

EXHIBIT 28

Denial of Water to Iraqi Cities

Introduction

Water supplies to Tall Afar, Samarra and Fallujah have been cut off during US attacks in the past two months, affecting up to 750,000 civilians. This appears to form part of a deliberate US policy of denying water to the residents of cities under attack. If so, it has been adopted without a public debate, and without consulting Coalition partners. It is a serious breach of international humanitarian law, and is deepening Iraqi opposition to the United States, other coalition members, and the Iraqi government.

Evidence for the denial of water

Tall Afar

On 19 September 2004, the Washington Post reported that US forces 'had turned off' water supplies to Tall Afar 'for at least three days'ⁱ. Turkish television reported a statement from the Iraqi Turkoman Front that 'Tall Afar is completely surrounded. Entries and exits are banned. The water shortage is very serious'ⁱⁱ. Al-Manar television in Lebanon interviewed an aid worker who stated that 'the main problem facing the people of Tall Afar and adjacent areas is shortage of water'ⁱⁱⁱ. Relief workers reported a shortage of clean water^{iv}. Moreover, the Washington Post reports that the US army failed to offer water to those fleeing Tall Afar, including children and pregnant women^v.

Samarra

'Water and electricity [were] cut off' during the assault on Samarra on Friday 1 October 2004, according to Knight Ridder Newspapers^{vi} and the Independent^{vii}. The Washington Post explicitly blames 'U.S. forces' for this^{viii}. Iraqi TV station Al-Sharqiyah reported that technical teams were working to 'restore the power and water supply and repair the sewage networks in Samarra'^{ix}. Al Jazeera interviewed an aid worker who confirmed that 'the city is experiencing a crisis in which power and water are cut off'^x, as well as the commander of the Samarra Police, who reported that 'there is no electricity and no water'^{xi}.

Fallujah

On 16 October the Washington Post reported that:

'Electricity and water were cut off to the city [Fallujah] just as a fresh wave of strikes began Thursday night, an action that U.S. forces also took at the start of assaults on Najaf and Samarra.'^{xii}

Residents of Fallujah have told the UN's Integrated Regional Information Networks that 'they had no food or clean water and did not have time to store enough to hold out through the impending battle'^{xiii}. The water shortage has been confirmed by other civilians fleeing Fallujah^{xiv}, Fadhil Badrani, a BBC journalist in Falluja, confirmed on 8 November that 'the water supply has been cut off'.

In light of the shortage of water and other supplies, the Red Cross has attempted to deliver water to Fallujah. However the US has refused to allow shipments of water into the Fallujah until it has taken control of the city^{xv}.

Other cases

There have been allegations that the water supply was cut off during the assault on Najaf in August 2004, and during the invasion of Basra in 2003. We have not investigated these claims.

Justifications for the denial of water

Some military analysts have attempted to justify the denial of water on tactical or humanitarian grounds. Ian Kemp, editor of military journal 'Jane's Defense Weekly', argues that

'The longer the city [Fallujah] is sealed off with the insurgents inside, the more difficult it is going to be for them. Eventually, their supplies of food and water are going to dwindle'^{xvi}

Barak Salmoni, assistant professor in National Security Affairs at the U.S. Naval Postgraduate School in Monterey, told the San Francisco Chronicle that civilians would probably be encouraged to leave Fallujah 'by cutting off water and other supplies'^{xvii}. These arguments are deeply flawed on legal, humanitarian and political grounds. The majority of the population of Fallujah fled before the American attack. Those who have not already fled Fallujah are forced to remain, since roads out of the city have been blocked^{xviii}, including by British troops^{xix}. Not only are those remaining unable to leave, but they are likely to consist largely of those too old, weak, or ill to flee – precisely the groups which will be

most severely affected by a shortage of water.

Reaction in Iraq

The information reported above is more widely known in Iraq than in the US and UK, and has become a significant political issue. Belief that US tactics involve denial of water is widespread. According to the LA Times:

As soon as the women of Fallouja learned that four Americans had been killed, their bodies mutilated, burned and strung up from a bridge, they knew a terrible battle was coming. They filled their bathtubs and buckets with water...^{xx}

Condemnations of the tactic have been issued by several major Iraqi political groups. On 1 October the Iraqi Islamic Party issued a statement criticizing the US attack on Fallujah which 'cut off water, electricity, and medical supplies', and arguing that such an approach 'will further aggravate and complicate the security situation'. It also called for compensation for the victims^{xxi}.

Three days later Muqtada al-Sadr criticized both the denial of water to Samarra, and the lack of international outrage at it:

'They say that this city is experiencing the worst humanitarian situations, without water and electricity, but no-one speaks about this. If the wronged party were America, wouldn't the whole world come to its rescue and wouldn't it denounce this?'^{xxii}

Denial of water is one of the misguided tactics which increases distrust of the Coalition forces. Asked in June how much confidence they had in US and UK forces, 50.8% of participating Iraqis responded 'none at all', with a further 29.5% saying 'not very much'^{xxiii}

This in turn fuels anti-American violence. A spokesman for the Association of Muslim Scholars, one of the most significant Sunni political groupings in Iraq, reported that the party's representative in Samarra had told him that 'there was no water'. He argued that partly as a result of this:

'The Iraqis no longer trust the Americans. It is not a question of military manifestations. It is now a question of popular rejection for the Americans, not for the military manifestations.'^{xxiv}

His analysis is confirmed by the Oxford Research International poll, according to which one third of participant Iraqis regarded attacks against Coalition forces as 'acceptable'^{xxv}.

Reaction in the UK

Awareness of this issue remains extremely limited among the British public. The British government denies involvement. Despite inquiries from CASI and others, they appear not to have raised the issue with their American counterparts. UK Armed Forces Minister Adam Ingram has denied knowledge of US action to cut off water supplies in Tall Afar^{xxvi}, despite coverage of this in the Washington Post. Similarly Hilary Benn, the UK Secretary of State for International Development, has not discussed the issue with his American counterparts ^{xxvii}. This lack of communication with the American side suggests a lack of concern for the humanitarian implications of the conflict in Iraq, and an unwillingness to comment on American activities. Concerning British forces, Mr. Ingram has claimed that:

'With regard to the action of our own Forces, I can also confirm that we have not cut off water supplies to civilians. It is possible that local temporary disruptions may have occurred at some time due to damage from combat with anti-Iraqi Forces but we are not aware of any actual cases where this has happened'^{xxviii}

Legal implications

The denial of water to civilians is illegal both under Iraqi and international law. Article 12 of the Transitional Administrative Law, which serves as a constitution during the interim period, states that:

'Everyone has the right to life, liberty, and the security of his person'^{xxix}

International law specifically forbids the denial of water to civilians during conflict. Under article 14 of the second protocol of the Geneva Conventions,

'Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works.'^{xxx}

Recommendations

CASI calls on Members of Parliament to raise this issue with ministers as a matter of urgency. The UK government must use its influence with our US ally to ensure that all military operations are conducted within the bounds of international law. In addition to the suffering caused to the civilian population, use of these tactics by US forces puts our own troops at risk from rising insurgency.

We hope that the issue will be taken up by international NGOs such as Amnesty International and Human Rights Watch. Deliberate disruption of civilian water supplies should be a matter of concern for all who are promoting human rights in Iraq.

CASI urges journalists on the ground in Iraq to investigate the above reports further, in order to build up a clearer picture of use of this tactic. The UK media must give greater weight to the plight of civilian populations in their coverage of conflicts such as Fallujah. The UK public needs to know that our Coalition partner is using this illegal tactic.

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Cambridge Solidarity with Iraq (CASI) provides information about the humanitarian situation in Iraq and its context. It is the successor organisation to the Campaign Against Sanctions on Iraq. CASI is an independent, volunteer-run organisation. It has never had links with any government.

www.casi.org.uk

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- ⁱⁱComments by Faruq Abd-al-Rahman, leader of the Iraqi Turkoman Front, on TRT 2 Television, Ankara, 1600 gmt 12 September 2004
- ⁱⁱⁱAl-Manar Television, Beirut, 0440 gmt 14 September 2004
- ^{iv}Al-Sharqiyah, Baghdad, 1200 gmt 15 September 2004
- ^vAfter Recapturing N. Iraqi City, Rebuilding Starts from Scratch', by Steve Fainaru. 19 September 2004. <http://www.washingtonpost.com/ac2/wp-dyn/A31377-2004Sep18?language=printer>
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- ^{viii}Washington Post, 16 October 2004. <http://www.washingtonpost.com/ac2/wp-dyn/A34612-2004Oct15?language=printer>
- ^{ix}Al, Sharqiyah, Baghdad, 1300GMT 8 October 2004
- ^xAl-Jazeera TV, 1505 gmt 1 October 2004
- ^{xi}Al Jazeera TV, 1810 gmt 2 October 2004
- ^{xii}Washington Post, 16 October 2004. <http://www.washingtonpost.com/ac2/wp-dyn/A34612-2004Oct15?language=printer>
- ^{xiii}Iraq: thousands of residents have fled Fallujah'. IRIN, 8 November. <http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/c8e6aade2a3db177c1256f460051db3b?OpenDocument>
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- ^{xvi}Iraq: US troops surround al-Fallujah as offensive preparations continue'. Radio Free Europe/Radio Liberty feature, 8 November 2004. <http://www.rferl.org/featuresarticle/2004/11/f29d2002-7151-4453-9e91-97c77a17d3f2.html>
- ^{xvii}San Francisco Chronicle, 6th November 2004. <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/11/06/MNGHL9NBU11.DTL>
- ^{xviii}http://news.independent.co.uk/world/middle_east/story.jsp?story=580548
- ^{xix}<http://news.bbc.co.uk/1/hi/scotland/3989815.stm>
- ^{xx}LA Times, 24 October, <http://www.latimes.com/news/nationworld/world/la-fg-fallouja24oct24,1,6787318.story?coll=la-headlines-world>
- ^{xxi}Statement issued by the Political Bureau of the Iraqi Islamic Party, on 19 Sha'ban 1425 AH, corresponding to 3 Oct 2004. Reported on Dar al-Salam radio, Baghdad in Arabic 1600 gmt 4 Oct 04
- ^{xxii}Statement by Muqtada al-Sadr on Al-Manar Television, Beirut, in Arabic 1800 gmt 4 October 2004
- ^{xxiii}Survey conducted in June 2004 by Oxford Research International, <http://www.oxfordresearch.com/Iraq%20June%202004%20Frequency%20Tables.PD>
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- ^{xxvi}Response of Adam Ingram on 25 October 2004 to questions 191479 (tabled by Llwyd, and 192090, 192089, and 192087 tabled by Adam Price. http://www.publications.parliament.uk/pa/cm200304/cmhansrd/cm041025/text/41025w03.htm#41025w03.html_snew9
- ^{xxvii}Response to question by Adam Price MP: Adam Price: To ask the Secretary of State for International Development what discussions he has had with counterparts in the US Administration on cutting off water supplies in Iraq. [192088] Hilary Benn: I have had no such discussions http://www.publications.parliament.uk/pa/cm200304/cmhansrd/cm041103/text/41103w03.htm#41103w03.html_snew4
- ^{xxviii}Letter to from Adam Ingram to Anne Campbell MP, dated 21 October 2004, ref D/Min(AF)/AI 4770/04/C
- ^{xxix}Law of administration for the state of Iraq for the transitional period, <http://www.cpa-iraq.org/government/TAL.html>
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