

# MWC Political Editor Files Formal Complaint

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## Formal Complaint to ICC over Coalition War Crimes

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MWC Special,

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19 December 2005  
Office of the Prosecutor,  
International Criminal Court,  
The Hague, The Netherlands

Dear Mr Moreno-Ocampo, Mr Brammertz and Mrs Bensouda,

On 14 October 2004 I made a formal complaint against the Australian Government and its Coalition allies over war crimes in Iraq, specifically illegal invasion and subsequent horrendous civilian mortality in contravention of international law (for details of this complaint and a prior complaint sent to the 2 dozen top law officers of Australia see: [here](#)).

Since that complaint was made, it can be estimated from the latest UNICEF reports (see: [here](#)) that a further 560,000 under-5 year old infants have died in US Coalition-occupied Iraq and Afghanistan in gross contravention of the Geneva Conventions for the protection of civilians in time of war (1949).

I am accordingly renewing and extending my formal complaint of egregious war crimes against the US-led Coalition leaders responsible for (1) the irresponsible and illegal invasions and occupations of Iraq and Afghanistan; (2) deliberate conduct of military operations to minimize politically-sensitive invading military deaths at the expense of the lives of utterly innocent civilians; (3) subsequent horrendous civilian mortality in these occupied countries in gross contravention of the Geneva Conventions (1949); and (4) collateral damage involving mass mortality elsewhere in the world as a consequence of Coalition actions in Iraq and Afghanistan.

I have amplified these charges briefly below.

### (1). Irresponsible and illegal invasions.

The invasions of Iraq and Afghanistan were manifestly irresponsible (as borne out by the immense mortality estimates given below) and illegal in lacking sanction from the United Nations. Indeed, by way of example, the Secretary General of the United Nations, Mr Kofi Anan, has repeatedly indicated the illegality and un-wisdom of the invasion of Iraq and the late Holy Father of the Catholic Church, Pope John Paul II, a major source of moral wisdom for humanity, also opposed the invasion of Iraq. Further, the obvious must be stated, namely that ordinary, decent people universally regard hatred, violence, war and both non-state terrorism and state terrorism as utterly abhorrent.

### (2). Criminal application of high technology war yielding huge "enemy civilian death"/US military death ratios.

In World War 2 the Axis civilian deaths totalled 5.1 million as compared to Allied civilian losses in Europe and Asia totalling 54 million; US, British Empire, Axis and Soviet military losses totalled 0.29 million, 0.45 million, 5.9 million and 13.6 million, respectively. Accordingly the "enemy civilian"/"military death" "kill ratios" were 0.4 (for the Soviet forces), 9.2 (Axis), 11.3 (the British Empire) and 17.6 (the US). Implicit in the 1944 Italian Ardeatine Caves Massacre of 335 civilians ordered by Hitler in revenge for 33 German military deaths was a Nazi German attitude that regarded an "enemy civilian death"/"German soldier death" "kill ratio" (or "death ratio") of 10 as quite appropriate.

It has been possible to assess "civilian deaths" in various post-war conflicts using UN Population Division demographic data from 1950 onwards. Using this data it is possible to calculate "avoidable mortality" ("excess mortality"), which is the difference between the ACTUAL deaths in a country in a given period and the deaths EXPECTED for a peaceful, decently-run country with the same demographics (see: [here](#)).

The following "enemy civilian avoidable mortality"/"US combat death" "kill ratios" (in parentheses) have been calculated for the Korean War (1950-1953) (23.8), the Indo-China War (1957-1975) (276.5), the Gulf War & Sanctions War (1990-2003) (12,259), the Afghanistan War (2001-2005) (15,716) and the Iraq War (2003-2005) (323.9). The actual calculations involving the ratios of "avoidable (excess) deaths" (for the Asian country concerned over the relevant period) to "US combat deaths" (for the relevant conflict) are reproduced below (actual mortality figures are rounded off for clarity):

0.8 million Korean excess deaths/33,651 US combat deaths = 23.8

13.1 million excess Cambodian, Laotian & Vietnamese excess deaths/47,378 US combat deaths = 276.5

1.8 million Iraqi excess deaths (1990-2003)/147 US combat deaths = 12,259

1.6 million Afghan excess deaths (2001-2005)/102 US combat deaths = 15,716

0.5 million Iraqi excess deaths (2003-2005)/1,513 US combat deaths = 323.9

The above figures show that in the post-war era the US (and its allies) have grossly violated the Geneva Conventions in these Asian wars and have done so in vast excess over the "enemy civilian"/"German soldier" "kill ratio" of 10 in the Ardeatine Caves atrocity – and most clearly in the Iraq and Afghanistan Wars. The reason for these horrendous US "kill ratios" is that high technology US warfare preserves politically-sensitive US military lives at the expense of enemy civilian lives through high technology killing from afar (e.g. more bombs were dropped on Laos by the US than on all of Europe in all of World War 2); "better training" of its soldiers to overcome the natural revulsion from killing; and through improved medical technology to save the lives of wounded US soldiers. Over half of the civilian victims of these conflicts have been innocent infants under the age of 5. Thus the under-5 infant mortality in these conflicts was 0.3 million (Korea, 1950-1953); 5.6 million (Indo-China, 1957-1975); 1.3 million (Iraq, 1990-2003); 1.4 million (Afghanistan, 2001-2005); and 0.3 million (Iraq, 2003-2005). US state terrorism has indeed exacted a horrendous civilian death toll in US Asian wars (for further details see Senate Inquiry submission #112).

(3). Horrendous civilian avoidable mortality (excess mortality) in contravention of the Geneva Conventions.

The Geneva Conventions (1949) are quite explicit about the responsibility of the invader and occupier to do everything in their power to preserve the life of subject civilians (see: [here](#) ). However the annual per capita medical expenditure in Occupied Iraq and Afghanistan is less than 1% of that in metropolitan USA and thus the horrendous death toll in post-invasion Iraq and Afghanistan constitutes passive genocide and a war crime (see: [here](#)).

In general, whether a person dies violently (e.g. from bombs or bullets) or non-violently (e.g. from deprivation- or malnourishment-related causes) the end result is the same and the culpability the same. Further, the Ruler is responsible for the Ruled. Thus the Geneva Conventions (1949) demand that the foreign occupier of a country acts "to the fullest extent of the means available to it" to preserve the health and life of subject civilians (see Articles 55 and 56: ):

"Article 55. To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate ...

Article 56. To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of the national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties ..."

The US-led Coalition governments have manifestly failed in their obligations under the Geneva Conventions. The latest UNICEF estimates of post-invasion under-5 infant deaths (12 December 2005; see: [here](#)) are quite shocking: in 2004 the under-5 infant mortality was 122,000 in Occupied Iraq, 359,000 in Occupied Afghanistan and 1,000 in the occupying country Australia (noting that in 2004 the populations of these countries were 28.1 million, 28.6 million and 19.9 million, respectively). These data indicate an Iraqi post-invasion under-5 infant mortality of over 0.3 million, about 122,000 such deaths per year or 334 daily (i.e. exceeding the death toll from the horrendous and evil 9/11 atrocities every 9 days). About 90% of these infant deaths have been avoidable.

The post-invasion avoidable mortality (excess mortality) in the Occupied Palestinian, Iraqi and Afghan Territories now totals about 0.3, 0.5 and 1.6 million, respectively, while the corresponding post-invasion under-5 infant mortality now totals 0.2, 0.3 and 1.4 million, respectively (see Senate Inquiry submission #112: ). Most of these deaths were non-violent – thus Iraq Body Count (see: [here](#)) currently estimates that 27,000-31,000 Iraqis have been killed violently post-invasion (out of an estimated total of 0.5 million post-invasion avoidable deaths). UK-US state terrorism – described by Blair and Bush supporters as "democratic imperialism" but by others as "democratic tyranny" or "democratic Nazism" - has

had a horrendous human cost, with under-5 infant mortality now totalling about 0.5 million each year in the Occupied Iraqi and Afghan Territories.

(4). Collateral global mass mortality as a consequence of the Iraq and Afghanistan invasions and occupations.

One major consequence of the US Coalition invasion and occupation of Iraq has been an increase in the price of oil. It has been estimated that about 55,000 people die avoidably throughout the world each day (about 36,000 being under-5 year old infants) through deprivation- and malnourishment-related causes. I have not been able to quantitatively assess the inevitably increased avoidable mortality component from increased poverty due to elevated oil prices. However global mortality due to criminal distribution, sale and consumption of opiates can be assessed from UN figures.

Since 2001 there have been about 0.4 million global drug deaths linked to US Coalition re-establishment of globally-dominant Afghan opium production (largely destroyed by the Taliban in 2000-2001 but 76% and 86% of global production in 2002 and 2004, respectively, after US Coalition invasion and conquest). About 2,000 of these 0.4 million post-2001, US Coalition-complicit, opioid-related deaths have been Australian, 3,000 Canadian, 3,200 British and 50,000 American (for detailed documentation see: [here](#) and also see Senate Inquiry submission #112: ).

#### Comments and conclusions

The above data clearly indicate that the members of the US-led Coalition are complicit in passive genocide, mass murder and egregious war crimes in Iraq and Afghanistan. Accordingly, the US-led Coalition leaders should be indicted before the International Criminal Court – arraigned, tried and punished. Peace is the only way but we are inescapably obliged to inform others about man-made mass mortality of fellow human beings - silence kills and silence is complicity. We cannot walk by on the other side. As Edmund Burke famously stated: “All that is necessary for evil to succeed is that good men do nothing.”

The World Tribunal on Iraq, headed as spokesperson by the brilliant humanitarian writer Arundhati Roy, has charged the UK-US-led Coalition with war crimes over Iraq (see: [here](#)). Indeed, as you are aware, in October 2004, after writing to the 2 dozen top Law Officers of Australia, I wrote to the Chief Prosecutor of the International Criminal Court requesting that the Australian Government and its Coalition allies be charged with war crimes over the illegal invasion of Iraq and the horrendous post-invasion mass mortality (see: [here](#)).

More recently, the 2005 Nobel Laureate for Literature, British playwright Harold Pinter, in his Nobel Prize acceptance speech entitled “Art, Truth and Politics” (delivered by videotape on 8 December 2005; see: [here](#)) accused US President George Bush and UK Prime Minister Tony Blair of war crimes in Iraq. After detailing the huge human cost of decades of violent US interventions in Central and South America, Harold Pinter described the invasion of Iraq as “an act of blatant state terrorism” and called for the arraignment of Bush and Blair before the International Criminal Court, declaring: “How many people do you have to kill before you qualify as a mass murderer and a war criminal? One hundred thousand? More than enough, I would have thought.”

I have written this careful analysis with some trepidation and after considerable, wide-ranging, legal consultation because draconian new “sedition laws” recently passed in Australia could, potentially, severely punish humanitarian critics of Coalition war policies, notwithstanding “good faith commentary” exceptions. It is accordingly necessary for me to explicitly state that this has been written in the public interest and in the interests of humanity by an anti-war, humanist, senior scientist who utterly abhors bigotry, racism, lying, violence, war and terrorism.

The 2005 Nobel Laureate for Literature, Harold Pinter, in his Nobel Prize acceptance address (8 December 2005; see [here](#)) movingly stated our obligation to define the truth of our world: “ I believe that despite the enormous odds which exist, unflinching, unswerving, fierce intellectual determination, as citizens, to define the real truth of our lives and our societies is a crucial obligation which devolves upon us all. It is in fact mandatory. If such a determination is not embodied in our political vision we have no hope of restoring what is so nearly lost to us – the dignity of man.”

The 1957 Nobel Laureate for Literature, Albert Camus, in a 1946 essay entitled “Neither Victims nor Executioners”, clearly stated a fundamental moral imperative for decent citizens of the world: “Over the expanse of five continents throughout the coming years an endless struggle is going to be pursued between violence and friendly persuasion, a struggle in which, granted, the former has a thousand times the chances of success than that of the latter. But I have always held that, if he who bases his hopes on human nature is a fool, he who gives up in the face of circumstances is a coward. And henceforth, the only honourable course will be to stake everything on a formidable gamble: that words are more powerful than munitions.”

I have recently completed the first draft of a large book on global avoidable mortality from which some of the above data is drawn (for some other key data see: [here](#)) and I have written a large number of articles around the world on this matter (see: [here](#)). I would be extremely happy to provide expert assistance pro bono publico to the International Criminal Court in relation to this matter.

As we approach the festivities of Christmas Day 2005, we must appreciate from the latest UNICEF data that about 2,640 infants in US Coalition-occupied Iraq and Afghanistan will die over the 2-day period of Christmas Day-Boxing Day - nearly the same number of innocent victims as died in the World Trade Centre atrocity on 9/11 – and about 0.5 million more will die in the year to come. An estimated 560,000 under-5 year old infants have died in the US-occupied Iraqi and Afghan Territories in the 14 months since I made my previous complaint to the International Criminal Court.

I beg the International Criminal Court to indict the Coalition governments involved in massive war crimes in their invasion and occupation of Iraq and Afghanistan. In doing so the International Criminal Court will deliver justice and force an early end to the egregious Coalition passive genocide in these horrendously abused countries.

Yours sincerely,  
Dr Gideon Polya