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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Meezaan Center
for Human Rights, Union of Arab Jurists, non-governmental
organizations in special consultative status, International
Educational Development, Inc., World Peace Council, non-
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2023]

* Issued as received, in the language of submission only.



Justice for the People of Iraq Twenty Years After the Invasion

Earlier this year, the 20th of March 2023 marked 20 years since the invasion of Iraq by the United States of America and the United Kingdom of Great Britain and Northern Ireland. 20 years on, Iraqi people are still waiting for justice to be delivered for the violations that still flow from decisions made in Washington and London to ignore international law and to wage an illegal war based on a flimsy justification that did not hold up to any scrutiny. The immense suffering of the people of Iraq over the subsequent 20 years must be recognized and addressed by the international community, by the UN Human Rights Council and all efforts must be made to enhance accountability for those responsible for violations during the invasion and occupation. Victims and their families have waited too long for justice. It is time to pursue - with vigour - the processes that should have been implemented over the last two decades.

The invasion of Iraq represents a flagrant breach of Article 2(4) of the UN Charter accompanied by grave violations of the 1949 Geneva Conventions and the 1977 Protocols, the United States of America together with the so-called “coalition of the willing” launched a war against Iraq with an initial operation, labelled “Shock and Awe”, consisting of a serious of devastating airstrikes on the capital, Baghdad, by the use of overwhelming power which would frighten the population, and ultimately paralyze the country’s will to mount resistance to an invasion that had been pre-planned for months. The attack, and the ensuing devastating occupation changed the face of Iraq forever. There has been little attention paid to the long-lasting impacts that continue until this day.

Firstly, as a military invasion waged without justification the war on Iraq was a war of aggression, which according to the Tribunal of Nuremberg and crystalised customary international law is not only an international crime, but the supreme international crime that contains within itself the accumulated evil of the whole. It is for this very reason that States agreed to codify aggression as an international crime in the Rome Statute of the International Criminal Court. The importance of condemning this ultimate evil is precisely with which the United States of America, the United Kingdom of Great Britain and Northern Ireland and other States have criticised the Russian Federation’s invasion of Ukraine.

The 20th of March 2003 remains a watershed moment in international law. Commentators have referred to it as the bookend at which the post-Cold War consensus of resolving disputes consensually through the UN mechanisms came to an abrupt and violent end in a military campaign entitled “Shock and Awe”. Despite clear UN Security Council resolutions that did not authorize the use of force, a handful of countries ripped up the international law rulebook and reasserted their might over the importance of the rights of individuals to carry out an unlawful invasion of a sovereign country on exaggerated pretences. No single person has since been prosecuted for the unlawful invasion and only a handful of individual soldiers were ever prosecuted for egregious acts of torture. Accountability remains completely lacking.

The 20th anniversary is a critical moment in history where we stand together to once again, loudly and clearly condemn invasions as illegal aggressions, and come together to implement solutions to strive towards accountability mechanisms that can help deliver justice for the victims of wars of aggression.

Secondly, the invasion precipitated a protracted armed conflict lasting at least until 2011 and condemned Iraqi people to more than two decades of ongoing sectarian in-fighting. The invasion itself killed and led directly to the deaths of more than two million people. Former UN Secretary-General Kofi Annan denounced the invasion as an “illegal act” from which “painful lessons” must be learned, but the United Nations and the Human Rights Council have largely failed to address, understand, and review the lessons arising from the disastrous invasion of Iraq.

The invasion of Iraq should have been considered as an aberration, but regretfully and catastrophically it has become a precedent which is relied upon by belligerent countries who seek to justify their wars of aggression and ignore the international rule of law by using battles, bombs and bullets.

Ever since the invasion, the human rights of the Iraqi people have deteriorated. The education system has weakened and is no longer inclusive, vital services like health are much more sporadic such that there is no equal access. The country has been gutted by two decades of foreign wealth extraction by companies ushered in during the wake of the invasion and which were cemented into Iraqi society through horse-trading over newly imposed constitutional settlements. The rights of minorities have been trampled as different factions fight over national and regional power structures and take retribution for perceived historic injustices.

Today, the last effects of the invasion are still strongly felt, mostly poignantly by the Iraqi people. Up to one million enforced disappearances are thought to have occurred since 2003 with little accountability, transparency, or justice with nearly every single family in Iraq affected by violence and injustice. We strongly condemn the estimated \$3 trillion cost of the invasion and prolonged fighting in Iraq and call upon the international community to reflect how much easier it would be to achieve the UN Development Goals if such huge sums could instead be spent on promoting and protecting the human rights of vulnerable people.

More than two decades on, the population of Iraq is still paying a high price for the brutal invasion and occupation: besides the millions of Iraqis who died during and after the war, millions currently live under the poverty line and the number of orphans who live in the streets has exponentially increased. The invasion has also caused huge amounts of internal and external displacement, making Iraq one of the top 3 migratory countries. IDPs often live in extreme poverty and are unable to satisfy even their most basic needs.

Equally unnoticed goes the plight of those millions of widows who have lost their basic rights and have been left alone in providing for their families while the unemployment rate was on the rise. The situation of the Iraqi people is so devastating that it has reached the level of a humanitarian catastrophe from all points of view.

The contrasting responses of the UN human rights bodies to the Iraq invasion in 2003 and the invasion of Ukraine in 2022 are stark. The divergence deserves appraising. The people of Iraq would have benefitted from an OHCHR Commission of Inquiry, special funding, and resolutions seeking to prosecute the perpetration of international crimes.

There are steps that the international community and the Human Rights Council can take now to help redress the terrible consequences of the Iraq invasion. We call on the international community, states, and civil society to contribute by:

1. Reasserting the supremacy of the UN Charter's prohibition on the use of force against the sovereign territory of another state.
2. Preventing states from relying on spurious notions of anticipatory self-defence when attempting to justify aggressive wars being pursued for ulterior motives.
3. Resolving to provide means and the mechanisms by which perpetrators of invasions contrary to international law can be prosecuted without requiring recourse to the International Criminal Court.
4. Establishing an international and independent tribunal to investigate and prosecute all those responsible for the planning and execution of the Iraq War, and for their violations of International Humanitarian Law and International Criminal Law which include war crimes and crimes against humanity. We call for this international tribunal to be mandated to provide due process to those accused to ensure accountability and bring justice to the people of Iraq.
5. Addressing governance deficits in UN mechanisms and in countries that have been wrecked by armed conflict such as Iraq, removing structural discrimination and cultures of impunity embedded in Iraqi institutions.
6. Providing restitution and compensation for violations. All governments of those states comprising the "coalition of the willing" must compensate the Iraqi people for both material and moral injury sustained as a result of the invasion and occupation. This includes the costs of rebuilding Iraqi infrastructure, government institutions, schools, and private property that was bombed or damaged during the war or occupation. It must include addressing the huge environmental damage as a result to the invasion and occupation.

7. Ensuring equal access to social provisions across Iraq, especially in regions outside the capital to help rebuild post-ISIS including providing primary healthcare, housing, food, water, and education at all levels from school buildings to modern inclusive curriculum and particularized language provision.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organization for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.