

**Perspectives of Accountability
after the US-UK Aggression
against Iraq:**

**The Planned Independent
International Tribunal**

A Brief Introduction

By Christian P. Scherrer

Contents:

Most Serious Breaches of Law	1
The Occupiers Failed to Establish a Degree of Security	1
Backlash of Lies and Pretexts for War	2
World Peace Movements call for Accountability	2
The Hands of Mr. Ocampo Are Tied	2
Initiatives for People’s Tribunals on Iraq	3
The Independent International Criminal Tribunal on the Aggression against Iraq — A Novelty	3
The Cry for Justice Gains Momentum.....	4

The invasion of Iraq was only the endpoint of a long and intensive campaign of aerial warfare against 22 million Iraqis in Mesopotamia—once the cradle of civilization. When exploring crimes committed against Iraq the time-scale is important. It was from mid-January to March 1991 when the USA, UK and other states first began to attack and systematically destroy life and life-support systems in Iraq. Since that time US-UK aircraft and missiles continued to attack targets in two arbitrarily declared no-flight-zones.

Most Serious Breaches of Law

The aggressors used cruel weapons such as Deadly Uranium (DU) munitions, which are solid, not depleted, radioactive, extremely poisonous and will harmful for the Iraqi people (as well as for the soldiers of the

aggressors) for an endless period of time. (The half-life time of Uranium is 4.5 billion years.)

Probably as much as 2,000 tons were employed, leaving behind highly toxic contamination of extensive areas, especially heavily populated city areas! DU remains a threat to health and life for billions of years unless the radioactive materials are quickly collected and destroyed. (For a study that presents preliminary evidence of the most egregious crimes committed in Iraq, see <http://firstpeoplescentury.net/accounta.pdf>).

If such serious war crimes were to be overlooked without any form of accountability, then the legal and moral order of the international community would be undermined.

**The Occupiers Failed to Establish a
Degree of Security**

The US has opened a Pandora’s box, and it might harvest utter anarchy in Iraq and instability in the entire Middle Eastern region and beyond, as well as generating increasingly hostile responses throughout the world. Bush’s premature “victory” declaration on May 1 was followed by a low-intensity war. The occupiers were unable to establish any degree of security. Indeed, the aggression against Iraq has given a great boost to international terrorism, and irregulars and terrorists started to infiltrate into Iraq, making it a lawless country.

Targeted strikes against US-UK occupation forces have killed dozens of soldiers. Since August, deadly bomb blasts have been directed against other targets as well. The massive bomb attack on the U.N. compound in Baghdad on August 19 killed twenty people, among them the UN Special Representative for Iraq. It was an assault on an institution that came to help to establish a post-war order. The bombing in the holy city of Najaf, which killed more than hundred people, aimed at a Shiite cleric considered by extremists as a collaborator.

Perspectives of Accountability after the US-UK Aggression against Iraq
The Planned Independent International Tribunal – A Brief Introduction

Christian P. Scherrer, HPI

Backlash of Lies and Pretexts for War

Slowly but surely the deceptions and lies of the war leaders have come to light. The US and UK governments maintained that Saddam Hussein possessed what UN inspectors did not find, yet what the US and UK continue to stockpile and used to achieve Iraq's defeat: weapons of mass destruction (WMD). Evidence of Iraq's possession of WMD was simply fabricated or grossly exaggerated. Tony Blair got into trouble and fired Alastair Campbell, his director of communications and strategy, as controversy raged over his own role in misrepresenting the nature of Iraq's threat to the West.

The US media portrayed Saddam as the incarnation of evil, and subsequently made him a scapegoat for 9-11, though meanwhile many US citizens became aware that this was an outright lie from the mouth of their president. (*Read my lips!*). Operational links with al-Qaeda were excluded because of their ideological and political incompatibility--as assessed by the CIA. However, public outrage was modest. Americans seem to have shorter memories than the British, but they are now reacting against the high costs of the Iraq campaign.

World Peace Movements call for Accountability

The most striking phenomenon that occurred during the run-up to the attack on Iraq was the emergence of a strong peace movement. No other war of aggression in modern times has been so close to universally condemned. Millions of people gathered to protest in Washington, Tokyo, Berlin, Tehran, Paris, Sao Paulo, New York, Cairo, Buenos Aires, London, Barcelona, Gaza, Beijing, Frankfurt, Boston, Brussels, Manama, Jakarta, Seoul, Torrejon, Athens, Canberra, and other cities. Bush became a "global monster" for outraged citizens worldwide. Never in the history of the peace movement has there been such a worldwide mobilization, not

even against the Vietnam War or the nuclear arms race.

The protests also brought about an increasing intertwining of anti-war movements with social justice and anti-globalization movements. Projects such as the People's Tribunal on Iraq, the campaigns against US bases and for the upcoming World Social Forum, the "World Says 'No' to Bush" campaign in the coming 2004 US elections, etc., show the strength of popular movements on a global scale.

Among these projects, one to indict the warmongers in a legitimate way by independent people's tribunals is developing rapidly. It aims at preventing further wars of aggression, genocide, and the use of radiological weapons, and its popularity is growing fast.

The Hands of Mr. Ocampo Are Tied

The International Criminal Court (ICC) was established fairly recently. The Court's first Chief Prosecutor, Luis Moreno-Ocampo, elected in April 2003, must not close his eyes to crimes against humanity, war crimes, breaches of world peace, and violations of a long list of international agreements and norms committed in Iraq. However, in the case of Iraq the legal base of the ICC is narrow. Ocampo stated in a recent interview that "war crimes, crimes against humanity or genocide must have been committed either on the territory of a State Party to the Rome Statute or by a national of a State Party for the ICC to have jurisdiction" (*MoveOn Bulletin*, August 2003, <http://www.moveon.org/>).

ICC does not have universal jurisdiction, as Belgium had until recently. Currently 91 states are parties to the ICC statute; the problem is that neither Iraq nor the USA is among them. Ocampo's hands are tied! He has already received hundreds of complaints about members of the US-led force in Iraq. In the case of British members of that force, the court could act, but only after determining that the national authorities

Perspectives of Accountability after the US-UK Aggression against Iraq
The Planned Independent International Tribunal – A Brief Introduction

Christian P. Scherrer, HPI

concerned were unwilling or unable to investigate.

It is intolerable that Blair, Hoon, and others could be indicted, while Bush, Rumsfeld et al would go free! This is one of the many reasons why rights groups and legal experts decided to take action, culminating in an international campaign by attorneys and no-war groups in five countries to have Bush and Blair indicted for crimes against humanity.

...why rights groups and legal experts decided to take action, culminating in an international campaign by attorneys and no-war groups in five countries to have Bush and Blair indicted for crimes against humanity.

Initiatives for People's Tribunals on Iraq

The International People's Tribunal on Iraq is a project involving a number of organizations around the world. The idea was first proposed by Action to Indict Bush-Blair et al based in Japan in March 2003 and by the Turkish International Tribunal Initiative – in parallel with many other proposals from around the world. The initiators have launched websites (in English <http://justice.nowar.jp/english/index.htm>; in Japanese <http://justice.no-war.jp>; an Arabic version is under construction) and list-serves for facilitating discussions and planning for this global campaign.

The project was endorsed during the Jakarta peace conference and the Brussels conference of no-war groups and other NGOs from Europe and the Middle East in the summer of 2003. The initiator committee, formed in Brussels, subsequently earned support of the Bertrand Russell Foundation. It has since gained the cooperation of thousands of individuals and dozens of anti-war movements and organizations committed to peace, justice, and international law.

The movement for a people's court is thus gaining momentum. The initiative has been taken up independently in different countries by dedicated people willing to work for the project. To date the initiative to hold the USA-UK and/or individuals (as office-holders) accountable for their crimes is a NGO or citizens' project in five countries, but it is growing fast. Presently some 200 organizations are supporting this important project and their number is increasing. The planned peoples' tribunal will be a novelty: the first establishment of a shifting international criminal tribunal.

The Independent International Criminal Tribunal on the Aggression against Iraq — A Novelty

A group of prosecutors will work out a watertight indictment. A panel of up to 25 judges will be appointed by the tribunal conveners. The tribunal will receive evidence for crimes based on documents and statements of victims, other witnesses as well as leading experts and collaborators of international and national organizations involved in Iraq 1991-2003. Every court session will have five to ten sitting judges, presided over by the president or vice-president of the tribunal. So far the most developed tribunal sessions are those in Brussels and Hiroshima.

The Brussels tribunal will look into the ideology of the PNAC, a neo-conservative project of the US hard-right, which became government policy under Bush Jr.. The current administration implemented a wholesale change of US foreign and military policies and doctrines as well as massive tax-cuts for the rich, cuts of welfare and increasingly totalitarian control of the US citizens.

The Hiroshima tribunal will chiefly deal with two main issues, the uranium weapons used in Iraq since 1991 and their devastating impact on the Iraqi people and future generations and the genocidal use of the UN

Perspectives of Accountability after the US-UK Aggression against Iraq
The Planned Independent International Tribunal – A Brief Introduction

Christian P. Scherrer, HPI

sanctions by US-UK 1990 to 2003, which was the single most deadly onslaught on the Iraqi population, killing two million people, mainly babies, children, and women.

Crucial for the Tribunal is the support by movements, victims and experts alike. For instance for the Hiroshima Tribunal the support issued by the World Uranium Weapons Conference, which ended on 19 October 2003 in Hamburg, Germany, after four days of deliberations, is very important. The congress took note of the planned Independent International Criminal Tribunal on Iraq, which will start hearings and tribunal sessions from spring 2004 onwards. The participants declared “to do their utmost to support the tribunal, especially the proceedings at the Hiroshima tribunal that will focus on uranium weapons (so called DU) and other banned Weapons of Mass Destruction as well as the deadly manipulation of UN sanctions by US-UK.” The participants of the World Uranium Weapons Conference are ready to provide the tribunal with testimonies, expert opinions and other evidence on the subject of the use of uranium weapons, and they will act as consultants for the tribunal.

The Cry for Justice Gains Momentum

The start of the shifting tribunal is planned to be in New York and it ends in a place as close as possible to Iraq, possibly in an Arab capital city. These two tribunal session will look into the use of WMD other than uranium weapons, the assault on the civilian population during the 2003 war, the assault in the media (killing of independent journalists and TY-crews as well as all forms of censorship) and other crimes. The judgement of the tribunal will be based on the deliberations of the previous court sessions and will be issued at the final session.

The movement for a people’s tribunal is gaining momentum. The initiative has been taken up in many countries by dedicated people willing to work for the project. To

date the initiative to hold the USA-UK and/or individuals (as office-holders) accountable for their crimes is a NGO or citizens’ project in six countries, but it is growing fast.

The current plans are to hold tribunal sessions and hearings in New York and other cities in the USA; London, UK; Brussels, Belgium; Hiroshima, Tokyo and other cities in Japan, Istanbul, Turkey; Heidelberg and other cities in Germany; possibly in Copenhagen, Denmark, Buenos Aires, Argentine and Monterrey, Mexico, culminating in a major Arab city (if not feasible we might shift to London, UK), as the site of the final session of the tribunal.