From enjoying the freedoms of liberty and progress, enshrined in pre-US invasion protective legislation, cancelled by the occupation, Iraqi women have been consigned to their homes, hundreds of thousands rendered widows, thousands more raped and abused, and millions forced behind the veil by the rise of sectarian Islamist fundamentalism, or as a general feeling of mourning and a counter-identity to the occupation. The violence that has been visited upon Iraqi women has deeply shocked Iraqi society. Mass detentions of men have driven many, separated from their husbands, into poverty. Further, rising sectarianism has broken thousands of families with divorce rates soaring, many women left struggling to feed themselves or their children.

The climate of general repression that is the outcome of the above touches all Iraqis, individually and collectively, and deeply. Mental disturbance and psychosis has proliferated. Constant witness to atrocities and death, 2007 saw the walling-in of whole communities, further isolating neighbourhoods and relatives, entailing de facto house arrest for millions. The parallel economy of extortion and violence has led to massive forced redistributions of wealth; many families forced

<sup>79</sup> <http://brusselstribunal.org/BritishBombers.htm>



to give everything they own in ransoms. Tens of thousands of children have been orphaned.

In the social sphere, a strategy of annihilation has been pursued from the beginning. “By destroying the Iraqi state,” in the words of Hana Al Bayaty, “the occupation has erased any potential intermediary with the Iraqi people and has had to face them directly.”<sup>80</sup> Not only has it had to; it wanted to and aimed to. After four years of its resistance, however, the Iraqi people have vindicated Sartre: if the US wants to break them, it will have to exterminate them to the last woman, child and man.

### *iii. Resistance to genocide*

Of the few in the West that stood in solidarity with Iraq under sanctions and visited the country destroyed by unprecedented force in the 1991 Gulf War, many describe Iraq’s mode of survival under sanctions as a “miracle”. With ingenuity and determination, Iraqis rebuilt essential civil infrastructure bombed to oblivion and televised on screens worldwide. Under unprecedented forces, included intended starvation and the debilitation of primary services, the Iraqi nation did not fragment — indeed, it strengthened.

Following the ground invasion, Iraqi resistance began on the second day of the occupation of Baghdad with the killing of an American soldier in Al-Adhamiyah. By June 2003, the resistance is already strong enough to declare a programme of national liberation. What is evident now is that this resistance was prepared in parallel before the invasion as the sole way a small people can confront a military superpower.

Even before the supposed end of US major combat operations, resistance operations targeting occupation forces escalate, centred

on Baghdad and its surrounding towns. It is clear to all military planners, whether from the invading armies or from the disbanded national army, that the control of Baghdad is essential to the control of the entirety of Iraqi territory.

There have been to this day, four attempts to pacify Baghdad since 2003. Iraq being a particularly centralised state, all roads passing across the country and linking it to neighbouring states, lead to or leave from the capital. From the very start of the occupation, the confrontation between the resistance and multinational forces has naturally concentrated itself on the control of these axes. The occupation cannot stabilise Iraq without the subjugation of Baghdad and its surrounding provinces. The Iraqi resistance as it grows from 2003 onwards will mainly operate in and around the capital in order to disrupt the supply chain and capacity of movement of occupation forces across the country. The success of this resistance strategy will cost the United States millions of dollars.

Because of its arrogance and ignorance and imperial calculations, Fallujah and Ramadi, Samarra, Baquba, and Hillah are daily criminalised as strongholds of the “Sunni” insurgency. In fact, they become known to the entire world simply because they respectively are the first towns on the roads going from Baghdad to Jordan, Syria, Turkey, Iran and the Arab Gulf. As a result of daily campaigns of indiscriminate bombings and arrests, civil and armed resistance in these provinces increases, thereafter used as the proof of the veracity of US propaganda.

As to Baghdad, it is historically a multi-ethnic and multi-cultural city where no ethnic or sectarian community is the majority. The provinces creating a ring around the Iraqi capital are traditionally and culturally patriotic and anti-occupation. This is proven by their sympathy and cooperation with resistance

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<sup>80</sup> Hana Al Bayaty, “Iraq’s Sectarian Myth,” *Al-Ahram Weekly*, Issue 747, 16-22 June 2005.  
<http://weekly.ahram.org.eg/2005/747/re7.htm>

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movements that developed throughout successive attempts by foreign imperial powers to occupy Iraq by taking its capital, be it at the time of the Mongols or the British.

The arrogance and ignorance of US strategists thought that by awe and corruption they could destroy Iraqi nationalism and identity. In attacking Sunnis they thought that they could win Kurds and Shias. They forgot the factors which stand against their theoretical suppositions: 1) There is no ethnically or sectarian pure region in Iraq. An important Sunni population in the south and one million Kurds in Baghdad illustrates this point; 2) A third of Iraqi marriages are inter-communal marriages; 3) Most Iraqi tribes are composed of Sunnis and Shias together; 4) The large Iraqi middle class is secular; 5) Iraqi identity has nothing to do with religion, sect or ethnicity; 6) Class interest is more important for the people than their ideologies; 7) Iraqis are all inheritors of the same civilisations, the latest being the Arab Muslim civilisation; and 8) More than 80 per cent of Iraqis are Arabs and they are proud of it.

In 2004, the US began a new phase in its project by attacking Fallujah and Najaf. It was evident then that the occupation was pushing all Iraq against its project. Whatever the propaganda, Iraqis understood that the US wants to subjugate them by force and that democracy is a lie. By late 2004, unable to break the backbone of the growing resistance movement, and due to the nature of guerrilla warfare being unable to differentiate the population from its assailants, the occupation further targets the population.

We now enter a period of escalating repression, especially affecting the central part of Iraq and running in parallel with the US militarily-imposed sectarian “political process”. Having disbanded the national army, the occupation relies primarily upon sectarian militias with poor local and no national ties,

and a newly recruited Iraqi army, also based on sectarian quotas, that is to this day reported as being unreliable, poorly equipped and poorly trained. The occupation resorts to two different military tactics: 1) Terror and targeted assassinations, and 2) A campaign of urbicides and mass incarceration.

In an attempt to divide the Iraqi population and criminalise its popular resistance, the occupation conducts numerous “black-ops” — patent US and UK covert attacks on Shia populated areas such as markets, mosques, bus stations, etc. These operations are then attributed to the popular resistance in order to criminalise it and divide it from its base of support across the whole population. All bombings in mosques and civil gathering places, representative of a long list of acts aimed to agitate, divide and terrorise the Iraqi population, are denounced and denied by the Iraqi armed resistance and never investigated by so-called sovereign successive Iraqi governments.

Throughout the attempt to conduct illegal elections, feeding off propaganda criminalising the Baath Party and assimilating the Baath with Sunnis, waves of mass detentions are followed by the strafing and levelling of entire cities (including Fallujah and Tel Afar, Al-Qaem, Haditha, Ramadi, Samarra). Scandals of war crimes, crimes against humanity, and grave human rights abuses continually arise, and collective punishment through food deprivation and large-scale round-ups of the male population are common. The targeting of the educated middle class by occupation sponsored militias and death squads starts to spike by late 2004, especially in Baghdad, with thousands of forced disappearances and the beginning of an exodus from Iraq that by 2007 would top four million.

The Iraqi resistance, through its popular support, proves its capacity to collect

information quicker than the occupying forces and their generous payouts. One major blow to the occupation is the attack inside a refectory within an American military base near Mosul, killing 19 soldiers and wounding 59 others.<sup>81</sup> The Iraqi population, harbouring the resistance, was by then already a permanent target, but this attack widens US suspicion even to collaborators. The feeling of insecurity, even within their fortified barracks, and extreme tension due to the lack of trust in local translators, starts breaking the morale of the occupying troops.

After massive waves of indiscriminate repression, the central part of Iraq refuses to participate to the “elections”, while southern Iraq, under British occupation, is called by the clergy to participate, officially as a means to elect a parliament that would call for a timetable for withdrawal. Over 50 per cent of the population overall boycotts the elections, de-legitimising the “political process”. As the population stands in solidarity against US plans, the occupation appears increasingly eager to instrumentalise this division of tactics and pit Iraqis against each other. From this moment onwards, US forces try to build a “new army” by unofficially incorporating sectarian militias into the security apparatus, none of which have allegiance to the central government and largely operate outside of its control.

By the start of 2006, attempts to pacify Baghdad have failed for the third time. Despite indiscriminate incarceration, blackmail, hostage taking, the walling-off of towns, food deprivation and massive human rights violations, the resistance is reportedly developing more sophisticated weapons and able to conduct up to 1,000 attacks against occupation forces each month. Its resolve cannot be broken and new recruits volunteer everyday.

In February 2006, in what seems a desperate attempt to impose civil war, the occupation and its militias organise the bombing of the Golden Dome Mosque in Samarra, one of the most sacred shrines for Shia communities worldwide. In a matter of hours, as expected, sectarian militias burn down holy Sunni mosques all over Baghdad and kill scores of civilians in summary executions, all under the protection and supervision of occupation force air cover. A campaign of ethnic cleansing at the hands of governmental militias is not contained and continues to this day.

With the failure of the political process due to the impossible real life conditions to which Iraqis are subjected, and the military, political and moral achievements of the Iraqi people represented by the resistance — that is to say the legal Iraqi army — the US tries to use the illegal tribunal it created to execute members of the legal Iraqi government as an instrument of propaganda. The fate and the illegal trial of President Saddam Hussein in particular is instrumentalised to revive sectarianism and to attempt to divide the different currents of the resistance among and within themselves.

Although the Iraqi resistance is not borne of a person, party, sect or religion, the trial, by refusing Saddam Hussein prisoner of war status, is aimed to revive the idea that Saddam Hussein equals Baathism that equals Sunnism that equals Arabism. Its political aim is to prevent the resistance from defending the Iraqi state by presenting them as only defending Saddam and the Sunnis. In addition, the trial is used to ignite sectarian divisions, as the chief prosecutor is known to be Shia and the presiding judge known to be Kurd.

As with the political process, the biased and flawed theatre of “victor’s justice” announces the nature of the entity the occupation intends to establish in place of the Iraqi state. Amid the US-authored genocide unfolding in ferocious force, Saddam Hussein’s alleged

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<sup>81</sup> <http://counterpunch.org/patrick12222004.html>

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crimes pale in significance. In dignity and displaying essential Iraqi patriotism, Saddam Hussein succeeds in convincing Iraqis that he was not sectarian and remains anti-imperial. He reflects until his last breath the Iraqi people's refusal to be subjugated.

Because of the trial's failure to achieve its political goals, the hanging, its timing, method and perpetrators (an assuredly soon-to-be public execution overseen by a Shia government), is used by the occupation for the same ongoing purpose of igniting sectarian divisions and creating a vacuum of leadership in the Baath Party and the Iraqi resistance. Contrasted by the final dignity of Iraq's legal president on the gallows, it is evident to all that the occupation has expended all its political cards. It is also forced to realise that the Baath current, personified in the integrity of the president, constitutes the backbone of the resistance to its occupation, and that in struggle it is experiencing a renaissance.

In hanging Saddam as a symbol, the US intended to create a leadership crisis among and between the old guard and the struggling new young Baathists — a confrontation between their cultures. The aim was to divide the movement and reveal potential candidates for compromise, as well as signifying clearly to the civil resistance that there is no limit to the occupation's will. The hanging coming on the Muslim day of forgiveness — Eid Al-Adha — is a further intended injury and an insult to Muslims and Arabs worldwide. These calculations failed. The resistance intensified, declaring that in the place of Saddam Hussein thousands of Saddams will rise.

Neither the constitution nor the National Assembly will be able to achieve the core objective of the United States. Having destroyed the Iraqi state, the US's own handpicked proxies prove unable to build a functioning state of any kind. In reality, a parallel state exists, composed of the Iraqi

resistance, armed, political and popular. Faced with impending defeat, the US accuses its proxies of its own failure in hope of winning the hearts of Iraqis.

This marks the entrance of a strategy of annihilation in the political sphere. No one is the American's friend. Timed revelations begin to surface about secret government prisons. Constant crisis meetings are held and public admonishments of puppet Prime Minister Maliki are frequent. Meanwhile, the Green Zone is all but empty. Iraqi parliamentarians award themselves a two-month 2007 summer holiday, several rumoured to be approaching Western states for asylum — an option the chief judge in the trial of Saddam Hussein took within days of the president's summary execution.

The strategy of annihilation is paralleled in the military sphere with what in 2007 will be known as "the surge". On 10 October 2006, resistance forces engage the occupation at Forward Base Camp Falcon, where occupation ammunition reserves for the whole of the Baghdad region are kept. An undisclosed number of occupation forces are killed as the entire camp burns to the ground, lighting up the skies of Baghdad. This defeat will cost the occupation \$1 billion. This attack is so well planned and carried out that it seems impossible for the US to hide anymore that it is battling an experienced army.

The retaliation will show no mercy. Rejecting the Baker-Hamilton Report recommendations, and despite the concerns it expresses on the state of the US military, Bush orders an increase in US force levels, redeploying — whereas through much of 2006 they had been garrisoned — US forces back into Iraqi neighbourhoods. Exhausted by the armed resistance, US forces resort to walling-in entire districts of Baghdad — a strategy already tested in other Iraqi cities. Amid the shooting down of numerous US helicopters by the

armed resistance, the US launches bombing campaigns that are as disproportionate and indiscriminate as they are futile. The Iraqi resistance responds by reportedly shooting down an F-16.

The US is out of options in its “New Iraq”. Although it continues manoeuvring politically, reinforcing its destruction of the life of Iraqi society, it has only two choices: 1) Accept its defeat and a humiliating exit; or 2) Exterminate the population. The “surge strategy”, the walling-in of Baghdad districts<sup>82</sup>, the project to impose on 50 localities the same constraints imposed on Fallujah (electronic IDs, check points at all points of entry, only proven residents allowed in), the four million exiled, the non-recognition of the resistance amid its continual attacks and military-style anti-occupation operations in Baghdad, reveals that the occupation, whatever choice it makes, has lost. It was genocide for a purpose, now it is genocide without purpose. Baghdad can never be subjugated.

As for Iraqi resources, in the time of the no-fly zones it was US that destroyed Iraq’s oil industry to prevent Iraq from profiting from oil revenues. After the occupation, it is the Iraqi people who prevent the occupation from using oil revenues to further its project of national subjugation. The US in its plans forgot that the central region that it calls “Sunni” controls all Iraq’s communications, pipelines and, for historical reasons, the military and technical and scientific cadre. Even if the US were to attempt to enforce its strategy of annihilation by imposing a parliament compliant enough to pass the oil law it wants, in the long term it will fail. Once the occupation leaves, all of its laws will be revoked, Iraqis reconstructing Iraq as they did under sanctions: in the name and the benefit of all Iraqis.

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<sup>82</sup> <http://brusselstribunal.org/Wall.htm>

### 6. Interpreting genocide in Iraq

From the strategic context mapped above, it is clear that the United States not only had a desire, but also in the minds of the neoconservative right has been compelled to pursue a strategy of genocide in Iraq. This strategy has taken two forms: 1) An overall genocide contained in, and following from, the imperative of destroying Iraq as a state and a nation; 2) Specific genocide pursued through the implementation of this agenda against definable groups within the nation of Iraq.

In the first instance, the combination of 13 years of sanctions and the ravages of the ground occupation have demonstrably subjected the Iraqi people as a defined national group to conditions of life calculated to bring about its physical destruction in whole or in part. In reference to sanctions, in the words of Marc Bossuyt:

The sanctions regime against Iraq has as its clear purpose the deliberate infliction on the Iraqi people of conditions of life (lack of adequate food, medicines, etc.) calculated to bring about its physical destruction in whole or in part. It does not matter that this deliberate physical destruction has as its ostensible objective the security of the region. Once clear evidence was available that thousands of civilians were dying and that hundreds of thousands would die in the future as the Security Council continued the sanctions, the deaths were no longer an unintended side effect — the Security Council was responsible for all known consequences of its actions. The sanctioning bodies cannot be absolved from having the “intent to destroy” the Iraqi people.<sup>83</sup>

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<sup>83</sup> Marc Bossuyt, “The adverse consequences of economic sanctions on the enjoyment of human rights,” August 2000, UN Sub-Commission on the Promotion and Protection of Human Rights

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The destruction of the Iraqi state — a necessary condition of the implementation of US global, regional and national goals — has been an objective attempt to render “unviable” the nation of Iraq in the context of a strategy of partition, Balkanisation, the destruction of Iraq’s unifying Muslim Arab identity, and the erasure of the very concept of being “Iraqi”. Only by destroying Iraq as a state and nation could the United States advance in its bid for global hegemony and “full spectrum dominance.” Only by destroying the unifying Muslim Arab identity of Iraqis could the United States hope to control the 6,000-year old geopolitical entity that is Iraq.

In thinking about what the state is, we must bear in mind two aspects: 1) The state is the sum of the entire social, cultural, political and economic history of a given people, translated into language, social norms, customs, identifications, urban formations, patterns of life, and natural social unities that inform and mould the feeling of citizenship, and that exist independent of concepts as an historical reality; 2) The state is the historical guarantor of the propagation and development — the very existence — of a given people; it is indivisible and cross-generational, and is a necessity to existence itself.

In reference to post-invasion US policy, in the words of Abdul Ilah Albayaty:

Beside controlling and plundering the natural resources of Iraq, the United States’ plan consisted in abolishing the concept of citizenship — the basis of any modern state. It annulled sovereignty, destroyed heritage and memory, and took over Iraqi wealth in an attempt to divide the country and destroy its Arab and Islamic geopolitical and civilisation-based affiliations. The occupation has tried, and continues to try, to replace Iraq by a

subordinate state based on ethnicity and sectarian identity: a state of parties, lineages and religious references rather than a state of equal and free citizens. By dividing the state into three or more weak and conflicting entities according to the virtual lines of blood and sectarianism, the US, in reality, draws a map corresponding to the occupation’s own interests in oil. This programmed division necessitated the abolition of the Iraqi state; the dismantling of its apparatus and institutions and an ongoing plan of privatisation of state-owned industries, buildings, lands and services.<sup>84</sup>

DeBaathification is another pretext for the same ends. Given its centrality in the operation of the state, destroying the Baath Party — an openly stated objective of the US military intervention, consciously planned in advance<sup>85</sup> — necessarily subjected the entire Iraqi population to conditions of insecurity and mass deprivation. In reality, deBaathification is nothing more than collective punishment and a canard used to justify disbanding the army, the police, the education system, and the entire administrative cadre.

Further, the systematic destruction of education<sup>86</sup>, health care<sup>87</sup>, and all primary services<sup>88</sup>, demonstrates US refusal that Iraq — and by example any Arab state — independently develop conditions of national development and life sustainability. The systematic assassination of academics<sup>89</sup>, health

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(E/CN.4/Sub.2/2000/33)

<http://USgenocide.org/Bossuyt.pdf>

<sup>84</sup> Abdul Ilah Albayaty, “Why the US will lose,” *Al-Ahram Weekly*, Issue 767, 2-9 November 2005. <http://weekly.ahram.org.eg/2005/767/op8.htm>

<sup>85</sup> The Future Iraq Project advocated deBaathification “of all facets of Iraqi life.” [http://thefutureiraq.org/state/future\\_of\\_iraq/](http://thefutureiraq.org/state/future_of_iraq/)

<sup>86</sup> <http://brusselstribunal.org/Academics170407.htm>

<sup>87</sup> <http://brusselstribunal.org/Health200307.htm>

<sup>88</sup> <http://csmonitor.com/2005/0811/p01s03-woiq.html>

<sup>89</sup> <http://brusselstribunal.org/Academics.htm>

professionals<sup>90</sup>, engineers, journalists<sup>91</sup>, scientists, and lawyers<sup>92</sup> throughout the period of US occupation reveals an objective attempt to liquidate, or forcedly expel, the educated Iraqi middle class that possesses the scientific, technical, administrative, civil and military skills necessary to guide Iraq on the strategic path of independence, democracy and development.

The US project of destroying the Iraqi state and nation, however, cannot but fail:

The United States established a collision course confrontation with Iraqi society when it liquidated the Iraqi state, destroying its accomplishments and erasing its memory. It was oblivious to the simple truth that society is not just a political movement that can be conquered, or a number of individuals who may be apprehended, bribed or even killed. It is all the living people in a given country. Like other live societies, Iraqi society possesses huge capabilities — a sophisticated legacy, ancient civilisations and an experienced patriotic movement. American strategists, while building their model for Iraq, missed or disregarded the fact that social movements are based on solid realities and lived experience, and cannot just be created on the whim of a political decision or through insidious forms of pressure.<sup>93</sup>

To the extent to which US strategists continue to refuse to recognise — or are not forced to recognise — this reality, the slow genocide of Iraq as a state and nation will continue.

In regards to specific genocide, it appears clear that: 1) Sunnis in Iraq have been disproportionately targeted by US military action and the constitution of a sectarian environment that criminalises Sunnis and militates towards their erasure for being Sunni. This constitutes genocide of a religious group as defined by the Genocide Convention; 2) Members of the Iraqi Baath Party have been targeted not only for assassination but also dispossessed of their material means of survival. That members of the Iraqi Baath Party adhere or not adhere to a political programme is irrelevant; their primary identity is their Iraqi citizenship, and they constitute an Iraqi national group objectively and by ideology, the loss of which in whole or substantial part renders the state of Iraq unviable as an entity, threatening the survival of the Iraqi nation; and 3) The targeting of the Iraqi middle class, as an ethnic group as enumerated in US Code, has also rendered the state of Iraq unviable, threatening the survival of the Iraqi nation.

In sum, the colonial nature of US policy is manifest, suggesting, along the lines set out by Sartre, that intent to commit genocide is inherent to its rationality. Certainly “submission” amounts to genocide for the Iraqi people; not only socially and culturally, under the yoke of sectarian forces imposed on Iraq by the US, but also economically, given that the overall US strategy is clearly defined as seizing Iraqi oil and controlling Iraq as a whole as part of a global strategy of commanding the resources of the entire Middle East and Eurasian area. The plunder and expropriation of the primary wealth-creating natural resources of a foreign state and nation by definition is an act that denies that state and nation its primary conditions of development and life.

Further, in the context of popular resistance, the “logic” of neo-colonial genocide is present. With the United States choosing a “surge

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<sup>90</sup> <http://wsws.org/articles/2007/may2007/irq2-m21.shtml>

<sup>91</sup> <http://brusselstribunal.org/JournalistKilled.htm>

<sup>92</sup> <http://irinnews.org/Report.aspx?ReportId=71864>

<sup>93</sup> Abdul Ilah Albayaty, “Why the US will lose,” *Al-Ahram Weekly*, Issue 767, 2-9 November 2005. <http://weekly.ahram.org.eg/2005/767/op8.htm>

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strategy” over a timetable for withdrawal, it appears that a strategy of annihilation — tested and devolved into attempts to spark civil war until now — has been embraced in full. The overall tendency is not only towards the continuance of the slow genocide of Iraq as a nation, having destroyed the central state and brought about conditions of mass deprivation, but a possible spike in conscious extermination as the occupation struggles to survive in the face of overwhelming civil resistance.

For Sartre two conditions, in such a situation, lead to the only way out — the withdrawal of the colonial power: 1) Domestic unrest within the colonial state, opposing the barbarity of what is done in the name of “national interest”; and 2) A realisation on behalf of colonial state military commanders that the war cannot be won, leaving withdrawal as the only option.

The second condition appears present. Dissent within the US military — and not only at the level of ground troops — is growing. Only the arrogance and disregard for life and coexistence that is embodied in the ideologues and officials of the current US administration blocks common sense from prevailing. As Sartre stated 40 years ago, the United States is not guilty of having invented genocide; it is guilty of having “preferred a policy of war and aggression aimed at total genocide to a policy of peace, the only other alternative, because it would have implied a necessary reconsideration of [its] principal objectives.” This guilt, indeed, is summed up in the very notion of the “Project for a New American Century”.

As to the first condition, a mass injection of energy is needed. It is sad but a fact that people grow accustomed to atrocity. But Sartre’s analysis should be binding, for we have in mass action a chance to help bring all of this to an end. It is the decisive struggle of our time.

## 7. Conclusion

What has happened in Iraq is more than simple divide and rule. The biggest lie is that the US occupation of Iraq is a blunder. Analysis of the strategic logic for destroying Iraq, as well an understanding of the nature of colonial war and how the US occupation has unfolded, reveals that it is not the occupation that veered from its aims, but rather the Iraqi people who in courage resisted. The longer the situation persists, the more proven is the fortitude of the Iraqi people.

The US’s declaration of global permanent war has revived the strategy of total conquest, entailing a reduction of human life as a whole to its bare essence where people no longer have a history as such but are mere things. Akin to a domestic state of emergency, the global “war on terror” declared and policed by the United States presages a generalised suspension of customary global civil rights and inaugurates an era that militates towards total conquest or total destruction. While Iraqis have borne the brunt, in reality it is an attack on the whole of humanity.

As such, the ongoing US genocide on Iraq is clearly and demonstrably a threat to international peace. International law must be wrested from its foundation as a means of legitimising and humanising war and instead criminalise it unequivocally. Establishing as criminal US imperial policies is the first step towards forging the alternative world the bulk of humanity hopes for and believes in. Genocide is a crime over which all states should, and many can, exercise universal jurisdiction.<sup>94</sup> That states have fallen silent leaves agency to the people of the world.

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<sup>94</sup> Theodor Meron, “International Criminalization of Internal Atrocities”, *American Journal of International Law*, Volume 89 (1995), p. 569, Kenneth C Randall, “Universal Jurisdiction under International Law”, *Texas Law Review*, Volume 66 (1988), pp. 785, 835-837.



To end this genocide unfolding in front of us, unity of purpose is necessary across the multiple fronts of action for social justice. Global civil disobedience need not be conceived along the lines of a single plan. Resistance is always a matter of situation. The aim must be coordinated action at local, national and international levels, in shifting alliances that gather and displace while maintaining pressure on all fronts.

Save the humanity in you by being against this genocide.

Whereas thousands of Iraqis are falling, in reality, the United States cannot make its strategy work. In pursuing a policy of genocide the United States has committed moral suicide. The people of the world can and must step into the vacuum its moral collapse opens. We must remember and claim what modern states supposedly concede: that people are the sole source of sovereignty, and that international law is the patrimony of the development of human civilisation.

In defending both, we defend the Iraqi people.

### 8. Appendix

According to Article 2 of the Genocide Convention, the following arguably constitute qualifying acts of genocide in Iraq, 1990-2007. All have been conducted by US forces, multinational forces, and/or US-supported death squads, militias or Iraqi security forces under the final military authority of the United States:

*(a) Killing members of the group*

- Use of disproportionate and indiscriminate force
- Disproportionate killings of members of the middle class as a defined national group
- Disproportionate killings of Sunnis as a religious group

Wilful destruction of electricity and water infrastructure

Wilful destruction of sanitation infrastructure.

Widespread forced disappearances

Assassinations of members of the Baath Party as a defined national group

Assassinations of doctors as members of a national group

Assassinations of academics as members of a national group

Assassinations of lawyers as members of a national group

Assassinations of journalists as members of a national group

Killings by US-supported death squads

Killings by US-supported sectarian militias

Instigation of sectarian strife leading to tit-for-tat killings

Widespread use of DU leading to cancer and leukaemia

Wilful destruction of the healthcare system leading to mass preventable deaths

*(b) Causing serious bodily or mental harm to members of the group;*

Widespread use of torture

1990-2003 sanctions regime

Use of disproportionate and indiscriminate force

Widespread use of DU leading to cancer, leukaemia, sterility and birth defects

Wilful dismantling of the state in all its aspects, individually and severally

Wilful destruction of electricity and water infrastructure

Wilful destruction of sanitation infrastructure

Wilful destruction of Iraqi heritage

Wilful destruction of religious sites

Wilful destruction of Iraqi civil infrastructure

Disproportionate killings of members of the middle class

Disproportionate killings of Sunnis

Widespread forced disappearances

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Assassinations of members of the Baath Party  
Assassinations of doctors  
Assassinations of academics  
Assassinations of lawyers  
Assassinations of journalists  
US support for death squads  
US support for sectarian militias  
Instigation of general terror  
Instigation of sectarian strife  
Mass arbitrary detention  
Mass kidnapping  
Mass extortion  
Mass rape  
Mass corruption  
Mass humiliation  
Instigation of a drug culture  
Instigation of prostitution  
Mass unemployment  
Mass impoverishment  
Mass malnourishment  
Ghettoisation  
Restrictions on movement  
Urbicide  
Historicide  
Sociocide  
Policide

*(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*

1990-2003 sanctions regime  
Use of disproportionate and indiscriminate force  
Widespread use of DU and the contamination of land and water resources  
Wilful dismantling of the state in all its aspects, individually and severally  
Wilful destruction of electricity and water infrastructure  
Wilful destruction of sanitation infrastructure  
Wilful destruction of Iraqi heritage  
Wilful destruction of religious sites

Wilful destruction of Iraqi civil infrastructure  
Disproportionate killings of members of the middle class  
Disproportionate killings of Sunnis  
Widespread forced disappearances  
Assassinations of members of the Baath Party  
Assassinations of the Iraqi resistance  
Assassinations of doctors  
Assassinations of academics  
Assassinations of lawyers  
Assassinations of journalists  
US support for death squads  
US support for sectarian militias  
Instigation of general terror  
Instigation of sectarian strife  
Mass arbitrary detention  
Mass kidnapping  
Mass extortion  
Mass torture  
Mass rape  
Mass corruption  
Mass humiliation  
Instigation of a drug culture  
Instigation of prostitution  
Mass unemployment  
Mass impoverishment  
Mass malnourishment  
Ghettoisation  
Restrictions on movement  
Urbicide  
Historicide  
Sociocide  
Policide

*(d) Imposing measures intended to prevent births within the group;*

Widespread use of DU leading to sterility and birth defects  
Instigation of general terror  
Mass arbitrary detention  
Mass impoverishment  
Mass malnourishment  
Ghettoisation  
Restrictions on movement

Urbicide  
Sociocide

According to Article 3, the following arguably constitute qualifying crimes in Iraq:

(a) *Genocide*;

All aspects noted above, individually and severally

(b) *Conspiracy to commit genocide*;

US strategic agenda in Iraq, 1990 to the present

Ongoing US strategic adjustments

All members of Multinational Force-Iraq (MNF-I), individually and severally

The Iraqi government as an arm of the occupation

All members of the United Nations, individually and severally, who supported sanctions and the 2003 invasion

(c) *Direct and public incitement to commit genocide*;

“Shock and Awe”

Statements of US neoconservatives

Statements of US “liberal hawks”

Right wing and liberal US media alike in contributing to the vilification of Iraqis

Right wing and liberal US media alike in contributing to the vilification of the Iraqi Baath Party

Right wing and liberal US media alike in contributing to sectarian

US corporate propaganda

(d) *Attempt to commit genocide*;

All aspects noted above, individually and severally

(e) *Complicity in genocide*.

All members of MNF-I, individually and severally

The Iraqi government as an arm of the occupation

All members of the United Nations, individually and severally, who failed to stop sanctions and the 2003 invasion