

The following is a chronological account of the actions taken by the U.S. Military under the leadership of George W. Bush as Commander-in-Chief that lead to multiple violations of the Geneva convention and U.S. Military Code.

Charge

George W. Bush has conspired to commit the torture of prisoners in violation of the "Federal Torture Act" Title 18 United States Code, Section 113C, the U.N. Torture convention and the Geneva Convention, which under Article VI of the Constitution are part of the "supreme Law of the Land;"

George W. Bush has conspired to deny due process to prisoners of war, indiscriminantly bomb cities, transfer prisoners of war from an occupied territory, and planned, prepared, initiated and waged of a war of aggression in violation of U.S. Military Code section 2441, Geneva convention (I Art 3, II Art 18, Art 19, III Art 13, Art 17, Art 33, Art 34, Art 49, IV Art 3), and the 1945 Nuremberg Principles articles 6(a) and (b);

General Geneva Violations:

The U.S. Military Code specifies that it is a crime to violate the Geneva convention:

"Whoever, ... commits a war crime, ... shall be fined under this title or imprisoned for life or any term of years, ... and if death results to the victim, shall also be subject to the penalty of death. ... Definition: As used in this section the term 'war crime' means ... a grave breach in any of the international conventions signed at Geneva 12 August 1949 [or acts] prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907..."

(Section 2441: [U.S. Military Code on War Crimes](#))



▲ Nazi Nuremberg Trials

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1945 Nuremberg Principles:

After WWII, the U.S. led the formation of the 'Nuremberg Principles,' which form the United Nations Charter. Every country in the world is bound by that Charter. The charter defines as a crime: "Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances."([Nuremberg Principles, 1950](#))

1. Jan. 25, 2002

White House Counsel Alberto Gonzales writes a memo urging President George Bush to declare the war in Afghanistan exempt from the Geneva convention. In the memo, the White House lawyer references a 1996 law passed by Congress, known as the War Crimes Act, that law banned any

Americans from committing war crimes - defined in part as "grave breaches" of the Geneva convention. The memo warns that the law applies to "U.S. officials" and that punishments for violators "include the death penalty." [[PDF of Gonzales memo](#)] ([Newsweek, May 17, 2004](#))

2. Subsequent to Jan. 25, 2002

Secretary Powell writes a memo arguing that Alberto Gonzales' attempt to declare the war in Afghanistan exempt from the Geneva convention undermines more than a century of U.S. policy and practice.

"It will reverse over a century of U.S. policy and practice in supporting the Geneva conventions and undermine the protections of the law of war for our troops, both in this specific conflict and in general... It may provoke some individual foreign prosecutors to investigate and prosecute our officials and troops... We will be challenged in international fora (U.N. Commission on Human Rights; World Court; etc.)." ([Powell memo](#))

3. March 19, 2003

Bush declares pre-emptive war in Iraq, which constitutes a "grave breach" of the Geneva convention as Iraq posed no "imminent threat" to the U.S.

"Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life." ([United Nations High Commissioner for Human Rights in Geneva, Fall 1990](#))

TORTURE

Geneva Convention:

"Prisoners of war must at all times be humanely treated. Any unlawful act or omission ... causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity."

"No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind."

"Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities."

"The following acts are and shall remain prohibited ... cruel treatment and torture; ... Outrages upon personal dignity, in particular, humiliating and degrading treatment."

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory ... are prohibited, regardless of their motive." ([Geneva Convention, 1949](#))



▲ Protected "against insults and public curiosity?"

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1. Oct. 11, 2002

Department of Defense writes a memo which authorizes interrogation tactics for use at Guantanamo including using dogs to induce stress, stripping and shaving prisoners, and stress positions. Also included is a memo with an analysis of how the interrogators at Guantanamo (GTMO) became more willing to conduct extreme interrogation techniques.

"The Office of the Secretary of Defense (OSD) has not adopted specific guidelines regarding interrogation techniques for detainee operations at GTMO... Compounding this problem is the fact that there is no established clear policy for interrogation limits and operations at GTMO, and many interrogators have felt in the past that they could not do anything that could be considered 'controversial.'" Diane Beaver, LTC, USA, Staff Judge Advocate



▲ "humiliating and degrading treatment"

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▲ "Using detainees individual phobias (such as fear of dogs) to induce stress."

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imminent for him and/or his family... Exposure to cold weather or water... Use of a wet towel and dripping water to induce the misperception of suffocation." ([Torture memos](#))

Department of Defense approved: "The use of stress positions... Use of the isolation facility for up to 30 days... Extensions beyond the initial 30 days must be approved... Deprivation of light and auditory stimuli... The detainee may also have a hood placed over his head during transportation and questioning... The use of 20-hour interrogations... Removal of all comfort items (including religious items)... Removal of clothing... Forced grooming (shaving of facial hair etc.)... Using detainees individual phobias (such as fear of dogs) to induce stress... The use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family... Exposure to cold weather or water... Use of a wet towel and dripping water to induce the misperception of suffocation." ([Torture memos](#))

2. Oct. 25, 2002

Memo written by a U.S. Army General in response to the torture memo put out by the Department of Defense.

"I am particularly troubled by the use of implied expressed threats of death of the detainee or his family." James T. Hill, General, U.S. Army Commander

3. Nov. 27, 2002

An FBI agent at Guantanamo writes a memo warning FBI legal counsel that many of the interrogation methods proposed on Oct. 11, 2002 for use at Guantanamo violate the prohibition on torture. The first quote is one of the techniques being approved by the Department of Defense. ([FBI warning memo](#))

"Detainee will be sent off GTMO, either temporarily or permanently to Jordan, Egypt, or another third country to allow those countries to employ interrogation techniques that will enable them to obtain the requisite information."

"It is a per se violation of the U.S. Torture Statute. Discussing any plan which includes this category, could be seen as a conspiracy to violate 18 U.S.C. s. 2340. Any person who takes any action in furtherance of implementing such a plan, would inculcate all persons who were involved in creating this plan. This technique can not be utilized without violating U.S. Federal law."

4. March 13, 2002 - March 3, 2003

Six memos are written by military lawyers questioning the Department of Justice and White House legal analysis that supported coercive interrogation methods and unlimited presidential powers. ([Military Memorandums](#))

"Comprehensive protection is lacking for DOD personnel who may be tried by other nations and/or international bodies for violations of international law, such as violations of the Geneva or Hague Conventions, the Additional Protocols, the Torture Convention, the Rome Statute of the ICC, or the Customary International Law of Human Rights." BG Kevin M. Sandkuhler, U.S. Marine Corps, Staff Judge Advocate to CMC

"Such a policy will open us to international criticism that the 'U.S. is a law unto itself.'" MG Thomas J. Romig, U.S. Army, the Judge Advocate General

"Several of the exceptional techniques, on their face, amount to violations of domestic criminal law and the UCMJ [Uniform Code of Military Justice] (e.g., assault)... Other nations are likely to view the exceptional interrogation techniques as violative of international law and perhaps violative of their own domestic law. This places interrogators and the chain of command at risk of criminal accusations abroad, either in foreign domestic courts or in international fora, to include the ICC." Major General, U.S. Air Force, Deputy Judge Advocate General.

"The [Detainee Interrogation] working group believes use of [the] technique ... would constitute torture under international and U.S. law and, accordingly, should not be utilized. In the event SECDEF decides to authorize this technique, the working group believes armed forces personnel should not participate as interrogators as they are subject to UCMJ [Uniform Code of Military Justice] jurisdiction at all times." Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

5. Sometime in 2003

Janis Karpinski, the U.S. Brigadier General whose 800th Military Police Brigade was in charge of 17 prison facilities in Iraq, including Abu Ghraib back in 2003 reports how Rumsfeld signed off on a memo approving torture techniques:

"That one-page memorandum 'authorized sleep deprivation, stress positions, meal disruption -serving their meals late, not serving a meal. Leaving the lights on all night while playing loud music, issuing insults or criticism of their religion, their culture, their beliefs.' In the left-hand margin, alongside the list of interrogation techniques to be applied, Rumsfeld had personally written, 'Make sure this happens!!'" ([Truthout, March 5, 2006](#))



▲ "stress positions"

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6. March 19, 2004

Jack Goldsmith former director of the Office of Legal Counsel writes a memo stating that although the Geneva convention applies to Iraqi prisoners, the CIA can nonetheless transfer Iraqi prisoners out of Iraq. Prisoners the CIA subsequently moved to facilities outside of Iraq came to be known as 'ghost detainees.'

This is "a practice that international legal specialists say contravenes the Geneva Conventions... The agency has concealed the detainees from the International Committee of the Red Cross and other authorities... The 1949 treaty notes that a violation of this particular provision constitutes a 'grave breach' of the [Geneva] accord." ([Washington Post, Oct. 24, 2004](#))

7. May 5, 2004

The Office of Inspector General writes a report revealing that senior leadership knew of the torture going on in Iraqi prisons.

"Senior leadership knew of or were aware of the incidents going on at the prison..."

The report relays two incidents of rape of female detainees. ([Report from the Office of](#)

8. May 15, 2004

New Yorker Article showing the Bush administration's knowledge and approval of torture policies.
"According to interviews with several past and present American intelligence officials, the Pentagon's operation, known inside the intelligence community by several code words, including Copper Green, encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq. A senior C.I.A. official, in confirming the details of this account last week, said that the operation stemmed from Rumsfeld's long-standing desire to wrest control of America's clandestine and paramilitary operations from the C.I.A."
([New Yorker, May 24, 2004](#))

Attacks on Hospitals and Collective Punishment

Geneva Convention:

"Civilian hospitals ... may in no circumstances be the object of attack but shall at all times be respected and protected..."

"The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded."

"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." ([Geneva Convention, 1949](#))

1945 Nuremberg Principles:

Defines a War Crime as the "... wanton destruction of cities, towns or villages..."
([Nuremberg Principles, 1950](#))

1. Spring thru Fall, 2004

U.S. Military conducts operations destroying two hospitals, denying medical assistance to civilians, conducting indiscriminate bombing campaigns on innocent civilians as "collective punishment." These are all Geneva violations.

"American forces dropped five 500-pound bombs on 'insurgent targets.' The Americans destroyed the Nazzal Emergency Hospital in the center of town. They stormed and occupied the Fallujah General Hospital, and have not agreed to allow doctors and ambulances go inside the main part of the city to help the wounded, in direct violation of the Geneva Conventions."



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"The first U.S. attack on Fallujah, last April, killed 900-1000 people, mostly noncombatants. It was conducted in retaliation for the killing and mutilation of the bodies of four Blackwater Security Consulting mercenaries. Collective punishment against an occupied population for offenses committed by others also violates the Geneva Conventions." ([Truthout, Nov. 9, 2004](#))

▲ "wanton destruction"

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"The air strikes reduced the Nazzal hospital, run by a Saudi Arabian Islamic charity, to rubble." ([BBC, Nov. 6, 2004](#))

"More than 10,000 US marines and 2,000 Iraqi security forces launched ... an attack on Falluja which has been under insurgents' control since April 2004... According to press reports tens of thousands of civilians are still inside. There are concerns that a humanitarian crisis is looming with acute shortages in food, water, medicine and with no electricity. There are also many wounded people who could not receive medical care because of the fighting. The Iraqi Red Crescent Society stated that it had asked the Iraqi interim government and US forces for permission to deliver relief goods to civilians in Falluja and to send a medical team to the main hospital but had received no response." ([Amnesty International, Nov. 12, 2004](#))

2. March 24, 2005

Discussion by the Scottish Parliament over U.S. violations of the Geneva convention related to the use of depleted uranium in Iraq.

"The United Nations has ruled that the use of depleted uranium coated weapons breaches the Geneva convention and the genocide convention. Two thousand tonnes of depleted uranium were dropped on Iraq in the recent attacks; that is 2,000 tonnes of radioactive dust." ([Scottish Parliament, March 24, 2005](#))



▲ Alleged effects of depleted uranium

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3. Oct. 15, 2005

At a press conference in Geneva, Jean Ziegler, a senior United Nations official reports on U.S. Geneva violations related to starvation of civilians.

"A drama is taking place in total silence in Iraq, where the coalition's occupying forces are using hunger and deprivation of water as a weapon of war against the civilian population... [Coalition forces are using] starvation of civilians as a method of warfare... This is a flagrant violation of international law." ([BBC, Oct. 15, 2005](#))

Due Process

Geneva Convention:

"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." ([Geneva Convention, 1949](#))

1. June 29, 2006

U.S. Federal Supreme Court Decision that the military tribunals being conducted were violations of the Geneva convention.

"The US Supreme Court has ruled that the Bush administration does not have the authority to try terrorism suspects by military tribunal. Justices upheld the challenge ... saying the proceedings violated Geneva Conventions." ([Court Decision PDF](#)) ([BBC, June 29, 2006](#))

In light of this evidence, and the other evidence in this impeachment series, how can one doubt the impeachability of this president?

Jodin Morey
[Impeach For Peace](#)

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