

**by Francis A. Boyle, Professor of International Law
before The International Conference on War-affected Children
Kuala Lumpur, Malaysia**

During the summer of 1991 I was contacted on behalf of several Mothers in Iraq whose children were dying at astounding rates because of the genocidal economic sanctions that had been imposed upon them by the Security Council in August of 1990 at the behest of the Bush Senior administration. They requested that I do something in order to save these innocent children from perishing in agony in front of their mothers' very own eyes. Using the format of the Writ for World Habeas Corpus that had been previously provided to me by my friend and colleague, the late Luis Kutner, Esq. of Chicago, Illinois, I filed a class-action Complaint on behalf of the 4.5 million children of Iraq against President George Bush Senior and the United States of America with the United Nations Organization that was dated 18 September 1991.[1] I submitted the Complaint to the Secretary General of the U.N., member states of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNESCO, and UNICEF. A copy of my Indictment, Complaint and Petition for Relief from Genocide on behalf of the 4.5 million children of Iraq is reprinted below.

This Complaint accused the United States and President Bush Senior (1) of committing the international crime of genocide against the 4.5 Million Children of Iraq in violation of the International Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and in violation of the municipal legal systems of all civilized nations in the world; (2) of a gross and consistent pattern of violations of the most fundamental human rights of the 4.5 Million Children of Iraq as recognized and guaranteed to them by the Universal Declaration of Human Rights of 1948; (3) of the complete negation and denial of all the rights guaranteed to the 4.5 Million Children of Iraq by the 1989 Convention on the Rights of the Child; and (4) of the systematic violation of the special protections of international humanitarian law guaranteed to the 4.5 Million Children of Iraq by the Fourth Geneva Convention of 1949 and Additional Protocol I thereto of 1977.

My Complaint demanded (1) the termination of all forms of multilateral and bilateral economic sanctions against Iraq; (2) the massive provision of international humanitarian relief supplies to Iraq by all organs of the United Nations System; (3) that monetary compensation be paid to the children of Iraq and their families for deaths as well as for all physical and mental injury by the United States; and (4) that criminal proceedings for genocide be instituted against President George Bush Senior by the appropriate organs of the United Nations System as well as by all municipal legal systems in the world, including by the United States government. My Complaint estimated that since sanctions were first imposed against Iraq in August of 1990, Iraqi children were dying as a direct result thereof at the rate of about 500 per day.

Despite my best professional efforts working on behalf of my Clients pro bono publico, the

grossly hypocritical United Nations Organization adamantly refused to act to terminate these genocidal sanctions and thus to save the dying children of Iraq. In 1995 the United Nations' own Food and Agricultural Organization (FAO) Report estimated that these genocidal economic sanctions against Iraq had by then killed about 560,000 Iraqi children since when they were first imposed in 1990.[2] In specific regard to these murdered Iraqi children, then U.S. Secretary of State Madeline Albright, was interviewed on the CBS Television Network on 12 May 1996 by correspondent Leslie Stahl. The transcript of this interview provided by CBS News itself reads as follows:[3]

Stahl: (Voiceover) If the Iraqi people place any blame on Saddam Hussein, they're afraid to say so. And there is no longer much hope that the sanctions will inspire the people to rise up and topple the government. Now people are just trying to get by because one of the side effects of the sanctions has been inflation, which has jumped as high as 3,000 percent. To make ends meet, Iraqis are selling everything they can. Flea markets have sprung up on the streets, where families can sell their furniture, clothes, anything they can to make a few extra dinars. Most Iraqis are suffering.

We have heard that a half a million children have died. I mean, that's more children than died when-wh-in-in Hiroshima. And-and, you know, is the price worth it?

Ambassador Albright: I think this is a very hard choice, but the price – we think the price is worth it.

This shocking and revolting statement made by the U.S. Secretary of State provided proof positive of the genocidal intent by the United States Government against Iraq and its children and its people as defined by and in violation of Genocide Convention Article II: "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. . . ." Certainly a half-million dead Iraqi children that the U.S. Secretary of State specifically intended to destroy as such, and did indeed destroy as such, constituted a very important "part" of the Iraqi people. These half-million dead children were the very future of the people and state of Iraq.

This Albright statement is what criminal lawyers call a classic "Admission Against Interest." This Statement by the then sitting U.S. Secretary of State, acting within the scope of her official duties and speaking in the name of the United States government, could be taken to the International Court of Justice in The Hague and filed to prove that the United States of America possessed the required mens rea (criminal intent) necessary to commit the international crime of genocide. Under both international law and U.S. domestic law, to be guilty of a crime a person or a state must possess the requisite mens rea at the same time that he or she or it commits the criminal act (actus reus).

With respect to these genocidal economic sanctions against Iraq, the actus reus for the U.S. government and its officials committing the international crime of genocide is set forth in Genocide Convention Article II (c): "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." The 500,000 dead Iraqi children, as conceded and approved by U.S. Secretary of State Albright, constituted a "substantial part" of the people of Iraq, which is the threshold numerical test for genocide

recognized by the International Court of Justice itself that I had successfully argued there for Bosnia and Herzegovina against Yugoslavia (Serbia and Montenegro) in 1993. Albright incriminated both herself and the United States of America at the same time, apparently without thought or concern as to any future international legal determination of their culpability. Such is the arrogance of the powerful—which is usually the source of their downfall.

The United States and the United Kingdom obstinately insisted that the genocidal economic sanctions imposed against Iraq remain in place until after the conclusion of the internationally illegal Gulf War II of aggression perpetrated by the Bush Junior administration and the Tony Blair government against Iraq in March of 2003. Then, on 22 May 2003 the United States and the United Kingdom procured U.N. Security Council Resolution 1483 lifting these genocidal economic sanctions; yet not with a view to easing the over decade-long suffering of the Iraqi people and children. But rather so as to better facilitate the U.S./U.K. unsupervised looting and plundering of the Iraqi economy and oil fields in violation of the international laws of war as well as to the grave detriment of the Iraqi people and their children.

Once I had gotten this class-action Complaint filed with the United Nations Organization and had worked out the basic legal theory for U.S. genocide against the children of Iraq, starting in the Fall of 1991 I did everything humanly possible to convince the then President of Iraq to give me the legal authority to sue the United States and the United Kingdom at the International Court of Justice in The Hague on the basis of the 1948 Genocide Convention: First, in order to break the genocidal economic embargo against the people of Iraq, and especially their children. And second, in order to prevent what I perceived to be further impending military attacks by the United States and Britain upon Iraq that would culminate someday in stealing all their oil. I most strenuously pursued these efforts systematically and continuously until the very eve of the war of aggression against Iraq by the Bush Junior administration and the Tony Blair government in mid-March of 2003. These efforts also included two meetings with the then Foreign Minister of Iraq and their top international lawyer to review, consider, and discuss papers I had drafted to be filed by Iraq in the World Court against the United States and the United Kingdom in order to accomplish these objectives.[4] In addition, at the very last minute available I also attempted to convince the Deputy Prime Minister of Iraq to give me the legal authority to file these World Court lawsuits against the U.S. and the U.K. literally right up until the outbreak of hostilities in mid-March of 2003. All to no avail.

Despite my best efforts, I failed. This shall always be one of the great disappointments of my life. Approximately 1.7 million Iraqis died as a direct result of these genocidal economic sanctions, including within that number about 750,000 Iraqi children. In addition, another 1.4 million Iraqis died as a result of the Bush Junior/Tony Blair genocidal war of aggression against Iraq. To this appalling genocidal death toll must be added the 200,000 Iraqis President Bush Senior slaughtered in his 1991 Gulf War I. In other words, approximately 3.3 million Iraqis were exterminated by the United States and the United Kingdom from August of 1990 until the end of 2011 when President Obama had ordered the purported "final" withdrawal of U.S. military forces from Iraq. And these are very conservative figures that I believe could be proven to the satisfaction of the International Court of Justice.

These World Court papers that I drew up for Iraq to sue the United States and the United

Kingdom at the International Court of Justice on the basis of the 1948 Genocide Convention that were twice considered and reviewed by the Foreign Minister of Iraq and their top international lawyer still sit in my office today. They could be revised and updated by the current government of Iraq in order to sue the United States and the United Kingdom at the International Court of Justice for genocide today. Of course this is for the current government of Iraq to decide. Towards facilitating that objective, I will be more than happy to make these World Court papers available to the current government of Iraq free of charge if they so desire. For Iraq to file my proposed World Court lawsuits for genocide against the United States and the United Kingdom would produce some small degree of justice for the 750,000 murdered children of Iraq and at least 3.3 million exterminated Iraqis. Thank you.

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