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## **Human Rights Now**

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### **Open Letter from Human Rights Now to President Obama on the justice and accountability for human rights violations during and after the Iraq War**

Dear President Obama,

This year marks the tenth anniversary of the 2003 Iraq War.

*Human Rights Now (HRN)*, a Tokyo based international human rights NGO in consultative status with the UN Economic and Social Council is writing this letter to request you to conduct a thorough investigation of all grave human rights violations during and after the Iraq War to ensure justice, accountability and reparation to all the victims.

We hope your administration in its second term will put an end to the regrettable injustice and impunity related to the war and occupation in Iraq and restore peace and fundamental human rights in the world.

#### **1 Grave Human Rights Violations during the War and Occupation in Iraq**

The invasion of Iraq in 2003 was conducted by the US/UK led coalition over groundless allegations of Iraq's possession of weapons of mass destruction. The invasion was made without any authorization by the UN Security Council and thus was a grave breach of international law. Since the 2003 invasion, the US/UK led coalition occupying forces have failed to fulfill their obligation to protect people's rights to life and health, with devastating results to people's life and health in Iraq.

Atrocities in Iraq have been disastrous. Researchers at Johns Hopkins Bloomberg School of Public Health in the US calculated that about 655,000 Iraqis died as a consequence of the Iraq War in 2003.[1] The World Health Organization (WHO) estimated 151,000 violent deaths in Iraq from March 2003 through June 2006.[2] Classified Pentagon files released by WikiLeaks recorded that over an estimated 66,000 civilians were killed during the Iraq War and its aftermath between 2004 and 2009.[3]

Various reports have described grave violations of international human rights and humanitarian law by occupying forces in Iraq. For example, US attacks on Fallujah in April and November 2004 were widely reported to have included alleged war crimes, such as direct attacks against the civilian population, use of white phosphorous weapons on civilians, and a denial of citizens' access to hospitals.[4] It has been reported that coalition forces employed inhumane, indiscriminate or toxic weapons such as depleted uranium weapons, cluster bombs and white phosphorous munitions in civilian urban areas without any protective measures to minimize harm to civilians.[5] It has been also reported that use of these weapons caused significant numbers of civilian deaths, as well as critical impacts on human health even after the war.[6] Further, it is well established that the US military committed abusive treatment against Iraqi detainees at Abu Ghraib and other prisons, such as physical abuses and humiliation, which constitute torture and inhuman treatment.[7]

## 2 Prevailing Impunity

Most of the alleged human rights violations, however, have not yet been properly investigated by the domestic authorities, nor have their perpetrators been brought to justice, in particular those at the top commanders' decision-making level, while victims are still suffering physical harms without any reparations.

We expected your administration in its first term to seriously address this issue of impunity and start a thorough investigation on these grave human rights violations. However, to date we have not heard any concrete step of your administration to undertake measures for justice and accountability for these violations.

Unless such grave violations of international law, international human rights and humanitarian law allegedly committed by the US government are seriously reviewed and brought to justice, the world would not trust US human rights foreign policy.

If your country does not address the wrongdoing in its past, your pronouncements and actions on human rights in the world will not have any moral authority. If the US does not take any action to address its own injustice and impunity, it would undermine all the struggles and efforts of people to end grave human rights violations in the world.

## 3. Ongoing suffering of innocent infants --- Epidemic of Congenital Birth Defects in Iraq

HRN is particularly concerned about the ongoing and future health and life risks to Iraqis caused by toxic wastes from the armed conflict. The 2003 Iraq War led to a significant release of toxic materials into the environment that continues to put the life and health of children in particular at risk. In the years following the war, there has been an epidemic of congenital birth defects in Iraq's cities.

Iraqi physicians have expressed serious concern to the international community about the prevalence of birth defects through various media. The Independent reported that "Iraqi doctors in Fallujah have complained since 2005 of being overwhelmed by the number of babies with serious birth defects, ranging from a girl born with two heads to paralysis of the lower limbs. They said they were also seeing far more cancers than they did before the battle for Fallujah between US troops and insurgents." [8]

Samira Alaan, a physician at Fallujah General Hospital, reported research finding congenital malformations in 15% of all births in Fallujah, Iraq since 2003, concluding that "the high prevalence of birth defects in Fallujah is impairing the population's health and its capacity to care for the surviving children" and "[t]hese defects could be due to environmental contaminants which are known components of modern weaponry." [9] This year, Human Rights Now conducted an investigation in Fallujah and documented serious birth defects.

One possible cause is the use of the depleted uranium (DU). The specific quantities and placements of DU munitions used in the 2003 Iraq War have not been identified at present due to the US government not releasing such information, despite the United Nations Environment Programme (UNEP) requirement to release the data. [10] A 2010 UN General Assembly resolution called for DU user-states to reveal quantitative and geographic data in the use and amounts of DU to affected governments upon their request. [11] The UK Ministry of Defense (UK MOD) indicated that less than one ton of DU ammunition was used during the 1991 Gulf War and approximately 1.9 tons of DU in the 2003 Iraq War. The total amount of DU munitions used during the 2003 conflict is speculated to be from 170 to 1,700 metric tons. [12] However, the total amount remains unknown. The Iraq Ministry of Health and WHO have conducted a survey of increased birth defects in Iraq to

be published in early 2013; however, the relationship between birth defects and DU was not surveyed.[13]

In order to prevent the further victimization of children, it is urgently required to identify the cause of problem and establish proper preventive measures as well as a medical and public health program. However, since the US and UK governments do not sufficiently disclose information related to toxic weapons used during the conflict, an effective policy to protect the rights to health for these children cannot be established.

It is urgent to investigate the sources and spread of birth defects, identify causes, establish effective public health policies and medical care, and provide appropriate compensation for victims. It is also important to identify whom to hold accountable in accordance with international human rights standards and international humanitarian law, as well as the “polluter pays” principle in international environmental law.

**Human Rights Now (HRN) requests you to put an end to this impunity and provide sufficient information to prevent further victimization**

We request your administration to establish an independent and impartial commission to conduct appropriate investigations in conformity with international standards on all violations of international human rights and humanitarian law during the invasion and occupation of Iraq by the US to ensure justice, accountability, non-recurrence and adequate reparation for all victims.[14]

In the course of the investigation process, the most responsible persons for each crime and violation should be identified and prosecuted, a policy of non-recurrence should be seriously considered and disclosed, and a public apology should be given for all victims.

Regarding serious birth defects in Iraq, we ask that you to investigate all types of weapons used, all areas in which weapons were used, the exact amounts of weapons used, as well as the composition of toxic materials released, and disclose all the information to the public. In case the US is identified as a polluter or a contributor to pollution to the environment, we request the US to take all necessary measures to protect the rights to health and life of all affected Iraqi people, especially children, including compensation, environmental cleanup, and provisions for appropriate medical care.

Thank you very much for your highest consideration on this important matter in advance,

Sincerely,



Kazuko Ito, Secretary General  
Human Rights Now

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[1] Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Roberts, “Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey”, The Lancet, Published online October 11, 2006  
<http://brusselstribunal.org/pdf/lancet111006.pdf>

[2] Iraq Family Health Survey Study Group, “Violence-Related Mortality in Iraq from 2002 to 2006”, N Engl J Med 2008; 358:484-493, January 31, 2008 (95% uncertainty range, 104,000 to 223,000).  
[http://www.nejm.org/doi/full/10.1056/NEJMsa0707782 - t=articleBackground](http://www.nejm.org/doi/full/10.1056/NEJMsa0707782-t=articleBackground)

[3] Leigh, D. 'Iraq war logs reveal 15,000 previously unlisted civilian deaths', The Guardian, 22 October 2010, [Accessed 31 January 2013] <http://www.guardian.co.uk/world/2010/oct/22/true-civilian-body-count-Iraq>

[4] Professor Paul Hunt, the UN Special Rapporteur on the right to health stated credible allegations persist that the Coalition forces have been guilty of serious breaches of international humanitarian and human rights law, citing report that use of indiscriminate force has resulted estimated 750 civilian deaths, 90 per cent were non-combatants. <http://www.un.org/News/Press/docs/2004/hr4738.doc.htm>; In November 16, 2004, the UN High Commissioner for Human Rights expressed deep concern about the situation of fighting in Fallujah and stated that "all violations of international humanitarian law and human rights law must be investigated and those responsible for breaches -- including deliberate targeting of civilians, indiscriminate and disproportionate attacks, the killing of injured persons must be brought to justice, be they members of the Multinational Force or insurgents." [www.unhcr.ch/hurricane/hurricane.nsf/view01/7472316E3570A216C1256F4E0046EDC6?opendocument](http://www.unhcr.ch/hurricane/hurricane.nsf/view01/7472316E3570A216C1256F4E0046EDC6?opendocument)

[5] "U.S. Using Cluster Munitions In Iraq", Human Rights Watch report, <http://www.hrw.org/news/2003/04/01/us-using-cluster-munitions-Iraq>

[6] <http://www.globalresearch.ca/us-military-committed-war-crimes-in-fallujah/8340>, "Fallujah: The hidden massacre".

[7] <http://video.google.ca/videoplay?docid=8905191678365185391&q=Fallujah%3A+hidden+massacre&total=38&start=0&num=10&so=0&type=search&plindex=0>; Please refer to the following links; <http://www.globalresearch.ca/america-s-fallujah-legacy-white-phosphorous-depleted-uranium-the-fate-of-iraq-s-children/30372>, <http://www.hrw.org/en/reports/2003/12/11/target-0>, [http://www.un.org/sg/spokesperson/highlights/?HighD=11/17/2005&d\\_month=11&d\\_year=2005](http://www.un.org/sg/spokesperson/highlights/?HighD=11/17/2005&d_month=11&d_year=2005); <http://www.hrw.org/news/2003/04/29/iraq-clusters-info-needed-us-uk>

[8] Patrick Cockburn, "Toxic legacy of US assault on Fallujah 'worse than Hiroshima'", The Independent, 24 July 2010 <http://www.independent.co.uk/news/world/middle-east/toxic-legacy-of-us-assault-on-fallujah-worse-than-hiroshima-2034065.html>

[9] Samira Alaani, Mozghan Savabieasfahani, Mohammad Tafash and Paola Manduca, "Four Polygamous Families with Congenital Birth Defects from Fallujah, Iraq", Int. J. Environ. Res. Public Health 2011, 8(1), 89-96 <http://www.mdpi.com/1660-4601/8/1/89/pdf>

[10] Cancer, Infant Mortality and Birth Sex-Ratio in Fallujah, Iraq 2005–2009 Chris Busby ,Malak Hamdan and Entesar Ariabi, Int. J. Environ. Res. Public Health 2010, 7, 2828-283, <http://www.mdpi.com/1660-4601/7/7/2828>.

[11] United Nations General Assembly A/RES/65/55 Effects of the use of armaments and ammunitions containing depleted uranium, 13 January 2011 [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/65/55](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/65/55)

[12] United Nations Environment Programme, "Technical Report on Capacity-building for the Assessment of Depleted Uranium in Iraq", Geneva, August 2007 <http://reliefweb.int/report/iraq/technical-report-capacity-building-assessment-depleted-uranium-iraq>

[13] <http://www.emro.who.int/irq/iraq-news/congenital-birth-defect-survey.html>

[14] Batty, D. 'Iraq war logs: UN calls on Obama to investigate human rights abuses', The Guardian, 23 October 2010, [Accessed 31 January 2013], <http://www.guardian.co.uk/world/2010/oct/23/united-nations-call-obama-investigation-abuses-iraq?intcmp=239>

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***Human Rights Now ~Protecting Human Rights for All~***

Human Rights Now is a Tokyo based international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world. The activity includes monitoring/ fact-finding of human rights, human rights education and advocacy work.

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