

Accountability and Justice for Iraq

The 20th Commemoration of the 2003 Invasion



Geneva International Centre *for* Justice

Independent, non-profit, international non-governmental organisation

March 2023

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Foreword

This report showcases the dire humanitarian situation in Iraq since the US invasion of the country in 2003. The invasion were based on lies that have led to unspeakable horrors being committed in Iraq.

The invasion was waged without justification, a war of aggression, which according to the Tribunal of Nuremberg is not only an international crime, but also 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.

Years have gone since the 2003 invasion and the occupation that followed, but the destruction is still present. The human rights situation has deteriorated on all levels, and the condition of the country's infrastructure remains dire. Malnutrition and diseases have re-emerged on a large scale. Ethnic tensions and sectarianism have become a major element, arbitrary arrests and torture have become systemic and execution rates have risen to record heights.

Since the invasion, there has been continual documentation of thousands of forcibly disappeared Iraqis. In addition, the Iraqi youth and Human Rights Defenders have been arbitrarily detained and killed by the authorities, simply by exercising their fundamental rights. While the terrorists group is featured as "the" issue in Iraq, there are other serious problems. Wars, sectarianism, civil conflict, and crime are shaking the country's foundations.

Lies and false information to launch a war against a sovereign country has never solved international conflicts. In fact, false information can create and intensify international conflicts, resulting in innocent civilians invariably being victims.

The International Community and the United Nations must recognize the imperative need to take positive steps towards ensuring justice for victims of these gross human rights violations, and this can only be achieved by holding all perpetrators accountable. We must call for an independent and impartial inquiry into the gross human rights violations in Iraq - to ensure accountability and justice.



Naji Haraj

Executive Director of Geneva International Centre for Justice (GICJ)

Executive Summary

System and institutionalised human rights violations, the dismantling of Iraqi society, an innumerable number of murders and an alarming lack of accountability characterise this year's report, marking 20 years since the invasion and illegal occupation of Iraq in March 2003.

Two decades on, the stark reality of the war in Iraq has become increasingly more apparent. The devastating occupation and the annihilation of the country was characterised by the dismantling of Iraqi society, destruction and unimaginable hardship. Furthermore, citizens of Iraq have experienced severe human rights violations such as torture, arbitrary executions, enforced disappearances, violations against human rights defenders and an overall decrease in their ability to practice their fundamental rights.

This report by the Geneva International Centre for Justice (GICJ) provides thematic insight into the immensity of the situation in Iraq. It intends to shed light on the crimes and continual human rights violations that are still being committed in the country. Further, this document also aims to highlight the lack of progress and unwillingness that has been made to hold those who have perpetrated or been complacent to these crimes accountable.

Introduction

March 20th, 2023, marks 20 years since the American and British forces announced that they had begun a military operation in Iraq. The 2003 illegal invasion and years of occupation constituted a period of dismantling every fibre of Iraqi society including systematic and institutionalised violations.

The intention of the invasion was said to be to ‘destroy weapons of mass destruction (WMD)’. However, two decades on, the stark reality of the war in Iraq has become increasingly more apparent with devastating occupation and the annihilation of the country characterised by destruction, death, violations, and hardship.

Prior to the invasion in 2003, sanctions were imposed on Iraq in 1990, the consequences of which were catastrophic. Iraq lay in ruins after the brutal sanctions regime, the total financial and trade embargo imposed in 1990 and remaining firmly in force until 2003. Based on fraudulent claims and exaggeration, a few Western nations, particularly the U.S. and U.K., fervently supported the punitive sanctions against Iraq in order to achieve their agenda – even when evidence unmistakably showed that they proceeded at the cost of uncountable innocent civilians and complete destruction of an entire country

During the planning of the illegal invasion on Iraq, the United States of America reduced Iraq to one person – Saddam Hussein. The US used Hussein as a coverup for what they were planning. The plan was to wage a war against a nation that was already weakened due to the harsh sanctions imposed 13 years before. The U.S. knew that if they were to divulge the realities of the invasion, it would not have been allowed to happen. Therefore, during every conference, press release and statement the US made out as though they were going to Iraq to liberate it from Saddam’s rule. However, this was far from the truth. They used Saddam as a ‘scapegoat’ to invade Iraq. Until now, when people think of the events that have happened in Iraq in the past 20 years, they fail to consider the lies and deceit that led to a war that shook a country, and the world, to its core.

Since the imposition of sanctions and the two decades since the illegal invasion and occupation, human rights in Iraq have deteriorated severely and rapidly. Wars and violence have profoundly changed Iraq's demographic and social profile. Minority rights have been trampled on as different factions fight over national and regional power structures and avenge perceived historical injustices. The educational system has weakened and is no longer included, essential services such as health are much more sporadic, so there is no equality of access. The country has been gutted by two decades of foreign wealth extraction by companies ushered in during the wake of the invasion. Hundreds of thousands of Iraqis have died and been subject to severe violations of fundamental human rights.

The 20 years of deterioration of Iraq and the multitude of human rights violations all started because of the sanctions imposed and the illegal invasion and occupation of Iraq. The consequences of which will be discussed in more depth in the following sections of the report.

Geneva International Centre for Justice (GICJ) Position

Geneva International Centre for Justice (GICJ) continues to denounce the illegal invasion and occupation of Iraq by US troops in 2003. Further, the unspeakable horrors that have been committed in the past two decades since the invasion.

Through its partnership with various NGOs, lawyers, and a vast civil society network within Iraq, GICJ can receive documentation and evidence of human rights violations as they occur in Iraq. GICJ continues to bring this information to the attention of the relevant UN bodies to gain justice for all victims. We have brought the issue to the Human Rights Council every year, and to the Special bodies, try to inform the public about the reality of the invasion.

GICJ demands the creation of an independent, international tribunal to investigate and prosecute those leaders responsible for the illegal war in Iraq, as well as for the crimes committed during the occupation, including crimes against humanity and war crimes. In that sense, GICJ demands a fair and impartial tribunal, constituted under international law, that will weigh responsibility and provide much needed accountability for the grave crimes committed by the invading countries, including but not limited to the crime of aggression.

Further, the international community to empanel an international and impartial tribunal to investigate and prosecute all people responsible for the planning and execution of the Iraq War, and for war crimes and crimes against humanity committed during the course of that war.

The start of the dismantling of Iraq

Sanctions

Four days after the invasion of Kuwait, on August 6, 1990, sanctions against Iraq were introduced, a total financial and trade embargo imposed by the UN Security Council through Resolution 661. The 13 years of sanctions imposed on Iraq from 1990-2003 were the most comprehensive economic and financial sanctions ever levied on a country by the UN Security Council (UNSC), and laid claim to the worst humanitarian catastrophe ever imposed under the guise of global governance.

While the officially stated aim of the sanctions was to effect Iraq's withdrawal from Kuwait, payment of reparations, and eliminate suspected weapons of mass destruction, they were really imposed based on lies, fraudulent claims and exaggeration that has subsequently led to unspeakable horrors being committed in Iraq.

The 13 years of sanctions savagely catapulted the population of a formerly flourishing civilization. The sanctions continued for more than a decade after Iraq withdrew from Kuwait and had horrific humanitarian consequences and plunged Iraq into the abysses of human suffering, indignity, and death¹. The sanctions devastated the economy of Iraq, blocked the import of supplies such as medicine, food and other necessities, killing millions of civilians not only after the 13-year period that they were imposed, but has continued to kill innocent civilians in Iraq to this day.

The narrative follows that those who suffer from sanctions the most are the weakest and most vulnerable in society such as children, pregnant women, the elderly, and those with chronic diseases. This was reflected in the imposition of the sanctions in Iraq:

- According to a UN Children's Fund (UNICEF) report published in 1999 (CF/DOC/PR/1999/29), infant mortality in the majority of Iraq more than doubled in the 9 years since the sanctions were imposed. Further, the report found that 500,000 children were killed as a direct result of UN-imposed sanctions on Iraq.² The sanctions murdered a half million babies in a 9-year span of time.
- As of 2000 the Food and Agriculture Organisation (FAO), World Health Organisation (WHO) and World Food Programme (WFP) confirmed that 800,000 children under the age of 5 were chronically malnourished.
- In 2003, more than 90% of pregnant women in Iraq suffered from anaemia because of malnutrition, lack of medicine and medical supplies.

¹ <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1188-razing-the-truth-about-sanctions-against-iraq>

² <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1188-razing-the-truth-about-sanctions-against-iraq>

“War on terror” – The International Community’s Involvement

In 2001, following the attacks on September 11th, 2001, known as 9/11, the ‘greatness’ of America had been undermined. President George W. Bush undoubtedly felt liable due to the attack he failed to avert on 9/11. In a speech on September 20th, 2001, he said “Our war on terror begins with al-Qaeda, but it does not end there” – thus declaring a so-called global “war on terror”.



Former USA president George W. Bush and his administration are the ones responsible.

Two years after declaring the war on terror based from false intelligence, on March 20th, 2003, the United States of America and the United Kingdom began the illegal war on the Republic of Iraq, legitimising the invasion by insisting the country harboured weapons of mass destruction (WMD) and was intrinsically linked to a terrorist network.

In 2003, with Iraq crippled by the sanctions, it proved an easy target for the US and the UK to lead an unprovoked and illegal invasion. It took just 6 weeks for President Bush to give a speech, in May 2003, claiming that “major combat operations in Iraq have ended”- A quick a decisive victory in the heart of the Arab world would send a message and (re)establish America as the world’s leading power following the 9/11 attacks.

This ‘quick and decisive victory’, that was unwarranted, would result in the dismantling and crippling of the once prosperous Iraq. In the following sections the report will outline the 2003 invasion and the catastrophic damage that has been inflicted upon Iraq in the past twenty years.

US and UK Illegal Invasion

Following the declared ‘war on terror’ the US, with their allies the UK, seemingly determined that winning the war on terror required that the United States circumvent international law³, subsequently the US created the illegal war plan to invade Iraq. Broadcasting the faulty narrative that they intended to change the regime to a democratic one and eliminate Iraq’s weapons of mass destruction.



In the lead-up to the invasion, the US and the UK gained support for a war on Iraq by falsely claiming that the country was developing weapons of mass destruction. Throughout 2001 to early 2003, the Bush Administration built on this case to publicly justify their illegal invasion of Iraq, culminating in a speech by then Secretary of State, Colin Powell, to the UN Security Council on 5 February 2003, in which he asserted that "there can be no doubt that Saddam Hussein has biological weapons and the capability to rapidly produce more, many more" and that there was “no doubt in my mind” that Saddam was working on producing nuclear weapons⁴. Yet, there has been no substantive evidence of WMD programme, beyond the words of officials associated with the President in the U.S.

On Thursday 20th of March 2003, the American-led forces invaded Iraq, striking the capital city of Baghdad. Thousands of Iraqis were killed in unlawful attacks under the pretence of ‘liberating Iraq’. The attacks continued in the form of aerial bombings, shelling, suicide attacks and related violence caused by the US and its allies, the Iraqi military and opposition forces. After 21 days of continuous bombings, Baghdad fell on April 9, 2003, marking the

³ <https://www.hrw.org/report/2004/06/08/road-abu-ghraib>

⁴ [The Invasion of Iraq \(gici.org\)](http://gici.org)

beginning of the occupation that has had disastrous and devastating effects on the people of Iraq and the stability of the country and the world.

The brutal regime became ever more apparent as time went on. During the occupation, and the years following, the US forces regularly staged indiscriminate attacks on populated areas of Iraq, causing widespread and needless civilian casualties; airstrikes; the promotion of violent sectarianism; the dismantling of the infrastructure in Iraq; torture and impunity. Though the exact figure of deaths is almost impossible to count, it is reported that between 275,000 and 306,000 civilians died from direct war related violence caused by the US from during the invasion and illegal occupation⁵

Following the invasion, the US found that there was not an active WMD programme, and no weapons of mass destruction were found. This was more than a mistake and a lack of insight into the WMD programme – therefore, the rationale used to justify the invasion was found to be unequivocally false. The events of 2003 were based on lies and false pretences, the false American narrative of the protection of human rights and “values” resulted in an illegal, self-declared occupying force.

The question as to why the US invaded Iraq in the first place is disputed. An uncomfortable truth is that the invasion was based on lies for a political and demonstrative effect that resulted in the dismantling of a country, the deaths of thousands of innocent civilians and 20 years of persistent impunity.

Human Rights Violations in Iraq

Under the U.S.-led occupation of Iraq and the sanctions imposed in 1990, the civilian population suffered from systematic and gross violations of human rights. These violations included torture, extrajudicial executions, trafficking of persons and arbitrary detention.

Further, thousands of Iraqi civilians have died as an indirect result of the war. The invasion has caused catastrophic damage to the systems that provide food, drinking water, health care, and as a result it has caused illness, infectious diseases, and malnutrition that could otherwise have been avoided or treated: to this day, 20 years later, civilians are still dying in significant numbers due to the damage caused to such systems.

Below the report will discuss the various human rights violations that were directly caused by or have a direct correlation to the 2003 invasion and illegal occupation of Iraq by US forces.

Lack of medicine

The imposition of the harsh sanctions and the destruction of a functioning government in Iraq following the 2003 invasion produced a national health crisis. It resulted in the deterioration of what was once a well-functioning health system despite Iraq having highly educated

⁵ <https://watson.brown.edu/costsofwar/costs/human/civilians/iraqi>

doctors with high levels of qualifications. Since the years of war, sanctions and occupation, Iraq's once state-of-the-art medical system has all but collapsed. Malnutrition and diseases, almost forgotten in Iraq, such as respiratory infections; measles; typhoid fever and tuberculosis have re-emerged on a large scale ⁶, for example, in September 2008, Iraq experienced an outbreak of cholera which was due to the use of expired chlorine to sterilise the water supply. The expired chlorine was bought for 11 million dollars by the Health Ministry and resulted in more than 7,000 Iraqis infected⁷.

During the 2003 invasion and occupation, US forces used Depleted Uranium (DU) munitions during military operations in heavily populated cities. DU is a radioactive and toxic substance that poses serious health hazards to human health and other living organisms.⁸ Medical records and epidemiological studies in Iraq have proven that the use of DU led to increases of cancer and congenital malformation and birth defects, specifically in the cities of Basra and Fallujah.⁹

Starvation, malnutrition, and dehydration

Prior to the invasion, illegal occupation, and the introduction of the brutal sanctions in 1990, Iraqis could receive approximately 3,375 calories per capita per day. In 1991, after one year of sanctions, calories available via subsidised rations had declined to about 1,300. Until the end of the sanctions, the calories availability level would remain at about 65% of the pre-sanction levels.

With a 70 percent dependency on imported foodstuff to cover the basic needs of the population, the Iraqi government was unable to provide the basic nutrition for its people as the UK and US governments were rigorously blocking and delaying vast amounts of vital supplies for survival.¹⁰ Therefore, during the time of the sanctions, the Iraqi population fell victim to a sharp increase in malnutrition, especially child malnutrition – with one in five children under 5 in Central or Southern Iraq being malnourished.¹¹

Another major threat that has pervaded through Iraq since the imposition of the sanctions is the quality of drinking water. In 1997, a UNICEF and government of Iraq survey reported that more than half of the rural population did not have adequate access to clean drinking water.¹² While piped water was accessible to the majority of Iraqis during the 1980's, water

⁶ [Iraq and the Betrayal of a People – Impunity Forever? \(gicj.org\)](http://www.gicj.org)

⁷ Albon, Christopher. *War & Health: Armed Conflict, Public Health, Human Security, & Health Diplomacy, Iraq's War Against Corruption and Cholera*, November 11, 2008: <http://warandhealth.com/iraqs-war-against-corruption-and-cholera/>

⁸ Dr. Souad N. Al-Azzawi/ associate professor in environmental engineering.

⁹ Dr. Souad N. Al-Azzawi/ associate professor in environmental engineering.

¹⁰ <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1188-razing-the-truth-about-sanctions-against-iraq>

¹¹ <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1188-razing-the-truth-about-sanctions-against-iraq>

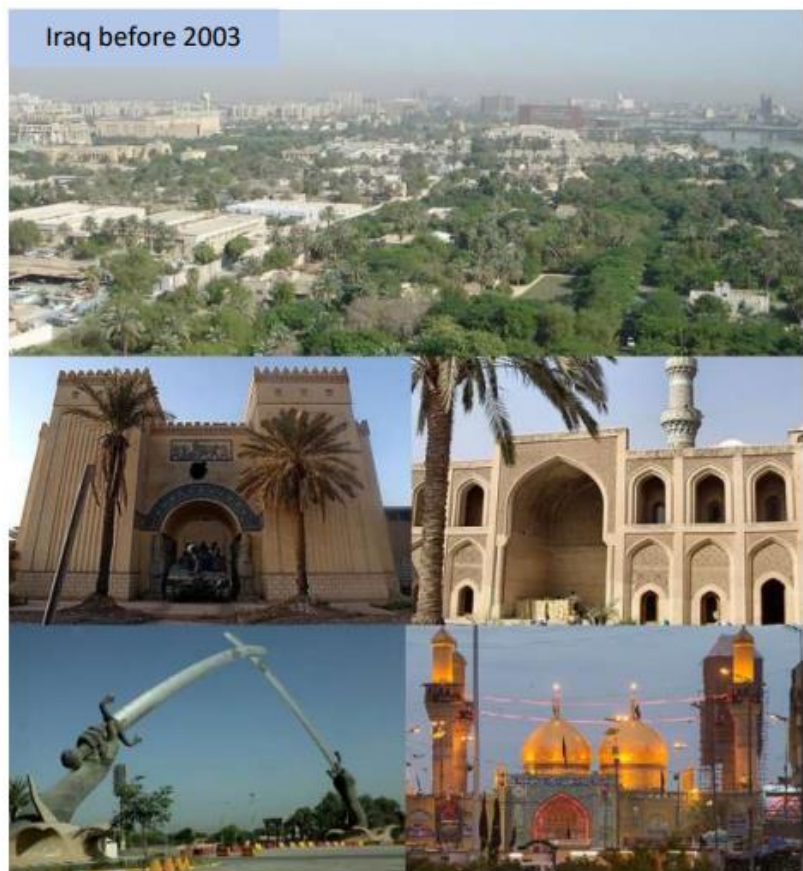
¹² <https://www.icrc.org/en/doc/resources/documents/report/57jqap.htm#a1>

supply diminished substantially throughout the 1990's – with the quality and amount of water shrinking. In Baghdad, for instance, water supply decreased by 55 percent, from 330 litres/day in 1989 to about 150 litres in 2003.

The scarcity of water is a critical environmental issue currently being faced in Iraq due to construction and the operation of around 100 dams in Turkey and Iran which are the source of both the Tigris and Euphrates rivers¹³. It is reported that these dams withhold more than 80 billion cubic meters of water from the two international rivers annually, preventing it from naturally flowing into their basins and channels within Iraqi territories, endangering Iraq's access to water, fertile agricultural land and the risk of desertification.

Deterioration of Iraq's infrastructure and education system

Prior to the 2003 invasion by US and UK troops, Iraq had historically had a strong infrastructure and education system. The country had a marked history of incredible literacy achievements and an education system that was widely considered the best in West Asia¹⁴. The effects of the invasion on Iraq's prestigious education system have been detrimental. In the past 20 years there has been a major decline in quality of education, teaching and learning conditions due to a lack of resources, politicisation of the educational system, migration and internal displacement of teachers and students, security threats and corruption,



catalysed by the US invasion. Further, Iraq holds the world's fifth-largest oil reserve. Prior to the invasion, the country was rich in this natural resource. However, in response to the worsening of the conditions for the Iraqi people, the "Oil-for-Food Programme" was introduced as a 'generous humanitarian response plan'. It was meant to be a humanitarian exemption programme in response to the sanctions, it was drafted under UN Security Council Resolution 986, its aim was to allow Iraq to sell oil on the world market in exchange for food, medicine, and other humanitarian needs for ordinary Iraqi citizens without allowing Iraq to

¹⁴ https://www.gicj.org/images/2021/The_Invasion_of_Iraq_-_18_Years_of_Terror_and_Destruction-A.pdf

boost its military capabilities, however it did no such thing. The programme exacerbated the strangulation of the country and deepened the hardship of Iraqis.

From 1990 until 1996, when the programme became operative, all of Iraq's foreign accounts were frozen and oil was not allowed to be sold internationally. However, Iraq's economy and the Iraqi people were almost entirely dependent on meagre help from abroad¹⁵. Thus, the programme became a political tool where the people of Iraq were exposed to extreme hardship and damage, causing a severe deterioration in the country's wealth and resources. Further, the long-lasting upheaval and destruction following the invasion has left behind a government system that is failing to provide for, and enable, its population to access to education, in a UNICEF report, it noted that today, there are close to 3.2 million school-aged Iraqi children out of school¹⁶. Lack of resources, politicisation of the educational system, migration and internal displacement of teachers and students disrupt the provision of education services, as does the structural damage to schools due to the invasion – In a 2015 UNICEF report, estimated that one in 5 schools, or approximately 5,300 are either severely damaged or converted into shelter for displaced families¹⁷.

Arbitrary Executions

It is impossible to determine with certainty the number of arbitrary executions that have been committed in Iraq since the invasion. Hundreds of thousands of Iraqis have been brutally murdered in the past twenty years. Since the invasion in 2003, Iraq has become one of the countries with the highest rates of arbitrary executions in the world, permitting the death penalty against adults for a wide range of crimes. Iraq ratified the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. The use of the death penalty and extrajudicial executions were used as a tool of political repression, both in order to eliminate real or suspected political opponents and to maintain a reign of terror over the population at large¹⁸, however, in 2013 there was a sharp increase in the use of the death penalty since the US invasion and illegal occupation in 2003¹⁹.

Torture

Since the brutal US invasion and occupation of Iraq, Iraqi civilians have been subjected to the most hideous crimes. Young men and women were brutally tortured and humiliated. In Iraq the United States and the United Kingdom authorised so-called 'enhanced interrogation techniques' during the illegal occupation. These practices have subsequently become commonly used by the Iraqi forces and other pro-government militias. One of the most

¹⁵ [Iraq and the Betrayal of a People – Impunity Forever? \(gicj.org\)](http://gicj.org)

¹⁶ <https://www.unicef.org/iraq/what-we-do/education>

¹⁷ <https://news.un.org/en/story/2015/10/514202-millions-children-deprived-education-war-torn-iraq-says-unicef>

¹⁹ [Iraq: Executions at their highest in post-Saddam Iraq - Amnesty International](http://www.amnesty.org/en/news/iraq-executions-at-their-highest-in-post-saddam-iraq-2013)

prominent, public and savage cases of torture committed by the United States and the United Kingdom was Abu Ghraib.

On April 28th, 2004, photographic evidence appeared documenting extensive torture against prisoners by U.S. military personnel at Baghdad Central Prison, also known as Abu Ghraib prison, Iraq. The prison came under the authority and control of the United States military in February 2004, with the slogan “America is the friend of all Iraqi people” put up on the wall, this was far from the truth.

The U.S. employed coercive methods to ‘prepare detainees for interrogation’. Some of the abuses perpetrated at Abu Ghraib include breaking chemical lights and pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broomstick; and using military working dogs to frighten and intimidate detainees with threats of attacks.²⁰ Once techniques of ill treatment and torture were used by US soldiers, they were made to believe that even more extreme forms of abuse were acceptable.

Though there was photographic evidence, the US government had attempted on several occasions to portray the abuse in Abu Ghraib prison as an isolated incident. However, the abuse experiences in Abu Ghraib fits into a broader pattern of abuse, not just from individuals, but resulting from decisions made by the Bush administration to bend, ignore, or cast rules aside under the pretence of waging a ‘war on terror’.²¹



Following the heinous crimes committed in Abu Ghraib, it was believed that ‘justice’ had been served as 11 military personnel were convicted of various crimes including conspiracy,

²⁰ <https://www.newyorker.com/magazine/2004/05/10/torture-at-abu-ghraib>

²¹ <https://www.hrw.org/report/2004/06/08/road-abu-ghraib>

dereliction of duty, and maltreatment of detainees. However, this does very little for the victims, and again, shows little accountability.

Enforced Disappearances

Enforced disappearance has been a widespread challenge in Iraq since 2003 committed by Iraqi militias and security forces. According to evidence obtained by the Geneva International Centre for Justice (GICJ), there are around 500,000 to 1,000,000 victims of enforced disappearances in the state of Iraq. Over recent years, GICJ has presented these rampant cases of enforced disappearance before relevant UN mechanisms. Despite efforts to curb these atrocities in Iraq, cases of enforced disappearance only seem to be escalating.²²

Several family structural problems are created from the occurrence of enforced disappearances such as trauma, dismantling of families, economic pressure of those who are left and fear for families that if they go to the authorities, they could be next. These have not been satisfactorily addressed by Iraq since the Committee's previous report and need urgent attention to alleviate the humanitarian impact on families of victims of enforced disappearance.

²² <https://www.gicj.org/topics/countries/iraq/3015-pervasive-enforced-disappearances-the-case-of-iraq-2>

Violations against demonstrators and human rights defenders



In 2019, demonstrations began due to calls for a complete overhaul of the political system in Iraq. “No to muhasasa, no to political sectarianism” was chanted by protestors. The catalyst for these protests was the introduction of the muhasasa after the US-led invasion in 2003. It was introduced to provide proportional government representation among Iraq’s various ethnic-sectarian groups²³. However, not only is the system flawed, but it also embodies the illegal US invasion that has had catastrophic implications of Iraq. The protests began as the political system embodies all that has gone wrong since the 2003 invasions. The demonstrations, much like the past 20 years since the invasion, were characterised by violence, human rights violations, and systemic impunity.

GICJ documented grave violations against the demonstrators perpetrated by various forces belonging to the Iraqi authorities (army, police, federal police, security forces, counterterrorism unit, rule of law forces). Among all these forces, the militias have been at the forefront of the violations. The militias have continually subjected the demonstrators to violence with all forms of weapons, while the demonstrators merely waved flags.²⁴

²³ <https://www.aljazeera.com/news/2019/12/4/muhasasa-the-political-system-reviled-by-iraqi-protesters>

²⁴ [Final Report - The World Must Listen to the Young Voices in Iraq.pdf](#)

Between 1 October 2019 and 30 April 2020, UNAMI/OHCHR documented the death of at least 487 protestors and the injury of 7,715 others during protests in Iraq due to violence by security forces and incidents attributed to ‘unidentified armed elements’²⁵.

In addition, between 1 October 2019 and 15 May 2021, UNAMI/OHCHR documented 48 incidents of attempted or executed targeted killings of protestors, activists, and critics, mostly shootings by ‘unidentified armed elements’ resulting in at least 32 deaths and injuries to 21 others.²⁶ Further, credible information received by GICJ, shows how the militias in Iraq are responsible for kidnapping many human rights activists. Some of them are released after an interrogation during which torture techniques were used, and they were forced to sign documents that force them to declare that they would no longer participate.²⁷

Arbitrary Arrests

In the 2019 demonstrations there were more than 3,000 cases of arbitrary arrest of demonstrators, In a January 2023 report of Iraqi Civil Society Organisations to the Committee on Enforced Disappearances (CED), coordinated by Geneva International Centre for Justice, it was reported that it is common practice in Iraq for individuals to be arrested and not be given charges or any explanation for their arrest. Most detainees are not aware of who is detaining them, whether it be the government security forces, the militias, or the units belonging to the Interior Ministry. Based on information received, it is certain that in many cases those who carry out the arrests are armed, wearing uniforms, and driving government vehicles, indicating that they are affiliated with government security forces. There are no proper procedures for registering detainees and no records kept.

Women’s rights

The most shocking violations against women’s rights occurred during the occupation, where women were taken hostage, raped, tortured, and abused. US forces were known to enter homes without permission during search operations and rape women in front of their families. On one occasion Steven Green, a serving US soldier in Iraq, entered the home of an Iraqi family along with other service men, and gang raped a 14-year-old girl; later murdering her, her parents, and her 6-year-old sister.²⁸

Prior to the 2003 invasion and illegal occupation, women were an integral part of Iraq’s society; Iraqi women played an active role in the government with the country being the first

²⁵ https://www.ohchr.org/sites/default/files/2022-06/OHCHR_UNAMI_Update_on_Accountability_in_Iraq_June2022_ENG_0.pdf

²⁶ https://www.ohchr.org/sites/default/files/2022-06/OHCHR_UNAMI_Update_on_Accountability_in_Iraq_June2022_ENG_0.pdf

²⁷ [Final Report - The World Must Listen to the Young Voices in Iraq.pdf](#)

²⁸ https://www.gicj.org/images/2021/The_Invasion_of_Iraq-_18_Years_of_Terror_and_Destruction-A.pdf

in the Arab world to have a woman serves as cabinet ministers in 1959; women had access to employment, to the economic sphere and there was a general good level of literacy. Before occupation women held 8% of the seats of the Iraqi National Assembly. Equal pay for equal occupations was guaranteed. Working women were given six months paid maternity leave and an additional six months at half pay.²⁹

Though it is vital to acknowledge advancements that have been made in recent years in the realms of women's rights in Iraq such as, as of February 2021, 26.4% of seats in the Iraqi parliament were held by women³⁰, further the participation of women in the 2019 demonstrations saw the role of vulnerable women being transformed into a pioneer of political activism. It is, to a greater extent, vital to acknowledge how the years following the sanctions, women's rights have been continuously deteriorating more than they have been advancing, further since the invasion in 2003 women's rights fell to the lowest in Iraq history. Whereby women are now subject to heinous violations; subject to severe forms of gender-based violence; illegal detention; rape; sexual exploitation; limited access to education; economic, social and political subordination, with it being more difficult for women to find paid work, amongst others.

Iraqi Government and the role of the Militia

Many of these violations continue under the successive governments established under the US led occupation and whose security apparatus and methodology of operation is based on force and oppression. Endemic corruption over the past 20 years, has not only allowed the government to deprive the people of their basic needs but has also been used to authorise high execution rates, arbitrary arrests and to justify the detention and violence against peaceful demonstrators under the pretext of fighting ISIS.



Based on all the evidence collected throughout the years, GICJ considers that all the crimes, from the killing, torture, abduction to the forced displacement that occurred in Iraq is a part of

²⁹ <https://www.aljazeera.com/news/2003/8/10/women-of-iraq-victims-of-sanctions>

³⁰ <https://data.unwomen.org/country/iraq>

a well-organized sectarian policy of systematic nature applied on the large-scale, especially directed against the Sunni component of the Iraqi society.

The government, under the influence of the US occupation, is continuing to mislead the international community into thinking that their so-called “battles of liberation” are indeed genuine attempts to exacerbate a common enemy: ISIS. The narrative of “battles of liberation” was first shown in America’s attempt to first ‘liberate Kuwait’ and then to ‘liberate Iraq’, both of which ended in thousands of deaths and countries left in despair.

Fallujah

In 2004, the American army launched a huge offensive against the city of Fallujah, in the Iraqi province of Al Anbar, in April and November of that year. The offensive was seen as a collective punishment of the population because of their non-cooperation with the occupation forces staying in their city. As a result, 75 % of the city was destroyed; hundreds of civilians were killed and at the end buried in massive graves. Hundreds of others disappeared. Their families went on to different places trying to find any information about them, but the American occupation forces and the Iraqi authorities refused to provide any. Further, US troops occupied the Fallujah General Hospital, not allowing doctors and ambulances to go inside and help the wounded.³¹

12 years after the US invasion of the city, on May 22nd, 2016, Fallujah was subjected to a wide military campaign under the pretext of fighting ISIS, carried out by the Iraqi government and supported by U.S. air cover and Iranian military advisors on the ground.

The authorities, including Iraqi Prime Minister, Haider al-Abadi, claimed to be “*liberating Fallujah*” from the so-called Islamic State of Iraq and Syria (ISIS). However, the result was the destruction of cities, indiscriminate shelling and bombing, and the killing, abduction, and displacement of hundreds of civilians³² - resulting in a disturbingly high number of civilian casualties.

Victims were attempting to flee Saqlawiya (one of the small cities belonging to Fallujah) afterwards and seek refuge at nearby military camps where Iraqi police officials and army leaders were located. However, according to credible information received by GICJ, when they arrived, they were subject to heinous treatments, including verbal and psychological abuse, as well as disturbing practices of torture, including stabbing with knives and other weapons, beatings, as well as verbal and psychological abuses of sectarian connotation.³³

The Iraqi army and state-sponsored militias did not “*liberate Fallujah*”. Rather, Fallujah, a city that was already experiencing a fragile humanitarian situation, was subject to genocide-like tactics and heinous crimes under the guise of fighting terrorism and ‘recapturing’ Fallujah from ISIS.

³¹ Iraq – a call for justice

³² [GICJ Report - Fallujah: Inside the Genocide](#)

³³ <https://www.gicj.org/un-special-procedures-appeals/iraq/1087-fallujah-calls-for-investigation-on-crimes-committed>

The participation of the government in allowing these crimes is more than evident. The militias took control of certain units of the Iraqi army, supported, and legitimised by the authorities. The events that took place in Fallujah by Iraqi authorities is part of a systematic policy of sectarian violence, supported by the government and the US, which has as ultimate objective that of ethnic cleansing- specifically the "Sunni" component of society.

The case of Fallujah is not the first that demonstrates the worrying participation and enabling of the Militia, Iraqi authorities and the US army. Testimonies from prominent figures in Iraq confirmed that the Iraqi authorities knew about and enabled the continuation of the massacre in Fallujah.

Contrasting responses

The contrasting responses of the UN human rights bodies to the Iraq invasion in 2003 invasions that have subsequently followed are stark and the divergence of responses deserves appraising. The difference in reactions from the Iraq war in 2003 to the Ukraine/Russia war in 2022 is shown by Putin's war against Ukraine has been continually condemned to be a crime of aggression, as it should be. However, on January 19th, 2023, Clare Daley, a member of the European Parliament noted that in a just world what is happening in Ukraine wouldn't go unpunished. Though, the reality is that we are in a world of our own making. International law is held up by consensus, it either applies to all states equally, or it doesn't work. Daley argued that if you want to put Putin behind bars, you have no credibility unless you put perpetrators such as Bush and Blair behind bars too.

The divergence in reaction reveals inward propensity to support people who fit our expectation of which victims are worthy of support and aid. 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, as has been provided in wars such as that of Ukraine yet was not even offered to Iraq.

Accountability

It has been 20 years since the invasion and illegal occupation of a once prosperous country by the US and UK. It has been 20 years since the beginning of the dismantling of Iraq. It has been 20 years of severe violations of fundamental human rights. And it has been 20 years of persistent impunity. Yet, to this day, the United Nations, the international community, and the Iraqi government have failed miserably in upholding the basic principles and responsibilities, under its mandate under Security Council Resolution 2631 (2022) to 'promote accountability and the protection of human rights', especially for the US and UK.

Those responsible for committing crimes of aggression, war crimes, and crimes against humanity should be held accountable, like President Bush and Prime Minister Bailey. Further, we must change the approach/guise of 'fighting terrorism'. Invasions must be done

through legitimate means. People call on these persons to be held accountable and brought before the International Criminal Court for the crimes.

We must establish an International Independent Commission of Inquiry to investigate the atrocities committed in Iraq since 2003 to end impunity and bring justice to the Iraqi people and victims of the invasion.

Accountability and the urgent restoration of justice for Iraq should be the paramount and immediate task of the UN community and all those individuals and states who believe in peace and the rule of law.

Conclusion – Lies, deceit, murder.

As we commemorate the 20th year since the invasion and illegal occupation of Iraq. It has become clear the extent of damages that the 2003 invasion has caused. US forces lied about the presence of WMD and caused the dismantling of a country that used to be a wealthy and prosperous country, to one fueled by brutality and corruption under the guise of ‘fighting terrorism’. The Iraqi people now live in the direst of conditions and experience pervasive human rights violations on a daily basis.

20 years since the invasion, yet still, no official apology has been made, no restitution or compensation for the dilapidated State has been delivered, and no international legal tribunal has been created.

In May 2022, the former president of the United States, President George Bush, while criticising Russia’s political system the former President foolishly said: “The result is an absence of checks and balances in Russia, and the decision of one man to launch a wholly unjustified and brutal invasion of Iraq.”³⁴. The guilty conscience of the former president is evident. A quick a decisive victory in the heart of the Arab to send a message and (re)establish America as the world’s leading power following the 9/11 attack, resulting in the deterioration of the state that lasted two decades and the annihilation of the hopes of a generation.

The cost of the invasion of Iraq has been profound, those who caused this must be held accountable and victims must receive justice.

³⁴ <https://www.aljazeera.com/news/2022/5/19/freudian-slip-bush-decries-invasion-of-iraq-not-ukraine>

Geneva International Centre for Justice
Independent, non-profit, non-governmental organisation

GICJ is a non-profit, non-governmental organisation dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; Reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non- discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work with NGOs

GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the Globe. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur there. GICJ continues to bring this information to the attention of the relevant UN bodies in order to gain justice for all victims.



Geneva International Centre *for* Justice

www.gicj.org

Postal address:

P.O. Box: GICJ 598 CH-1214 Vernier,
Geneva – Switzerland.



+41 22 788 19 71



info@gicj.org

Office address:

150 Route de Ferney, CH 1211 Geneva 2
- Switzerland



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