

**Laws violated by President George W. Bush, Vice-President Richard Cheney,
public officials under their authority, and members of the U.S. military under
their command, sufficient for impeachment**

Veterans for Peace believes the following to be a partial, but sufficient, summary of relevant laws violated by President George W. Bush and Vice-President Richard Cheney, arising from their decision to invade and occupy Iraq, followed by documentation for each violation. Veterans for Peace will add additional violations to this summary as they are made known by eyewitness military personnel and other credible sources.

We believe these violations constitute impeachable offenses under the **U.S. Constitution** Article II, sec. 4, and that the U.S. Congress is therefore compelled to impeach President Bush and Vice-President Cheney.

I) U.S. Constitution Article VI par. 2: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” (emphasis added)

II) War Crimes Act of 1996 (18 U.S.C. § 2441) makes committing a war crime, defined as: “...a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party...,” punishable by being “...fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.”

III) Laws and Customs of War on Land (Hague IV)

Art. 55. The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

- On September 19, 2003, Coalition Provisional Authority head, Paul Bremer, enacted Order 39. It announced that 200 Iraqi state companies would be privatised; decreed that foreign firms can retain 100 percent ownership of Iraqi banks, mines and factories; and allowed these firms to move 100 percent of their profits out of Iraq.
- *Bouvier's Law Dictionary* defines "usufruct" as an arrangement that grants one party the right to use and derive benefit from another's property "without altering the substance of the thing." Put more simply, if you are a housesitter, you can eat the food in the fridge, but you can't sell the house and turn it into condos...What could more substantially alter "the substance" of a public asset than to turn it into a private one?
- In case the CPA was still unclear on this detail, the US Army's Law of Land Warfare states that "the occupant does not have the right of sale or unqualified use of [nonmilitary] property." This is pretty straightforward: Bombing something does not give you the right to sell it...In a leaked memo written on March 26, British Attorney General Lord Peter Goldsmith warned Prime Minister Tony Blair that "the imposition of major structural economic reforms would not be authorised by international law." **The Nation** 11/24/03 “Bring Halliburton Home” By Naomi Klein

IV) U.N. Gen. Assembly Res. 3314

Defines the crime of aggression as "... the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State...or in any other manner inconsistent with the Charter of the United Nations..."

- According to articles 41 and 42 of the United Nations Charter, no member state has the right to enforce any resolution militarily unless the UN Security Council determines that there has been a material breach of its resolution, decides that all nonmilitary means of enforcement have been exhausted, and then specifically authorizes the use of military force.
- International law is quite clear about when military force is allowed. In addition to the aforementioned case of UN Security Council authorization, the only other time that any member state is allowed to use armed force is described in Article 51, which states that it is permissible for "individual or collective self-defense" against "armed attack...until the Security Council has taken the measures necessary to maintain international peace and security."
- There is little debate regarding the nefarious nature of the Saddam Hussein regime, but this has never been a legal ground for invasion. When Vietnam invaded Cambodia in 1978 to overthrow the Khmer Rouge—a radical communist movement even more brutal than the regime of Saddam Hussein—the United States condemned the action before the United Nations as an act of aggression and a violation of international law. The United States successfully led an international effort to impose sanctions against Vietnam and insisted that the UN recognize the Khmer Rouge as the legitimate government of Cambodia for more than a decade after their leaders were forced out of the capital into remote jungle areas. Similarly, the United States challenged three of its closest allies—Great Britain, France, and Israel—before the United Nations in 1956 when they invaded Egypt...The Eisenhower administration insisted that international law and the UN Charter must be upheld by all nations regardless of their relations with the United States.

Foreign Policy in Focus Oct. 2002 "The Case Against a War with Iraq" www.fpif.org/papers/iraq3.html

By Stephen Zunes, Middle East editor for Foreign Policy in Focus and author of *Tinderbox: U.S. Middle East Policy and the Roots of Terrorism* zunes@usfca.edu

- "Kofi Annan: Iraq war was illegal and breached UN charter"
The Guardian Sept. 16, 2004

V) Nuremberg Tribunal Charter

Principle VI: "The crimes hereinafter set out are punishable as crimes under international law:

(a) **Crimes against peace:** Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties;

- See: IV) U.N. Gen. Assembly Res. 3314 (above)

(b) **War crimes:** ...murder, ill-treatment...of civilian population of or in occupied territory; murder or ill-treatment of prisoners of war...plunder of public or private property, wanton destruction of cities, towns, or villages...

- Two Afghan prisoners who died in American custody in Afghanistan in December 2002 were chained to the ceiling, kicked and beaten by American soldiers in sustained assaults that caused their deaths, according to Army criminal investigative reports.

NY Times March 12, 2005 "Army Details Scale of Abuse of Prisoners in an Afghan Jail" By Douglas Jehl
<http://www.nytimes.com/2005/03/12/politics/12detain.html?th>

- At least 26 prisoners have died in American custody in Iraq and Afghanistan since 2002 in what Army and Navy investigators have concluded or suspect were acts of criminal homicide, according to military officials
NY Times March 16, 2005 "U.S. Military Says 26 Inmate Deaths May Be Homicide"
<http://www.nytimes.com/2005/03/16/politics/16abuse.html?th>

- In Fallujah, 40% of the buildings were completely destroyed, 20% had major damage, and 40% had significant damage. That is 100% of the buildings in that city.

American Friends Service Committee: Correspondents' Journal 1/20/05 "The Price of Forgetting"
http://www.afsc.org/iraq/corres_journal/entries/20050120.htm

- See also: VI, sec. A) Protocol I, Art. 75, The Geneva Conventions (below)

(c) **Crimes against humanity:** Murder, extermination...and other inhuman acts done against any civilian population...when such acts are done...in execution of or in connection with any crime against peace or any war crime.”

- "I decided to swim ... but I changed my mind after seeing U.S. helicopters firing on and killing people who tried to cross the (Euphrates) river."
“AP Photographer Flees Fallujah” 11/14/04 Katarina Kratovac, Associated Press Writer
- “We were tied up and beaten despite being unarmed and having only our medical instruments,” Asma Khamis al-Muhannadi, a doctor who was present during the U.S. and Iraqi National Guard raid on Fallujah General Hospital told reporters later. She said troops dragged patients from their beds and pushed them against the wall. “I was with a woman in labour, the umbilical cord had not yet been cut,” she said. “At that time, a U.S. soldier shouted at one of the (Iraqi) national guards to arrest me and tie my hands while I was helping the mother to deliver.”
Inter Press Service 12/13/04 “U.S. Military Obstructing Medical Care” by Dahr Jamail
http://www.dahrjamailliraq.com/hard_news/archives/hard_news/000157.php
- Kassem Mohammed Ahmed who escaped from Fallujah a little over a week ago told IPS he witnessed many atrocities committed by U.S. soldiers in the city. “I watched them roll over wounded people in the street with tanks,” he said. “This happened so many times.”
- Abu Hammad said he saw people attempt to swim across the Euphrates to escape the siege. “The Americans shot them with rifles from the shore,” he said. “Even if some of them were holding a white flag or white clothes over their heads to show they are not fighters, they were all shot.” Hammad said he had seen elderly women carrying white flags shot by U.S. soldiers. “Even the wounded people were killed. The Americans made announcements for people to come to one mosque if they wanted to leave Fallujah, and even the people who went there carrying white flags were killed.”
Inter Press Service 11/26/04 “Unusual Weapons Used in Fallujah” by Dahr Jamail
http://www.dahrjamailliraq.com/hard_news/archives/hard_news/000137.php

VI) The Geneva Conventions

A) Protocol I, Article 75: “(1)...persons who are in the power of a Party to the conflict...shall be treated humanely in all circumstances...(2) The following acts are and shall remain prohibited...whether committed by civilian or by military agents: (a) violence to the life, health, or physical or mental well-being of persons...(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault...and threats to commit any of the foregoing acts.”

- The International Committee of the Red Cross reported a number of violations including:
 - Brutality against protected persons upon capture and initial custody, sometimes causing death or serious injury
 - Absence of notification of arrest of persons deprived of their liberty to their families causing distress among persons deprived of their liberty and their families
 - Physical or psychological coercion during interrogation to secure information
 - Prolonged solitary confinement in cells devoid of daylight
 - Excessive and disproportionate use of force against persons deprived of their liberty resulting in death or injury during their period of internment.

Report of the International Committee of the Red Cross (ICRC) on the treatment by Coalition Forces of Prisoners of War and other protected persons by the Geneva Conventions in Iraq during arrest, Internment and Interrogation February, 2004
http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.pdf

- Christian Peacemaker Teams, a human rights group working in Iraq has reported abuses of both detainees and their families:
 - Violent House Raids: House raids terrify Iraqi children and heap shame on Iraqi women who are pulled from their beds wearing only nightclothes.
 - Health Concerns: Families have no way to inquire about the health and well-being of prisoners even when families know that their detained loved ones were injured at the time of their arrest.
 - Mistreatment of Detainees: All detainees CPT spoke with reported that they were housed in overcrowded tents without proper clothes or toilet facilities.
 - Theft of Property: CPT has heard many stories about Coalition forces confiscating money and property during house raids. We have not heard of any instances in which Coalition forces gave the owners receipts for confiscated property. Many people who have applied for compensation for damaged and confiscated property have not received any written proof of their application.

Report and Recommendations on Iraqi Detainees January 2004, Christian Peacemaker Teams, Iraq
http://www.cpt.org/iraq/detainee_summary_report.htm

- Photos: http://www.thememoryhole.org/war/iraqis_tortured/
- The investigation of the 800th Military Police Brigade by Maj. Gen. Antonio M. Taguba found that “intentional abuse of detainees by military police personnel” included the following:
 - Punching, slapping, and kicking detainees; jumping on their naked feet
 - Videotaping and photographing naked male and female detainees
 - Forcibly arranging detainees in various sexually explicit positions for photographing
 - Forcing detainees to remove their clothing and keeping them naked for several days at a time
 - Forcing naked male detainees to wear women’s underwear
 - Forcing groups of male detainees to masturbate themselves while being videotaped
 - Arranging naked male detainees in a pile and then jumping on them
 - Positioning a naked detainee on a MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture
 - Placing a dog chain or strap around a naked detainee’s neck and having a female soldier pose for a picture
 - A male MP guard having sex with a female detainee
 - Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee

Executive summary of Article 15-6 investigation of the 800th Military Police Brigade
 by Maj. Gen. Antonio M. Taguba <http://www.msnbc.msn.com/id/4894001>

- See also: V, sec. b: Nuremberg Tribunal Charter, War Crimes, (above)

B) Protocol I, Art. 51: “The civilian population...shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.” Art. 57: (parties shall) “do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects...an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one...”

- Eyewitness statements from Mike Ferner, in and around Abu Hishma and Abu Siffa, Iraq, where homes, automobiles and orchards were destroyed by the 1st Battalion, 4th Infantry Division, U.S. Army. Enlisted men and officers of this battalion admitted to having caused this destruction in interviews on February 24 and 25, 2004.
- See also: V, sec. c: Nuremberg Tribunal Charter, Crimes Against Humanity (above)
- At the beginning of their recent attack on Fallujah, U.S. Marines and Iraqi National Guard troops stormed Fallujah General Hospital, closing it to the city's wounded...As the invasion proceeded, air

strikes reduced a smaller hospital to rubble and smashed a clinic, trapping patients and staff under the collapsed structure.

Seattle Post-Intelligencer 1/11/05 “Investigate alleged violations of law in Fallujah attack”

by Jim McDermott and Richard Rapport http://seattlepi.nwsourc.com/opinion/207300_fallujahhospital11.html?

BBC News 11/6/04 “US strikes raze Falluja hospital” http://news.bbc.co.uk/1/hi/world/middle_east/3988433.stm

C) Protocol I, Art. 70: “The Parties to the conflict...shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel...even if such assistance is destined for the civilian population of the adverse Party.”

- Convoys sent by the Iraqi Red Crescent to aid the remaining population (in Fallujah) have been turned back.
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by Jim McDermott and Richard Rapport http://seattlepi.nwsourc.com/opinion/207300_fallujahhospital11.html?
- “Iraqi Hospitals Ailing Under Occupation” by Dahr Jamail. 38 pages, with photos and extensive interviews with workers and administrators at 13 Iraqi hospitals.
<http://www.dahrjamailiraq.com/reports/HealthcareUnderOccupationDahrJamail.pdf>
- Marked ambulances were repeatedly shot at by U.S. troops during the April, 2004 siege of Fallujah and troops prevented the distribution of medical supplies. “Statement of Volunteer Human Rights Worker, Jo Wilding, Bristol England, 2 April, 2005”
- In Saqlawiyah, Dr Abdulla Aziz told IPS that occupation forces had blocked any medical supplies from entering or leaving the city. “They won't let any of our ambulances go to help Fallujah,” he said. “We are out of supplies and they won't let anyone bring us more.”
Inter Press Service 12/13/04 “U.S. Military Obstructing Medical Care” by Dahr Jamail
http://www.dahrjamailiraq.com/hard_news/archives/hard_news/000157.php

D) Protocol I, Art. 35: “In any armed conflict, the right of the Parties...to choose methods or means of warfare is not unlimited...It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the environment.”

- During the 2003 Iraq War, United States and United Kingdom armed forces shot ammunition made from depleted uranium (DU) at a wide variety of targets. Although there is little known about the actual quantities of DU released or the locations of contamination, it appears approximately 100 to 200 metric tons was shot at tanks, trucks, buildings and people in largely densely populated areas.
The Use of Depleted Uranium in the 2003 Iraq War: An Initial Assessment of Information and Policies
June 24, 2003 by Dan Fahey <http://www.antenna.nl/wise/uranium/pdf/duiq03.pdf>
- On April 1, 2003 the residential al-Hilla outskirts of Babylon were hit with an undetermined number of BLU-97 A/B cluster bombs. Each bomb releases 202 bomblets which scatter over an area the size of two football fields, with a dud rate of 5%-7%. Immediate reports stated that at least 33 civilians died and around 300 were injured in the attack. Amnesty International condemned the attack, saying that “the use of cluster bombs in an attack on a civilian area of al-Hilla constitutes an indiscriminate attack and a grave violation of international humanitarian law.” Independent reporter Robert Fisk wrote from al-Hilla, saying that many dud bombs landed, and remain, inside civilian homes.
- On April 3, 2003 the United States reported that it had used B-52 bombers to drop six CBU-105 cluster bombs on Iraqi tanks defending Baghdad. On the same day, Iraq’s Information Minister reported that a cluster bomb attack on Baghdad killed 14 people and wounded 66.
ZNet Magazine April 7, 2003 “Irregular Weapons Used Against Iraq” by Simon Helweg-Larsen
<http://www.zmag.org/content/showarticle.cfm?SectionID=40&ItemID=3410>
- On March 22, 2003, reporters from CNN and the Sydney Morning Herald - Melbourne Age embedded with the 1st Battalion 7th Marines at Safwan Hill near Basra reported air strikes dropping napalm.

San Diego Union-Tribune August 5, 2003 “Officials confirm dropping firebombs on Iraqi troops”
http://www.signonsandiego.com/news/military/20030805-9999_1n5bomb.html

- **The Independent UK 6/17/05 “US Lied to Britain over Use of Napalm in Iraq War”** by Colin Brown
<http://news.independent.co.uk/uk/politics/story.jsp?story=647397>
- “They used these weird bombs that put up smoke like a mushroom cloud,” Abu Sabah, another Fallujah refugee from the Julan area told IPS. “Then small pieces fall from the air with long tails of smoke behind them.” He said pieces of these bombs exploded into large fires that burnt the skin even when water was thrown on the burns. Phosphorous weapons as well as napalm are known to cause such effects. “People suffered so much from these,” he said.
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http://www.dahrjamailiraq.com/hard_news/archives/hard_news/000137.php

E) Convention I, Art. 3: “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms... shall in all circumstances be treated humanely...To this end, the following acts (in addition to those listed in Art. 75, above) are and shall remain prohibited:...the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”

- The Military Commission Order signed by President Bush on Nov. 13, 2001, mandated conduct by members of the U.S. military such as: allowing the use of evidence that the accused is not permitted to see, and excluding the accused from the proceedings. These provisions violate the rights of the accused to protections guaranteed by the Uniform Code of Military Justice and civilian courts in the United States.
- See also: VI, sec. A) Protocol 1, Art. 75, (above)

F) Convention III, Art. 5: “Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy (are prisoners of war under this Convention), such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.”

- President Bush issued an order on February 7, 2002, specifying that the U.S. would not apply the Third Convention to members of Al Qaeda. That order set forth policies that led to the willful killing, torture, or inhuman treatment; and great suffering or serious injury to body or health, of prisoners in U.S. custody in Afghanistan, Iraq, and Guantanamo Bay.
- See also: VI, sec. A) Protocol 1, Art. 75, (above)

G) Convention IV, Art. 33: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”

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