



General Assembly

Distr.
GENERAL

A/HRC/7/NGO/83
25 February 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Seventh session
Agenda item 4

HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Joint written statement* submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Arab Lawyers Union (ALU), General Arab Women Federation (GAWF), General Federation of Iraqi Women, International Association of Democratic Lawyers (IADL), United Towns Agency for North-South Cooperation, Union of Arab Jurists, Women's International League for Peace and Freedom (WILPF), non-governmental organizations in special consultative status, and International Education Development (IED), Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 February 2008]

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

Human Rights Situation in Iraq¹

A series of recent UN, ICRC, and NGOs reports point out the grave deterioration in the humanitarian situation in Iraq. The scale of death, destruction, systematic human rights violations and oppression following the invasion of 2003 continues. Iraqis are left without basic health care, education, drinkable water and adequate sanitation. The rights of women and children are totally ignored. Iraq, once among the most advanced countries of the region, has been reduced to the level of destitution. The systematic abuse, mistreatment and torture continue in addition to the daily killings. Despite of all these circumstances, the HRC has never discussed the human rights situation in Iraq, nor has the High Commissioner brought it to the attention of the Council, in accordance with her mandate, although there are a lot of UN reports, especially by the UN human rights office for Iraq.

In its up date of December 2007, The UN Office for the Coordination of Humanitarian Affairs (OCHA) described the situation as “one of the most complex and violent situation in the world.... characterized by grave violations of human rights and international humanitarian law”. It added that the basic human rights (the right to life and security) are the main concern for Iraqi civilians. Iraq faces a growing humanitarian emergency, with an unprecedented increase in poverty and unemployment. The UN estimates that up to 8 million people are in need of immediate assistance. According to UNAMI reports, 54 percent of the population is barely surviving on less than ONE US dollar a day, while 15 percent must endure extreme poverty, with less than 50 US cents a day. The Iraqi Central Statistical Bureau confirms that 43 percent of Iraqis suffer from “absolute poverty”. Under the occupation, billions of dollars vanished from Iraq’s fund. Corruption is a wide, open phenomenon in today’s Iraq. The Iraqi state never knew such an extreme phenomenon before the occupation. In its reports, *Transparency International* cited Iraq among the worst countries in corruption.

The UN agencies continue issuing appeals regarding the massive number of refugees and internally displaced persons. In its recent report, UNHCR estimates that there are 4.4 million Iraqis half of them are refugees. Iraqi intellectuals have been targeted since the very beginning of the 2003 invasion. Many have been arrested, kidnapped, killed or forced to flee. It is estimated that more than 500 Iraqi intellectuals were assassinated during the past five years. All these are part of the consequences of the invasion and occupation.

One of the greatest losses due to the invasion is Iraq’s heritage. The United States and its allies have left Iraq’s archeological treasures without protection, exposing them to looters and art thieves, in a flagrant violation of their responsibilities under international law. The Iraqi Museum, one of the world’s richest in artifacts, and the very rich Iraqi National Library, were looted as well as 14 other provincial museums and several libraries. The occupations forces have used archaeological sites as military bases as is the case of the city of Babylon, and have destroyed historic cities during military operations.

¹ The Association of Arab Lawyers (UK), the Monitoring Net of Human Rights in Iraq, the Association of Iraqi Diplomats, and the Association of Iraqi Intellectuals and Academics also share the views expressed in this statement.

Torture increasingly takes place in Iraqi prisons, apparently with US awareness and complicity. Since 2003, the Iraqi POWs are suffering this inhuman and brutal treatment. In its April 2007 report, UNAMI stated that it “remained gravely concerned at continuing reports of the widespread and routine torture and ill-treatment of detainees, particularly those being held in pre-trial detention facilities under Ministry of Interior facilities, including police stations. Several such cases were documented during the reporting period[...]”. But, it is also well documented that Coalition forces have criminally abused and tortured the Iraqi prisoners of war. This treatment is against the basic principles of the Geneva conventions, and against the very basic principle of any civilized nation. In addition to that, the US and the newly established Iraqi Army, Police and Security Forces are conducting daily operations in certain areas and arresting young men without any charge. They put them in secret “detention” places under the responsibility of Iraqi units. Those detainees are often subjected to summary executions, in a grave violation of international law. So far, the Iraqi authorities refuse to grant the ICRC and other organizations the approval to visit these centers. There is reliable information that the US authorities will hand over a number of the Iraqi POWs and detainees to the Iraqi authorities which could result in their immediate execution. According to UNAMI-and HRW reports most of the militia and the two Kurdish parties are also having their own detention places in which torture and ill treatment are routinely practiced.

Since 2003, the basic infrastructure of the country has been destroyed by military operations. Several Iraqi cities have been severely destroyed; under the pretext of attacking “terrorists”, while the result is massive killing of innocent civilians. In order to hide the size of these crimes, the occupation forces prevent humanitarian aid and journalists from entering these cities. More than two thirds of the population has no access to clean drinking water, and just 19 percent have a functioning sewage system.

The occupation forces have used, and are using, weapons that are banned by international law or widely considered unacceptable and inhumane, including cluster bombs, white phosphor, DU and napalm. International Humanitarian Law standards prohibit the use of weapons that do not distinguish between military targets and civilians, and inflict indiscriminate harm or unnecessary suffering. A thorough investigation is urgently needed to assess the full impact of these weapons on life in Iraq.

Iraqi women continue to be the victims of extreme violence. UNAMI and HRW report increased torture, rape of female detainees and cite growing violence against women, especially in Northern Iraqi areas administered by the Kurdish parties PUK and KDP. Since the occupation, Iraqi women continue to be arrested as a way to force their husbands, sons, brothers or fathers to surrender or are detained as a means to pressure them during interrogations. The civil rights granted women before 2003 have been set back generations under the new constitution, drafted under US supervision. Iraqi women have gradually lost most of their 20th century gains and privileges in these years of occupation.

The Iraqi medical service was amongst the most developed in the region, according to the WHO report of March 2003. Since the occupation, a severe deterioration has occurred in this sector so that it cannot meet the needs of the population. The general effect of the health deterioration on the Iraqi population amounts to a serious violation of international humanitarian law. The Fourth Geneva Convention demands that an occupying power "ensures the effective operation of medical services, including hospitals and public health

programs, with special focus on preventing the spread of contagious diseases and epidemics, and allowing medical personnel to carry out their duties." The Iraqi Medical Association reports that 90 per cent of the hospitals in Iraq lack basic medical supplies, including equipment and drugs. In addition to the repeated attacks of the occupation forces, militias have been given free rein in the medical facilities, often dragging away patients for execution.

According to a recent study by UNICEF, 10 percent of **Iraqi children** under five are acutely malnourished, while another 20 percent are chronically malnourished. The vast rise in infant mortality in Iraq is unprecedented. Even sub-Saharan African countries that have suffered the worst ravages of AIDS have not approached such retrogression. The American group (Save the Children), documenting worldwide trends in infant mortality rates, reports that Iraq recorded a staggering **150 percent increase** in the rate of infant deaths between 1990 and 2005. According to its 2007 report, **122,000 Iraqi children died in 2005**, half of them newborn babies.

In its "IRAQ Fact Sheet" of (28 March 2003) UNESCO wrote that, except for the 1991 sanction period, **the education system in Iraq** was one of the best in the region, with over 100% Gross Enrolment Rate for primary schooling and high levels of literacy, both of men and women. The higher education, especially the scientific and technological institutions, was of an international standard, staffed by high quality personnel. Due to the consequences of the invasion and occupation, the entire higher educational system is in a state of collapse. Attacks on universities, by the occupation troops or others, have driven away students from continuing their studies. Iraqi NGOs reports estimate that the number of university professors killed since 2003 is over 300. On 27 July, 2007, UNICEF and the UNHCR issued a joint appeal warning that a generation of Iraqis could grow up uneducated and alienated. So far there is no sign of any improvement in this sector.

In another violation to the Geneva Convention the occupation authorities have changed most of the basic laws and have introduced a new constitution. Moreover, it has created new courts. International humanitarian law applying to occupying powers prohibits the creation of new or special courts or tribunals and the political manipulation of an existing judiciary. In several official statements, the UN Special Rapporteur on the independence of judges and lawyers, states his strong objections regarding the conduct of the trials and expresses his concern about the consequences of its judgments. According to the Special Rapporteur, these trials have violated international standards on due process and violated human rights standards and principles, in particular the right to be tried by an independent and impartial tribunal and the right to adequate defense as stipulated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Special Rapporteur on extrajudicial, summary or arbitrary executions has stated similar positions in this regard. It is also worthy to mention here the position of the UN High Commissioner, Mrs. Louis Arbour, toward this court in its legal opinion of 8 Feb. 2007 in which she described the violations occurred in these trials. Despite that, these trials are continuing in prosecuting Iraqis without any respect to human rights principles.

In October 2006 the British medical journal The Lancet published a shocking study by prominent US academics from Johns Hopkins Bloomberg School of Public Health, Baltimore which estimated that around **600 000 Iraqis have died since the US invasion 2003**. The US expert team used the same tested methods as they had used for earlier widely accepted surveys of death in other conflict areas. In September 2007, ORB

(Opinion Research Business), an independent and widely respected polling agency located in London, published **estimates of the total war casualties in Iraq** since the invasion. **In January 2008**, ORB published an update based on additional work carried out in rural areas of Iraq. Some 600 additional interviews were undertaken and as a result of this the death estimate was revised to **1,033,000** with a given range of **946,000 to 1,120,000**. It is clear that the war and occupation of Iraq has caused one of the largest death tolls among civilians compared to any of the conflicts in the new millennium.

The catastrophic situation in Iraq is a challenge to the entire human rights community and all governments. We submit that the Human Rights Council can no longer remain silent on Iraq but needs to open an in depth discussion on this major human rights tragedy. We urge the Council, and the High Commissioner for Human Rights to seriously examine the human rights situation in Iraq in its entirety as one of the extremely urgent issues that need to be on the HRC's programme of work. The Council can make an important contribution by addressing the right to self determination and the right to peace of the people of Iraq and upholding the established principles of the United Nations. As a first step we urge the Council to re-institute the position of a Special Rapporteur on Iraq, which was dismantled after the invasion in 2003.
