

Human rights groups: US may be guilty of “collective punishment” war crime in Iraq

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US military forces in Iraq appear to be committing war crimes by detaining the relatives of suspected insurgents and demolishing their homes, according to Human Rights Watch (HRW), the international human rights organization.

In a January 12 letter addressed to US defense secretary Donald Rumsfeld, HRW executive director Kenneth Roth charged that on at least four occasions over the past two months, houses appear to have been destroyed for the purpose of punishing families of suspected insurgents or to coerce them into cooperation. “In two of these incidents,” HRW’s Roth writes, “U.S. forces also reportedly detained close relatives of a person that the U.S. was attempting to apprehend. In these cases the individuals detained were themselves not suspected of responsibility for any wrongdoing.”

In the most recent incident, reported by the Associated Press (AP) on January 3, US forces operating in or around Samarra destroyed the home of Talab Saleh, a suspected insurgent. The HRW letter states that there was no indication that the house was being used for insurgency operations. US troops also arrested Saleh’s wife and brother, claiming they would only be released upon Saleh’s surrender.

Punishing any person for an offense that he or she has not committed or destroying civilian property as a reprisal or deterrent amounts to collective punishment prohibited by the Fourth Geneva Convention of 1949 to which the United States is a signatory. The Convention applies during military occupation.

“[T]he detention of close relatives for the purpose of prompting the surrender of a wanted person appears to be in violation of the strict international humanitarian law prohibition against hostage-taking. Under the laws of war, a hostage is a person taken into custody for the purpose of compelling some recourse of action by the opposing side. Taking hostages is a grave breach of the Geneva

Conventions—in other words, a war crime,” states Roth’s letter to Rumsfeld.

In another case reported December 3, 2003, troops of the 173rd Airborne Brigade partially destroyed the house of an elderly couple in the town of Hawija, west of Kirkuk, after explosives were found. The HRW executive director comments: “The troops reportedly parked a bulldozer in front of their home and threatened to demolish it unless the couple provided information. After the woman gave the soldiers information, they destroyed the front wall of the compound and took her into custody. ‘OK, I’m not gonna destroy the house,’ Maj. Andrew Rohling, the unit commander, was reported saying. ‘Just the front, as a show of force.’”

In a separate incident in Tikrit in mid-November 2003, “US troops reportedly used tank and artillery fire to destroy homes belonging to families of Iraqis who allegedly mounted attacks against US forces. A spokesman for the US Army’s 4th Infantry Division said the demolitions were intended to ‘send a message’ to the insurgents and their supporters.”

The fourth case involves the arrest on November 25, 2003, of the wife and daughter of General Izzat Ibrahim al-Douri, former vice-chair of Iraq’s Revolutionary Command Council. Roth states: “As far as we are aware, they remain in US custody. US officials have provided no information as to the reason for taking these family members of a wanted person into custody. At the time they were detained US forces also destroyed a house belonging to the family.”

(Two days after Human Rights Watch sent its protest letter to Rumsfeld, in a continuation of the same illegal policy US forces arrested four of al-Douri’s nephews in pre-dawn raids in Samarra. They remain in custody.)

The HRW letter ends by reiterating that “[t]hese actions appear to be in violation of US obligations under international humanitarian law.” It suggests that the

military command “should investigate these and other allegations of serious violations of the laws of war, and hold accountable anyone responsible for ordering, condoning, or carrying out such actions.”

This is the second time since the US stepped up its campaign of terror against the Iraqi civilian population—in an operation launched in mid-November 2003 code-named “Iron Hammer”—that a human rights organization has written to Rumsfeld alleging that the US might be committing war crimes in the form of collective punishment in Iraq.

On November 20, 2003, Amnesty International (AI) issued a press release addressed to Defense Secretary Rumsfeld declaring that “[t]he US government should clarify whether it has officially permitted house demolitions as a form of collective punishment or deterrence.”

AI was informed that at least 15 houses had been destroyed in Tikrit by US forces since November 16. The group made mention of the case of a family given five minutes to evacuate their home before it was razed to the ground by tanks and helicopter fire. In another incident, two men and four children were left in freezing temperatures in the back of a truck before their house was destroyed.

Major Lou Zeisman, a US military official from the 82nd Airborne Division is reported by AI to have threatened: “If you shoot at an American or Coalition force member, you are going to be killed or you are going to be captured, and if we trace somebody back to a specific safe house, we are going to destroy that facility... [W]e didn’t destroy a house just because we were angry that someone was killed, we did it because the people there were linked to the attack and we are not going to tolerate it anymore.”

US military authorities, claims the Amnesty International press release, are thereby in breach of Articles 33 and 53 of the Fourth Geneva Convention; the former establishes that “Reprisals against protected persons and their property are prohibited.”

AI also refers to Article 147, which concludes that “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, is a grave breach of the Convention.”

The human rights group adds that “house demolition, in certain instances, amounts to cruel, inhuman or degrading treatment or punishment” and is a breach of Article 16 under the United Nations Committee Against Torture (CAT), which monitors adherence to the UN Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the US is a state party.

Frustrated over the growing popular resistance to the colonial-style occupation and no doubt directed to reduce American casualties in Iraq before the November 2004 elections, the US military has begun using methods routinely employed by the Israeli Defense Forces to suppress Palestinian resistance to the Israeli occupation in the West Bank and Gaza Strip.

A US operation in Samarra, a city of 200,000 people, is a case in point. On December 17, some 2,500 US soldiers sealed off the city and began Operation Ivy Blizzard. Troops from the Army’s 4th Infantry Division, backed by Apache attack helicopters and F-16 fighters, began using sledgehammers, crowbars, explosives and armored vehicles to smash down the gates of homes and the doors of workshops and junkyards “to attack the Iraqi resistance that has persisted despite the capture of Saddam Hussein,” according to AP.

Freelance journalist Rob Eshelman wrote from Samarra for *Electronic Iraq* that the city was “the site of new and aggressive US Army tactics that are similar to Israeli-style counterinsurgency. The methods involve house-to-house searches, curfew, neighborhood-wide closures, and retaliatory home demolitions. The US military says they are targeting resistance cells, however, the people of Samarra say that it’s indiscriminate punishment and intimidation.

“If the track record of Israel’s occupation of Palestine is any barometer for how these tactics work, then the US Army needs to prepare for what happens when the hearts and minds of Iraqis are lost.”

Along the same lines, Dr. Wamid Nadmi, a professor of political science at Baghdad University, told reporters: “The increasing American violence may lead to the killing or arrest of some resistance fighters. But the other side is this will increase the people’s rage against the Americans, especially those people whose homes are being destroyed or family members are being killed.”



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