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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation (GAWF), the International Association of Democratic Lawyers, North-South XX1, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Asian Women Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, the International Federation of University Women (IFUW), the Organisation Mondiale des Associations pour l'Education Prénatale (OMAEP), the World Wide Organization for Women (WOW), non-governmental organizations in special consultative status, the International Human Rights Association of American Minorities (IHRAAM), the Indian Council of South America (CISA), the World Peace Council, International Educational Development, Inc. (IED), 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.

[11 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Accountability and restoring justice for Iraq*

“The initiation of a war of aggression is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole”. Robert H. Jackson, chief prosecutor at the Nuremberg trials”.

The 2003 illegal invasion of Iraq, launched by the United States and Britain – also known as “The Coalition of the Willing” undoubtedly falls under the definition of Crime against Peace according to Nuremberg charter, namely article 6 Para (a). Such a war entails legal consequences for the aggressors and provides rights for the victims. All countries that have participated must be held accountable.

Contrary to voices that referred to the invasion as “liberation”, the 10 years of occupation (2003-2013) has caused immense destruction to Iraq. The U.S. has pursued a policy of division that resulted in a failed state with a fractious society, which finally led to the collapse of public services. Human rights have been systematically violated, the heritage of thousands of years destroyed and an ancient, deeply rooted culture thrown into chaos.

Coalition military operations, including massive attacks on cities like Fallujah, and the counter-insurgency policy, led to a substantially increased mortality and massive displacements. Hundreds of thousands of Iraqis have been killed; families have been destroyed, displaced and forced into refugee status. Iraq’s education system has been severely damaged. Unemployment rates are high. According to the United Nations Development Programme and OXFAM, one-third of the population lives in poverty.

Although the US has withdrawn its regular army by the end of 2011, Iraq is still under foreign domination. The constitution imposed on the Iraqi people (in violation of international law, notably the Geneva Conventions) rendered proper elections impossible. As long as the Iraqi people do not achieve full control over their country, there will be little room for democratic accountability.

While the Security Council in its resolution 1859 of 22 December 2008 reaffirmed “the independence, sovereignty, unity, and territorial integrity of Iraq and reaffirming further the importance of the principle of non-interference in the internal affairs of Iraq” it should be recalled:

- That the UN has never condemned the illegal invasion and occupation of the country and thus violated its own charter.
- That the UN has never condemned the attempts of the US and neighbouring countries to partition the country.
- That the UN official bodies have (-) neglected the Iraqi state and its people. Contrary to different UNSC resolutions, the Human Rights situation in Iraq has not improved.
- That the UN official bodies have failed to investigate the wave of assassinations and grave human rights violations following the invasion of 2003, caused by the Anglo-American forces, mercenaries and their local stooges.
- That the UN official bodies, have failed to take their responsibilities under international law to condemn the destruction, by the occupying powers, of the Iraqi state, its institutions, its infrastructure, its social fabric, its professional middle class and its historical wealth.

Iraq is still under the sway of foreign and regional powers. Consequently anti-occupation movements are opposing what they call, “The second face of the occupation.” This includes structures imposed by the US, such as a sectarian government and its divisive constitution.

Human Rights bodies have the duty to support the desire for self-determination of the Iraqi people. They should ensure full reparation for the people affected by this war. All countries involved in the invasion of Iraq must be held accountable for the damage to infrastructure, economic and social structures, health and education system as well as the historical past.

Therefore the 10th anniversary of the invasion of Iraq, 2013 should become the year of “Accountability and Restoring Justice for Iraq” to:

1. End all remaining aspects of the occupation: All foreign military and civil advisors, security contractors and mercenaries should leave Iraq. The political structures and laws introduced under this occupation contravene the Geneva Conventions.

2. Work for the Unity of Iraq: Considering the geopolitical position and rich resources, the stability of Iraq is not only in the interest of the local population, but also of the neighbouring countries and the world. The Iraqi people wish to keep the country united, whereas the US harboured intentions to carve up it into 3 entities. The UN for its part should demand the independence, sovereignty and territorial integrity of Iraq according to the UNSC resolution 1770 of 10 August 2007.¹

3. The UNSC resolution 1770 points out: “Underscoring the need for all communities in Iraq to reject sectarianism, participate in the political process, and engage in an inclusive political dialogue and national reconciliation for the sake of Iraq’s political stability and unity”. However:

- the political process under the Anglo-American occupation was under its domination;
- the Anglo-American invaders have fuelled sectarian tensions through the military’s backing of militia violence;
- individuals and movements defending the independence and unity of Iraq have systematically been subject to intimidation, arrest, torture and execution. Under the guise of “combating terrorism”, legal and legitimate opposition to the project of the US has been met violently.

4. Protect internally and externally displaced persons. Since the invasion, millions of people have either been displaced or fled Iraq. Displaced Iraqis have the right of return, however as long as stability and security is absent, the conditions for return are not met. Immediate measures should be put in place to and preserve their rights and dignity. The occupation countries, should offer financial and political support to the refugees in cooperation with International Humanitarian bodies like UNHCR, ICRC and UNAMI and in accordance with UN resolution 1770 from 10th August 2007.²

5. Ensure a fair distribution of wealth. Although the oil revenue in Iraq was voluminous between 2003 and 2013 (estimated to be about 700 billion USD),³ the authorities in power failed to provide social services like security, jobs, health care, schools, electricity or potable water. U.N. agencies, such as the UNHCR, reported that 70% of the Iraqi population lacks access to safe drinking water and 80% has no access to effective sanitation. With over 50% unemployment is a serious issue. This humanitarian tragedy

¹ S/RES/1770 (2007).

² S/RES/1770 (2007) “assist vulnerable groups, including refugees and internally displaced persons, and promote the protection of human rights and judicial and legal reform (...) should take all feasible steps to ensure the protection of affected civilians, and should create conditions conducive to the voluntary, safe, dignified, and sustainable return of refugees and internally displaced persons”.

³ With oil prices around \$90 per barrel, Iraq’s production rate translates into roughly \$100 billion a year in revenue. <http://money.cnn.com/2012/08/10/news/economy/iraq-oil/index.html>.

particularly affects women and children. The ration system proved to be effective during the sanctions period. It is of utmost importance to ensure that these rations reach the internally displaced and vulnerable in towns and villages all over Iraq, especially those repeatedly targeted with illegal acts of collective punishment. More efforts should be made to ease the suffering of vulnerable groups like widows, orphans, female-headed households, elderly and unemployed. The food parcel distribution program should immediately be extended, emergency cash payments increased and regular payment of pensions assured

6. Restore the health situation. Medical services that once used to be the best in the region have collapsed: 75% of the medical staff has resigned; half of them left the country. Even after ten years of “reconstruction”, health services in Iraq still do not meet minimum standards. The WHO reported increased cases of diarrheal diseases and cholera due to polluted drinking water. The health system should be restored to pre-invasion levels. Reasonable measures to ensure the safety of health workers need to be introduced. It is unacceptable that doctors are assassinated, dismissed or threatened by armed militias.

7. End human rights violations. The security apparatus in Iraq is based on force and oppression. Mass detention, torture and abuse used by the US occupation continue under the Maliki government. Since October 2011 several waves of arrests have been reported. Officers and officials have been “precautionary” arrested. Security forces have conducted door-to-door searches with lists of wanted people in the neighbour-hoods in Baghdad and other provinces. Tens of thousands of Iraqis are in official and secret detention facilities and authorities refuse to disclose the number of prisoners, location, identities or charges held against them. Torture continues to be widespread.

Executions occur on a regular basis. Numerous prisoners are languishing on death row and none of them has been given a fair trial. International agencies and major human rights organisations have rated the Iraqi judicial system as corrupt and dysfunctional. Hundreds of lawyers were assassinated. The NGOs demand an immediate release of all detainees held without charges. It calls to stop arbitrary detentions and executions and to impose a moratorium on the death penalty. The ICRC and International Human Rights Bodies should be given unconditional access to all detention centres in Iraq.

8. Locate missing and disappeared people. Since 2003 a huge number of Iraqi people have been reported missing. Public sources estimate the number between 250,000 and 1 Million, among them more than 90,000 children. Kidnappings, Abductions and detentions have occurred on a daily fare. The fate of the disappeared remains unknown. Many of them are languishing in prison, have died in custody due to torture and abuse or have been executed. These cases should be disclosed rapidly by the occupation forces, the Iraqi government and the militias in accordance with the convention for the Protection of All Persons from enforced Disappearance (ICCPED) implemented in Iraq in 2010.

9. Provide compensations. All countries associated with the war and occupation of Iraq are responsible for the cost of repairing and rebuilding Iraqi infrastructure, factories, governmental institutions, schools, as well as private properties bombed or damaged during the war or the subsequent occupation. All civilians who have suffered from the military operations are entitled to adequate monetary compensations.

10. Cover the cost of removal for cluster and ammunition. The Pentagon has tested many types of depleted uranium, thermobaric, chemical, microwave, and other weapons in Iraq. It needs to cover the costs of removal and restoration. The WHO should examine the effects of these weapons on the Iraqi people.

11. Protect Iraqi professionals and academics, journalists and teachers. The educated and professional class has left the country due to the occupation, which weakened its ability to build a functioning state and led to regional destabilization. The occupying

powers together with the government they implemented have ruined the Iraqi education system.

12. Assess the damage to Iraq's archaeological sites. The occupation countries must be held responsible for the theft and transfer of tens of thousands of precious archaeological pieces to their countries. They should pay for the restoration of the damaged sites. These sites must be protected urgently.

13. The war and occupation countries must submit to international law and the UN charter. To date, no US official has been held accountable for US policies concerning Iraq or for the lies that started the war. Despite the decreased US presence in Iraq, the country has been permanently affected and accountability should be high on the agenda of the UN. The occupying powers need to be held accountable under Iraqi and international law. All war crimes should be investigated by the International Criminal Court according to its procedure.

14. The Office of the High Commissioner for Human Rights should closely monitor the human rights abuses of the Iraqi authorities, the American "advisers", the foreign mercenaries and the regional powers that are still present in Iraq. The appointment of a Special Rapporteur for Iraq by the OHCHR is urgently requested. All measures must be taken to end the current state of impunity, both within Iraq and with regard to the culpability and responsibilities of the occupying powers in particular.

* BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Geneva Global Media Centre, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK),Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home,Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The

Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shoreWI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts Impeachment Coalition, Men's Project for Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Plataforma Aturem la Guerra (Stop the War Catalonia), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internacionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans

for Peace, Your Declaration of Independence.org , Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.
