

Civilian compensation claims: a glimpse into US crimes in Iraq and Afghanistan

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Hundreds of legal claims filed by civilians in Iraq and Afghanistan against the US military, which were released by the American Civil Liberties Union (ACLU) on Wednesday, provide a small glimpse into the tragedies inflicted by US occupying forces in these two countries.

While the activities of suicide bombers and death squads feature prominently in the US and international media, the death and destruction wrought by the daily activities of US troops is virtually blacked out. As ACLU executive director Anthony Romero explained in a press release: “Since US troops first set foot in Afghanistan in 2001, the Defense Department has gone to unprecedented lengths to control and suppress information about the human costs of war.”

The Pentagon only released details of the compensation claims after the ACLU filed a Freedom of Information Act request in June 2006. The 496 cases—479 from Iraq and 17 from Afghanistan—cover just a tiny fraction of the civilian casualties caused by US forces. Most victims and their families are either too terrified or do not know how to file claims, which, in any event, only cover “non-combat” incidents and must be submitted in English. After analysing the data, the ACLU concluded, “there are additional documents being withheld”. It “is pressing the Defense Department to disclose them all”.

Over a third of the submitted claims—198—were denied on the grounds of “combat exclusion”—that the incident arose “from action by an enemy or resulted directly or indirectly from an act of the armed forces of the United States in combat”. Others were rejected for “lack of evidence” or “lack of proof of US involvement”. In addition, about 10 percent were rejected on the basis that the incidents, including some corroborated by eyewitnesses, had not been reported in the US military’s own “SIGACT” (significant action) database.

Of the 496 claims, only 164 resulted in cash payments to surviving family members. In about half those cases,

the US accepted responsibility for the death of a civilian and offered “a compensation payment”. In the remainder, the Pentagon issued “condolence” payments—discretionary payments limited to \$US2,500 and offered “as an expression of sympathy” but “without reference to fault”. In total, \$32 million had been handed out in blood money—a derisory sum compared to the immense suffering the US occupations have caused.

The documents (<http://www.aclu.org/natsec/foia/log.html>) provide a chilling record of hundreds of civilians—men, women and children—who have been killed or maimed in shootings and bombings, and the devastating impact on their family and friends. The onus is on the victims to prove their claim. The legal responses reveal the same callous indifference to Iraqis and Afghans as that displayed by the US forces involved in the incidents. Many are simply pro forma rejections. There is no indication of disciplinary action against those responsible for the deaths.

Because of the narrow ambit of the Foreign Claims Act to “non-combat” incidents, many files relate to shootings at roadblocks or checkpoints—92—or at vehicles that are perceived as “threatening” to US convoys—42. On March 27, 2006, for example, US troops opened fire on a taxi, killing the driver and leaving a young man unconscious, blind and paralysed. His father asked for compensation to assist his son’s wife and small child to survive. The claim was rejected as being a “combat incident” but with no explanation. It concluded with a standard phrase: “I am sorry for your son’s injuries, and I wish you well in a Free Iraq.”

Virtually any activity is regarded as “threatening”. A 16-year-old schoolboy was shot dead on February 8, 2005 while walking near an American base. A sniper in a watchtower apparently thought the boy’s school bag looked like a dangerous object. The claim was dismissed due to “lack of evidence” and “loss resulting from combat

operations”. On February 13, 2006, US soldiers shot dead a fisherman on his boat on the Tigris river. He had held up his fish and shouted “Fish, Fish” to show he meant no harm and was killed as he bent down to turn off the motor. His cousin was paid \$3,500 for the boat, which drifted away and was lost, but nothing for the death of his relative, which was judged to arise from “combat activities”.

Others have been killed in crossfire between US and insurgent forces. A father’s claim for the death of his son, shot at the front door of the house on April 13, 2005, was denied for “combat exemption”. Another father’s claim for the death of his son, an Iraqi soldier returning on leave, in Ad Duluyiah on March 19, 2006, was rejected for lack of a corroborating SIGACT report. The claimant submitted eyewitness accounts, a death certificate and legal opinion. In another case, a man was paid \$500 in condolence payments for the death of his brother, shot at the gate of his house during combat activities.

A number of claims relate to random shootings by US soldiers after an incident or roadside bombing. Seven of the 17 cases in Afghanistan arose out a traffic accident on May 29, 2006 when a US heavy truck ploughed into several cars in Kabul. US soldiers fired into an angry crowd that gathered, killing and injuring civilians. Among those shot dead were a 13-year-old selling pizzas from a street cart, a student returning from school, and a man carrying parts from a mechanic shop. Each of the seven claims were settled for between \$US4,000 and \$7,000.

In Iraq, shooting bystanders appears to be a common US military response to roadside bombings. On the January 12, 2006, US soldiers fired randomly, killing an 11-year-old boy, after a roadside bomb detonated next to their convoy near Samarra. His father, an impoverished farmer, claimed compensation, but was rejected for “lack of evidence” and “combat exclusion”, although eyewitness statements and a death certificate were provided.

A particularly horrific incident involved the slaughter of a family on March 3, 2004 in Dibig village. US troops opened fire on a house, killing four people including the claimant’s father, mother and brother, and injuring another 40, including the claimant. The mother was shot dead while sleeping and the father after he took the family’s AK-47 and stepped outside. US soldiers also killed the family’s flock of sheep, leaving the claimant without a livelihood. In a carefully worded finding, the US military declared that the soldiers, “may have been shooting at another house”. While their activity was “not wrongful”, it appeared “to have been conducted

negligently”. Compensation of \$11,200 was granted.

The files unearthed by the ACLU are just the tip of the iceberg. The US-led occupations of Afghanistan and Iraq have created a nightmarish existence for the local population—living in constant fear, even in conducting everyday activities, and confronting appalling social conditions. In Iraq, the murderous activities of American forces have been compounded by a sectarian civil war between Shiite and Sunni militias, which the US war is directly responsible for inciting.

The Pentagon has systematically suppressed any information about the impact of the war. It has refused to keep lists of civilian casualties, censors the reports of journalists embedded with its troops, and routinely rejects any evidence of atrocities published in the media. According to the UN envoy to Iraq, Gianni Magazzeni, some 34,452 people were killed during 2006. However, the figure, which is based on data from Iraq’s health ministry, hospitals and mortuaries, is likely to be an underestimate.

The most comprehensive study was conducted last year by a team of Iraqi physicians under the direction of epidemiologists from Johns Hopkins University using a standard survey method. The study published in October in the British medical journal, the *Lancet*, found that the US invasion and occupation of Iraq was responsible for the deaths of an estimated 655,000 Iraqis. Of those, 31 percent, or 186,000, were attributed directly to coalition forces—that is, the American military or its allies killed these Iraqis.

The ACLU files start to put a human face to these statistics.



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