

NON-STANDARD ISSUE

VOLUME 1, ISSUE 3

AN ALTERNATIVE NEWS AND INFORMATION SOURCE FOR CALGARIANS

OCTOBER 2003

Iraq, International Law, and Responsible Citizenship

A view from CANDIL

by Dr. Arthur Clark, Professor, Department of Pathology, University of Calgary

ECONOMIC SANCTIONS ON Iraq were maintained from more than a decade after Iraq had been driven out of Kuwait, based on the argument that Iraq was a threat to international peace. It was claimed that Iraq might be continuing its efforts to develop weapons of mass destruction (WMD).

No Substantive evidence to support the claims was produced during a decade of sanctions that ravaged Iraqi civil society and extinguished the lives of hundreds of

thousands of Iraqi children. Claims that Iraq was a threat to international peace were used to justify a state of economic siege, and more recently the invasion and occupation of the country. Since the invasion the claims have been further discredited.

Yet the invasion and occupation have demonstrated a very real threat to international peace. When the United States and the United Kingdom invaded and occupied Iraq, they did so in defiance of international law. The current U.S. administration has made explicit its threat not only to the government of Iraq, but also to other governments. The United States possesses nuclear weapons and is actively developing them with a view to battlefield deployment. These are not idle threats, as the recent invasion and occupation of Iraq have made clear. This is, by definition, a threat to international peace. It requires willful blindness not to understand this.

Powerful governments make or break the chances for a rule of law. Weaker states may perpetrate atrocities but cannot project their culture of lawless violence across the global arena, or sustain their threats to peace without outside support. Reliable progress towards human security depends on compliance with international law by the most powerful states.

A concept of "national security" based on the threats to others is a delusion. Threatening others diminishes our security. International law is based on a concept of global human security, which is the only realistic approach to peace. International law is the road-map with the route to human security clearly demarcated. But the people behind the wheel (leaders of powerful states) refuse to follow the map. In order for international law to work, it must be applied equitably and its fundamental principles and purposes must be upheld. For more than ten years policy toward Iraq has radically violated these fundamental requirements for global human security. There should be no surprise that things seem to be getting worse.

A policy that has cost the United States tens of billions of dollars, and earned the enmity of a large part of the world, has also reduced Iraq to ruins and deeply eroded the sense of security that we feel in North America. Many citizens of the United States and Canada have opposed this self-destructive process, but so far have been unable to

stop it.

As citizens of Canada and of the United States we face a choice, not a debate. The choice is between a future darkened by lawless violence or a future illuminated by respect for law.

What should we do when the lawless violence of a powerful state threatens international peace? By our actions and words we either support that threat or we oppose it. If we are silent or complicit in major violations of law by our own government or its allies, we cannot reasonably expect future peace and security for ourselves. Like other public policies, lawless violence depends on public consent. It will cease when effectively withdraw that consent. We cannot do that by remaining silent or inactive.

At Candil, we prefer a future illuminated by respect for international law. We are working at the local level to promote a global vision of human security. If you share that vision, join us. ☺

Iraq: Security Council Must Ensure Justice

Kenneth Roth

Executive Director of Human Rights Watch

"President Bush and Prime Minister Blair placed great emphasis on the abuses Saddam Hussein committed against his own people as a justification for military action against Iraq. But what are they doing now to ensure justice and accountability for those terrible crimes?"

THE DRAFT RESOLUTION circulated by the United States this week seeks international assistance for the stabilization and reconstruction of Iraq, but makes no reference to justice or human rights issues.

"President Bush and Prime Minister Blair placed great emphasis on the abuses Saddam Hussein committed against his own people as a justification for military action against Iraq," said Kenneth Roth, executive director of Human Rights Watch. "But what are they doing now to ensure justice and accountability for those terrible crimes?"

The Coalition Provisional Authority has failed to take concrete steps to ensure those responsible receive fair trials before impartial and independent courts. While some recent efforts have been made, coalition forces initially failed to secure gravesites, resulting in the destruction of substantial evidence, and numerous documents were pilfered or destroyed in looting.

"It is a sad irony that the United States and United Kingdom should be investing such effort in investigating Saddam's chemical and biological weapons program, but at the same time doing so little with regard to justice for his crimes against his own people," Roth said.

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Those who say it cannot be done should not interrupt those who are doing it.

— Chinese proverb

Newsletter designed by Doug Ward

WHAT WE BELIEVE

CANDIL promotes global human security through a culture of peace, active democracy and respect for international law. Our vision is global; our strategy is local.

PRINCIPLES

NECESSITY OF INTERNATIONAL LAW FOR GLOBAL PEACE AND SECURITY

International law is essential for global peace and security, including the peace and security of Canadians. As citizens of Canada, we are expected to obey the law; we expect the same standard of behavior from our government. The government of Canada, and all Canadian political parties, must comply with the fundamental requirements, principles, and purposes of international law, and give international law decisive weight in the formulation and implementation of foreign policy.

LESSONS FROM IRAQ

Western policy toward Iraq has contributed to a humanitarian and human rights disaster in that country, and has violated international law, including the law of the UN Charter, international humanitarian law, and international human rights law. The errors and violations of our Iraq policy must be made explicit and used as lessons for constructive change in the direction of Canada's foreign policy, to avoid similarly destructive and costly errors in the future, both in Iraq and in other parts of the world.

DEMOCRACY AND RESPONSIBLE CITIZENSHIP

A critical, informed, active citizenry is a fundamental requirement of democracy. Citizens are ultimately responsible for the public policy of their government. Citizens of Canada are responsible for compliance of Canadian foreign policy with the law of the United Nations Charter, international humanitarian law, and international human rights law. Familiarity with the basic principles and purposes of international law is an indispensable part of education for responsible citizenship.

Was the Iraq War Illegal?

by Alex Wade

Tuesday Sept. 16, 2003
The Guardian

WAS THE WAR IN IRAQ legal or not? Lord Hutton won't tell us: that ultimate question does not come within the terms of his inquiry into the death of weapons expert David Kelly. The high court was asked to decide but demurred, declaring it had no jurisdiction to interpret UN

resolution 1441, the basis on which Britain went to war.

But the question persists, becoming, if anything, more insistent as any sign of the weapons of mass destruction with which we were threatened continues to prove elusive four and a half months after the end of the war. We learned at the weekend that Jack Straw, the foreign secretary, had urged the prime minister in a private memo just four days before the hostilities broke out to keep Britain out of the conflict.

This week the question will take centre stage again in a court of law. On Friday, in the unlikely setting of Gloucester crown court, a hearing will take place in a criminal case that could mean that 12 ordinary citizens - an English jury - will get to decide whether or not the conflict was legal.

Last December, the Campaign for Nuclear Disarmament sought a high court declaration that the war was not authorised by international law. The judges, describing CND's claim as "novel and ambitious", held that the courts had no jurisdiction to interpret UN resolution 1441 as it was not part of domestic law. The court also said it was unwilling to consider the issue if it would damage the public interest in the field of international relations, national security or defence. CND's claim was "non-justiciable".

Now, two peace activists, Margaret Jones and Paul Milling, will make a fresh attempt to question the legality of the conflict before a court. This time, the issue arises as part of their defence to criminal charges. The pair, who were arrested on March 13 inside the airbase at RAF Fairford in Gloucestershire, are charged with conspiracy to cause criminal damage to a refuelling truck and tractor units used for loading bombs on to B-52s. Jones and Milling will argue that their actions were justified given the "illegality" of the Iraq war. On Friday, Judge Jamie Tabor will decide at a preliminary hearing the procedure for putting the defence forward. Will the judge hear the argument and decide himself, or will the question of the war's legality or illegality be left to the jury?

One defence to a criminal charge is that the accused was acting to prevent a crime. Hugo Charlton, the barrister defending Jones and Milling, concedes that his clients' arguments are rarely used. They will say they were acting to prevent the commission of a crime because the B-52s were about to take off from RAF Fairford to take part in an illegal armed conflict, the result of which would be large-scale loss of life and destruction of property in Iraq.

Louise James, their solicitor, says: "We are struggling to find any precedents. It's a bit of an uncharted territory for us and the judge."

Her clients will be putting forward testimony from an expert in international law. "We have retained Professor Nick Grief from

Bournemouth University, who has a track record in this area, and will be using expert evidence to show that the bombing campaign against Iraq systematically targeted water and power supplies, was disproportionate and amounted to a crime under international law. We hope that Judge Tabor will allow these questions to be determined during the trial, before the jury."

Judge Tabor has some unusual arguments to consider. Jones and Milling are relying on three defences: necessity, which is founded on precedents set by earlier cases; the defence of lawful excuse under the Criminal Damage Act 1971; and the defence of acting to prevent a crime, under the Criminal Law Act 1967. These are seldom visited waters of the criminal law, though the defence of necessity has come before the courts in recent years in other incidents where protesters have damaged military installations and equipment.

Necessity can be relied upon as a defence to all criminal charges other than murder, and often arises as duress, defined in a 1989 case as "pressure upon an accused's will from the wrongful threats or violence of another". The classic example would be where a person is forced to commit a crime at gunpoint. But equally, if more unusually, it can be used as a defence where the accused reasonably apprehended a danger threatening others, and acted - in a way that is proportionate to that perceived

danger - to avoid the possibility of death or serious injury.

In a landmark case, two peace activists who tried to stop B-52 bombers taking off will argue that the conflict breached international law

For those who have called upon it in recent years, necessity has proved a mixed bag. In a case in 2000 at Newbury magistrates court, the accused had damaged the perimeter fence of the atomic weapons establishment at

Aldermaston. The court decided that the lack of any immediate threat meant that the defence did not apply. In 1999 in Greenock, Sheriff Margaret Gimblett accepted the argument of three women peace activists that nuclear weapons were illegal under international law and that they had a right to commit crimes to prevent their use. The women were acquitted of criminal damage to a laboratory at Coulport, part of the Trident nuclear submarine installation at Faslane naval base on the Clyde. But the court of session in Edinburgh overturned the ruling in March 2001, deciding that Britain's nuclear deterrent was not illegal.

Jones and Milling say that at the time of their actions, there were objective dangers threatening the lives and physical safety of the Iraqi people. The coalition's bombing campaign started on March 20, five days after the two were arrested. Jones, a former senior lecturer in American literature, says: "I often think of a person in Baghdad trying to escape the city. Our actions were intended to cut the line of support for the B-52s and give that person a little more time to get away. Perhaps we saved a few lives by causing delays."

They also argue that they had a lawful excuse, a defence available where a person destroys or damages property in order to protect property belonging to another. Jones puts it vividly: "No one would accuse a firefighter breaking down a door with an axe to rescue someone trapped in a burning house of criminal damage. We acted as we did because we believed the impending war in Iraq was illegal, and we acted to prevent a greater crime being committed. The real criminals aren't us - they're in Whitehall and Washington."

The outcome will hinge on the success of their argument that they were acting to prevent a crime - the use of force against Iraq, contrary to international and English law. So the wording of resolution 1441 - relied upon by the government as justifying aggression against Iraq - is about to come back to haunt Blair and his government. Its language, so the defence will go, required the question of further action to revert to the UN security council once the weapons inspectors found that Iraq had made false statements or omissions in its own declaration under the resolution. But, the defendants claim, government rhetoric and their work as peace activists made it clear that the commission of a criminal offence was imminent.

It is difficult to predict how Gloucester crown court will treat the defendants' arguments. As Owen Davies QC, an expert in judicial review and human rights law, says: "The verdict of the jury - if the judge lets the matter go to them - is not determinative of the legality or otherwise of the conflict. But an acquittal could cause a great deal of embarrassment for the government, with anti-war campaigners saying it is a ringing endorsement of their condemnation of the war."

Meanwhile, perhaps, we should recall the words of Martin Luther King on civil disobedience: "In no sense do I advocate evading or defying the law - that would lead to anarchy. An individual who breaks the law that his conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the community over its injustice, is in reality expressing the highest respect for law." ☺

International Law and the Humanitarian Crisis in Iraq

by Christine Delphy
March 27, 2003

Guidelines on Internal Population Displacement approved by the AG of the UN in 1998; finally, they are covered under what is known as the humanitarian conventions of international law.

What does this body of law state? That the lives and property of civilians must be protected as far as possible. A measure of collateral damage is permissible only in the case of legitimate military action. But that action to authorise a measure of collateral damage must be legitimate. Is the intervention of the American and British military in Iraq legitimate? Kofi Annan is

doubtful (Le Monde March 13); a growing chorus of world legal authorities have declared that intervention which defies the UN charter is totally illegal. In this case, civilian deaths are simply war crimes. In all likelihood, the US will occupy Iraq. On this point, international law is very clear: as soon as the USA becomes an occupying power, they become at the same time accountable for the totality of injuries suffered by civilians. Any failure to protect civilians would be a violation of the 4th Geneva Convention.

Article 55 of the 4th Convention obliges the US, if they occupy Iraq, to assure the civilians population's need for food, but also to guarantee their fundamental rights to care, education, freedom of movement and settlement. Wherever the occupying power fails to respect or assure respect for these rights, it will be guilty of a serious violation of the Geneva Convention, and such a violation is considered a war crime.

As soon as December 2002, the UN Predicted a Devastating Humanitarian Crisis : 23 million civilians in danger

How does the US plan to fulfil their obligations? And what are those obligations, that is, what will be the population's needs? Without speaking of direct effects of bombing by terrifying weapons - weapons of mass destruction which the US possesses and might yet use - the American military predicts the near-total destruction of Iraqi infrastructure. UN experts predict the destruction of communication centres (telephone), land and sea transportation, roads and ports, trucks and boats, the railways, all bridges (which will cut off east-west links) and all power plants. Oil production will be paralysed or totally stopped. Drinking water is produced by filtration plants which depend on pumping stations which in turn are dependent on the electrical network. Without electricity, 10 million and in the long term 18 million people will be deprived of drinking water. Furthermore, five million people depend on the sewage network. This system will cease to work. Consequences: epidemics of meningitis, measles, and pan-epidemics of cholera and dysentery. This scenario is already coming true in Bassorah, where the 2 million civilians are deprived of drinking water and electricity since March 22 and epidemics threaten the lives of 100 00 children. As in all wars, in all likelihood, part of the population will flee amid great chaos. It has not happened yet, but there's no certainty that it won't. A portion will attempt to enter neighbouring countries, principally Iran. In the end, a million people could be displaced within Iraq, while another million or so will attempt to reach bordering countries without success, as they will be placed in transit camps at the borders. Those who do not move will fare no better. In effect, the Iraqi population no longer benefits from the affluence and state services which were available to them at the time of the first Gulf War. This is not the same kind of war, but a ground war, and since March 25, an all-out war. Baghdad will soon be under siege : five million civilians will be hostages. The Coalition is using hunger as a weapon. For Bagdadis will have no drinking water, no lights, telephones, sanitation facilities; and what will they eat? Twelve years of embargo has brought unemployment and poverty, making the Iraqi people dependent upon the regime and the state. Of 23 million inhabitants, 60 per cent that is 16 million, depend for their daily sustenance on rations distributed under ics and injuries. UN agencies estimate emergency needs: water and food for 5 and a half million Iraqis immediately, 10 million after six weeks, care for 2 million refugees and internally displaced people; medical supplies and chemical toilets for 5.5 million people, medical supplies for 100,000 wounded (though estimates reach 500,000), tent

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WEB LINKS

www.lawyersagainststhewar.org

www.truthout.org

www.hrw.org

www.globalpolicy.org

www.candil.ca

UPCOMING EVENTS

OCTOBER 25, 2003
CANDIL Presents A Free Public Discussion Forum
IRAQ: Analysis and Action


Part of an International Day of Action in response to the ongoing crisis in Iraq
10:00 am - 3:30 pm
Parkdale United Church
2919 8th Avenue N.W.
Calgary, AB


(just down the hill from the Foothills Hospital)

Contact Julie at
270-9669 or
info@candil.ca or
check out our website
www.candil.ca

OCTOBER 18, 2003
RESULTS CANADA
FUNDRAISING BREAKFAST
Winstone Zulu, one of the premier AIDS and TB activists out of Africa, will be the feature speaker
9:00 am - 11:00 am
New Euro Canadian Club
at 2626-23St N.E.
for more information
www.results-resultats.ca

OCTOBER 26, 2003
Parkland Institute and the Arusha Centre Present:
DR. VANDANA SHIVA
Internationally acclaimed as one of the most passionate and articulate critics of globalization, Dr. Shiva is a physicist, philosopher of science and an indefatigable activist.
7pm
The Uptown theatre
612 - 8th Avenue S.W.
Tickets available at
Sunny Side Market
(10, 338 10 street NW)
and Campus Ticket Centre 220-7202

 (403) 270-9669

 (403) 270-7373

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STANDARD ISSUE is a military term meaning officially supplied and sanctioned material.

NON-STANDARD ISSUE is the term used to describe the opposite, material that is contraband. We hope this newsletter will give alternative views, broaden the minds of citizens, and encourage them to voice their opinions about democracy, peace, international law and responsible citizenship.

What you can do to become a more responsible citizen.

- 1 **Educate yourself.**
Check out alternative news websites and join CANDIL or a similar group.
- 2 **Contact your MP or MLA** on issues that you feel they should be addressing.
- 3 **Make your voice heard!** Send your letters, commentaries, etc. to editors.

"The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing"
— Albert Einstein

International Law and Humanitarian Crisis in Iraq continued from page 3

shelters for 1.5 million, reconstruction of bridges and reorganisation of trucks. But these urgent needs are insignificant in comparison with what must be done in the year following invasion: food and medication for 23 million people, care for 2 million refugees, "therapeutic food" for 3 million pregnant and nursing women and children suffering from malnutrition; water for 18 million people, emergency shelter for 3.5 million people, care for some 60,000 people now in institutions and hospitals, mine clearing materials, materials to reconstruct bridges, all sorts of vehicles, and above all, hundreds of electrical generators.

Sharing of Financial and Penal Responsibilities

It is difficult to see how an apocalyptic situation such as is described by UN agencies, the rights of 23 million Iraqis will be protected, because their basic right to life is far from certain. The USA has marshalled 3 million individual rations - that is, one day of food for 3 million people - in terms of food aid, and have earmarked \$52 million, whereas hundreds of millions of dollars will be required. They do not hide the fact that they are counting on the rest of the world to pay the bill, although most other countries have declared their opposition to destruction - a questionable division of international labour. The US makes cynical assumptions about the way the rest of the world will behave. Ultimately, the Iraqi population will pay: to date, due to lack of funds, the UN High Commission on Refugees has only been able to purchase 20 per cent of the necessary materials for refugees. We only spoke about the Iraqi people in terms of how they would welcome "liberation": it has proven false, they don't. But wasn't it anyway a little premature? Shouldn't we have been and still be first concerned with how they will stay alive, when neither logistical necessities nor money is in place?

Appeals attempting to declare this war illegal are underway in Canada and Great Britain; other countries could follow the same example. But no judicial action will happen in time to save civilian Iraqis. It is up to governments opposed to the war to show the aggressors their responsibilities. The states prepared to provoke this catastrophe will be guilty, but those which allow them to do it are also from now on and already accomplices to war crimes against an entire population. ☹

What Should Be Done

by Phyllis Bennis

Foreign Policy in Focus

"internationalize" Washington's occupation. We should demand that the UN return to its earlier position in which for 8 1/2 months the Council stood defiant of the Bush administration to defend its Charter mandate to "prevent the scourge of war." That period, in which the UN was part of the international mobilization for peace, represented the global organization's most "relevant" and most democratic moment.

2) Only with the end of the U.S.-UK occupation should the United Nations, including a UN-commanded multilateral peacekeeping force, return to Iraq. Their mandate should be for a very short and defined period, with the goal of assisting Iraq in reconstruction and overseeing election of a governing authority. The UN political leadership should

vocally oppose the U.S. demand that the global organization return to Iraq under the authority of the U.S. occupation.

3) Reconstruction of Iraq should be based on rebuilding the economy of the country in a way that maximizes fulfilling the needs of Iraq's 23 million people. All contract processes should be completely transparent and accessible to Iraqis who may be without access to internet connections and who are denied access to U.S. occupation offices in Iraq. Contracts should privilege local companies, towards the goal of strengthening and diversifying local production, rather than being granted to U.S. corporations which charge more money and exclude local workers and local companies. Contracts should not be based on the false illusion of a "level playing field" in which impoverished Iraqi construction firms, for example, have to compete with Halliburton or Bechtel. Labor laws should ensure protection for local workers.

4) No contracts should be granted to U.S. corporate tax dodgers (with "offshore" tax haven bases). No contracts should be granted to any contracting corporation that pays its CEO more than 100 times the base pay of a U.S. soldier (\$12,776.40 - or over \$1.27 million). For example, Lockheed Martin CEO Vance Coffman receives \$4.1 million in salary and bonuses, plus more than \$20 million in options grants; last year he made nearly 2,000 times the pay of an entry-level soldier. Congress and the administration should recall FDR's words after World War II, when he said "I don't want to see a single war millionaire created in the United States as a result of this world disaster."

Phyllis Bennis - pbennis@compuserve.com - is a Fellow at the Institute for Policy Studies and writes regularly for Foreign Policy in Focus (online a www.fpi.org). ☹

Iraq: Security Council Must Ensure Justice continued from page 1

Ensuring accountability for past abuses would be essential for establishing security in Iraq by dissuading people from taking the law into their own hands, Human Rights Watch said. The Security Council should appoint a group of international and Iraqi experts to coordinate evidence collection and preservation and consider justice options, as it did for the former Yugoslavia. This proposal was supported by late Sergio Vieira de Mello, the UN Secretary

The UN must ensure that justice for Saddam Hussein's victims is part of Iraq's political transition

General's Special Representative in Iraq, before his death last month in a bomb attack.

Human Rights Watch stressed that any justice or accountability process in Iraq must have legitimacy and

credibility in the eyes of the Iraqi people and international community as a whole. It warned that after thirty years of Ba'ath Party rule the Iraqi judicial system lacked the capacity and independence to try crimes of this complexity and magnitude and would need international support and assistance.

"Time is of the essence," said Roth. "Unless the Security Council shows leadership on this issue, more vital evidence risks being lost and perpetrators may escape the law." ☹

ACTIVIST PROFILE

The activist this month is Professor Francis Boyle, Professor of Law at the University of Illinois

For many of us, activism is a part of our lives that we devote much time to on top of our careers. Some people have found a way to integrate their beliefs into their jobs. One such individual is Francis Anthony Boyle. He is a professor of law at the University of Illinois, an expert on international law and an advocate of human rights.

Throughout his illustrious career, Dr. Boyle has worked on many different projects including assisting the Palestinian people in the declaration and development of their independent nation state and defending Bosnia-Herzegovina in the International Court of Justice.

In regards to Iraq, Dr. Boyle worked with the International Commission of Inquiry into United States War Crimes committed during the Persian Gulf War. Using his knowledge of international law, Dr. Boyle pointed out the many offences that the U.S. government and army committed against the Iraqi people, such as, the destruction of civilian facilities, the killing of civilians and unarmed army personnel. These actions are clear violations of International Law and International Human Rights Law.

Furthermore, Dr. Boyle has recently drafted a resolution for the impeachment of President George W. Bush by using examples of violations of the constitution committed by Pres. Bush since September 11, 2001.

Dr. Boyle is a wonderful example of person who has used his knowledge to help further human rights throughout the world. His work, and others like it, is imperative to helping the world realize that international law is important and can be used to stop injustices.

Lies and More Lies

By John Pilger

ZNet Commentary
September 23, 2003

EXACTLY ONE YEAR AGO, Tony Blair told Parliament: "Saddam Hussein's weapons of mass destruction programme is active, detailed and growing.

"The policy of containment is not working. The weapons of mass destruction programme is not shut down. It is up and running now."

Not only was every word of this false, it was part of a big lie invented in Washington within hours of the attacks of September 11 2001 and used to hoodwink the American public and distract the media from the real reason for attacking Iraq. "It was 95 per cent charade," a former senior CIA analyst told me.

An investigation of files and archive film for my TV documentary *Breaking The Silence*, together with interviews with former intelligence officers and senior Bush officials have revealed that Bush and Blair knew all along that Saddam Hussein was effectively disarmed.

Both Colin Powell, US Secretary of State, and Condoleezza Rice, President Bush's closest adviser, made clear before September 11 2001 that Saddam Hussein was no threat - to America, Europe or the Middle East.

In Cairo, on February 24 2001, Powell said: "He (Saddam Hussein) has not developed any significant capability with respect to weapons of mass destruction. He is unable to project conventional power against his neighbours."

This is the very opposite of what Bush and Blair said in public.

Powell even boasted that it was the US policy of "containment" that had effectively disarmed the Iraqi dictator - again the very opposite of what Blair said time and again. On May 15 2001, Powell went further and said that Saddam Hussein had not been able to "build his military back up or to develop weapons of mass destruction" for "the last 10 years". America, he said, had been successful in keeping him "in a box".

Two months later, Condoleezza Rice also described a weak, divided and militarily defenceless Iraq. "Saddam does not control the northern part of the country," she said. "We are able to keep his arms from him. His military forces have not been rebuilt."

So here were two of Bush's most important officials putting the lie to their own propaganda, and the Blair government's propaganda that subsequently provided the justification for an unprovoked, illegal attack on Iraq. The result was the deaths of what reliable studies now put at 50,000 people, civilians and mostly conscript Iraqi soldiers, as well as British and American troops. There is no estimate of the countless thousands of wounded.

In a torrent of propaganda seeking to justify this violence before and during the invasion, there were occasional truths that never made headlines. In April last year, Condoleezza Rice described

September 11 2001 as an "enormous opportunity" and said America "must move to take advantage of these new opportunities."

Taking over Iraq, the world's second biggest oil producer, was the first such opportunity.

At 2.40pm on September 11, according to confidential notes taken by his aides, Donald Rumsfeld, the Defense Secretary, said he wanted to "hit" Iraq - even though not a shred of evidence existed that Saddam Hussein had anything to do with the attacks on New York and Washington. "Go massive," the notes quote Rumsfeld as saying. "Sweep it all up. Things related and not." Iraq was given a brief reprieve when it was decided instead to attack

Afghanistan. This was the "softest option" and easiest to explain to the American people - even though not a single September 11 hijacker came from Afghanistan. In the meantime, securing the "big prize", Iraq, became an obsession in both Washington and London.

An Office of Special Plans was hurriedly set up in the Pentagon for the sole purpose of converting "loose" or unsubstantiated intelligence into US

policy. This was a source from which Downing Street received much of the "evidence" of weapons of mass destruction we now know to be phoney.

CONTRARY to Blair's denials at the time, the decision to attack Iraq was set in motion on September 17 2001, just six days after the attacks on New York and Washington.

On that day, Bush signed a top-secret directive, ordering the Pentagon to begin planning "military options" for an invasion of Iraq. In July 2002, Condoleezza Rice told another Bush official who had voiced doubts about invading Iraq: "A decision has been made. Don't waste your breath."

The ultimate cynicism of this cover-up was expressed by Rumsfeld himself only last week. When asked why he thought most Americans still believed Saddam Hussein was behind the attacks of September 11, he replied: "I've not seen any indication that would lead me to believe I could say that."

It is this that makes the Hutton inquiry in London virtually a sham. By setting up an inquiry solely into the death of the weapons expert David Kelly, Blair has ensured there will be no official public investigation into the real reasons he and Bush attacked Iraq and into when exactly they made that decision. He has ensured there will be no headlines about disclosures in email

Contrary to Blair's denials at the time, the decision to attack Iraq was set in motion on September 17 2001, just six days after the attacks on New York and Washington.

traffic between Downing Street and the White House, only secretive tittle-tattle from Whitehall and the smearing of the messenger of Blair's misdeeds.

The sheer scale of this cover-up makes almost laughable the forensic cross-examination of the BBC reporter Andrew Gilligan about "anomalies" in the notes of his interview with David Kelly - when the story Gilligan told of government hypocrisy and deception was basically true.

Those pontificating about Gilligan failed to ask one vital question - why has Lord Hutton not recalled Tony Blair for cross-examination? Why is Blair not being asked why British sovereignty has been handed over to a gang in Washington whose extremism is no longer doubted by even the most conservative observers? No one knows the Bush extremists better than Ray McGovern, a former senior CIA officer and personal friend of George Bush senior, the President's father. In *Breaking The Silence*, he tells me: "They were referred to in the circles in which I moved when I was briefing at the top policy levels as 'the crazies'."

"Who referred to them as 'the crazies'?" I asked.

"All of us... in policy circles as well as intelligence circles... There is plenty of documented evidence that they have been planning these attacks for a long time and that 9/11 accelerated their plan. (The weapons of mass destruction issue) was all contrived, so was the connection of Iraq with al Qaeda. It was all PR... Josef Goebbels had this dictum: If you say something often enough, the people will believe it." He added: "I think we ought to be all worried about fascism (in the United States)."

The "crazies" include John Bolton, Under Secretary of State, who has made a personal mission of tearing up missile treaties with the Russians and threatening North Korea, and Douglas Feith, an Under Secretary of Defence, who ran a secret propaganda unit "reworking" intelligence about Iraq's weapons. I interviewed them both in Washington.

BOLTON boasted to me that the killing of as many as 10,000 Iraqi civilians in the invasion was "quite low if you look at the size of the military operation."

For raising the question of civilian casualties and asking which country America might attack next, I was told: "You must be a member of the Communist Party."

Over at the Pentagon, Feith, No 3 to Rumsfeld, spoke about the "precision" of American weapons and denied that many civilians had been killed. When I pressed him, an army colonel ordered my cameraman: "Stop the tape!" In Washington, the wholesale deaths of Iraqis is unmentionable. They are non-people; the more they resist the Anglo-American occupation, the more they are dismissed as "terrorists".

It is this slaughter in Iraq, a crime by any interpretation of an international law, that makes the Hutton inquiry absurd. While his lordship and the barristers play their semantic games, the spectre of thousands of dead human beings is never mentioned, and witnesses to this great crime are not called.

Jo Wilding, a young law graduate, is one such witness. She was one of a group of human rights observers in Baghdad during the bombing. She and the others lived with Iraqi families as the missiles and cluster bombs exploded around them. Where possible, they would follow the explosions to scenes of civilian casualties and trace the victims to hospitals and mortuaries, interviewing the eyewitnesses and doctors. She kept meticulous notes.

She saw children cut to pieces by shrapnel and screaming because there were no anaesthetics or painkillers. She saw Fatima, a mother stained with the blood of her eight children. She saw streets, mosques and farmhouses bombed by marauding aircraft. "Nothing could explain them," she told me, "other than that it was a deliberate attack on civilians."

As these atrocities were carried out in our name, why are we not hearing such crucial evidence? And why is Blair allowed to make yet more self-serving speeches, and none of them from the dock? ☺



Carved Door in Iraq.

— Photo by Donn Lovett

RECENT QUOTES FROM THE UN

French president, Jacques Chirac, who spoke after Mr Bush, blamed the US-led war for sparking one of the most severe crises in the history of the UN and argued that Mr Bush's unilateral actions could lead to anarchy.

"No one can act alone in the name of all and no one can accept the anarchy of a society without rules," he said. "The war, launched without the authorisation of the security council, shook the multilateral system. The UN has just been through one of the most grave crises in its history."

Earlier the UN secretary general, Kofi Annan, condemned the doctrine of preemptive military intervention, arguing that it could lead to the unjustified "lawless use of force" and posed a "fundamental challenge" to world peace and stability.

"My concern is that, if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force, with or without credible justification," said Mr Annan. "This logic represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last 58 years."

The Brazilian president Luiz Inacio Lula da Silva, who also spoke before Mr Bush, said: "A war can perhaps be won single-handedly. But peace - lasting peace - cannot be secured without the support of all."