

**U.S. WAR CRIMES IN IRAQ 2007 – 2008
AN UP-DATE**

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for

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ConsumersforPeace.org is an organizing entity focusing on the relationship between oil and the Iraq War and advocating for accountability for those responsible for the invasion and occupation of Iraq.

PREFACE:

HOLDING GENERAL PETRAEUS ACCOUNTABLE

In Iraq we are witnessing U.S. military commanders and their civilian leaders desperately attempting to maintain an occupation with an overstretched, emotionally exhausted military by using strategies and tactics that substitute massive firepower for troops on the ground. We are also witnessing wholesale detention of Iraqis by the US forces, a well-worn colonial strategy. And we are witnessing what can only be described as the US-orchestrated destitution of the Iraqi people, another colonial method of conquest.

These strategies are all violations of long-established rules of the laws and customs of war, also referred to as humanitarian law. What we are witnessing is no less than the United States forces committing war crimes on a daily, wholesale basis for no discernible reason except perhaps to maintain a perception of US dominance in the Middle East.

General David Petraeus, commander of the Multi-National Force-Iraq, is the latest of the United States military leaders in Iraq to adopt strategies and tactics that seriously violate humanitarian law and that are, accordingly, war crimes. He and his predecessors have acted outside the law with no accountability.

When General Petraeus testified before Congress in September 2007, the hearings were distinguished by the fact that he was not asked a single question in either the House or the Senate about the impact of U.S. military actions and administrative policies on the Iraqi people. He was not asked a single question about the rules of war and possible war crimes -- either those ordered from the top of the chain of command or those that have occurred within the ranks because of their commanders' willingness to flout international law.

This was particularly troubling because there are numerous reports, including those issued by ConsumersforPeace.org,¹ outlining specific violations of international law in Iraq by US forces from the invasion to the present.

The evidence in these reports was dramatically substantiated in March 2008 by the Winter Soldier hearings organized by Iraq Veterans Against the War, which presented war crimes testimony by soldiers who fought in Iraq. The war crimes described related in many cases to "rules of engagement" that are supposed to govern when weapons are used and what kinds of weapons are used. The soldiers testified that rules of engagement are routinely ignored.

The soldiers told of incidents in which unit commanders ordered, permitted and sometimes encouraged war crimes that included: random shooting of unarmed, obviously innocent civilians; excessive use of firepower leading to countless civilian deaths and injuries; firing on Iraqis based on profiling (including "shoot anyone on the street" and "shoot anyone driving a taxi"); concealment of unauthorized killing of civilians; baseless detention; and widespread beating of civilians.

(http://www.truthout.org/docs_2006/032608J.shtml).

¹ *War Crimes Committed by the United States in Iraq and Mechanisms for Accountability*, October 10, 2006; *U.S. War Crimes in the "Surge"* – September 6, 2007. www.consumersforpeace.org

It was completely clear in the testimony that massive use of firepower of all kinds made it totally impossible to determine how many civilians were killed or wounded in many incidents. In some cases people were literally blown to bits because of the size of weapons used against them. Former Marine Corporal Jason Washburn told of a Mk 19 automatic grenade launcher being used against a woman walking toward his unit carrying a large bag: "We lit her up." The Mk 19 is designed for use against vehicles, armored personnel carriers and infantry formations. The bag was found to contain food she was bringing to the US troops.

These hearings, which presented well-documented and clear evidence of criminal conduct towards Iraqi civilians, much of it first hand, were all but ignored by major press outlets. We wonder if any members of Congress, especially those who will be questioning General Petraeus, have taken the time to consult this valuable testimony.

Consumersforpeace.com considers it essential that when General Petraeus appears before Congress in April 2008, he be questioned, and held accountable for the violations illustrated by the WinterSoldier hearings as well as all other documented violations of international law, particularly with respect to:

- (1) The use of attack helicopters and aerial bombing against individuals and buildings under circumstances where it is virtually impossible to ensure that the targets are combatants and that use of the weapons will not kill and injure civilians. The devastating explosive force of the aerial weapons almost ensures that human targets will not only be killed but in many cases will be so pulverized or incinerated as not to be able to be buried or counted.
- (2) Wholesale detention of Iraqi civilians without charge, a practice that has increased in 2007 – 2008 by both United States and Iraqi forces.
- (3) The continuing avoidance by the United States of its responsibilities under humanitarian law to provide for the basic human needs of the Iraqi people

This report, as well as recent reports by UN agencies, the International Committee of the Red Cross and many non-governmental organizations provides additional documentation that can provide a basis for questioning General Petraeus.

Introduction

Since mid-2006, when Consumersforpeace.org first published its report on war crimes in Iraq, key indicators of such crimes have steadily increased. More civilians have been killed, more Iraqis held in detention, more highly deadly weapons have been used by US forces. All have

occurred during the period the US Administration and senior military commanders refer to as a period of stabilization.

This report provides an update for the period September 2007 to March 2008. The update covers three broad topics: the increased use of US air power and implications for Iraqi civilians; the increase in the number of people in both US and Iraqi detention facilities and the conditions under which they live; and the continued poor conditions in which most Iraqi citizens live.

The first two topics are a part of the US strategy in Iraq from the Spring of 2007 onwards. While putting more troops into Iraq, the strategy called for increased use of airpower against assumed resistance targets and the wholesale detentions of the population. Both tactics are designed to remove resistance and intimidate Iraqis into submissiveness. Neither of these topics is widely covered in the media.

Another tactic has been to pay Iraqis (mostly Sunnis) to form community militias that are for the time being cooperating with occupation forces. This is well covered in the mainstream media and is mentioned only in passing in this update.

As noted in earlier reports, while the official US argument is that the presence of US military and related institutions in Iraq is at the invitation of the current Iraqi government and sanctioned by a UN resolution, the reality is that the US does not treat Iraq as a sovereign country. The most dramatic and deadly aspect of US dominance, for which the US bears full responsibility, is that the US military continues to operate at its own discretion in most instances, as it did during the period following the invasion in March 2003. The US military makes its own decisions about when to use air power and in what forms. The US military continues to operate extremely large prisons. The US military continues to disrupt the daily lives of Iraqi citizens. In short, the US continues to operate like the occupying power that it is.²

Among the changes that have occurred since the previous update is the decline in reported urban violence between Iraqi groups. However, it is incorrect to attribute this simply to the concentration of US military forces in and around Baghdad. Decisions by Iraqi leaders (tribal leaders in Anbar province and Muqtada al-Sadr, especially in Baghdad and southern Iraq) have probably played a greater role in the decrease in internal violence. There is also evidence that the lull in violence may be temporary, a period in which various groups reorganize and increase their military capability. The fighting in March 2008 between the forces of Al-Sadr and supporters of the Iraqi Prime Minister Nuri al-Maliki is evidence of this.

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The US continues to dictate standards and organizational structures that should be the province of an independent government. For example, a US commission headed by a senior military officer recommends that the Iraq national police force be fully reorganized. David S. Cloud. 2007. "Panel will urge broad overhaul of Iraqi Police." *New York Times*, August 31. Some US journalists and politicians still speak of achieving a US "victory" in Iraq, carrying on the assumption of the US control of events in that country. See Michael Gerson, "A season of hope in Iraq." *Washington Post*, August 31, 2007. Although Iraq regained authority over its own armed forces in September 2006, those forces rely heavily on both US ground and air military power. The US retains control over its own forces in Iraq.

While the US Administration speaks of success in quelling violence in Iraq, the US strategy involves increasing the level of violence and suffering against Iraqi citizens from: (1) air attacks; (2) wholesale violations of Iraqi citizens' civil and human rights through illegal detentions, often forcing detainees to live in inhuman conditions; and (3) a continuation of unacceptable living conditions for the general public, including massive internal displacements and departures to neighboring countries. This US-induced killing, suffering and hardship has been little reported in the US press, thus allowing the US public to have the impression of improvement in the overall social and political climate in Iraq.

Increased use of air power

As noted in our last report, the US expanded its use of airpower in 2007 and this trend has continued in the latter part of 2007 and into 2008. What the military calls “close support missions”—deployment of aircraft to directly attack assumed combatant positions or in support of ground operations—were 28% higher in July 2007 than the same period in 2006.³ These missions led to a five-fold increase in the amount of ordnance dropped in 2007.⁴ In January 2008, the US military, along with a very limited number of British and Australian forces, conducted a daily average of nearly 90 bombing, close support and reconnaissance missions. This was an increase, on average, of 20 daily missions from July 2007 (see Appendix 1 for a daily capsule of air missions in January 2008). The latter air missions reportedly supported coalition ground forces, protected key infrastructure, provided over-watch for reconstruction activities and helped to deter and disrupt terrorist activities.

Despite the evidence presented in Table 1, the military suggested that there had been a decline in air strikes in October/November 2007.⁵ At best, there was a fluctuation in the number of missions from day-to-day, but between 75 and 90 per day was the norm.

The effects of US airstrikes

Links to video of US airstrikes provide vivid evidence of power of the weapons used in Iraq.

http://www.youtube.com/watch?v=luaR4uw_qpo&feature=related
<http://www.youtube.com/watch?v=kQ4HIP9wmV0&feature=related>

The US military goes to great efforts to tout the “precision” and effectiveness of its aerial munitions, denying that bombing of houses and vehicles and missile and rocket attacks against individuals on the ground in urban areas carry a risk of causing civilian casualties. These denials are accompanied, inevitably, by US military claims that the dead and wounded were “terrorists”, Al-Qaeda in Iraq, or “insurgents.” Such broad-brush characterizations attempt to remove immediate responsibility for the deaths. Only when Iraqi authorities - police, hospital employees, civic and community leaders – make public complaints to the Iraqi government or Iraqi media do we learn that among the dead are farmers, educators, or general workers. However, as American

³ Data from daily summaries of Air Force activity. <http://www.afmil/news>.

⁴ Charles J. Hanley, “Air Force quietly building Iraq presence.” *Forbes.com*. July 14, 2007. www.forbes.com/feeds/ap/2007/07/14/ap3914388.html.

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“Significant drop in air raids in Iraq: US.” **November 4, 2007.**
http://news.yahoo.com/s/afp/20071104/wl_mideast_afp/iraqunrestus_071104141034

journalist Dahr Jamail points out, when the evidence emerges, the US offers to investigate, but that is usually the last that is heard from the US side about the case.⁶

The use of helicopter attacks deserves particular note with respect to the killing and injury of Iraqis. The level of US Army helicopter sorties appear not to be reported in the overall bombing statistics, possibly because helicopters are often used much the same way that infantry foot patrols and probes would be used, and certainly as a substitute for such patrols. In these missions, helicopter crews search for activities that could present a threat from Iraqi resistance fighters. Some missions may involve little use of munitions, others more.

US forces commonly use variants of the AH-64 Apache attack helicopter, designed to carry a 30 mm machine gun, Hellfire missiles and Hydra rockets. The machine gun is intended for use against armored vehicles and bunkers. It fire bullets about one inch in diameter and about four to six inches in length, depending on the type, at a rate of up to 625 rounds a minute. The bullet types may be armor-piercing or explode on impact. Armor-piercing bullets may contain depleted uranium. This weapon is used against individuals and groups and can obviously shred humans and penetrate buildings that may be near targets.

The Hellfire missile is intended for use against armored vehicles, but it has come to be used against individuals and buildings, sometimes with no knowledge by helicopter crews of who may be occupying buildings. The Apache can carry up to 16 such missiles, which are seven inches in diameter and about five feet long with 20lb warheads that can be armor-piercing or explosive. The military has spoken of the precision of using these missiles for urban warfare, but given their destructive power, they can be described as precise only in comparison to 500lb and 2,000lb bombs.

The Hydra rocket has a variety of uses, depending on the warhead installed. A commonly-used anti-personnel warhead, known as the "10-pounder" is 2.75 inches in diameter, about one foot long and weighs almost nine pounds. Its sharpest blast diameter is about 30 feet, but it can kill at up to 150 feet. A common missile pod for the Apache holds 19 rockets, and the helicopter may carry more than one pod depending on other armament choices.

It is apparent from the above that the destructive power to humans and buildings delivered by an Apache helicopter can be extreme and can result in indiscriminate killing and maiming.

It is worth noting that international humanitarian rights law forbids some of the types of bombing and other air assault carried out by US forces. The law is summarized by the UN as:

Some of the most fundamental rules of customary international humanitarian law oblige combatants to take precautionary measures to spare the civilian population and civilian objects, and in particular to ensure that attacks would not be excessive in relation to the concrete military advantage expected – the principle of proportionality. Customary international humanitarian law demands that, as much as possible, military objectives must not be located within areas densely

⁶ Dahr Jamail, "Iraq has only militants, no civilians: 'Tactical perception management.'" TomDispatch.com, November 26, 2007.

populated by civilians. The presence of individual combatants among a great number of civilians does not alter the civilian character of an area.⁷

The change in US strategy in Iraq, associated with the so-called surge in troop levels, relies on increased use of air power in place of ground troop confrontations: it is easier to call in Army helicopters and fighters to hit assumed targets than to send ground troops in to carefully search buildings.⁸

Thus it was inevitable that US air strikes continued to affect civilians in the Fall of 2007 and onwards. In October 2007, air strikes northwest of Baghdad resulted in the death of nine women and six children.⁹ A few days later an air attack on Sadr City in Baghdad resulted in the deaths of 15 civilians and the wounding of 52 others, including women and children. Sheep were killed, too, and cars and buildings were either destroyed or damaged in the US raid. The military denied the slaughter, insisting instead that 49 “criminals” had been killed. Yet the evidence was clear enough that the Iraqi Prime Minister referred to “excessive force” in expressing the government’s concern about the attack.¹⁰ The following day, five women and a child were killed during an air strike on a house north of Baghdad.¹¹ Table 1 gives a summary of increased air strikes and civilian death resulting from those strikes during 2007.

⁷ UN Assistance Mission for Iraq, *Human Rights Report*. April-30 June 2007. p. 9.
<http://www.uniraq.org/FileLib/misc/HR%20Report%20Apr%20Jun%202007%20EN.pdf>

⁸ Fred Kaplan, “An airstrike a day won’t keep insurgents at bay.” October 24, 2007.
<http://www.slate.com/id/2176464/>. This is further confirmed by Air Force Col. Gary Crowder, commander of the 609th Combined Air Operations Center in Southwest Asia. He is reported as saying, “The core reason why we see the increase in strikes is the offensive strategy taken by General [David H.] Petraeus...” Josh White, “U.S. boosts its use of airstrikes in Iraq.” *The Washington Post*, January 17, 2008, p. A1.

⁹ Paul von Zielbauer, “U.S. airstrike on insurgents also kills 15 civilians.” *New York Times*. October 13, 2007.
http://www.nytimes.com/2007/10/13/world/middleeast/13iraq.html?_r=1&oref=slogin

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CNN, “Iraqi PM outraged over alleged civilian casualties.” October 21, 2007.
<http://www.cnn.com/2007/WORLD/meast/10/21/iraq.fighting/index.html>; also, Kim Gamel, “Bin Laden urges Iraq insurgents to unite.” **October 22, 2007. Associated Press.**
http://www.redorbit.com/news/general/1112793/bin_laden_urges_iraq_insurgents_to_unite/index.html.

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Kim Gamel, “US airstrikes kill 11 Iraqis.” October 24, 2007.
<http://abcnews.go.com/International/wireStory?id=3766301>

Table 1: Monthly Airstrikes and Civilian Fatalities, 2007

The three columns below show (A) the number of Air Force sorties that involved dropping munitions in Iraq in 2006, (B) the number of these sorties in 2007 (January-September), and (C) the number of estimated civilian Iraqi deaths, as a result of airstrikes, in 2007:

	(A)	(B)	(C)
Jan.	20	89	40
Feb.	10	36	86
Mar.	3	52	32
Apr.	6	45	13
May	30	44	44
June	13	171	15
July	9	303	65
Aug.	12	166	62
Sep.	22	90	60
Oct.	16		
Nov.	48		
Dec.	30		

Sources: For airstrikes, public affairs office, U.S. Air Force branch of U.S. Central Command, Combined Air and Space Operations Center. For fatalities, tabulated data from Iraq Body Count.

(from Slate.com: <http://www.slate.com/id/2176619/>)

The air strikes not only kill civilians, but increase Iraqi dislike, if not hatred, for the US military. For example, an evening air strike was conducted south of Lake Tharthar, near the city of Samarra in western Iraq, late in October 2007. Fifteen civilians—nine children and six women—were killed. A council member from Samarra afterwards argued: "This could have been done through the infantry.' But the American Army prefers the easiest solution, which is the air bombardment ... This airstrike was excessive, as usual, which led to the fall of civilians. People here are now carrying great hatred against the Americans after the raid."¹²

Civilian deaths due to US air strikes continued to mount during the first two months of 2008. On January 8, 2008, the Air Force brought in two B1 bombers and four F-16 fighter jets which dropped 40,000 pounds of bombs on villages in the Latifiya district south of Baghdad. The level of bombing was just a part of 100,000 pounds of bombs dropped in the region designed to “destroy weapons caches and I.E.D.'s” in farmland surround the local villages.¹³

¹² Joshua Partlow, “Iraqis decry U.S. airstrike that killed civilians.” *The Washington Post*. October 13, 2007, p. A.14.

On February 2, 2008, near Iskandariyah, 30 miles south of Baghdad, another nine civilians were killed in an apparent case of US misjudgement and fear. When US ground forces confronted “suspected al-Qaida in Iraq militants,” air strikes were called in to bomb houses in the village.¹⁴ Later that month, “U.S. helicopter gun ships opened fire on a house in the small town of Zab in northern Iraq, killing eight people, five of them children from the same family, a police source said.”¹⁵

Pulling the Trigger

“It’s not so urgent now that you immediately start pulling triggers,” a US attack helicopter commander noted. He said that Apache attack helicopter pilots had been warned to exercise patience before firing on Iraqi targets. The warning came after a helicopter had killed three members of a group allied to the US. “Pilots also are getting pretty good at identifying Iraqi police.... But other Iraqis aren’t as easy,” he is recorded as saying.

--- James Warden, *Stars and Stripes*, February 21, 2008

For a vivid example of the firepower of an Apache helicopter against an assumed Iraq target see the video at:

<http://www.globalresearch.ca/articles/APA401A.html>

The truck was found to be carrying farm supplies.

In a report released in March 2008, Amnesty International records:

US forces have killed scores of civilians in recent months. On many occasions US troops have fired at unarmed civilians seen as a threat because they came too close to a convoy or patrol or approached checkpoints too quickly. As early as 2003, Amnesty International raised such cases with US authorities, but necessary changes to rules of engagement apparently were never made and the killings continue.

US military officials often blame armed groups, in particular al-Qa’ida, for causing civilian killings by US forces. They accuse the groups of deliberately launching attacks against Iraqi and MNF forces from inhabited civilian areas, so that civilians are likely to be killed or injured when the MNF returns fire. Until now the US government has not published any statistics about civilian casualties caused by US forces.¹⁶

The intensified bombing in Iraq in 2007 and 2008 was a part of US strategy to create pockets of “stability” in the midst of a civil war. As noted above, some US politicians tout the success of this strategy, citing the decrease in Iraqi deaths. Uncounted on their scorecards are the large number of civilians killed by US troops and aircraft during the same period. While Iraqi-on-Iraqi deaths are counted by political sources, US-on-Iraqi deaths are not. Most of those deaths go

¹³ Tom Engelhardt, “Normalizing air war from Guernica to Arab Jabour.” January 29, 2008. <http://www.tomdispatch.com/post/174887>, citing Stephen Farrell, *New York Times*. January 22, 2008. Englehardt (at Tomdispatch.com) offers some of the best analyses of the US air war, the efforts by the military to sanitize the impacts, and the costs to civilians.

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Lauren Frayer, “9 Iraqi civilians accidentally killed.” **February 4, 2008. Associated Press.**

¹⁵ Mrawan al-Ani, “U.S. copters commit ‘massacre’ in northern town.” February, 18 2008. http://www.iraqudates.com/p_articles.php/article/27548

¹⁶ Amnesty International. *Carnage and Despair: Iraq Five Years On*. London, 2008, p. 7.

unreported; others are lost in the military rhetoric of “investigations of incidences.” It is also clear from videos of US air attacks in Iraq that there are deaths that cannot be counted simply because the victims have been so pulverized or buried as to effectively disappear.

Detentions

As reported in the previous update, “In March 2007, US prison facilities in Iraq housed some 17,000 Iraqi citizens. A month later, shortly after the beginning of the troop increase (“surge”), another 1,000 or so were added. Toward the end of August 2007, a reported 24,500 people were held in detention centers by the US. About 85 percent of US detainees were Sunni Arabs....”¹⁷ Iraqi detention facilities held at least another 30,000. By late 2007 it was reported that US detentions numbered about 26,000, with another 37,000 held by the Iraqis.¹⁸

The tactic of detaining Iraqis suspected of involvement in the resistance to the US occupation continued through 2007 and into 2008. Small groups of detainees were occasionally released “after no charges were confirmed against them”, but the number was less than ten percent of those still held in captivity.¹⁹ However, the US appears to be attempting to speed up during 2008 the release of detainees in its facilities.²⁰ What is significant, however, is that the total number of people in detentions has not declined over the past year. While some Iraqis are released, still others are detained, to be held for months. The number of children held by the US at its Camp Cropper detention facility grew from about 100 in January 2007 to 950 in December of that year.²¹

In addition to the children, less than 20 percent are what the military describes as “hard-core” resistance members.²² But the purpose of the wholesale round-up of Iraqi citizens has less to do with capturing and holding “hard-core” fighters than removing vast numbers of mostly young men from communities. The example is intended to intimidate others into acquiescence. The reality is that most detainees are found not to be active resistance members, but their release is delayed for months or longer. For example, at Iraq’s temporary Rusafa legal complex in Baghdad 90 percent of people detained since the beginning of the US surge in troop levels in March 2007

¹⁷ Karen Parker and Bill Rau, “U.S. war crimes in the ‘Surge’—2007.” ConsumersforPeace.org. 2007. <http://www.consumersforpeace.org/pdf/U.S.%20War%20Crimes.pdf>

¹⁸(Michael E. O’Hanlon and Jason H. Campbell, *Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*. November 29, 2007 update. The Brookings Institution. Washington, DC, 2007. . www.brookings.edu/iraqindex; Gordon Lubold, “Do U.S. prisons in Iraq breed insurgents?” *Christian Science Monitor*. December 20, 2007.

¹⁹ Voice of Iraq, “11 detainees released from U.S. detention center.” November, 28, 2007. http://www.iraqupdates.com/p_articles.php/article/24451

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Gordon Lubold, “A new U.S. push to release more detainees in Iraq.” *Christian Science Monitor*, February 22, 2008. <http://www.csmonitor.com/2008/0222/p04s02-usfp.html>

²¹ Jay Deshmukh, “950 youths, 2,000 Qaeda members held in Iraq: US general.” December 3, 2007, Agence France Presse. http://news.yahoo.com/s/afp/20071203/wl_mideast_afp/iraqunrestusqaedadetainees_071203161934

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“Iraq Benchmark Report Card”. January 24, 2008. <http://www.americanprogress.org/issues/2008/01/benchmark.html>

were found not guilty of any crime.²³ On a smaller scale, similar tactics are used by the US in Afghanistan.²⁴

While US troops regularly detain Iraqis suspected of resistance, the head of the US detention facilities questions the effectiveness of the tactic. Marine Maj. Gen. Doug Stone is reported as saying:

Holding thousands of "moderate detainees," marked by green jumpsuits at Camp Bucca, runs counter to the notion of winning over a population in a classic counterinsurgency....General Stone believes many of these Iraqi insurgents were never motivated by anything more than money and most only desire to live peacefully. Many can be safely released back to society, back to their families and in their neighborhoods without straining security or their communities....²⁵

Stone is not the only one worried about the status of detainees. Early in 2008, the Iraqi Cabinet adopted a plan to release some 50,000 detainees, held in both Iraqi and US facilities, by the end of 2008. An amnesty plan for detainees was approved by Parliament in February 2008, but implementation procedures and criteria are very unclear. The legislation excludes those held by the US, and people imprisoned for crimes under Iraqi law, including terrorism, kidnapping, rape, adultery and homosexuality.²⁶

Iraqi lawyers have expressed concern in their own country and in the US about the treatment of detainees, particularly about the fact that most prisoners wait from three month to two years just to see a lawyer about their cases.²⁷

Budgetary support for detentions has increased to match the rise in number of people held. In 2005 the US expanded its detention and prison facilities with a \$50 million budget. The money did not reduce the over-crowded conditions in most detention sites. In its "FY2008 Global War on Terror Emergency Appropriations Request", the Administration included a sum of \$159 million for detention construction and operations.²⁸

A US advisor to Iraq's Justice Ministry estimated that the country needed 50,000 beds for all its prisoners, given that prisoners are held by Interior, Defense and Justice ministries, as well as by local police and other security forces.

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Solomon Moore, "Thousands of new prisoners overwhelm Iraqi system." *New York Times*, February 14, 2008.

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Tim Golden, "Foiling U.S. plan, prison expands in Afghanistan." *New York Times*. January 7, 2008.

²⁵ Lubold, "Do U.S. prisons in Iraq breed insurgents?" *ibid*.

²⁶ "Iraq's Sunni vice president approves amnesty law." Associated Press, February 21, 2008.
<http://www.iht.com/articles/ap/2008/02/21/africa/ME-GEN-Iraq-Amnesty-Law.php>

²⁷ Jessica Pupovac, "Iraqi lawyers voice concerns over treatment of detainees." AHN News, November 15, 2007.
<http://www.allheadlinenews.com/articles/7009169399>.

²⁸ Eric Schmitt and Thom Shanker, "U.S., Citing abuse in Iraqi prisons, holds detainees." *New York Times*. December 25, 2005; Congressional Research Service, *Iraq: Reconstruction Assistance*. Washington, DC, November 15, 2007.

Conditions in Iraq's hundreds of prisons, jails and detention centers have not improved since our last update and may have worsened, due to the rapid increase in the number of detainees. The *New York Times* reported:

American advisers say Iraq's nascent justice system does not have enough prison beds, investigative judges or lawyers to absorb the thousands of suspects that have been detained since last summer by the augmented American and Iraqi security forces. More than half of the 26,000 prisoners are still awaiting trial, and some have languished for years, American officials said.²⁹

It is clear that the US strategy to remove resistance from cities and towns involves serious breaches of due process for most detainees. Further, many detentions are arbitrary. People thought to be involved in resistance acts are subject to detention—that is, military suspicion is grounds for detention. We again point out that Geneva Conventions III and IV are explicit in stating that unlawful detention and denying civilians or POWs fair trial rights are grave breaches of international law.

Living Conditions and Human Welfare

By early Fall 2007, the US occupation of Iraq had deeply worsened living conditions for Iraq's civilian population. After nearly five years of US occupation, the question rises: Why has the US failed, in serious ways, to improve living conditions for Iraqi citizens? The answer seems to have several parts, but all interconnected. First, the neglect of basic human services is a part of US strategy to encourage support for privatization of services that had been government responsibility—such as electricity, telephone, water and sanitation. Second, the neglect of services fits the pattern of occupying powers that hand control to military authorities who do not see human welfare as a priority. In Iraq, the US military holds up small and fragmented examples of its contributions to improvements in life (a new health center built, for example), but outside agencies with far greater familiarity with living conditions continue to see the neglect as disaster. Third, so-called reconstruction has been fragmented: small, isolated projects that are built without an overall national or provincial plan. Together, these reasons strongly suggest that it has been US policy to allow the decline of human living conditions. It is a part of the war and occupation strategy to maintain a subservient population. That this strategy, like other aspects of the war, has been to the great detriment of the Iraqi people, remains obvious.

In the 18 months from December 2005 and August 2007, there was a twenty-five percent increase in the number of women who scavenged for garbage or resorted to prostitution in order to feed their children, according to a report by the Iraqi NGO, Women's Rights Association.³⁰ Over a quarter of all Iraqi children under the age of five showed symptoms of malnutrition. The

²⁹ Moore, "Thousands of New Prisoners." op.cit.

food rationing system that had provided a safety net for people for many years was being undermined by US policy to end government subsidies and support systems. An estimated 15 percent of Iraqis were considered food insecure, that is, they were not always able to meet all of their food needs.³¹ Outside of Kurd areas of northern Iraq, over one-third of adult women were anaemic.³²

The UN reported that only one in three Iraqi children under the age of five has access to safe drinking water. The infrastructure for water is non-functioning in many areas, and many Iraqis now buy water on the open market. Where water systems may operate, the sewage systems may leak contaminated, untreated sewage into the drinking water. Chemicals for water treatment are available only sporadically, when at all.³³ The breakdown of water and sewage systems created the conditions in which a major outbreak of cholera occurred in October and November 2007 in 45 of the country's districts.

The health infrastructure remained in crisis into 2008. The International Committee of the Red Cross reported: "many Iraqis do not have access to the most basic health care. There is a lack of qualified staff and many hospitals and health-care facilities have not been properly maintained." Nearly two-thirds of doctors and nurses have fled the country. There is fewer than half the number of hospital beds needed in the country. Private sector health care, if available, is inaccessible because of cost to most Iraqis. The report concludes: "Many lives have been lost because prompt and appropriate medical care is not available."³⁴

One reason people cannot afford private health care is because unemployment has been extremely high. Estimates varied by reporting authority, but in the Fall of 2007 unemployment remained at 25-40 percent, with no noticeable improvement over the two previous years, according to one source.³⁵ The Iraq government estimates unemployment at over 60 percent.³⁶ Many of those reported working were on daily work or short-term employment arrangements. Over 85 percent of Iraqi women were not working.³⁷ Many analysts have noted that the high unemployment rates fed the resistance as well as the influx of recruits for the Sunni Awakening Councils which pay each of the 65,000-plus members \$300 per month.³⁸ Inflation hovers around 40 percent per year.³⁹

The collapse of the education system parallels that of the health system. Only one-third of Iraqi children attend school.⁴⁰ As with professionals in the health system, many educators have left the

³¹ UN Office for the Coordination of Humanitarian Affairs, "Humanitarian crisis in Iraq." Update November 13, 2007.

³² Iraq Ministry of Health, et al. *Iraq Family Health Survey 2006/7*. Baghdad, 2007.

³³ United Nations Assistance Mission for Iraq, *UN-Iraq Reconstruction and Development Update*. Erbil, Iraq, November 2007.

³⁴ ICRC, *Iraq : No Let-Up in the Humanitarian Crisis*. Geneva, 2008, p. 8.

³⁵ Michael E. O'Hanlon and Jason H. Campbell, *Iraq Index*. The Brookings Institution, Washington, DC, November 29, 2007. www.brookings.edu/iraqindex.

³⁶ Ahmed Ali and Dahr Jamail, "Iraq unemployment too becomes an epidemic." *AntiWar.com*, February 21, 2008. <http://www.antiwar.com/ips/aali.php?articleid=12398>

³⁷ Iraq Ministry of Health, et al. *Iraq Family Health Survey*. op.cit.

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Alissa J. Rubin and Stephen Farrell, "Awakening Councils by Region." *New York Times*, December 22, 2007.

³⁹ Michael E. O'Hanlon and Jason H. Campbell. *Iraq Index*. The Brookings Institution, Washington, DC, February 28, 2008. <http://www.brookings.edu/saban/~media/Files/Centers/Saban/Iraq%20Index/index20080228.pdf>

⁴⁰ *Ibid*, p. 46.

country for security reasons, leaving classrooms empty or under-staffed. In 2007, only 28 percent of high school students took their final exams and less than 40 percent of those passed, a fall-off from the previous year. Not only is access to education more difficult, but school closures and too few teachers and administrators affect the quality of learning available to students able to attend class.⁴¹

As reported in the previous update, the electricity supply has continued to deteriorate. The US has spent nearly \$5 billion on Iraq's electricity networks, but Baghdad and other cities “receive fewer hours of power than it did four years ago.”⁴² One western reporter observed that for Iraqis, who seek numerous ways to improvise, “the real crime is that five years after the U.S.-led invasion of Iraq, they still swelter in the summer and freeze in the winter because of a lack of electricity.”⁴³

The UN estimated in September 2007 that 60,000 Iraqis flee their homes every month. Some 2.2 million Iraqis were internally displaced; another 2.4 million had fled the country. About four-fifths of the refugees and internally displaced had occurred in the years following the US/UK invasion of Iraq in March 2003.⁴⁴ Through flight or death, Iraq’s population declined from about 27 million to 23 million in the five years of the US occupation of the country.⁴⁵

The map below from UNHCR indicates the areas of greatest displaced families.

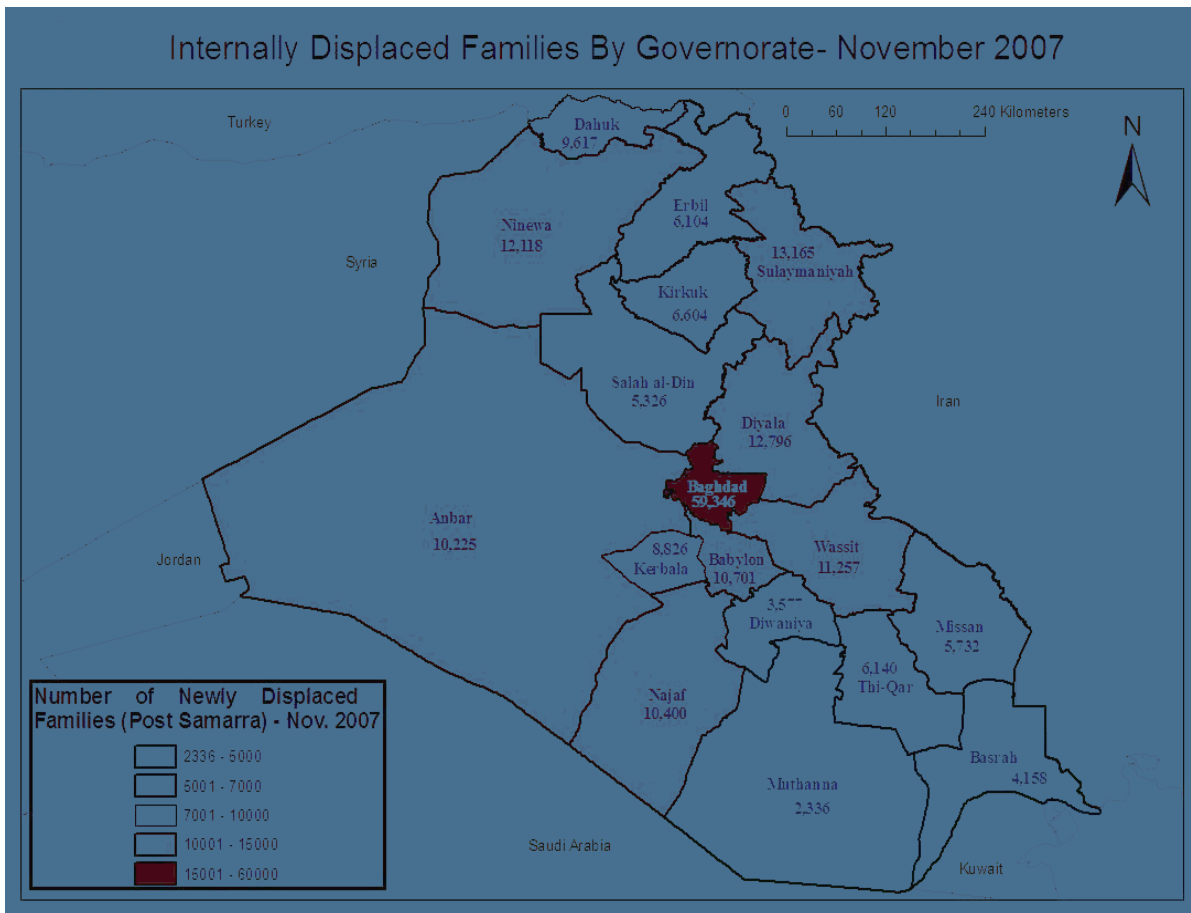
⁴¹ United Nations Assistance Mission for Iraq, *UN-Iraq Reconstruction and Development Update*. (September 2007)

⁴² Tiare Rath, “The Iraqi electricity crisis.” *Electroniciraq.net*, November 11, 2007.
http://electroniciraq.net/news/aiddevelopment/The_Iraqi_electricity_crisis-3231.shtml

⁴³ Hannah Allam, “5 years after Iraq's 'liberation,' there are worms in the water.” *McClatchy Newspapers*. March 16, 2008. <http://www.mcclatchydc.com/iraq/story/30316.html>

⁴⁴ For statistics on Iraq’s displaced and refugee populations, see UNHCR, *Statistics on Displaced Iraqis around the World*. Geneva, September 2007.

⁴⁵ Dahr Jamail, “Mirage of improvement in Iraq.” *Information Clearing House*. December 19, 2007.
<http://www.informationclearinghouse.info/article18925.htm>



Conclusions

Much of the US attention has been focused on the decline in civil violence in Iraq since mid-2007. As this report illustrates, any US contribution to that change has come at great cost to Iraqi citizens who have died as a result of US air strikes, who have been detained by the thousands, or who continue to suffer great deprivations in living conditions.

The policy of the US to rely on military “successes” has continued to be a failure when measured by international law and human welfare. As this report has shown, many stories remain to be told in sufficient detail about the failure of US proclaimed “success.”

In producing this update of prior reports on US war crimes in Iraq, our hope is that US citizens, journalists and Congressional members will have some basic information to use in asking more and more pointed questions about the occupation of Iraq and its impacts on Iraq citizens. Any praise offered to General David Petraeus for his strategic plans must be off-set against the realities of how implementation of that strategy has not brought peace, stability or well-being to

Iraq's people. Further, as this examination of the strategy shows, the failures rest with the US and its compliant Iraq government.

Appendix 1: US and allied Air Combat Missions in Iraq, January 2008

82 A B-1B destroyed weapons caches in Baghdad with GBU-31s (a 2000 lb. guided air-to-surface weapon, built by Boeing)Date	No. of combat-related missions (includes a small number of UK and Australian missions, but not logistical flights)	Aspects of Action*
January 2, 2008January 1, 2008	89	Navy F/A-18F Super Hornets targeted improvised explosive devices in Baghdad with GBU-38s (a 500 lb. bomb, also built by Boeing)
85Air Force F-16 Fighting Falcons engaged enemy combatants with cannon rounds in Babil. During another mission in the same area, a house used by enemy combatants was destroyed by F-16s with GBU-38s.January 3, 2008	90	Air Force F-16 Fighting Falcons targeted an enemy structure with GBU-38s in Baqubah; A house borne improvised explosive device and enemy combatants were engaged by F-16s with GBU-38s in Baghdad. During the same mission, Navy F/A-18F Super Hornets engaged enemy combatants with GBU-38s.
January 5, 2008January 4, 2008	77:	Navy F/A-18E Hornets engaged enemy mortar positions by dropping GBU-38s in Baghdad. A weapons cache was also struck during the strike
January 6, 2008	66	An Air Force F-16 Fighting Falcon destroyed a house-borne improvised explosive device with a GBU-38 in Baghdad; An F-16 destroyed an enemy structure with a GBU-38 in Babil.
January 7, 2008	98	Air Force F-16 Fighting Falcons destroyed improvised explosive devices by dropping several bombs on targets north of Babil. The F-16 pilots dropped GBU-38s and GBU-12s on house-borne IEDs. In addition, the F-16s dropped GBU-38s on IEDs emplaced in fields; An F-16 dropped a GBU-38 on a cave located in Baqubah.
January 8, 2008	94	Navy F/A-18E Super Hornets targeted an al- Qaida training camp with guided bomb unit-38s in Babil. The al-Qaida training camp was destroyed; F-16s engaged enemy combatants by using GBU-12s and a GBU-38 in Samarra.
January 9, 2008	89	multiple coalition aircraft

		engaged enemy combatants in Baqubah, Samarra and Balad. Air Force F-16 Fighting Falcons and Navy F/A-18E Super Hornets dropped GBU-38s on an al-Qaida structure in Baqubah. F/A-18Es dropped GBU-38s and a GBU-12 on a road to deny access to enemy forces in Balad. In Samarra, F-16s dropped a GBU-38 and a GBU-12 on an enemy structure; In Baghdad, Navy F/A-18C Hornets and F/A-18F Super Hornets dropped GBU-38s to detonate enemy Improvised Explosive Devices in multiple locations.
January 10, 2008	82	coalition aircraft dropped GBU-31s and GBU-38s to destroy several IED emplacements in Baghdad; An F-16 destroyed an enemy anti-aircraft artillery gun near a river south of Baqubah
January 11, 2008	47	Navy F/A-18C Hornets dropped guided bomb unit-38s on several improvised explosive device emplacements; in Iskanariyah, Navy F/A-18F Super Hornets targeted and destroyed emplaced IEDs by using GBU-38s.
January 12, 2008	91	a Navy F/A-18F Super Hornet dropped a GBU-51 on an enemy position in Basrah.
January 13, 2008	84	an Air Force F-16 Fighting Falcon dropped a GBU-12 and a GBU-38 to destroy an enemy vehicle; F-16s dropped GBU-12s and GBU-38s to destroy a house-borne improvised explosive device in Baghdad
January 14, 2008	75	a B-1B dropped GBU-38s on an enemy boat ramp and river crossing destroying the targets; an Air Force F-16 Fighting Falcon destroyed an enemy location (foot bridge), by dropping GBU-38s on the target in Latifiyah.
January 15, 2008	70	In Basrah, an F-16 dropped a GBU-12 on an enemy firing position destroying the target.

January 16, 2008	92	Air Force B-1B Lancer dropped guided bomb unit-31s on enemy structures in the vicinity of Baghdad.
January 17, 2008	92	An Air Force F-16 Fighting Falcon dropped a guided bomb unit-12 on an enemy vehicle loaded with combatants near Al Muqdadiyah; Near Tikrit, F-16s dropped GBU-38s in order to destroy an enemy compound.
January 18, 2008	Data not reported	
January 19, 2008	Data not reported	
January 20, 2008	91	Navy F/A-18C Hornets, F/A-18 Super Hornets, and a B-1B dropped GBU-31s and GBU-38s in order to destroy improvised explosive devices, house-borne IEDs and an enemy weapons cache.
January 21, 2008	85	Air Force F-16 Fighting Falcon dropped a GBU-38 in order to destroy house-borne improvised explosive devices in Baqubah.
January 22, 2008	90	Air Force F-16 Fighting Falcons conducted shows of force over a coalition forces convoy and in order to deter enemy activities in the areas of Safwan and Al Kut.
January 23, 2008	33	coalition aircraft flew 17 close-air-support missions for Operation Iraqi Freedom. These missions supported coalition ground forces, protected key infrastructure, provided overwatch for reconstruction activities and helped to deter and disrupt terrorist activities.
January 24, 2008	76	a Navy F/A-18 Super Hornet dropped a GBU-38 onto a house-borne improvised explosive device near Baqubah.
January 25, 2008	89	close-air-support missions
January 26, 2008	58	close-air-support missions
January 27, 2008	67	In order to destroy a house-borne improvised explosive device an F-16 Fighting Falcon dropped a GBU-38 in Baqubah.
January 28, 2008	79	an Air Force F-16 Fighting Falcon dropped a guided bomb unit-12 in order to destroy an enemy vehicle in Baqubah.

January 29, 2008	48	close-air-support missions
January 30, 2008	76	an Air Force F-16 Fighting Falcon dropped GBU-38s in order to destroy an enemy weapons cache in Baqubah
January 31, 2008	44	show of force in order to deter enemy activities in Baqubah.

Source: US Air Force Daily Airpower Summary: <http://www.af.mil/news>

*The daily summaries of Air Force activity are just that, summaries. They provide the barest of information and do not refer to casualties or damage others than in the most general terms. The text under "Aspects of Action" is taken, in most cases, verbatim from the air power summary. Supply and logistic flights are not included in the total.