



# General Assembly

Distr.: General  
19 May 2023

English only

---

## Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

**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.

[6 February 2023]

---

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



## **The 20th Anniversary Of The Invasion Of Iraq: Accountability and Justice**

The 20th of March 2023 will mark 20 years since the invasion of Iraq. 20 years on, Iraqi people are still waiting for justice to be delivered for the violations that flow from decisions made in Washington and London to ignore international law in waging war. The Iraq people's immense suffering must be recognized by the international community and all those responsible for the invasion and occupation must be held accountable.

On 20 March 2003, and in a clear 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, under the name of "Shock and Awe", consisting of a series 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 fight back. That night marked the start of a devastating occupation that was due to change the face of Iraq forever.

As a military invasion waged without justification the war on Iraq was a war of aggression, which according to the Tribunal of Nuremberg is not only an international crime, it is the supreme international crime that contains within itself the accumulated evil of the whole. An act of aggression is further recognized as an international crime in the Rome Statute of the International Criminal Court.

On the occasion of the 20th anniversary of the invasion, we stand together to once again, loudly and clearly condemn the invasion and reinvigorate our support for the international rule of law.

The 20th of March 2003 is 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 pretenses. 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 invasion was condemned in 2003. We recall the estimated 30 million people who took to the streets in public manifestations speaking out against the threat of a United States of America-led attack against Iraq.

The invasion was condemned in subsequent years as it precipitated a protected armed conflict lasting at least until 2011 and condemned Iraqi people to two decades of 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 failed to do so.

The invasion of Iraq should have been considered as an aberration, but regrettably 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 1 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.

For two decades, 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-defense 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.