

## **The Violation of Human Rights in Iraq During the United States' Occupation: Revisited**

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**Abstract:** This study provides a panoramic overview on the violation of Human Rights (HR) in Iraq during the United States' (US) occupation from 2003-2012. It argues that these infringements including occupation-induced illegal mass expulsions to armed forces and police, human abuse, torture, rape, atrocities and deliberate murder in prisons, constitute heinous crimes against humanity. It demonstrates the ineffectiveness of all international principles involving HR to protecting Iraqi nationals despite the occupier being affiliated to the so called United Nations Security Council (UNSC). Furthermore, it is affirmed that these superpowers, being a member of UNSC, either modify the laws in the convention or misinterpret them to legally protect the officials involved in those criminal actions against HR.

**Key words:** Iraq, violation of human rights, US occupation, international humanitarian law, universal declaration of human rights, Geneva Conventions

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### **INTRODUCTION**

In March, 2003, the USA led an invasion of Iraq to put an end to Saddam's regime. The USA administration maintained that the intention was to eliminate "a government that developed and used weapons of mass destruction which harboured and supported terrorism; committed disgraceful human rights abuses; challenged the commands of the United Nations and the world". Further suggestions were "to transform the Middle East so as to reject the support for Islamic militants by forcing or reforming the transnational systems of the country that encourage such activities". The justification for attacking Iraq was "the United States depended on the authority of UN Security Council Resolutions 678 and 687 to employ all essential means to force Iraq to obey the international treaty" (Martin, 2008). Opinion surveys revealed that almost all the nations were against the war without UN mandate. Moreover, the outlook of the USA was considered as jeopardy to international peace and prosperity. It is needless to mention that the UN Secretary-General, Kofi Annan, acknowledged the war as illegitimate. In an interview in September, 2004, he further mentioned that the invasion was "not in conformity with the Security Council".

The positive report of Blix and ElBaradei regarding the inspections on July 30, 2003, acknowledged an optimistic cooperation with Iraqi disarmament inspectors. Blix presented the report before the special meeting of the council and the accelerated pace of Iraqi cooperation in

recent months with international inspection teams could occur. The charter of the UN (Chapter VI, Articles 33-35) states that it must settle international disputes peacefully and the Security Council possesses absolute powers for the realization of the provisions of this chapter. As shown, the provisions of Chapter VII applied the rest of the Security Council in its power. Whenever a risk or breach of the harmony or hostility arises it subsequently decides on military intervention as provided under Charter of the United Nations. However, after exhausting all peaceful means provided in Chapter VI, the US breached and violated all these texts.

In this context, the invasion of the US, the UK and allied countries into Iraq is against the ethics of international law. Fundamentally, this forceful occupation opposed the text of the UN Charter. Simultaneously, it violated international legitimacy and such unfair aggression constituted an international crime added to the unlawful balance of the US (Kramer and Michalowski, 2005). This was initiated since its interference in international affairs, like in the case of Japanese atomic bomb or in its crimes in Palestine, Vietnam, Iraq, Nicaragua, Yugoslavia and Somalia as well as various other countries world wide. This is especially so after having raised the same policeman to the world governing in its issues, according to its interests and to serve its approach. It also knows very well about the ill actions of its soldiers. It has declined to ratify the International Criminal Court which regulates the form of legal adaptations for violations practiced by the occupiers

against the stricken people in the occupied territory. Amnesty International had issued a warning before the start of the war. The military action against Iraq meant more pain for the people because they had already suffered from the devastating effects of unfair economic sanctions. It has proven the validity of such concerns where killing and torturing of Iraqis was performed by violating their rights. Consequently, the operations violated the daily policy pursued by the Anglo-American occupation authorities. The UN issued a Resolution (No. 1483) on May 22, 2003, describing to the authorities their responsibilities and obligations under IL. Particularly it included details of the 1907 Hague Regulations and the 1949 Geneva Conventions for the US and Britain as occupying powers.

### **MATERIALS AND METHODS**

The research study adopted the doctrinal methods or pure legal research method which is commonly found in social, law and humanities researches. The doctrinal methods provides a systematic investigation of the specific rules and laws those govern a particular legal subject and focus on analysing the relationship between legal rules and particularly explains legal areas and predicts future developments in the law. This research study extends to discuss relevant topics and depend on reports associated with the human rights violation before and after 2003 in order to enhance the understanding of the major issues of human rights violation in the Iraq war. This investigation can be subsequently used for organizing documents within historic source repositories and building tools that will enable historians to access the needed information for making accurate conclusions.

### **RESULTS AND DISCUSSION**

It is the main finding and argument of this study that the UDHR has been breached by the US and the UK during the occupation. The main well as the breached provisions of the UDHR are discussed below:

**Universal declaration of human rights:** Historically, the UDHR has been a landmark deed, outlined by various legal and cultural experts worldwide which defined the universal protection of basic human rights. It was announced in Paris (December 10, 1948) by the UN General Assembly (GA) as a universal criterion of achievements for all the people on the globe. Besides, it is considered as one of the most significant documents of the last century. It serves as a basic right in multiparty disputes in the UN and anywhere else. It also acts as an

authoritative element in setting up the development of international HR regulations. The UDHR initiated the progression of several international and regional HR instruments. The UN put substantial dedicated attempts to guarantee the defence and encouragement of HR via the creation of principles and declarations. Principally, the UDHR is a joint statement for all aspirations in a common worldwide vision of fairness and equality.

As much as 30 comprehensible and brief articles related to HR are documented in the UDHR. The general basis of HR is laid in the first two articles where individuals are treated equally due to the mutual spirit of human dignity. The HR is a universal concept because it belongs to humanity. These two articles ensure that HR is a human birthright. It is neither the right of selected people nor a privilege to be approved or deprived. Article 1 acknowledges the inborn equality of human dignity and rights. In fact these are gifted with rationale and ethics to act towards an individual's spirit of brotherhood. Conversely, Article 2 identifies the general distinction of human without bias. This declaration further entitles all the rights and freedoms of individuals irrespective of their races, colours, sexes, languages, religions, political or other views, national or social origins assets, birth or other status.

The first group of Articles (3-21) defines the public and political rights of individual entitlement. Article 3 recognizes the right to live, be free and be safe. It is considered as the basis for every political right and civil liberty such as freedom from slavery, suffering and illogical capture. It also protects the right to a fair trial, open dialogue, liberated movement and confidentiality. The second set of Articles (22-27) characterizes a human being's entitlement to economic, social and cultural rights. The main idea of these rights (Article 22) is based on the fact that every person, being a member of society is privileged to have social protection. Therefore, each individual can enjoy economic, social and cultural rights essential for the advancement of personal dignity and freedom. The basic rights indispensable for the satisfaction of social safekeeping are elaborated in the five articles. These rights include an employment related to economy, reasonable payment and freedom, social rights connected to sufficient living standards for health, happiness and education and involvement in the cultural life of the community.

Finally, the Articles 28-30 render a well-built defensive structure where every HR has universal benefits. Article 28 distinguishes the right to a societal and global order for the recognition of HR and basic autonomy. Article 29 states that together with rights, every individual has a responsibility towards his/her

community. This also allows one to fully and freely develop one's prospects. Any exterior intervention opposing the principles and beliefs of the UN is further protected via the interpretation of the declaration of Article 30. Unequivocally, it is stated that, on the basis of the assertion, no state assembly or individual can claim to have the right to engage in any action or to execute any act that causes the damage of rights and freedoms documented in the UDHR (Glendon, 1997).

**Main principles and provisions of UDHR:** The General Assembly of the UN had declared the adopted UDHR on December 10, 1948 with the following main principles; acknowledging the basic dignity of the human family and their equality of absolute rights constitute the basis of liberty, integrity and harmony on globe; enjoying freedom of speech and faith and the rule of law that protect human right.

The UDHR is proclaimed as a "common standard of achievement for every person and all nations". It sets out a wide range of rights covering every aspect of life. Article 1 in this declaration contains a famous description of the idea of fundamental HR that is "all human beings are born free with equal dignity and rights". The rights and protections agreement to human right activists as those specified in Sections 1, 5-9 and 11-13 of UDHR.

**The hague and Geneva Conventions:** Historically, the principles that established the HR movement were developed after the Second World War. The atrocities of the Holocaust had enforced UN GA (1948 in Paris) to adopt the UDHR. Since then, the UDHR is extensively acknowledged and inspired to implement as much as seventy HR treaties which are permanently functional at present at international and provincial levels. The conventions of the Hague and Geneva are the main examples of human efforts to regulate the principles of the UDHR and to control the violence against the existence of humankind. Usually this is called the law of war or Armed Conflict (IHL). The IHL encloses the conventions of the Hague and Geneva, succeeding treaties, case regulation and traditional IL. This also identifies the actions and tasks of confrontational countries, impartial countries, persons connected to combat among themselves and to shield individuals, mainly civilians. It is intended to stabilize civilized unease and armed requirement to control conflict to the rule of regulation by restraining its devastating impacts and justifying individual anguish (Stewart, 2003).

**Human right violation in Iraq:** The following sections highlight and analyse some of the HR violations in Iraq:

**Failure of self-determination:** The systematic practices of these abuses reveal the real purpose of the US aggression and wicked malevolent intentions to harm the Iraqi nationals. The US invasion in Iraq is considered as a great disrespect to HR and democratic system. The occupation by the US management has augmented the chaotic climate, fed sectarian violence and increased the insecurity which has lasted till today. Definitely, the US administration has completely failed to provide freedom and self-determination to Iraqi nationals.

The US as the occupying authority, substituted the legislative, executive and judicial powers of Iraq after 2003. New authority has overturned, enforced and enacted other laws against the interests and ambitions of the nation. The US authority has completely ignored the UN Security Council resolution 1483 and dissolved the Iraqi army entirety whereby the country became an open border. Consequently, the occurrence of civil war has created thousands of victims in Iraq. Between March 2003 and June 2011, more than half a million deaths occurred in Iraq which was directly or indirectly related to war. Many accusations of breach cases involving international and national standards are being investigated by the Democracy Bureau of the US, HR and labour. It is urged to respect the national goal where individuals must not be authoritative to dominate and rule on their own. Self-determination is not just an expression it is rather, considered as an essential code of conduct.

According to international law, the temporary occupants must exercise occupation control and regulate the general situation of the land occupied, obeying the UN resolution. However, in reality, the code of conduct by foreign occupying powers opposed the right of self-determination (Ben-Naftali *et al.*, 2005). This being the cornerstone of international treaties and conventions after World War II should have been respected and there should have been a call for an end to the occupation to enable people to use their HR in liberty.

True lawful independence and self-determination needs the liberated use of political preference, complete accountability for interior and exterior safekeeping and total control over societal and financial strategies. Surprisingly, none of them were clearly mentioned in the proposal of the US for "re-establishing Iraqi independence". Senior political and military officials of the US acknowledged that the policy only predicted the selection or appointment of Iraqi directors and administrators, postponed elections and other accepted involvement (Dreazen and Cooper, 2004). They retained total control over armed and safekeeping matters and built a widespread set-up of military bases in the entire nation. The US administration further continued to convert the

economy and society of Iraq towards an open market. This was inconsistent involvement with contradictory nature of occupation and against the interest of self-determination of Iraqi nationals. Consequently, the more extensive and accepted economic growth of Iraq was resisted due to the imposition of the US interests. There was an urgent necessity for the mutual contribution of the local opposition to forceful US supremacy and of global views to become more dominant. In fact, it became more pragmatic to endorse solutions based on laws to a conflict shaped by lawless conduct.

The importance of self-determination must be taken as a holy right of all humans worldwide to live in harmony and safety. This is included in the UN Charter, treaties and conventions. The most important legal principles relating to self-determination are as follows:

- All citizens have the self-determination right to decide freely their political position and to practise economic, societal and cultural expansion. Common Article 1 documents the rights of international economic covenants, societal and cultural as well as public and political rights
- Secured persons must not be deprived of their benefits via any form of convention or agreement among the authorities of the occupied territories and the occupants (Geneva Convention IV, Art. 47)
- The authorized occupants must be considered as actual administrators to protect civilians' interests (ICRC Commentary, Geneva IV Art. 47)
- Colonial natives have the intrinsic right to fight by all means necessary besides imposing powers which restrain their goal for liberty and sovereignty (General Assembly Resolution 2621 XXV, 1970)
- "All military acts or oppressive measures aimed at the dependable public must end to facilitate them to apply peacefully and generously their right to achieve sovereignty. The honesty of the nationalized territory must be honored (GA Resolution 1514 XV, 1960)
- The functions of the UN are to extend affable relationships between countries based on respect for the standard of equal rights and self-determination of the public (United Nations Charter, Article 1)

**Failure to deliver safety and public order:** Undoubtedly, the US administration has breached the universal norms of HR and caused innumerable harm to Iraqi citizens and its heritage. It encouraged thieves to steal and plunder the property of Iraq's private, public, cultural, religious and civilian institutions. The US also established an ambience of creative chaos. It has taken the most dangerous and

worst resolution at dismantling the military units of Iraq and demobilized safekeeping forces as well as law enforcement officials and the preservation of public order without the existence of an alternative plan to preserve public security, causing an increase in crimes of violence. The military operations in Iraq caused intense humanitarian consequences for common citizens. Several concerns connected to HR violations that occurred beyond 2003 may arise under IHL. Matters related to human protection regarding fights in housing areas and attacks on property of the population of unarmed civilians are among the notable issues. According to the principle of goal setting and proportionality in IHL, it completely destroyed the dual-use facilities.

Following the US invasion in 2003, the local people of Iraq have resisted the occupation in many areas. In turn, the US dealt the confrontation as a conflict to democracy and abused the Iraqi officials and soldiers as well as committed several inhumane crimes. This clearly indicates that the regulations cited in the Geneva Convention 1949 stipulating the right of occupants to resist the occupying power were completely disobeyed by the US authority. The responsibilities of the power occupants are mentioned in the Hague Regulations (1907, Articles 42-56), in the Fourth Geneva Convention (Articles 27-34 and 47-78) and in the stipulations of Additional Protocol 1 as well as in customary IHL. The following major principles of the laws must be applied in case of military occupation:

- Occupation being a temporary case, the rights of the occupant is always limited based on time
- The power of occupants should take measures to reinstate and guarantee public order and security
- The occupants must take enough measures to re-establish and warrant the maintenance of security and peace
- The occupants must not force the people in the occupied territory to be recruited as part of their armed forces

The text in Article 43 says that the occupying power must respect the local legislation by restoring and ensuring public order and social life. However, the lawmaking history and present conduct reveal that the article comprises a general law regarding the legislative powers of the power occupants (Schwenk, 1945). Actually, the preservation of civic order and security as well as the legislative act of the occupants are correlated. The HR and the regulations which are essential components of any peace-making attempt require the upholding of law-based civic orders. The power

occupants and the international public organization that restores and maintains the civic order encounters the question of lawful foundation under which they are capable to capture, confine and penalize individuals menacing or breaching the civic order and the extent to which local legislation can be changed.

It is needless to mention that the norms of humanitarian law leading the military occupation automatically emerged when the Iraqi national armed forces surrendered or were subdued. According to Article 2 of each of the four Geneva Conventions 1949 they must stay in force during the presence of the US military in Iraq. Several rules involving the occupied forces are referred in Articles 42-56 of the Hague Regulations and Geneva Convention IV. These regulations acknowledge both the responsibilities imposed upon occupying powers and the various rights of the occupied people.

As aforementioned, the main compulsion of the occupying powers is to preserve civic order and security. The occupying power must honour the basic HR of the nationals, refugees and other non-citizens. The main obligation under civic safety is to ensure life, healthiness and security of the nationals under the power occupant's control (Watkin, 2012). By virtue of this regulation, the US administration is compelled to:

- Ensure that basic human needs such as food, water, health care are adequately available to all Iraqi nationals
- Provide the physical safety of all Iraqi nationals and fulfil these requirements without the exploitation of any armed tactics or weapons forbidden by IL

**Collective punishment:** Collective punishment widely spread during the First and Second World. Collective punishment has been outlawed under Geneva Conventions. The Geneva Convention proscribes the use of group sanctions against prisoners of war and civilians in occupied territory (Fabricant, 2011). The US administration had imposed mass penalties on unarmed Iraqis. These penalties included the bombing of residences and public facilities, imposition of curfew in populated zones, restricted movement through checkpoints and road closures, shut off whole cities and villages and the use of excessive power in populated regions. For instance during an accident in Tikrit in November 2003, the US forces purportedly used artillery blaze and tanks to destroy the houses of innocent Iraqi families who allegedly mounted attacks against the US military as a defensive measure. A spokesman of the fourth Infantry division of the US Army acknowledged that the destructions were planned to convey a message to the rebellious and their followers. Monitoring HR units

of Iraq (MHRI) including >20 such organizations, has submitted a statement on the criminal activities and continuous mistreatments of HR in Iraq by the US army. The following factors provide clear evidence of HR violation:

- In the city of Fallujah, the commission of crimes against humanity has never ended. Consequently, the city became a large prison where the citizens were neither allowed to enter nor to leave without undergoing insulting and autocratic processes. This is certainly a violation of fundamental rules of HR
- Captured civilians including women and children were forced to partake in cleaning the city and to dispose the dead bodies of combatants
- Numerous civilians tried to flee from the hell of shells of snipers that shot at anybody, even babies who moved
- The US troops demolished more than thirty thousand homes and buildings in the fighting. The inhumane crimes of the US forces include the killing of innocent and unarmed civilians during the performance of their prayers at mosques

**Illegal detention and torture:** Illegal detention and torture are totally outlawed under the international human rights law (Akther and Nordin, 2014). The aggressive policy of the US forces on the Iraqi people had led to the arrest of civilians and random detention without any charge or fair trial. Many reports indicate that up to 90% of Iraqi detainees in the US prisons are innocent and had been arrested in illegal mass campaigns. They tortured these innocent Iraqi nationals in an ugly manner with absolute brutality. Furthermore, Amnesty International confirmed that HR violations committed by the occupation forces include procedures which deprived the arrested persons from their most basic rights stipulated by domestic and ILs.

In the Northern province of Iraq called the Sunni Triangle, the operative 4th Infantry Division of the US Army was highly violent. They performed regular sweeps of settlements and detained several Iraqis. These captive nationals besieged the capability of US staff to interrogate them swiftly or efficiently which led to abuses at various centres such as Abu Ghraib. It is worth noting that the HR abuses experienced by these detainees are against ethics and humanity and should not have taken place. A report by the Red Cross in 2004 revealed that according to the estimate of the intelligence officers of the armed forces, about 70-90% of 43,000 detainees were guiltless of any military or civilian crimes. More shockingly, the number of captives doubled from August 2004-2005. Several of them were taken in armed operations during 2004.

The conflict in Iraq was carefully scrutinized by James and Celine where special emphasis was given to the accountability of the American coalition in accord with IL. It is acknowledged that several Iraqi civilians were detained without any trial by the US armed forces. They were arrested without basic rights and subjected to terrible physical conditions for prolonged durations. A few thousand of these detainees were relocated to the jails where they were treated with absolute brutality, violating HR. In addition, the US military were violent and inhumane and tortured several Iraqi prisoners whereby several of them suffered from such ill-treatment and died in pain.

According to Al-Dulaimy and Mahmoud, the abuse of prisoners at the Abu Ghraib jail did not shame the US authorities. However, it was necessary to punish and prosecute those army officials involved in such scandalous and heinous crime. He further advocated taking prompt actions to prosecute those officials who framed such organized torture and violated the HR resolution in Iraq. The researcher emphasized that the occupation of the US in Iraq caused a breach of HR and the dignity of human beings. The implementation of strict ILs against abuse and torture of civilians without distinguishing between officials from the US or others is immediately needed.

Adel (2010) argued that the military actions by allies in Iraq should not breach the major objective of the war. Therefore, definite decorum and compulsions by the occupying power must be retained to maintain security and not to violate the HR law in the invaded country. It is also pointed out that the superpowers often search for humanitarian basis to provide lawful excuses for invading a country from the Third World such as Iraq, Afghanistan and Serbia. The researcher added that human reason is used illegally and many violations to the IHL happen once the country is occupied. It is clearly demonstrated that the UN charter does not explicitly mention articles that regulate the responsibility of invaders towards the civilians of the invaded country.

**Failure to provide health care and protection from disease:** It is evident that the US occupation forces in Iraq have violated the HR in every sphere including the health sector and failed to assure admission to healthcare and to preclude the prevalence of communicable diseases. Even at the present, the health infrastructure in Iraq is in very bad shape with poor sanitary conditions in hospitals, tremendous shortages of medical devices, medical staff, drugs, portable water and sanitation systems. It is a total failure to performing their responsibility in protecting the HR of Iraqi nationals in terms of health, hygiene and life that resulted in the withering of the Iraqi people.

Health-care and related infrastructure development in the US administration is widely condemned for violating and completely breaking down Iraq medical facilities. In addition, sustained attacks were made on hospitals and other secured medical services and tools. In fact, the UN experts of the HR body were very much shocked to see the deliberate disrespect of the continuous armed operations against the medical facilities in Iraq. They notified a resolution (2005/2) where the military operations directed at medical facilities and transport were completely prohibited. The personnel were held responsible to protect the Iraqi facilities during armed conflict. The UN High Commissioner for HR and the International Red Cross Committee strongly condemned the assaults on Fallujah's Medical Centre that happened in November 2004 (Jamail, 2005).

Subsequently, hospitals situated in Haditha, Al-Qaim, Tall Afar and Ramadi were also attacked. This prompted the foremost campaign by the Brussels Tribunal and many other international organizations. The shield of hospitals and medical personnel was the main principle of the Geneva Conventions. These attacks completely violated the Geneva Conventions rationale (Jamail, 2005). From the point of view of Geneva Convention IV (Articles 18-23, 55 and 56 and Protocol Additional I, Article 54), it is certainly a severe contravention of humanitarian law to carry out armed operations on medical facilities, personnel and ambulances. These were deliberately executed to deprive the civilian population of food and medical facilities so as to cause the suffering of Iraqi people. This also prevented the delivery of humanitarian assistance, including food, water and necessary medical supplies, from reaching civilian populations in need. It was the duty of the US armed forces to seek help and care to the wounded. Conversely, the unbiased humanitarian agencies including the International Red Cross, the Red Crescent Society and other organizations should have been given the chance to fulfil the basic requirements of the populations. Severe violations of the basic HR by the US authority as an occupying power are now well known to the entire globe and are clearly documented by UN investigators and NGOs.

The large numbers of civilian casualties by violating humanitarian regulations and HR in terms of life security is the central focus of attention. The US and British combined forces were completely unsuccessful in securing the lives of Iraqi civilians, where over one hundred thousand Iraqi people were killed under the forceful occupation. This figure (in 2004) was rendered by a highly credible agency called Lancet (Roberts *et al.*, 2004). It is yet to be proved that the civilian casualties due to the US armed forces' assaults in Fallujah (in 2004) are

not a part of this data. The combined casualties of these two assaults on Fallujah will certainly push the figure significantly higher because the occupation was extended for a further 2 years. In addition to the deliberate disregard and violation of HR on Iraqi civilians during operations, the US armed forces also failed to detect, notify and document the innocent people whom they killed. Shamelessly, the US military commanders proudly confessed that “body counting” was not their business. It seems that only gruesome killings and atrocities by violating all rules and regulations were their business in Iraq which is simply barbaric.

It is important to mention that under several provisions of the Geneva Conventions (e.g, Article 16 of Geneva Convention IV), it is clearly documented that the occupant power must be obligated to account for civilian deaths. In Fallujah, the US forces deliberately dispersed the dead bodies and scattered them in many other locations for several days to make the identification even more complex. What is worse is that the US armed forces did not even put the slightest effort to identify the injured and provide medical care. Instead they left several wounded civilians to die in pain and agony. A more surprising fact is that in Fallujah, the US armed forces aggressively prohibited the Iraqi Red Crescent to help and care for the injured civilians. It is indeed a grave concern that the US administration completely ignored the Geneva Conventions with its horrible disrespect for the life, HR and the dignity of Iraqi civilians, where these criminal forces did not even spare children.

According to Al-Azzawi, the continuous bombings and attempts from the illegal No Fly Zones with the use of modern warheads and forbidden weapons caused the end of the Iraqi economy, wellness care system, education and social life. The extended armed operations also caused tremendous environmental pollution and damaged the ambience of the country. These damages are mainly heating and pollutants, noise pollution, production of poisonous and carcinogenic chemicals, pollution of the Al-Tuwaitha facility south of Baghdad (Iraqi Atomic Energy Commission) and radiological contamination of the Uranium Extraction site in Mosul. The spread of Depleted Uranium (DU) was due to the tampering and destruction of these sites by the US forces. The armed forces did not take any measure to stop the spread of toxins from these sites. Previous surveys of the effects of DU on health revealed that the spilling of such toxins can cause considerable danger to the health of Iraqi nationals such as malignant neoplastic disease, spontaneous abortions, mental retardation, congenital malformations and blood cancer.

Al-Azzawi asserted that the protocol of the Hague Convention of 1907 of the poisons that states the use of DU weapons is illegal. The procedure for the ban of the use of asphyxiating, poisonous gases and bacteriological means of warfare is well documented. The Geneva Convention report (June 17, 1925, Protocol I of the 1983) clearly mentioned that conventional weapons that prohibit non-detectable fragments must not be applied during the occupation. None of these protocols were followed by the US armed forces. He also mentioned that the IHL was gravely offended by the US and UK in occupying Iraq. For example, Article 2 of each of the four Geneva Conventions and Articles 42-56 of the Hague Regulations are violated. This implies the absolute failure to secure the lives, health and safety of Iraqi civilians. The US armed forces did not obey Article 54 of Protocol Additional I to ensure basic human needs. The violation of Geneva convention IV (1949) (Articles 18-23, 55 and 56) meant a complete breakdown of medical facilities and infrastructure in Iraq. Moreover, the continuous attacks on hospitals and medical facilities, personnel or vehicles during military operations disobeyed Article 16 (Geneva Convention IV). This, in turn, failed to protect the lives of Iraqi civilians.

To avoid further loss of life and health, it is critical to inspect the source and rapid propagation of birth defects. It is urgent to set up effective public health policies and medical care together with the provision of providing suitable compensation to victims and their families. It is vital to recognize and hold the US army responsible in accordance with international HR regulations. The US administration must be penalized for violating international environmental law. The criminal activities committed by the US and British forces on innocent Iraqi people by violating the HR principles are well documented (HR organizations such as HR Watch’s, Monitoring of HR in Iraq Network and Consumers for Peace). However, the deferment of punishment to the superpowers and imperialism is in agreement with justice delayed is justice denied.

## **CONCLUSION**

This communication gives a comprehensive overview on HR violation in Iraq under the US occupation from 2003-2012. The criminal activities of the US armed forces (so called safe-keeper) in terms of killing, brutality, rape, abuse, illegal mass expulsions to military, torture, imprisonment and murder by completely violating the HR norms are emphasized. It is evident that the US administration as occupant had absolutely failed to protect Iraqi nationals in every sphere of their lives. This

demonstrates the weakness and biasness of international HR regulations imposed by UNSC. The US and the UK, being members of UNSC, could alter the laws in their own interest and execute heinous crime against innocent Iraqi nationals. Although, IHL consists of several principles and rules to inquire into the humanitarian ground to resolve any armed dispute on civilians in the case of Iraq, it was not followed or obeyed.

HR activists observed that the US administration often violated the UN Charter and generated hostility against the territorial integrity or political independence of a nation. As per record, the International Court of Justice (ICJ) tackled many issues related to its limited jurisdiction. The International Criminal Court, being a permanent autonomous court has the authority to punish the occupier for HR violations and committing crimes against civilians. The repeated attacks by the US armed forces in Iraq clearly indicate that the international conventions of HR protection are hopeless to offer the proper protection to civilians. The members of the Security Council have not only modified the regulations but also misinterpreted the laws. The strong security of the Iraqi nationals against the actions caused by the US officials was absent. It has been established that the US military forces took undue advantage and ensured the absence of any prosecutions to American citizens and army personnel despite continuous violation of HR. It has been affirmed that inadequate training on HR and the fundamental rules of IHL were the main causes in most cases and these must be thoroughly inspected to evaluate the outsized HR breaching of US occupation in Iraq. This informative article is hoped to serve as a taxonomy for navigating and understanding the research advancements towards HR infringement by the US armed forces in Iraq.

### **SUGGESTIONS**

The justification of military necessity via the regulations and policies and subsequent aggressive occupation for the benefit of the occupying power against the civilian people in the occupied territories must be scrutinized. Consequently, the occupying powers should adjust the cases of this necessity and clarify the concept to determine the minimum requirements. It must not be provided until military necessity really arises to resolve some critical conflict. Above all, it should be documented that military necessity cannot be invoked to justify violations and acts that do not take into account the set of laws and regulations of belligerent employment. Other words do not exceed the restrictions and obligations imposed by IHL under the pretext of military necessity. The IHL and international conventions stipulate that their provisions apply only to the contracting parties and this

is one of the largest gaps in itself. Therefore, they must be mandatory and apply to everyone, regardless of the question of accession.

The introduction of acts that constitute an assault on honour, especially rape and forced pregnancy, forced abortion, forced sterilization, forced prostitution and sexual slavery are grave violations set forth in the four Geneva Conventions. This represents the bearing of the perpetrators of criminal responsibility for war crimes and requires the imposition of punishment. In line with the developments, the scope of the crimes classified as combat offences during international armed conflicts and enumerated in the Rome criminal court of the 1998 system, must be addressed.

In an expansion of the 1967 Protocol to the UN Convention on Refugees of 1951 to include everyone who flees his country for dread of maltreatment of religions, races or nationalities, memberships of social factions or political views are needed. In addition, fleeing from his country because of outside violence or overseas dominance or actions alarming civic instruct his country of origin or the country of his nationality or resident of the country which partially or completely to accommodate asylum cases that occur as the result of international armed conflicts, must be exemplified.

Amendment of Article 28 of the Rome Statute decided that the accountability of the leaders and presidents for violations of IHL and international HR law included by laws stipulates that the International Criminal Court is competent in determining that the actions were necessary and reasonable. This need to be taken to prevent the commission of crimes and violations in light of articles set out in Annex (Protocol to) the first of the Geneva Conventions. Otherwise, if it is left for the states and governments that do not guarantee impartiality, especially the officials occupying high-level leadership positions, then injustice is bound to occur as what happened in Iraq. Then, it is possible to influence their countries and their governments in decision-making positions in this regard to destroy others without trial.

The introduction of the teaching of IHL and the four Geneva Conventions within the Iraqi military colleges' curricula and training programs are necessary. This is not just the teaching of the Third Geneva Convention just as it was in force in the former Iraqi military colleges and schools. It is believed that it is necessary to include the Iraqi Penal Law No. 111 of 1969 on the text of the crimes stipulated in the Rome Statute. Actually, this revised system of international criminal law, especially with regard to the definition of the crime of genocide, warfare offences and sins against humanity will bring new hope for the future.



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