Human Rights Council
Twenty-fourth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
Agenda item 4
Human rights situations that require the Council’s attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the Women’s International League for Peace & Freedom, the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation, North-South XXI, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Arab Organization for Human Rights, the Asian Women’s Human Rights Council, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, Human Rights Now, the International Federation of University Women, the Organisation Mondiale des associations pour l’éducation prénatale, the World Wide Organization for Women, non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities, the Indian Council of South America, the World Peace Council, International Educational Development, Inc., 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.

[2 September 2013]

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

In the forward to the United Nations Convention against Corruption, former Secretary-General Kofi Annan describes corruption as an “evil phenomenon” and an “insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish."\(^1\)

Iraq has been completely overtaken by this plague. It is now one of the most corrupt countries in the world- a continuous trend since the unlawful US/UK-led war and occupation. In 2006 it ranked 160 out of 163 countries studied and in 2012 it ranked 169 out of 176\(^2\), making it the eighth most corrupt country worldwide.\(^3\) The levels of corruption experienced during the invasion, and existent today under Maliki, had never been seen in Iraq before. It is yet one more of the legacies established and left behind by the perpetrators of the war.

The mechanisms for, and the practice of this culture of corruption were introduced by the Bremer-led team sent to rebuild Iraq and have been perfected and fully institutionalized by Maliki and his government. Confirming Annan’s outlined effects, corruption in Iraq has played a significant role in the devastation of Iraqi society and its citizens’ lives; rendering true democracy impossible; fostering a rule of law where government leaders and officials are above the law and use threats and violence to impose their will; allowing for grave violations of human rights to persist with impunity; and forcing Iraqis into a life of fear, insecurity and poverty.

US and UK leaders cited weapons of mass destruction as the principle justification for the war against Iraq, but once the fact of their non-existence became more apparent, rhetoric changed to new pretexts. In a broadcast to Iraq on 10 April 2003, George W. Bush proclaimed: “...You will be free to build a better life...You deserve better than tyranny and corruption...”\(^4\) Similarly, Tony Blair proclaimed, “…The money from Iraqi oil will be yours; to be used to build prosperity for you and your families.”\(^5\) While they failed to prove their accusations of past corruption, the money from Iraqi oil was indeed used to build prosperity, but not for Iraqi families. Instead it filled the coffers of the well-connected and friends of the occupiers and Coalition Provisional Authority (CPA) leadership, headed by Paul Bremer -billions of dollars worth.

“All indications are that the institutions of the USA committed financial corruption by stealing the money of the Iraqi people, which was allocated to develop Iraq, and that was
about $17 billion. The $17 billion is only part of the money that has not been accounted for. It does not include the billions that were robbed through corruption, bribery, overcharging, oil smuggling, ghost companies, and payments for work and contracts that were never fulfilled; the majority of these originating from American and British entities. The Commission on Wartime Contracting in Iraq and Afghanistan estimates the total lost to corruption by defense contractors to be up to $60 billion. Minimal to non-existent investigating and prosecuting has been conducted on the massive theft that occurred in Iraq. This must be rectified and guilty parties held accountable and ordered to reimburse Iraq and its people.

American companies were doubtless the biggest beneficiaries of the privatization of Iraq. Between 2003 and 2004, they were awarded more than 80% of reconstruction contracts, including 150 firms whose contracts represented a total value of $48.7 billion. US firms received more than $138 billion for government contracts, with KBR, Inc. (a former subsidiary of Halliburton Co. and for which then Vice President Dick Cheney had served as CEO) being the number one recipient with a total of $39.5 billion in contracts; many of which were awarded without other companies being allowed to bid.

What was planned for Iraq was not “reparations, reconstruction or rehabilitation”, but “robbery: mass theft disguised as charity; privatization without representation.” This mass theft was accompanied and facilitated by protection and impunity. All ‘persons’ and ‘entities’ involved in the reconstruction of Iraq’s economy were granted formal legal immunity by the American government, including with regards to the Development Fund for Iraq and “all Iraqi petroleum and petroleum products.” In June 2003 Bremer further extended immunity to the CPA, Coalition Forces, Coalition personnel, coalition contractors and their sub-contractors. This opened the door for further corruption and a complete lack of accountability.

8 When asked about the rampant corruption, Iraqis say that it is a result of UN sanctions, which “destroyed Iraqi society in the 1990s and the Americans,” who destroyed the state after 2003. See: Patrick Cockburn, *Iraq 10 years on: How Baghdad became a city of corruption*, 04 March 2013, http://www.independent.co.uk/news/world/middle-east/iraq-10-years-on-how-baghdad-became-a-city-of-corruption-8520038.html
10 Angelo Young, *Cheney’s Halliburton Made $39.5 Billion on Iraq War*, RSN, 20 March 2013, http://readersupportednews.org/news-section2/308-12/16561-focus-cheneys-halliburton-made-395-billion-on-iraq-war ... Not only were contracts awarded without allowing for open competition, a practice guided by manipulation and corruption, but they were distributed based on bribes, nepotism and without oversight. This was particularly true for the over $23 billion from Development Fund for Iraq (DFI) oil revenue. The funds appropriated by the US were distributed under a more structured process, but were nonetheless mired in corruption.
The CPA “contributed to ecology of bribery...thereby institutionalizing corruption in pursuit of maximizing profits.”\(^{14}\) This system of open bribery, combined with the near non-existent of monitoring and “basic record keeping” provided an optical breeding ground for corruption.\(^{15}\) In pursuing its mission of dismantling Iraq’s central-controlled economy under “shock therapy” like strategies, immediately, a strategy the CPA created an environment where “public-and private-sector actors were free to engage in embezzlement, robbery, bribery, and fraud.”\(^{16}\) Exacerbating the effects of the CPA’s strategy was its failures in budgetary and oil governance in relation to: “Iraqi policy ownership, funding sources and allocation of benefits and auditing.”\(^{17}\) The CPA’s actions in Iraq have been described as “economic war crimes” that breached international law, specifically, the Geneva Conventions, Hague Regulations and UNSCR 1483.\(^{18}\) Like all breaches of law, these actions must be investigated and the perpetrators brought to justice.

Like his predecessors, Al-Maliki, the US-backed prime minister continued and advanced this practice of corruption. Under his administration, the corruption established by the US and the CPA is stronger than ever, being described by a former minister as “an institutionalized kleptocracy” with the “wholesale theft of public funds” and where “everything is for sale.”\(^{19}\) It is no longer only a mere question of the theft of public funds, but it is a phenomenon that affects the availability and distribution of social and public services; the allocation of employment and the efficacy of state institutions. Billions of dollars were allocated for development and reconstruction yet schools, hospitals, homes and roads have not been rebuilt; electricity continues below pre-invasion levels; once top educational and health systems are in shambles; unemployment is high and people do not have enough to eat. Iraqis live in miserable conditions while the billions that belong to them line the pockets of those in power.\(^{20}\)

Of great concern are also the effects that corruption has had on the judicial system. Military and police officials systematically violate human rights without consequence on orders from high ranking officials. Fair trials are impossible as many judges are controlled by Maliki, either by fear, threats, or bribes.\(^{21}\) The post-invasion system of corruption allows for

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\(^{14}\) Michael Welch, *Crimes of Power and States of Impunity: The U.S. Response to Terror*, Rutgers University Press, 2009, pg. 107. The CPA introduced and institutionalized the culture of corruption that has dominated all successive governments.


\(^{17}\) Philippe Le Billon, *Corruption, Reconstruction and Oil Governance in Iraq*, in Third World Quarterly, Vol. 26, No. 4-5, pgs. 685-703, 2005

\(^{18}\) Dave Whyte, *The crimes of neo-liberal rule in occupied Iraq*, pgs. 4, 6, 7 and 9; Michael Welch, *Crimes of Power and States of Impunity: The U.S. Response to Terror*, Rutgers University Press, 2009, pgs. 103, 104 and 106


\(^{20}\) The International Crisis Group reports that “billions of dollars have been embezzled from state coffers, owing mostly to gaps in public procurement: parties treat ministries like private bank accounts; and nepotism, bribery and embezzlement thrive.” As a result, “living standards languish, even paling in comparison with the country’s recent past. This applies to practically all aspects of life, including health, education and electricity sectors, all of which underperform despite marked budget increases.”

\(^{21}\) According to a 2011 International Crisis Group report, approximately 39 judges were killed from 2003-2008; assassination of judges increased again in 2011 and judges are also at risk of kidnappings. An example demonstrating the level of fear amongst officials is that each judge in Iraq is entitled to
innocent Iraqis to be punished and killed; guilty government and security officials to remain free and protected; and punishes and destroys those who attempt to hold up the law and pursue justice. Personnel involved in corruption audits and investigations were dominated by a feeling of fear and became targets for assassination. This feeling of fear and intimidation no longer stems from sectarian violence, but from actions and threats by government leadership.

Institutions and mechanisms to investigate and fight corruption exist in Iraq, but are incapable of efficacy due to “government interference, intransigence and manipulation, a deficient legal framework and ongoing threats of violence.” When former or current Iraqi officials are being investigated for corruption, Maliki issues “secret orders” to prevent their cases from being referred to the courts. Further impeding the fight against corruption is the systematic defanging, marginalization or intimidation of corruption-combating state institutions. When the Commission on Public Integrity (CPI), an Iraqi agency responsible for investigating official corruption, began probing Maliki’s administration, he issued orders obstructing investigations. The head and investigators of CPI received threats, which in the face of 32 of CPI’s 200 employees having been killed, were to be taken seriously. The US Embassy later confirmed a report that a “death squad had been organized to take care of the government’s political enemies—including CPI officials.”

The US and CPA professed a new era for Iraq where Saddam’s nepotism and corruption would cease to exist. Like with the weapons of mass destruction, not only was tangible proof never found on the pre-invasion corruption Saddam was accused of, but they replaced five security personnel on behalf of the interior ministry run Judicial Protection Unit, but many officials refuse the protection due to mistrust and fear. One official stated, “...I prefer to leave my security to God. Who can guarantee that the ministry’s personnel won’t kill me themselves?”

From 2003 to 2008, a period of extreme lawlessness in Iraq, approximately 39 judges were killed and others were kidnapped or lost family members. The courts, lawyers and judges, especially those involved in criminal cases came under pressure and were targeted, as were parliamentary staff. International Crisis Group, Falling Oversight: Iraq’s Unchecked Government, Middle East Report N° 113, 26 September 2011, available at http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/iraq/113-failing-oversight-iraqs-unchecked-government.aspx

A 2011 International Crisis Group report confirms that the current corruption oversight framework was established by the CPA in 2004 and that it “enacted a number of ill-considered reforms from the start. It stripped the Board of Supreme Audit, previously Iraq’s only such institution, of significant powers, including the exclusive authority to oversee public procurement and refer suspected corruption cases to the courts.” To this day the Integrity Commission is unable to carry out any investigations independently.


The International Crisis group reports that the Iraqi government “sought to further restrict the little work that was being carried out by the oversight agencies by undermining their institutional independence, interfering in investigations considered politically sensitive and using them as leverage against political rivals.”


Ibid
the former system with a new order of corruption sustained by selected elites, “patronage and favoritism.”

The legacy of corruption introduced and developed by the CPA set the foundation for what has become the worst problem of corruption experienced in Iraq, and as with the other consequences of the illegal invasion, the Iraqi people are paying the highest price. For the sake of Iraqis and their human rights, all those responsible for practicing and institutionalizing this corruption must be held responsible.

Recommendations:
Legal steps must be taken to investigate and prosecute all of those responsible for corruption and theft of funds in Iraq, including US and UK personnel and officials, CPA officials, private corporations and contractors and Iraqi officials, and all assets recovered from prosecutions must be returned to the Iraqi people.

Notes:
The following are NGOs without consultative status, who also share the views expressed in this statement: 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, Alliance to Renew Cooperation among Humankind, 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, Federation 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

31 Dave Whyte, *Hire an American! Economic Tyranny and Corruption in Iraq*, in *Social Justice*, Vol. 34, No. 2, 007 the author stated, the CPA’s objective was to “impose a new economic order that would provide the conditions for the predominance of US capital. The Anglo-American government of occupation in Iraq was not captured by a criminal conspiracy; the government of occupation was the criminal conspiracy.

32 Corruption has led to the theft of tens of billions of dollars earmarked for Iraqis and the development of their country. Corruption has taken over the judicial system; allows for human rights violations to take place with impunity, and has left Iraqis without basic public services like water, food, electricity, education, health services, employment, housing, infrastructure and garbage collection.


34 As a party to the UN Convention against Corruption, the government of Iraq must be held accountable for its failure to take any real steps in implementing the Convention and in preventing and combating corruption, and should be prosecuted for the wide-spread human rights abuses committed against the Iraqi people as a result of corruption.