



37th Session of the UN Human Rights Council

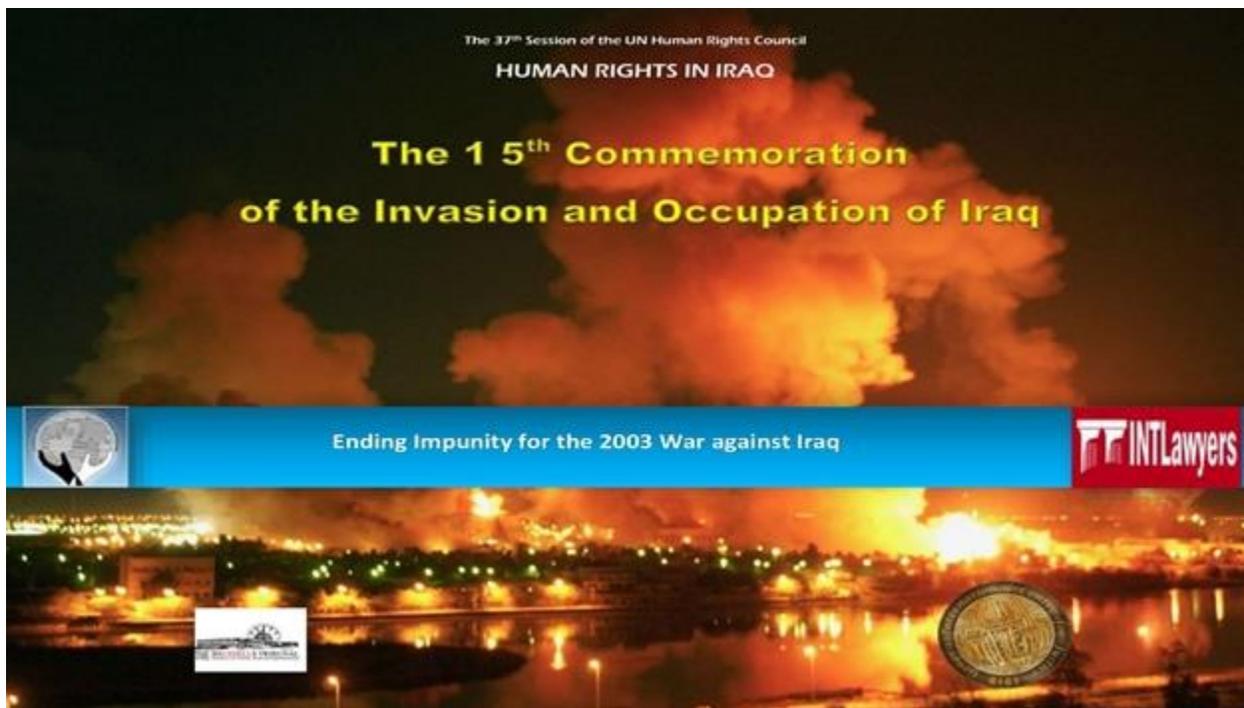
United Nations - 15 March 2018

EAFORD Co-Sponsored Side-Event

"The 15th Commemoration of the Invasion and Occupation of Iraq"

International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) with Geneva International Centre for Justice (GICJ), International-Lawyers.Org and other NGOs organized a side-event at the Thirty-Seventh Session of the Human Rights Council. The event took place from 12h00 to 14h00 on 15 March 2018 in Room XXIV at the Palais des Nations, Geneva, Switzerland.

The side event was on the 'War in Iraq' which in 2018 marks 15 years since the invasion of 20 March, 2003.



Panelists:

Mr. Jan Lönn: Chair of the Swedish Network against War 2002-2003 – Secretary of ISMUN

Mr. Ahmed Al-Quraishi: Researcher and writer. Embedded journalist with US forces during the invasion of Iraq

Mr. Sabah Al-Mukhtar: President of the Arab Lawyers Association-UK and Vice President of Geneva International Centre for Justice

Mr. Inder Comar: A U.S. American Lawyer and the Executive Director of Just Atonement, a legal non-profit dedicated to building peace.

Moderator:

Ms. Daniela Donges: President, Scales for Justice and former GICJ Human Rights Officer.

In her opening remarks the moderator, Ms. Daniela Donges, noted that this year commemorates 15 years of the ‘War in Iraq’. She reminded the audience that this was an illegal war and a war of aggression without the support of the UN Security Council. She added that the consequences of war must be remembered as it implicates a direct violation of the UN Charter and numerous adverse ramifications persist until today. There was significant opposition to the war and even though the results of the invasion comprise millions of lives lost and the devastation of an entire country there remains zero accountability.



Panel Discussion

First speaker: Mr. Jan Lönn

The first speaker, **Mr. Jan Lönn** spoke on accountability and injustice in Iraq and began his presentation with a call to reinforce support and bring justice to the victimized people in Iraq by recalling, remembering, and taking steps towards redress.

As the Chair of the Swedish Network against the War in Iraq, Mr. Lönn recounted the international movement that was building in order to stop the war that was planned by former United States of America (US) President, George W. Bush, which he declared as a priority in his term in office. The people of Iraq were under the most draconic actions but after the invasion they became victims of occupation and invasion with major consequences.



The Global Campaign against the invasion and war of Iraq started in autumn 2002 and at a meeting of the European Union (EU) Social Forum in October 2002 an appeal was issued to organize protests against the war in accordance with the anti-war code. Mr. Lönn emphasized that whether the war had backing or not devastating consequences for innocent people were inevitable, and therefore, should be opposed by everyone as disaster was a definite result. He recalled that the plan was to hold a global protest on 15 February 2003 and to have immediate actions and demonstrations. In most countries, including the US, people from different backgrounds and movements organized and brought all sorts of broad sections including religious, trade unions, members of parliament and many more. The movement in Britain was especially strong and even opposed the policy of then Prime Minister Tony Blair that supported the war. He also said that people came together with UN principles to oppose the war. Mr. Lönn detailed that even though the Swedish government did not take a clear stand the movement went on and over 150,000 people in Stockholm came together to oppose the war as they marched to the US Embassy.



When the war started on 20 March 2003 they had manifestations on Saturday 22nd of March demanding that the war must stop. In London, over 1 million people marched but unfortunately, the call fell on deaf ears in the United Kingdom but it succeeded in preventing many other countries to join the war. The millions of people across the world that came together in peaceful demonstrations was the largest ever. In Stockholm, students prepared school strikes and assembled at the main square in Stockholm.



Mr. Lönn went on to say that after the weak reaction towards calls on stopping the war the international community started to consider in what ways they could be involved in the anti-war movement to make the reality less brutal. However, we now know the tremendous consequences the war had on the country and the people. Mr. Lönn noted the emergence of new forces, which could have been avoided if the world had a stronger reaction against the war violations in Iraq.

In conclusion, Mr. Lönn said that when the invasion was launched in 2003 it was only shortly after the International Criminal Court (ICC) laws defining and forbidding the illegality of wars of aggression. However, this has not been activated until now and is up for ratification. This should send a clear message that illegal wars can in no way take place and should also serve as a warning to other countries.



The Moderator, Ms. Donges recapped the presentation by Mr. Lönn reiterating that the War in Iraq is a clear demonstration of the failure of the UN in stopping the war but that it also seemed that nothing could have stopped the aggressors. Additionally, the illegal war should be considered as a supreme crime that contains a cumulative evil as a whole. We must continue to call for accountability.

Second speaker: Mr. Ahmed Al-Quraishi



The second speaker **Mr. Ahmed Al-Quraishi** highlighted what happened during the lead up to the War in Iraq as he reflected on his experiences as an on the ground journalist. He reminded the audience that journalists can profit from war since they have to cover and publish it but that there are also journalists who work with principles.

Mr. Quraishi, along with other American journalists, tried to reach out to the Bush Administration by sending a strong proposal to start a program with the media in the US towards stopping the war. They were able to reach former Secretary of State, Mr. Colin Powell, who they felt was gracious enough to look into their proposal and even responded with proposing to convene a meeting to discuss coexistence, how to stop extremists, and how to counter Islamophobia. However, that meeting failed to take place as the march towards war was stronger than ever.



Mr. Quraishi emphasized that even though the invasion of Iraq took place in 2003 the conceptualizing of this invasion happened as early as 1991. He noted that when George Bush Sr. was in Afghanistan he already wanted to move on. Preparations for the invasion started approximately 3-6 years earlier and operated mainly in the Gulf region in countries as Kuwait. After Operation Desert Storm many trainings of the US army took place in the following years. Those trainings involved mock attacks against make-shift mini towns and villages that were created to replicate the neighborhoods in Iraq. Mr. Quraishi recalled spending many days watching the US army training but with other journalists they wondered why these actions were taking place as the Iraq War was supposed to have ended. He noted that these preparations began when former US President Bill Clinton was in office. With a chance to interview Kuwaitis, Mr. Al-Quraishi said that since 1993-1994 they were ready and mentally prepared as they knew their territories were going to be used to invade Iraq.



Eight months before the 911 attack on the World Trade Center twin towers, an important meeting was held at the Sheraton building in Kuwait with many key people from Gulf countries, a Security Council group in Washington, as well as some journalists including Mr. Al-Quraishi. He said that national security was discussed and whether it would be better to deal with Iraq by removing Saddam in the future or work directly with his sons. The idea was to work with Saddam Hussein's second son, Hussein, and many advised the US to work with Hussein instead of invading Iraq. Unfortunately, Hussein and

his brother were killed and the Sheraton building was destroyed as it was thought to be a place where conspiracies were hatched.



Similar to the Gold Rush, retired police officers and others were pitching to Paul Bremer their ideas on how to change the Iraqi police, how they could re-create firefighting brigades in Baghdad, and several other activities involving oil companies. All they observed was how he saw opportunities and was plotting to benefit from the war even before it had started.

After the war started, many journalists did not think that the US would indeed make it to Baghdad but the US told journalists that they would stop at nothing to invade it. Mr. Al-Quraishi also noted that the British army claimed to have brought down the Iraqi army in Basra, however, this was not true as the former was bogged down

for three weeks. He recounted that while he and other journalists were interviewing local Iraqis they said that the Iraqi army would never allow a coalition to enter their country if they were not angered by the government and would not have allowed anyone to invade their country. The British and U.S. commanders were in direct contact with revolutionary guards (the Iranian military) holding meetings and making plans. This, he believes, was the only way the US could have reached Baghdad in only three weeks.

Towards the end of his presentation, Mr. Al-Quraishi, mentioned that many troubles with the Iraqi invasion such as the discharge/layoff of the entire Iraqi military and the issuance of Order No. 2 by Paul Bremer led to the dissolution of the armed forces of Iraq, which took sixty years to build and was known as one of the most professional armies in the world. Soldiers of the now disbanded Iraqi forces were told to find other jobs, which some did but others would end up joining ferocious resistance forces. The indirect result of this was the creation of ISIS.



In conclusion Mr. Al-Quraishi showed three video clips depicting the situation of Iraq after the invasion and occupation as well as the regret expressed by those who played a part in overthrowing Saddam Hussein. Many

Iraqis claim that after 15 years they realize that the situation was much better with Saddam Hussein in power than it is now. If they could go back, they wouldn't do any of the things they did against him.



Ms. Donges noted some points from Mr. Al-Quraishi's presentation recalling that the reason given to invade Iraq was initially Weapons of Mass Destruction (WMDs). However, we now know this was only a pretext for a long-term plan to enact regime change through various means such as disbanding the Iraqi army. When we look at Iraq today we realize it is much worse than what anyone could have expected. She also said that the humanitarian crisis, health crisis, and sectarianism is due to the failure of the international community to stop the invasion of Iraq.

Third Speaker: Sabah Al-Mukhtar



The third speaker, **Mr. Sabah Al-Mukhtar**, began by noting that 20 March, 2018 will mark 15 years since the invasion of Iraq by the United States and its allies. While noting that Iraq was one of the signatories and founding members of the UN in 1945 it is the only country in the world that has been continuously bombed every single year, for a quarter of a century, since 1990.

He went on to acknowledge that accountability is clearly not in sight. Iraq, he recalled, used to have strong infrastructures and health services and in March 1991, the Assistant to the Secretary General of the UN wrote, on how nothing could have prepared the Iraqi people for the near apocalyptic results that brought a highly mechanized society to a primeval society.

Mr. Al-Mukhtar went on to note that the UN has flagrantly violated Article 2 of the UN Charter as the war in Iraq has been described as an illegal war by former UN Secretary General, Mr. Kofi Annan, and is a war of aggression and is defined as an international crime under the ICC. Despite this G.W. Bush and Tony Blair promised their citizens and the UN that Iraq will be a beacon of democracy in the Middle East, an example of Law and Order, and a stabilizing force of peace.

It is disturbing to know that the US Secretary of State, Madeleine Albright, and the British PM during the time of the Invasion of Iraq deemed that 250,000 babies was a fair price to overthrow Saddam Hussein. Over the last 15 years every human right of every Iraqi has been abused. Mr. Al-Mukhtar continued by saying the Human Rights Council should take Iraq as a tragic model of violations in relation to Item 3, 4, and 9 of its agenda. There have been unlawful detentions, unlawful killings that are not investigated, torture, an increased use of the death penalty, violations of children and women's rights including girl child marriage, ethnic racism that is now endemic as well as discrimination on a religious basis, no freedom of expression in that people are persecuted simply for holding a particular ideology and many journalists are also being killed. The right to life, which is the most basic right, is not protected when it should be by the government instead of witnessing the deaths of civilians by government's own hands and by the militias, bombings, etc. He also pointed out that there exists a law that sentences people to death if they are merely accused of being a terrorist and that the way this law is drafted anyone of us could be accused even for talking to an alleged terrorist. He went on to say that despite this grave situation including a quarter of Iraq's population displaced, the government has called on UNAMI to call for elections due to the idea that elections equal democracy, which is not always the case.



With regards to the judiciary in Iraq, Mr. Al-Mukhtar brought to attention Order 15 (2003) that summarily dismissed 50 percent of Iraqi judges leading to a huge vacuum of competent judges and lawyers. Regarding Parliament, members have been divided on sectarian basis while every Iraqi PM receives 20,000 USD per month. On health, he noted that not one hospital was built in the last 15 years and regarding education, there are over 100 universities but none have much to do with education and are merely commercial universities and business entities. The army in the country is controlled by militias and belongs to a sect, region, or influential figures.



In conclusion, Mr. Al-Mukhtar compared the last 15 years in Iraq with the situation of the country before 2003 and noted that prior to the invasion and occupation of Iraq there was no Al-Qaeda, no ISIS, and no internally displaced persons (IDPs) in the country. Additionally, now there is no infrastructure, the education and health sectors do not exist anymore, and Iraq currently sits at the bottom with regards to transparency. It is no wonder that the person who struck the statue of Saddam Hussein wishes that Saddam was back. Finally, Mr. Al-Mukhtar highlighted the launch of

the Geneva International Centre for Justice (GICJ) website on the 15 Year Commemoration of the Invasion and Occupation of Iraq (www.iraqwar.gicj.org).

Final speaker: Mr. Inder Comar



The final speaker, **Mr. Inder Comar**, started his presentation by saying that, “democracy is dying” and that democratic norms are at great risk when there is an illegal war taking place and our democracy is at risk when governments can achieve such a devastating situation as that in Iraq. The War in Iraq is a defining crisis of our time and is the crisis of an empire as the rule of law has been overtaken by the rule of might. Aggression is a supreme crime under international law and no state can derogate from this as it is *jus cogens* law. Additionally, there was consensus that the US and UK committed this crime of aggression and as before-mentioned, former Secretary General, Mr. Kofi Annan concluded that the war was indeed illegal as the UN Charter clearly states that the invasion of a state can only be permitted in self-defense or with the approval of the UN Security-Council – neither of these conditions were met. In addition, Mr. Comar went on to point out that the US and the UK knew

they would need a second resolution but other countries would oppose or veto their proposed resolution. Nonetheless, the US and UK invaded Iraq.

In 15 years there has only been one serious attempt to hold the leaders of the Iraq Invasion accountable and the US has never prosecuted any high ranking official for any crimes committed in Iraq. Civilians have tried to hold George W. Bush accountable under the theory of aggression, however, G.W. Bush and others said they had impunity and an Appellate Court only relied on domestic law on crimes including heinous crimes. Mr. Comar said that this demonstrates that international obligations are inferior in the US towards leaders even if they commit war crimes such as when the US used torture at the Abu Ghraib prison that included sexual abuse and other grave breaches of the Geneva Convention and the UN Charter. Lamentably, there is no chance that restitution will be paid to the victims or that this sort of behavior will change. For instance, the woman who oversaw the G.W. Bush torture program was promoted and will hold a higher position.



He went on to say that the essence of the rule of law is that no one is above the rule of law. However, the rule of law is in grave danger today as nobody should be able to avoid the legal obligations and we are in danger that imperial laws are ascendant even in the West – such as with the US Empire. The US president is totally unaccountable for grave violations and already the Trump administration is demonstrating that the US can eliminate anyone with nuclear power and can hold suspected terrorists in unlimited detention. In light of this, Mr. Comar attested that the power of the US today is greater than any British King or Roman Empire. Additionally, propaganda and media power has the corporate power to demean Muslims and blacks and there is a concentrated political power that equates to fascist and racist political power. Furthermore, some people of the US support the slaughter of people in Middle East in the so called “defense” of security. He also noted that in February 2018 the US declared a new class of nuclear weapons.

America’s obsession with war has turned inward as the use of guns are widespread across the country and gun violence sacrifices children in keeping with the 2nd Amendment all the while there is lack of affordable health-care and other basic rights. Moreover, the white elite in the US is creating villains as they buy and favor selected officials. Mr. Comar said that these reasons among many others is why Iraq is in a fairly worse shape today than 15 years ago.

Accountability is absolutely necessary to restore international order, international law, and the rule of law. Currently, the body of the UN is being used as a house of lies by several member states that abuse the UN in order to advance their own agenda that contradicts the purpose of the UN. Mr. Comar said that without accountability we invite abuses and exacerbate divisions in our world. The just world order insists on accountability and international law needs to be applied equally to all nations.



From a philosophical perspective, Mr. Comar noted that our species is the only one that exists that is actively destroying the world. He foresees displacement and crises created by climate chaos and economic despair that is turning people into demagogues and democratic freedoms are being replaced with stark imperial values. There is another way however, which begins with us imagining a world where the rule of law and democracy prevails and we deserve to live in a better world where leaders do not enjoy impunity. He also pointed out that the battle between civilization versus chaos noting that the Iraq War is the worst atrocity since World War II and thus we warrant a robust international legal order and the need for supreme crimes to not go unpunished.

In conclusion, Mr. Comar said that an independent tribunal must be created to hold UK and US leaders accountable in order to pay for their crimes and to address the problem of impunity. There must be calls for due process of those accused, a call for restitution for victims, and open courts for claims of aggression, racism, and torture among several other grave abuses. Additionally, Mr. Comar called for the appointment of a Special Rapporteur on Iraq. Finally, he said that on the 'Abyss of Empire' we have a duty to hold our governments accountable and they must pay redress to victims in Iraq. The future starts with justice for the Iraq War.

The Moderator, Ms. Donges, thanked Mr. Comar for addressing these important legal issues and giving us a positive perspective with steps forward.





Watch the full side-event in [English](#) or [Arabic](#)

The invasion and
occupation of Iraq is illegal.

Kofi Annan

“ quotation ”