

The 37<sup>th</sup> Session of the UN Human Rights Council

# THE INVASION AND OCCUPATION OF IRAQ

## The 15<sup>th</sup> Commemoration

### Major Announcement Regarding Ending Impunity for the 2003 War against Iraq

Join us in a two Panel Discussion on accountability related to the 2003 War

**Thursday 15th March 2018 Room XXIV**

EAFORD 12:00 to 13:00 & International Lawyers 13.00 to 14.00

Palais de Nations Room XXIV, United Nations-Office Geneva



#### Panellists:



**Jan Lonn:**

Chair of the Swedish Network against War 2002-2003- Secretary-General of (ISMUN)



**Ahmed Al Quraish:**

Researcher and writer. Embedded journalist with the US forces during the invasion of Iraq.



**Sabah Al Mukhtar:**

President of the Arab Lawyers Association-UK and Vice-President of Geneva International Centre for Justice.



**Inder Comar:**

A U.S.-American lawyer and the Executive Director of Just Atonement, a legal non-profit dedicated to building peace.



**Moderator: Daniela Donges**

President "Scales for Justice" and former GICJ human rights officer

#### Organizers:

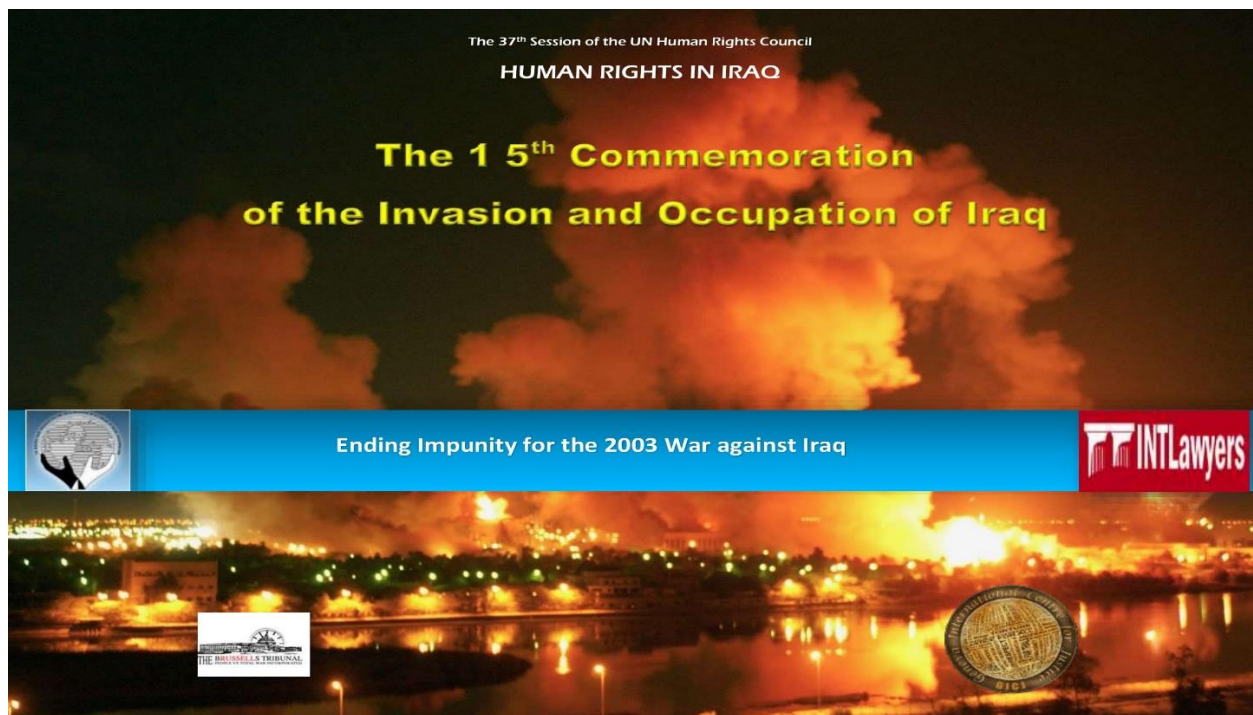
International Organisation for the Elimination of All Forms of Racial Discriminations (EAFORD), International-Lawyers.Org, International Youth and Student Movement for the United Nations (ISMUN), International Educational Development, World Peace Council, Union of Arab Jurists, (ecosoc NGOs), Geneva International Centre for Justice (GICJ), Just Atonement Inc, The BRussel/s Tribunal, The Arab Lawyers Association-UK, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), (Non-Ecosoc)

**Interpretation available English & Arabic**

**Light Lunch and Refreshments will be served**

Geneva International Centre for Justice (GICJ) with International Organisation for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org and other organisations organised and participated in 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 of event was on the 'War in Iraq' which in 2018 marks 15 years since the invasion of 20 March, 2003.



### Panellists:

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| <b>Mr. Jan Lönn:</b>          | Chair of the Swedish Network against War 2002-2003 – Secretary of ISMUN  |
| <b>Mr. Ahmed Al Quraishi:</b> | Researcher and writer. Embedded journalist with the US forces during the invasion of Iraq                            |
| <b>Mr. Sabah Al Mukhtar:</b>  | President of the Arab Lawyers Association UK and Vice President of Geneva International Centre for Justice           |
| <b>Mr. Inder Comar:</b>       | A U.S. American Lawyer and the Executive Director of Just Atonement, a legal non-profit dedicated to building peace. |

### Moderator:

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| <b>Ms. Daniela Donges:</b> | President, Scales for Justice and former GICJ Human Rights Officer. |
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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 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. As well, there was significant opposition to the war and even-though the results of the invasion comprise millions of lives lost and the devastation of 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 emphasised 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 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 organised and brought broad sections of all sorts 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 the 22<sup>nd</sup> 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. It also helped reinforce the determination to accept and form of agreement, which was important at that time. The millions of people across the world that came together in peaceful demonstrations was the largest ever. In Stockholm, students and pupils 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 war to ensure that it will be less brutal. However, we now know the tremendous consequences the war had on the country and the people. As well, Mr. Lönn noted the emergence of new forces, which could have been avoided if the world had a stronger reaction against the 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) erupted, and which contained the illegality of wars of aggression, which this certainly was. However, this element 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 equates to a supreme crime that contains a cumulative evil as a whole. Lastly, she said we must continue with the need 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 supporting the halt towards 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 a meeting that would talk about coexistence between Arabs, Muslims, and Americans to stop extremists and eliminate public fear of Muslims. However, this meeting failed to take place as the march towards war was stronger than ever.



Mr. Quraishi emphasised that even though the invasion into Iraq took place in 2003 the concept for 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 Kuwait, Bahrain, and Saudi Arabia. After Operation Desert Storm many trainings of the US army took place in the following years. These trainings involved mock attacks against make-shift mini towns and villages that were created to replicate the neighbourhoods 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 and Bahrainis, 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.



8 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 in the future or continue and working 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 with Western countries (before the 9/11 Attack ).

*Zero Hour* - Prior to the invasion, Mr. al-Quraishi what he explained as a scramble 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; Mr. al-Quraishi remarked that this situation made it seem as though Mr. Bremer would be the first ruler of Iraq. This, however, did not happen and 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, he noted, 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 Baghdad. He 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. What Mr. al-Quraishi suspected really happened was that the US and British army were secretly cooperating with the revolutionary Iraqi army. He recounted that while he and other journalists were discussing with local Iraqis they said that the Iraq 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. Thus, the special and intelligence forces collaborated with on ground militias and groups; the British and US commanders were in direct contact with revolutionary guards (the Iranian military) holding meetings and making plans. This, he believes, was the only the US could have reached Baghdad in only three weeks.

Towards the end of his presentation, Mr. al-Quraishi, mentioned the many troubles with the Iraqi invasion such as the removal of important and high positions within the government and perhaps one of the most important, the issuance of Order No. 2 by Paul Bremer. This 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 realise it is much worse than what anyone could have expected. She also said that the humanitarian crisis, health crisis, shortages, and sectarianism is due to the failure of the international community in stopping 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 being 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 mechanised 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 at the UN and the British PM during the time of the Invasion of Iraq deemed it fair that 250,000 babies was a fair price to overthrow Saddam Hussein. Over the last 15 years every human rights of every Iraqi is being abused all the time. Mr. al-Mukhtar continued by saying the Human Rights Council should take Iraq as a model of Item 3, 4, and 9. There have been unlawful detentions, unlawful killings that are not investigated, torture, an increased use of the death penalty, violation of children and women's rights including girl child marriage, ethnic racism that is now endemic as well as discrimination on a religious basis, freedom of expression in that people are persecuted simply for holding a particular ideology and many journalists are also being killed, and the right to life, which is the most basic right and should be supported by the government instead of witnessing the deaths at the hands of the government, militias, bombings etc. of many innocent civilians including children. 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 any one 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 the case as elections leads to democracy.



With regards to the judiciary in Iraq, Mr. al-Mukhtar brought to attention Order 15 (2003) that summarily dismissed 50 percent of Iraqi judges that led to a huge vacuum of competent judges and lawyers. Regarding Parliament, people have been divided into Shias and Shiites among others and 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 anything to 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 person.



In conclusion, Mr. al-Mukhtar compared the last 15 years in Iraq with the situation of the country before 2003 and noted that there 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](http://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 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-defence 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 2<sup>nd</sup> 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 immunity 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 behaviour will change. For instance, the woman who oversaw the G.W. Bush torture program was congratulated and will assume and oversee a higher position.



He went on to say that the essence of 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 his 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, the people of the US support the slaughter of people in Middle East in the “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 2<sup>nd</sup> 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 favour 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* – 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 agendas 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 under-punished.

In conclusion, Mr. Comar said that an independent tribunal must be created to hold UK and US leaders accountable and pay for their crimes that addresses immunity. 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 the on the ‘Abyss of Empire’ we have a duty to hold our



governments accountable and they must pay redress to victims in Iraq and of the Iraq War. The future starts with justice for the Iraq War.

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

