

# **A Claim Of Human Rights Violations**

## **To The United Nations - Versus The United States Government**

**30 April 2003**

The United States Government (hereinafter referred to as US Government) is being charged by the Plaintiff (hereinafter referred to as Americans for Human Rights (AHR)) with violations of international human rights against the country and people of Iraq.

### **Claim Introduction**

The AHR, and a coalition of organizations and individuals, hereby bring this international human rights claim against the US Government for violations of:

- The Universal Declaration of Human Rights
- The International Convention on the Prevention and Punishment of the Crime of Genocide (adopted by Resolution 260 at the United Assembly December 9, 1948)

### **Universal Declaration of Human Rights**

#### **Human Rights Violations:**

Whereas the Universal Declaration of Human Rights recognizes the inherent dignity and the equal and inalienable rights of all members of the human family,

And Whereas the Universal Declaration of Human Rights recognizes that disregard and contempt for human rights results in barbarous acts which outrage the conscience of mankind,

And Whereas the Universal Declaration of Human Rights, Article 5 states: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The International Covenant on Civil and Political Rights (ICCPR): Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights: Article 5 : 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

### **The International Convention on the Prevention and Punishment of the Crime of Genocide**

This convention bans acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. It declares genocide a crime under international law, whether committed during war or peacetime, and binds all signators of the convention to take measures to prevent and punish any acts of genocide.

Article 2 states: 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; to bring about its physical destruction, in whole or in part; about its physical (d) Imposing measures intended to prevent births within the group.

And the International Covenant on Civil and Political Rights (ICCPR): Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly resolution 3452 (XXX), on 9 December 1975.

## **Charter of the United Nations**

### Article 2

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression.

Article 39: The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 4 and 42 , to maintain or restore international peace and security.

Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## **Cause of Action**

AHR brings this action against the US Government for the following acts committed against the country and people of Iraq:

- Genocide
- Unauthorized and Unprovoked War

## **I. Genocide**

The US Government has authorized and carried out with total and reckless disregard for human rights, the following acts with the intent to destroy the country of Iraq and its people:

(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; to bring about its physical destruction, in whole or in part;

### **A. Sanctions**

1. By authorizing, directing, maintaining, and enforcing 12 years of economic sanctions against the people of Iraq, the US Government has:

### **B. Endangerment of Children**

1. In particular, the Iraqi children have been placed in life-endangering conditions. Dr. Carel de Rooy, the director of UNICEF admitted that the sanctions have in fact contributed to the violation of children's rights. Actions authorized and directed by the US Government have caused an increased of the death rate for infants, children and elderly persons, and could destroy, in whole or in part, the national group of the people of Iraq.
2. The US Government has carried out actions: (d) Imposing measures intended to prevent births within the group. "The US government has created conditions in Iraq that have caused the death of thousands of innocent civilians and caused the death of thousands of children. This has been carried out not only by limiting the availability of food and medicines, but also by disrupting the whole economy, impoverishing Iraqi citizens because the sanctions deprived the Iraqi people of essential income. They also reduced the national capacity of water treatment, electrical and other infrastructure systems critical for health and life." (Security Council Report: Iraq Sanctions: Humanitarian Implications)
3. Women who were exposed to nuclear toxics during the Gulf War have given birth to children who are missing parts of their heads and limbs, and are severely deformed and died within weeks. Women lacking a basic nutritional diet, as well water have become afraid to have children. The lack of medicine, laboratory equipment, and the lack of access to current medical information has created and continues this cycle of fear and death.
4. The sanctions have placed the country of Iraq, its children and their families in such a situation that future generations are not assured. The sanctions have imposed measures to affect the survival and future of all the people of Iraq.

## **II. Unauthorized *and* Unprovoked War**

1. The US Government has acted with total and reckless disregard for human rights by unilaterally ordering and directing a "preemptive strike" and a war of aggression against Iraq--actions that will cause irreparable harm and a grave humanitarian damage to the country-- the children, mothers and human family of Iraq. This, is in violation of

the Universal Declaration of Human Rights that recognizes that disregard and contempt for human rights result in barbarous acts which outrage the conscience of mankind.

And the Charter Of The United Nations;

Article 39: The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 4 and 42, to maintain or restore international peace and security.

Article 51 : Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

2. The US Government will be held responsible and accountable by the world for being the government which, by subverting and violating international law, will have destroyed human life to the point of extinction. In the aftermath of a previous war, Iraq (a country that has no clean water, no medical care, no food and whose children are dying), may not survive another war created by the US Government.

### **Petition for UN Redress of Human Rights Violations**

We respectfully request that the United Nations and its Human Rights office act for humanity by finding that the US Government is acting in violation of international human rights law and, more importantly, with a disregard for human rights, by unilaterally ordering and directing a "preemptive" war against Iraq, which will have a scathing effect on world stability.

We ask for your consideration and immediate action on these charges being brought by AHR, and a coalition of organizations and individuals from the United States against the US government, under the international legal recognition that individuals can make claims against their governments within the Universal Declaration of Human Rights.

### **Americans for Human Rights**

Volunteers: 10805 Ralph NE, Albuquerque, New Mexico, USA

#### **See also:**

- Iraq: Stripped naked and humiliated by US soldiers, Amnesty International Press Release, 4/25/03
- Throwing Away the Key: Our Nation's Penal System Has Abandoned All Pretense of Penitence or Any Notion of Rehabilitation, by Salim Muwakkil, *In These Times*, 4/29/03
- U.S. Soldiers Fire on Iraq Demonstrators Again, by Niko Price, *Associated Press*, 4/30/03
- Troops 'Are Letting Looters Smuggle Iraqi Antiquities', by David Keys, *Independent/UK*, 4/30/03