

THE US INVASION OF IRAQ 22 YEARS LATER



Calling for Accountability and Justice for Iraq

Report by:

Geneva International Centre for Justice
(GICJ)

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22 YEARS SINCE THE US INVASION OF IRAQ IN 2003

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Introduction

On 20 March 2003, the United States and the United Kingdom launched an illegal war against the Republic of Iraq, resulting in a devastating occupation and the near destruction of the country. Twenty-two years have passed since the invasion—a period marked by unfulfilled promises, destruction, death, violations, and hardship.

In clear violation of Article 2(4) of the Charter of the United Nations, as well as multiple provisions of the 1949 Geneva Conventions and their 1977 Protocols, the subsequent occupation led to deliberate,

excessive, and unnecessary devastation, inflicting lasting damage on the country and its people. To this day, the Iraqi people continue to fruitlessly wait for reparations, or even an official apology.

The 2003 invasion has had devastating and far-reaching consequences:

- The killing of over two million Iraqi citizens.
- The widespread use of arbitrary detentions, torture, and enforced disappearances by occupying forces.
- The imposition of a sectarian regime backed by tyrannical militias.
- The devastation of Iraq's environment, particularly due to the frequent use of toxic and radioactive weaponry.
- Numerous health crises caused by the collapse of the healthcare system, including a sharp rise in cancer rates and birth defects.
- Devastating levels of internal and external displacement, making Iraq one of the three countries dealing with the greatest levels of migration.

In addition to the widespread killing, displacement, and economic decline suffered by the Iraqi people, the invasion and occupation led to the near-total destruction of the infrastructure that once made Iraq a flourishing nation. Persistent bombings obliterated or permanently damaged thousands of private and public buildings, including homes, hospitals, schools, shops, and businesses, while also devastating critical infrastructure. These large-scale acts of destruction resulted in the rapid deterioration of the public sector, particularly in education and healthcare, further undermining the standard of living of millions of Iraqis.

As noted during the 48th Session of the Universal Periodic Review from 20-31 January 2025, Iraq has received hundreds of recommendations to improve its human rights situation, yet most have not been implemented. Even though several UN committees have issued comprehensive recommendations for the country to address systemic issues and enhance human rights protections, the Iraqi government has consistently failed to act on these recommendations.

Geneva International Centre for Justice has for years documented the abuses committed during the occupation of Iraq, urging the international community to deliver justice to the Iraqi people. As we mark 22 years since this tragic chapter in Iraq's history, it is crucial to recognise how the lives of its people have been—and continue to be—profoundly affected by its consequences.

Arbitrary Detentions

Since 2003, over one million enforced disappearances have occurred, largely due to the country's widespread practice of arbitrary detention. The number of secret detention centers in the country remains unknown, exacerbating the difficulty of tracking down those detained by state security forces and affiliated militias. Credible information collected by our partner organisations indicates that there are more than 420 secret prisons in Iraq today.

Many of these victims were abducted and arbitrarily detained while navigating their daily lives, on their way to work, school, or shopping centres. Some were seen being picked up by police or security forces, others by uniformed militias, and piled into their vehicles, with the number of arrests per wave of arbitrary detentions often reaching between 30 to 100 persons.

Militias and security forces have also used the pretext of fighting ISIS, which emerged from the chaos of the invasion, to go to Sunni-majority areas and arrest people in droves, as well as destroy their homes and local infrastructure. Relatives of the arbitrarily detained are given no information about the charges

against their loved ones, and no insight into their location or the conditions under which they were illegally imprisoned. Many of those arrested have later been found killed and thrown away in public areas with visible signs of torture and cruel treatment. Furthermore, families face significant obstacles to conducting proper searches for their loved ones and unable to locate them. Fear of intimidation from security forces and militias dominates to such an extent that families are afraid even to reclaim a body, let alone launch an investigation.

Torture

In 2008, Iraq ratified the 1984 Torture Convention, raising hopes that the government would protect individuals from torture or abusive treatment. However, the country has not met its obligations under the Convention, as highlighted in successive Universal Periodic Review cycles and through various UN Committee reports. Torture and abusive treatment are still systematically practiced, especially in police stations, penal institutions, and other government forces. Reports in recent years from several United Nations Special Rapporteurs and other documented testimonies highlight the prevalence of these practices, despite government denials and claims of isolated incidents.

There has yet to be a trial for anyone in the government accused of these crimes, with the most severe response from government authorities being administrative investigations yielding limited insights. Human rights defenders and NGOs working to uncover the details of cases of arbitrary detention and enforced disappearance face various forms of harassment, including deliberate obstacles to their work and threats to their security.



Women

Before 1991, Iraqi women enjoyed some of the highest levels of rights protection and social participation in the region. However, since the invasion, their lives have deteriorated dramatically. Women detained in prisons and detention centres often fall victim to rape, beatings, and other forms of sexual abuse. Meanwhile, millions have been displaced, widowed, or forced to become single mothers

and heads of households—a burden further worsened by high unemployment rates and widespread economic hardship.

Women in Iraq also face unique challenges in the face of repression by state actors and affiliated militia members. Iraqi women's prisons, particularly the Central Women's Prison in Baghdad, are sites of severe human rights violations and gender-based violence. Evidence from partner NGOs in Iraq reveal that many women are unjustly detained and subjected to treatment that violates their basic legal and human rights, including torture. Such practices not only contravene international laws and human rights treaties to which Iraq is a signatory but also undermine the rule of law and trust in the justice system.

Several NGOs in Iraq have conducted extensive research into conditions in the Central Women's Prison, including through interviews and surveys with inmates and prison staff, as well as previous reports on the matter. These partners have found that concerns over the basic rights and safety of inmates have worsened over the years during which the Ministry of Justice has supervised the prison. By August 2022, the number of inmates had reached 3,005, operating at over 300% of the institution's official capacity of 850, the overcrowding posing severe physical and mental health risks.

Women in this facility, and others throughout the country, are often arrested without warrants and subjected to prolonged detention without judicial oversight, sometimes lasting months. Prisoners are regularly deprived of sunlight and outdoor time, worsening their physical and mental health. They are also often denied family visitation rights under the pretext of ongoing investigations, isolating them from legal and emotional support. The Central Women's Prison also lacks proper healthcare for pregnant women, which is almost non-existent. Several incidences of death in custody from this cause have underscored the urgent need to monitor and evaluate prison conditions and ensure detainees' rights, particularly in cases involving serious charges such as human trafficking.

Mercenaries

After the occupation of Iraq, private military and security companies (PMSCs) have become a dominant force in modern warfare, with around 250,000 PMSCs in Iraq today. Operating without oversight or clear chains of command, these companies threaten the security of Iraqi civilians, undermine Iraqi sovereignty, contribute to health crises, and commit grave human rights violations. Their actions—including summary executions, torture, human trafficking, and arbitrary detentions—continue to endanger the lives of Iraqi civilians.

Institutional Failure

Authorities have failed to provide critical social services, including security, employment opportunities, schooling, healthcare, electricity, and potable water. Once considered the best in the region, Iraq's medical services have collapsed, as doctors face the constant threat of militia-led assassinations and dismissals. Iraq's criminal justice system has also deteriorated since the invasion, plagued by coerced confessions, arbitrary detentions, ill-treatment, torture, lack of due process, unfair trials, and inadequate legal representation. Courts have carried out executions in violation of international law, disregarding universally ratified provisions of the Fourth Geneva Convention, which forbid changes to the laws or judicial system of an occupied country.

In addition to the collapse of medical and criminal institutions, academic establishments in Iraq have also been destroyed as sanctions, war, and occupation have devastated the Iraqi education system. U.S. forces, the Iraqi Army, and Iraqi police units occupied school buildings for military purposes, violating

international law. Iraq has also experienced a form of “educide”—the targeted killing of academics, the destruction of educational institutions, and the deaths of students.

This trend of restricting academic freedom continues to escalate, particularly as militias gain greater influence over political, judicial, and economic affairs. The Iraqi Ministry of Higher Education, in its instruction No. 5544, dated 11 September 2024, indicated it would ban legal academics from conducting media appearances critical of recent constitutional amendments and draft laws. Authorities have already begun preventing academics from discussing various government policy proposals they deem in contravention of domestic and international law, in particular the Enforced Disappearances Law and the Personal Status Law.



In addition to silencing efforts by governmental bodies, the Iraqi Bar Association issued an instruction on 6 August 2024 to ban all lawyers from delivering public opinions, on television or in writing, about anything related to the conduct of the government, its many violations, and the draft laws that may improve the situation. Those who do not comply with these instructions will see their membership to the association, as well as their license to practice their profession, revoked. The lawsuits may also result in other forms of punishment, including prison sentences.

Arbitrary Executions

Since 2003, Iraq has become one of the countries with the highest rates of executions in the world, permitting the death penalty against adults for a wide range of crimes.

Numerous reports shared by detainees have shown that abuse, threats, and torture are frequently used to extract confessions, which are later used to apply the death sentence. Aside from illegal methods of extracting confessions, detainees are often sentenced without a fair trial or due process. Since 2014, state and affiliated militias have used the rise of ISIS to justify attacks on regions of Iraq on a purely

sectarian basis, citing unfounded counterterrorism efforts justified through flawed counterterrorism legislation.

Despite repeated recommendations to abolish the death penalty—from the past three UPR cycles, from successive High Commissioners for Human Rights, and in a statement released on 27 June 2024 from a panel of 15 experts under the Special Procedures of the Human Rights Council—this punishment remains in use, often without fair trial standards. Prisoners are executed like livestock—a comparison made on several occasions, as the Iraqi government oversees executions in batches reaching as high as 20 persons per session.

The death penalty is also applied extrajudicially, with many civilians classified as forcibly disappeared. Article 4 of the Anti-Terrorism Law N°13 of 2005 is regularly exploited to impose the death penalty broadly and arbitrarily. Its scope has been applied to unreasonable lengths, frequently leading to the inclusion of a wide range of activities under the label of “terrorism,” including legitimate political dissent and peaceful protests. The governing parties enforcing Article 4 show little regard for the high risk of false convictions stemming from its loose interpretation, which is further exacerbated by detainees’ restricted access to legal counsel and due process. Human rights advocates within the country are placed at risk of conviction under this policy simply for denouncing its abuse.



Cultural Destruction

The invasion and occupation of Iraq have caused immeasurable and irreversible destruction of its culture. Despite warnings from NGOs and scholars, the United States and its allies failed to protect Iraq's cultural heritage, including museums, libraries, archaeological sites, and other invaluable repositories. As a result, archaeological and cultural sites have been reduced to rubble, and tens of thousands of cultural artifacts have been lost or stolen, particularly from archaeological sites and the Baghdad Museum. Entire cities were left to lie in ruins, while the country’s infrastructure—including hospitals and schools—has been decimated. Looting remains widespread, not only due to the immediate chaos of the 2003 invasion but also because of bureaucratic negligence and the incompetence of Iraq’s authorities. Thousands of archaeological sites, which are home to some of the oldest treasures of

civilization, remain unprotected, enabling a resurgence of illegal excavations, particularly in southern Iraq.

Environmental Contamination

In a serious breach of international humanitarian law, coalition forces used white phosphorous and depleted uranium weapons during the war, polluting the environment and endangering the health of Iraq's citizens. Contamination from depleted uranium (DU) munitions and other military-related pollution are suspected of having caused a high number of illnesses throughout Iraq, including rises in congenital birth defects, miscarriages, premature births, infertility, sterility, leukemia, and cancer.

Death by sanctions

Although the invasion of 2003 brought with it a new decade of unrelenting devastation to Iraq and its people, we must not forget that their suffering had already reached inhumane levels due to the sanctions regime introduced by the United Nations on 6 August 1990. Several UN officials and international observers have noted the severe impact of these sanctions on Iraq's population and overall stability. Being highly dependent on the importation of food and medicine, Iraq was extremely vulnerable to the effects of sanctions. By 2002 it was estimated that over 1.6 million Iraqis had died as a result of the sanctions regime, including over 667,000 children under the age of five. Over the period that sanctions were in place, the infant mortality rate almost quadrupled from 24 per thousand in 1990 to 98 per thousand in 2000.



The Rise of Sectarianism

One of the most destructive results of the invasion and occupation of Iraq was the subsequent imposition of a sectarian regime that was based on the allocation of public offices, parliamentary memberships, and even dividing state resources along ethno-sectarian lines. The introduction of this system, "Muhasasa," has created sectarian divides, obliterated national unity, encouraged self-interest among politicians, and then allowed the rise of corruption at all levels in the country.

The sectarian system is highly problematic, not least because government posts are awarded in return for loyalty to the ruling ethno-sectarian system, rather than as a result of skill or talent. This system also fosters rampant corruption, as each party in government, to allow their particular sect to dominate the political field, exploits the resources of the ministry for which they are in charge. It is also in this context that sectarian violence could thrive, enabling the conditions for ISIS' emergence, as well as that of tyrannical militia that dictate significant portions of government affairs today, including the broad erosion of civil and political rights of everyday Iraqis.

Since 1 October 2019, millions of Iraqi people have taken to the streets in huge demonstrations across several Iraqi cities, mainly the capital Baghdad, and hotspots in the Shia-majority areas of the Southern part of the country, including in the cities of Nasiriya, Basra, Kut, Najaf, and Karbala. Although the 2019 demonstrations were not the first since 2003, they were distinct in their focus on the total elimination of the sectarian regime, earning them the collective label of the name "October Revolution." Despite the legitimacy of their demands and the generally peaceful nature of the protests, demonstrators were targeted by government security forces and militias, with a tragic number of killings and serious injuries recorded. While the major wave of protests began in October 2019 and largely subsided by mid-2021, its influence continues to shape Iraqi politics and civil society.

Accountability for the Crime of Aggression

In light of the devastating impact of the invasion and occupation on Iraq and its people, **Geneva International Centre of Justice** calls for the establishment of an impartial, international tribunal to adjudicate the crimes committed during the Iraq War and restore justice on the international stage. The Nuremberg Tribunal declared that "*The initiation of a war of aggression is not only an international crime; it is the supreme international crime.*" The U.S. and U.K.-led invasion of Iraq was an unlawful war of aggression. International violence between states is prohibited by the United Nations Charter unless authorized by the United Nations Security Council or committed in self-defence. Moreover, the prohibition against aggression is a jus cogens norm of international law—inalienable and binding to all countries.

In light of the devastation caused by this flagrant violation of international law, among the most violent assaults on a nation observed in history, we call on the international community to urge the following actions:

An Official Apology

Along with taking responsibility for their unlawful actions, all the governments of the "coalition of the willing" should issue an official apology to Iraq and its citizens. An official apology would be the first step in fulfilling the obligation of compensation stipulated under Article 36 of the Articles on State Responsibility. Specifically, Article 37 stipulates that "*The State responsible for an internationally wrongful act is under an obligation to give satisfaction for the injury caused by the act insofar as its obligation cannot be made good by restitution or compensation. Satisfaction may consist in an acknowledgment of the breach, an expression of regret, a formal apology, or another appropriate modality.*"

Environmental Remediation

Article 35 of Protocol I, a 1977 amendment of the Geneva Conventions, specifically states that *“It is prohibited to employ weapons, projectiles and material method of warfare of a nature to cause superfluous injury or unnecessary suffering.”* It also prohibits the employment of *“methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage...”* In their use of white phosphorus and radioactive weapons, the U.S., U.K., and all the members of the “coalition of the willing” committed a direct violation of international humanitarian law. All involved countries must undertake and finance an environmental clean-up, in particular, the removal of dangerous weapons and ammunition still present in the country and all toxins and radioactive remnants.

Restoration of the health system

Basic health services in Iraq still fail to meet minimum standards. Health services and infrastructure should be restored to pre-invasion levels, which at one time were the best in the region. Measures must also be introduced to ensure the safety of all health workers and practitioners.

Protection of internally and externally displaced persons

Since the invasion, millions of Iraqis have either been displaced or have fled the country. Immediate measures must be put in place to identify all displaced persons and to preserve their rights and dignity. The occupying countries, in cooperation with international human rights bodies like UNHCR, I, CRC, and UNAMI, should offer financial and political support to refugees, in accordance with UN resolution 1770 of August 10, 2007.



Locate disappeared persons

Kidnappings, abductions, and detentions continue to occur daily. Many of those who have disappeared languish in prisons, are executed, or have died in custody as a consequence of torture. Abuse cases must be disclosed in the Convention for the Protection of All Persons from Enforced Disappearance

(ICCPED) implemented in Iraq in 2010. Further, every effort must be made to identify those who have been reported missing or have disappeared and to bring all those found responsible to justice.

Appointment of a UN Rapporteur

The appointment of a Special Rapporteur for Iraq by the United Nations Human Rights Council was a key demand of GICJ and other NGOs from the early years of the invasion and the occupation. Human rights abuses inflicted on the Iraqi people by the Iraqi authorities—by the Iraqi authorities, the American occupation, foreign mercenaries, and regional powers still present in the country—must be closely monitored and documented. Violations committed during the war and invasion must also not be permitted to go unpunished. The appointment of a Special Rapporteur is a critical first step in achieving justice for the Iraqi people.

Results and Impact

GICJ has done extensive work over the years to shed light on this gross form of collective punishment upon the Iraqi people for supposed violations that never occurred, which amounts to international crimes. We've documented these atrocities since the beginning of the occupation, and submitted dozens of written and oral statements on the matter to international human rights bodies including the UN Human Rights Council (HRC), most recently for its 58th session. In February 2024, we also presented our findings on the ongoing situation in Iraq before the UN Committee on Economic, Social, and Cultural Rights (CESCR). Ultimately, the Committee determined that Iraq failed in its commitment to uphold to preserve the economic and social rights of the people. It also highlighted its oppressive treatment of human rights defenders, the lack of independence of its judiciary, and its extensive corruption. We also presented new findings to the UN Committee on Enforced Disappearances in September 2024, for its most recent review of the country.

GICJ has additionally published several reports on the invasion and subsequent occupation, and hosted numerous side events at the UN HRC over the years, featuring human rights activists, UN representatives, and academics. Throughout our work, we have placed great emphasis on bolstering the voices of the Iraqi people, who have for decades called for the realization of their basic rights, as well as accountability for the crimes they suffered. We will not cease doing so until these aims are achieved.

Through such procedures, GICJ wants to make sure it has an effective impact on the international community, and, in particular on the United Nations UNHRC and relevant international bodies, as well as all Member States who participate in these mechanisms, to alter the decision-making processes towards ones which fully comply with international law and international human rights law.

A Call for Justice

The time has come for the people of Iraq to obtain the justice that they deserve. All those responsible for the invasion, occupation, and resulting destruction must be held accountable. **GICJ**, calls for the United Nations, the international community, members of the “*coalition of the willing*” and the occupying countries to finally step up to their responsibilities and take the necessary steps to begin the process of justice for Iraq and its people.

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 receives 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 to gain justice for all victims.

