

By Inder Comar

San Francisco, Calif. - An Iraqi single mother has assembled an international team of lawyers who are now asking the United States Court of Appeal for the Ninth Circuit to hear her claim that the Iraq War was illegal under laws set down at the Nuremberg Trials, which govern when and how a country can go to war.

Sundus Shaker Saleh, through her pro bono counsel Comar Law, filed papers last Wednesday, May 27, 2015 urging the Ninth Circuit to review facts and statements made by high-ranking Bush Administration officials—including former President George W. Bush, former Vice President Richard Cheney, and former Secretary of Defense Donald Rumsfeld—in the run-up to the Iraq War.

On Tuesday, June 2, 2015, an international group of lawyers—including former U.S. Attorney General Ramsey Clark—filed an amicus brief in support of her claims. Amicus briefs allow parties who have strong interest in a case's subject matter, but are not directly involved, to advise the court of further relevant information or additional arguments.

This high-profile amicus filing marks a turning point in Saleh's lawsuit, affirming its potential as a watershed for standards of accountability for political leaders.

The Planethood Foundation, a nonprofit established by the last living Nuremberg prosecutor, Benjamin Ferencz, also filed an amicus brief.

"Ms. Saleh alleges that the Iraq War constituted aggression as defined by the Nuremberg Trials in 1946. She is asking the Ninth Circuit to review the holdings of Nuremberg, which it can do, and to apply that law to the facts leading up to the war. She is convinced, as am I, that under Nuremberg, these officials broke domestic and international law in planning and waging the Iraq War," said Saleh's lawyer, D. Inder Comar.

The international military tribunal at Nuremberg, convened in large part by the United States following World War II, declared international aggression the "supreme international crime" and convicted German leaders of waging illegal wars.

Saleh's case alleges that George W. Bush, Richard Cheney, Colin Powell, Condoleezza Rice, Donald Rumsfeld and Paul Wolfowitz committed aggression in planning and waging the Iraq War. Specifically, the lawsuit claims that high-ranking Bush officials used the fear of 9/11 to mislead the American public into supporting a war against Iraq, and that they knowingly issued false statements that Iraq was in league with Al-Qaeda and had weapons of mass destruction.

In December 2014, the Northern District of California dismissed the lawsuit, claiming that former Bush Administration officials were immune from a civil suit via the federal Westfall Act. Saleh is also requesting that the Ninth Circuit overturn the federal district court's finding of immunity.

"Nuremberg held that domestic immunity was not a defense to allegations of international aggression. Everything the Germans did was legal under their law. We are asking the Ninth Circuit to reject the application of domestic immunity in this case, in line with the holdings of Nuremberg," Comar said.

Updates concerning the lawsuit can be found [here](#) .

Saleh's opening brief before the Ninth Circuit can be found [here](#) .

The International Lawyer's Amicus Brief, which includes former US Attorney General Ramsey Clark and several other signatories, can be found [here](#) .

The brief by the Planethood Foundation can be found [here](#) .

A video update about the case can be found [here](#) .