

## EXHIBIT 20

# Fire Bombs in Iraq: Napalm By Any Other Name

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*Iraq Analysis Group, March 2005*

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## Summary

This briefing examines the continuing use of incendiary weapons (“napalm”) by the US military in Iraq. While the UK government has attempted to downplay or deny the use of incendiaries in Iraq, US officials have been forced to admit using the MK-77 incendiary, a modern form of napalm. The UK is party to an international convention banning such weapons where they may cause harm to civilians. In Iraq, UK forces are part of a coalition which does not adhere to internationally agreed standards of warfare.

## 1. Napalm past

A fire bomb is a thin-skinned container of fuel gel. It ignites on impact, spreading the burning gel over a wide area. The composition of the fuel gel has evolved over the years:

World War II: gasoline plus naphthenic and palmitic acids

Vietnam & Korea: gasoline, benzene and polystyrene

Iraq (MK-77 Mod 5): kerosene-based jet fuel and polystyrene

In the past, incendiaries were used most notoriously in the 1945 fire-bombing of Dresden, and by the US in Vietnam. The 1972 photograph of the child Kim Phuc running from her napalmed village with her naked body burning was a defining moment in worldwide opposition to the Vietnam War.

Napalm has also been used in Iraq in the past. The Ba’ath regime of Saddam Hussein used it during the 1991 uprising. In 1992 Human Rights Watch reported:

Refugees alleged that Iraqi helicopters dropped a variety of ordnance on civilians, including napalm and phosphorus bombs, chemical agents and sulfuric acid. Representatives of human rights and humanitarian organizations who saw refugees with burn injuries or photographs of such injuries were unable to confirm the source of the burns, although doctors who examined injured Iraqis said that some of the wounds were consistent with the use of napalm.<sup>1</sup>

## 2. Napalm present

The US military has in its current arsenal a modern form of napalm. Known as the **MK-77 Mod 5**, the bombs are dropped from aircraft and ignite on impact. They contain a lethal mixture of aircraft fuel and polystyrene, which forms a sticky, flammable gel. As it burns, the gel sticks to structures and to the bodies of its victims. The light aluminium containers lack stabilising fins, making them far from precision weapons.

The MK-77 is the only incendiary now in use by the US military. It is an evolution of the napalm bombs M-47 and M-74 that were used in Vietnam and Korea. In the new weapon, the flammable gel is made up of

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<sup>1</sup> *Endless Torment: The 1991 Uprising in Iraq And Its Aftermath*, Human Rights Watch, June 1992.

kerosene-based jet fuel and polystyrene. The MK-77 bomb reportedly also contains an oxidizing agent. This makes it even more difficult to put out once ignited.

While the composition of the weapons has evolved, the targets remain the same. Incendiaries are typically used against dug-in troops, supply installations, wooden structures, and land convoys.

Use of incendiaries is restricted by the 1980 UN Convention on 'Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects'.<sup>2</sup> The United Kingdom has fully ratified this convention and must abide by it and its additional protocols. More than 80 other countries have done the same.

"Most of the world understands that napalm and incendiaries are a horrible, horrible weapon," said Robert Musil, director of the organisation Physicians for Social Responsibility. "It takes up an awful lot of medical resources. It creates horrible wounds."<sup>3</sup>

However, although the United States has ratified the convention, it has not signed up to the protocol on incendiary weapons.

### 3. Firebombs in Iraq

Incendiary weapons have been issued to US forces in Iraq, apparently mainly Marine Corps aviation wings. Incendiaries were used against Iraqi troops during the 2003 invasion, and there is growing evidence that use continues, including in Fallujah.

For example, two embedded reporters (from the *Sydney Morning Herald* and *CNN*) witnessed a firebomb attack on an Iraqi observation post at Safwan Hill, overlooking the Kuwaiti border, on 21 March 2003:

Marine Cobra helicopter gunships firing Hellfire missiles swept in low from the south. Then the marine howitzers, with a range of 30 kilometres, opened a sustained barrage over the next eight hours. They were supported by US Navy aircraft which dropped 40,000 pounds of explosives and napalm, a US officer told the Herald.

Safwan Hill went up in a huge fireball and the Iraqi observation post was obliterated. "I pity anybody who's in there," a marine sergeant said. "We told them to surrender."<sup>4</sup>

During and immediately after the invasion, US officials denied claims that napalm weapons were being deployed.<sup>5</sup> However, as military personnel and journalists in Iraq quickly presented evidence of their use, by August 2003 Pentagon spokesmen were forced to admit that MK-77 firebombs had been dropped. Past denials were justified on the grounds that questioners had used the term 'napalm' instead of 'firebombs' or 'MK-77s'. The US claims to have destroyed all its stocks of 'napalm' and argues that the MK-77 cannot be included in this term. However, the Pentagon admitted that the MK-77 is an incendiary with a function 'remarkably similar' to that of napalm.<sup>6</sup>

In fact, the US military itself refers to the new-generation MK-77 as 'napalm'. The term is even used in official documents such as *Defend America*, the monthly US Department of Defense publication describing

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<sup>2</sup> UN Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects And Protocols (1980). The full text is at <[www.icrc.org/ihl.nsf/WebFULL?OpenView](http://www.icrc.org/ihl.nsf/WebFULL?OpenView)>. State signatories are at <[www.icrc.org/ihl.nsf/WebNORM?OpenView](http://www.icrc.org/ihl.nsf/WebNORM?OpenView)>.

<sup>3</sup> 'US admits it used napalm bombs in Iraq', *The Independent*, 10 August 2003.

<sup>4</sup> "Dead bodies are everywhere", *Sydney Morning Herald*, 22 March 2003.

<sup>5</sup> "Dead bodies are everywhere", *Sydney Morning Herald*, 22 March 2003.

<sup>6</sup> 'Officials confirm dropping firebombs on Iraqi troops', *San Diego Union Tribune*, 5 August 2003.

the progress of the 'war on terror'. In February 2003 the publication proudly described preparations for the coming war, detailing the build-up of weapons in Kuwait:

Everything from hand grenades to 2,000-pound bombs and napalm are shipped, ready for use whenever 3rd Marine Aircraft Wing needs them.<sup>7</sup>

Military personnel routinely refer to MK-77 incendiaries as 'napalm':

'We napalmed both those [bridge] approaches', said Colonel Alles, commander of Marine Air Group 11. 'Unfortunately, there were people there because you could see them in the [cockpit] video. They were Iraqi soldiers there. It's no great way to die'. He added, 'The generals love napalm. It has a big psychological effect.'<sup>8</sup>

#### **4. Recent use of incendiaries: Firebombing Fallujah**

In November 2004 US forces launched a massive attack on the city of Fallujah. Much of the city was destroyed and tens of thousands of residents fled as refugees.

Reports have emerged of burnt and melted bodies in the city, consistent with the use of napalm or the equally controversial weapon white phosphorus (also known as 'Willy Pete').

Residents who survived the attack reported seeing incendiary bombs used in the city. Abu Sabah, who lived in the Julan district of Fallujah which witnessed some of the heaviest attacks, said:

"They used these weird bombs that put up smoke like a mushroom cloud... then small pieces fall from the air with long tails of smoke behind them."

He said that pieces of these strange bombs explode into large fires that burn the skin even when water is thrown on the burns.<sup>9</sup>

"Usually we keep the gloves on," said Army Capt. Erik Krivda, of Gaithersburg, Md., the senior officer in charge of the 1st Infantry Division's Task Force 2-2 tactical operations command center. "For this operation, we took the gloves off."

Some artillery guns fired white phosphorous rounds that create a screen of fire that cannot be extinguished with water. Insurgents reported being attacked with a substance that melted their skin, a reaction consistent with white phosphorous burns.

Kamal Hadeethi, a physician at a regional hospital, said, "The corpses of the mujahedeen which we received were burned, and some corpses were melted."<sup>10</sup>

#### **5. International Law and UK Denials**

Protocol III of the 1980 UN convention on 'Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects' states that:

It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.

'A concentration of civilians' is defined as including 'inhabited parts of cities', such as Fallujah. The United Kingdom has signed up to this Protocol.

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<sup>7</sup> 'Sailors Offload Ammo For U.S. Marines', *Defend America*, US Dept of Defense, 2 February 2003.

<sup>8</sup> 'Officials confirm dropping firebombs on Iraqi troops', *San Diego Union Tribune*, 5 August 2003.

<sup>9</sup> 'U.S. uses napalm gas in Fallujah – Witnesses', *Al-Jazeera.com*, 28 November 2004 and 'Fallujah Napalmed', *Sunday Mirror*, 28 November 2004.

<sup>10</sup> 'U.S. drives into heart of Fallujah', *San Francisco Chronicle*, 10 November 2004.

On 6 December 2004 Alice Mahon MP received an answer to a Parliamentary Question to Armed Forces Minister Adam Ingram on Coalition use of napalm-type weapons. Ingram denied that napalm had been used in Iraq at any time:

**Alice Mahon MP:** To ask the Secretary of State for Defence whether napalm or a similar substance has been used by the Coalition in Iraq (a) during and (b) since the war.

**Adam Ingram MP:** No napalm has been used by Coalition forces in Iraq either during the war-fighting phase or since.<sup>11</sup>

Ingram's partial answer relies on a distinction between previous incendiary weapons known as napalm, and the new MK-77. This is a distinction which the US military, which uses the weapons, does not make.

## **Conclusion**

UK troops are working in coalition with a military that is using napalm weapons in all but name. During the assault on Fallujah, UK soldiers were placed under the command of US forces, despite the UK being party to a UN Convention restricting the use of incendiaries and other inhumane weapons.

While the UK has done much to further other parts of the convention, including pushing for a total ban on anti-personnel mines, in this instance the UK government is condoning the actions of its coalition partner, even though they step well outside internationally agreed standards.

*This briefing for the Iraq Analysis Group was prepared by Alison Klevnäs, Per Klevnäs, Rachel Laurence, Mike Lewis and Jonathan Stevenson. The Iraq Analysis Group was set up in 2004 by former members of the Campaign Against Sanctions on Iraq. Based in the UK, its website is at <[www.iraqanalysis.org](http://www.iraqanalysis.org)>.*

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<sup>11</sup> *Hansard*, 6 December 2004.