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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Joint written statement\* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the Women's International League for Peace & Freedom, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, North-South XX1, the United Towns Agency for the North-South Cooperation, the Indian Movement "Tupaj Amaru", the Arab Organization for Human Rights, the Asian Women's Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, Human Rights Now, the International Federation of University Women, the Organisation Mondiale des associations pour l'éducation prénatale, the World Wide Organization for Women, non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities, the Indian Council of South America, the World Peace Council, International Educational Development, Inc., non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 September 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **The effect of war on the environment in Iraq and its health consequences\***

In Iraq, the environment fell victim to the catastrophic Anglo-American-led war and occupation and the use of unlawful weapons, but the effects of most dire concern are those that have befallen the Iraqi population. In a serious breach of international law, coalition forces used thousands of tons of white phosphorous<sup>1</sup> and depleted uranium ammunition during the war, which contain high levels of radiation and toxics that have dangerous and enduring health-related effects.

The use of chemical and biological weapons is strictly forbidden by international humanitarian law and international customary law. Article 35 of Protocol I<sup>2</sup>, a 1977 amendment of the *Geneva Conventions* specifically states that “It is prohibited to employ weapons, projectiles and material methods of warfare of a nature to cause superfluous injury or unnecessary suffering.” It also prohibits the employment of “methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.” Further, Article 8 (2) (b) (xx) of the Rome Statute of the International Criminal Court<sup>3</sup> defines the employing of “weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict” as war crimes.

In its use of white phosphorus and radioactive weapons during the war in Iraq, the US, UK and all the members of the “coalition of the willing” committed a flagrant violation of international humanitarian law. The dark consequences of this grave disregard for the law and human life have been materializing at a rapid rate over the past few years in the form of horrific physical deformities and illnesses, yet remain largely ignored by the international community and of even greater injustice, the perpetrators continue to evade responsibility and justice.

### **Depleted uranium and white phosphorous**

Dr. Asaf Durakovic, a former military doctor for the US Department of Defense, estimates that 1,700 tons of depleted uranium were used during the 2003 war and found that levels of radiation in air, water and soil samples were “hundreds to thousands of times” that of normal levels.<sup>4</sup> According to Mary Olsen, a nuclear waste specialist and biologist at the Nuclear Information and Resource Service, “Ingested DU particles can cause up to 1,000 times the damage of an X-ray.”<sup>5</sup> The use of these weapons has significantly polluted the environment. Adding to the dangerous nature of these particles is the ease with which they can be spread in the soil, water and air, increasing contamination exponentially.

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\* Please see last page for list of NGOs without consultative status, also sharing the views expressed in this statement.

<sup>1</sup> The US has admitted that it used phosphorous bombs in Iraq, although it denies that it was used against civilians; <http://www.thetimes.co.uk/tto/news/world/middleeast/iraq/article1993511.ece>

<sup>2</sup> Protocol Additional to the Geneva Conventions of 1949, available at <http://treaties.un.org/doc/Publication/UNTS/Volume%201125/volume-1125-I-17512-English.pdf>

<sup>3</sup> Rome Statute of the International Criminal Court, available at <http://untreaty.un.org/cod/icc/statute/romefra.htm>

<sup>4</sup> Support Network for an Armed Forces Union, available at [http://www.iacenter.org/images/du\\_snafu.pdf](http://www.iacenter.org/images/du_snafu.pdf)

<sup>5</sup> Doug Westerman, *Depleted Uranium – Far Worse Than 9/11*, Global Research, 3 May 2006, available at <http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374>

### Effects in southern Iraq

Fallujah and Basrah, two heavily bombarded cities, are both contaminated with extremely toxic heavy metals such as lead and mercury.<sup>6</sup> The resulting contamination is suspected of causing a high number of serious diseases throughout Iraq, including rises in congenital birth defects, miscarriages, premature births, infertility, sterility, leukemia, cancer and other illnesses not previously seen in Iraq.<sup>7</sup> Dr. Jawad Al-Ali, a cancer specialist at Sadr Hospital in Basrah, reported that before the Gulf war there were only two or three cancer patients a month, but now 30 or 35 die every month. He added that according to studies they have conducted, “40 to 48% of the population in this area will get cancer: in five years time to begin with, then long after.”<sup>8</sup>

Doctors in Basrah and other parts of southern Iraq, who compare the resulting birth defects with those seen in Nagasaki and Hiroshima in the aftermath of the atomic bomb, have collected photos of “infants born without brains, with their internal organs outside their bodies, without sexual organs, without spines...,” with “terribly shortened limbs...,with huge bulging tumors where their eyes should be, or with a single eye-like Cyclops, or without eyes, or without limbs, and even without heads;” all defects that “were extremely rare in Iraq prior to the large scale use of DU weapons.”<sup>9</sup> Another study of residents in Basrah tested tooth, toenail and hair samples and found that lead levels were higher in parents of children with birth defects than those without defects. The tooth of a child with birth defects was also found to contain lead levels three times higher than those of children living in “unimpacted areas”.<sup>10</sup>

Southern Iraq is not the only region where evidence of this disturbing phenomenon has been reported. Soil samples from three different sites in the province of Nineveh, where local hospitals have seen dramatic increases in birth defects and childhood cancers, have also shown high levels of uranium contamination.<sup>11</sup>

### The case of Fallujah

Fallujah was the most heavily bombarded city during the war. It is thus probably not coincidental that it is here that some of the most dramatic effects of the use of unlawful weapons on the health of Iraqis have been recorded. Cancer rates are higher here than anywhere else in Iraq and a new study has found that the Fallujah health crisis represents

<sup>6</sup> Dahr Jamail, “Iraq: War’s legacy of cancer”, Aljazeera online, 15 March 2013. <http://www.aljazeera.com/indepth/features/2013/03/2013315171951838638.html>

<sup>7</sup> Dahr Jamail, “Iraq: War’s legacy of cancer”, Aljazeera online, 15 March 2013. <http://www.aljazeera.com/indepth/features/2013/03/2013315171951838638.html> ; Dr. Burhan Al-Chalabi, “Someone Must Be Held Accountable for the War in Iraq,” in *Iraq-The Forgotten People*, Geneva International Centre for Justice, 2013.

<sup>8</sup> John Pilger, *We’ve moved on from the Iraq war-but Iraqis don’t have that choice*, The Guardian, 26 May 2013, available at <http://www.theguardian.com/commentisfree/2013/may/26/iraqis-cant-turn-backs-on-deadly-legacy>

<sup>9</sup> Doug Westerman, *Depleted Uranium – Far Worse Than 9/11*, Global Research, 3 May 2006, available at <http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374>

<sup>10</sup> M. Al-Sabbak, S. Sadik Ali, O. Savabi et al., *Metal Contamination and the Epidemico f Congenital Birth Defects in Iraqi Cities*, in *Bulletin of Environmental Contamination and Toxicology*, November 2012, Vol. 89, Issue 5, pp. 937-944

<sup>11</sup> Riyad Abdullah Fathi, Lilyan Yaqup Matti, Hana Said Al-Salih, Douglas Godbold, *Environmental pollution by depleted uranium in Iraq with special reference to Mosul and possible effects on cancer and birth defect rates*, in *Medicine, Conflict and Survival*, 29 (1):7, 2013.

“the highest rate of genetic damage in any population ever studied.”<sup>12</sup> In addition to cancers, defects include: immune problems, massive central nervous system and heart problems, and skeletal disorders.<sup>13</sup>

Data shows that the rate of heart defects in Fallujah is 13 times that of Europe and when it comes to nervous system-related birth defects, the numbers are even more astonishing, the rate being 33 times that of Europe.<sup>14</sup> Telling of the situation is that these increases began to produce themselves in 2005, only one year after the massive bombardments of the city.<sup>15</sup> Medical sources in Fallujah report a birth defect rate of 14.7%, a 10 fold increase from the period of 1991-2001.<sup>16</sup> Another study has found a threefold increase in cancer rates following the US/UK invasion. The study reports that the incidence of cancer is higher in the center of Fallujah than in its sub districts. In the city center there were 128 cancer cases per 100,000, compared to 82 per 100,000 in Saqlawya, and 50 per 100,000 in Karma.<sup>17</sup> These findings are not surprising as the center was bombarded more than the outskirts of the city. Further evidence of the effects of the mutagenic and carcinogenic agents found in depleted uranium are seen in Fallujah’s human population sex ratio. The normal sex ration in human populations is “a constant with 1,050 boys born to 1,000 girls” however, this is “disturbed if there is a genetic damage stress.”<sup>18</sup> A study concluded in 2010 shows that in Fallujah the sex ratio in the 0-4 age group is 860 males to 1,000 females, an 18% reduction in male births than what is considered the norm.<sup>19</sup> The study further confirms that “the remarkable reduction in the sex ratio in the cohort born one year after the fighting in 2004 identifies that year as the time of the environmental contamination.”<sup>20</sup>

#### **A never-ending threat**

Calculations indicate that inhalation of depleted uranium dust from the weapons used in Iraq may cause an additional 3 million deaths; approximately 11% of the country’s total population of 27 million.<sup>21</sup> This is deaths, it does not include the millions that will be forced to live with life-altering illnesses and physical and psychological deformities. The deliberate use of unlawful weapons leading to such catastrophic and inhumane

<sup>12</sup> Chris Busby, Malak Hamdan and Entesar Ariabi, “Cancer, Infant Mortality and Birth Sex-Ration in Fallujah, Iraq 2005-2009”, *International Journal of Environmental Research and Public Health*, 6 July 2010.

<sup>13</sup> Statements made by Dr. Samira Alani, a doctor in Fallujah, from an article by Eline Gordts, *Iraq War Anniversary: Birth Defects and Cancer Rates at Devastating High in Basra and Fallujah*, Huff Post, 20 March 2013, available at [http://www.huffingtonpost.com/2013/03/20/iraq-war-anniversary-birth-defects-cancer\\_n\\_2917701.html](http://www.huffingtonpost.com/2013/03/20/iraq-war-anniversary-birth-defects-cancer_n_2917701.html)

<sup>14</sup> Malak Hamdan, *Humanitarian Disaster In Fallujah: Unprecedented Numbers of Birth Defects, Miscarriages and Cancer Cases*, Global Research, 13 April 2010, available at <http://www.globalresearch.ca/humanitarian-disaster-in-fallujah-unprecedented-numbers-of-birth-defects-miscarriages-and-cancer-cases/18646>

<sup>15</sup> Ibid

<sup>16</sup> Paola Manduca, *Iraq war crimes: birth defects and miscarriages in Fallujah*, Global Research, 26 March 2011

<sup>17</sup> Abdulwahab A. R. Al-Faluji, Salih Hussein Ali and Arkan A. Jasem Al-Esawi, *Incidence of cancer in Fallujah above 10 years age with over view of common cancers in 2011*, *Health* Vol. 4, No. 9, 591-596, 2012, available at <http://www.scirp.org/journal/PaperInformation.aspx?PaperID=23049>

<sup>18</sup> Chris Busby, Malak Hamdan and Entesar Ariabi, *Cancer, Infant Mortality and Birth Sex-Ration in Fallujah, Iraq 2005-2009*, in *International Journal of Environmental Research and Public Health*, Vol. 7, 2010

<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> Doug Westerman, *Depleted Uranium – Far Worse Than 9/11*, Global Research, 3 May 2006, available at <http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374>

consequences cannot be called anything other than a war crime. A crime of this proportion cannot be allowed to continue unpunished. The US and UK must be made accountable for their illegal actions and brought to justice, and due remedy must be provided to all Iraqis whose human rights have been so gravely violated.

Thousands of Iraqis, in particular innocent children, have already begun to pay the heavy price for the perpetrators' disregard for law and life, but millions more remain at risk and will continue to do so until the source of the problem is removed. Seeing that the radioactivity of depleted uranium present in Iraq today will continue to affect generations and generations to come, exacerbating an already dangerous environmental and health situation, action must be taken immediately to rid the country of remnants and residuals of these hazardous elements. It is already too late for millions of Iraqis, but rapid action may still save others.

#### **NGO recommendations:**

- The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health should uptake an investigation into the causes and extent of the developing health crisis in Iraq, which is depriving thousands of Iraqis of their right to the enjoyment of both physical and mental health and take steps to hold all perpetrators of these serious violations responsible;
- All countries involved in the war must undertake and finance an environmental clean-up, specifically, the removal of dangerous weapons and ammunition still present in the country, as well as all toxins and radioactive remnants
- A Special Rapporteur on the situation of human rights in Iraq should be urgently appointed;
- An international, independent body should be set up to fully investigate all human rights violations committed in Iraq since 2003.

#### *Notes:*

The following are NGOs without consultative status, who also share the views expressed in this statement: BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them

Home, Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shore WI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts Impeachment Coalition, Men's Project for Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Plataforma Aturem la Guerra (Stop the War Catalonia), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet

Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internazionale- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme.

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