



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) is an order of legal professionals who defend democracy and fight for a peaceful, sustainable world.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting-edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Republic of Iraq.

Summary of conclusions

1. The failure of the Republic of Iraq to comply with its human rights obligations under international law is an indictment both of the current government in power, as well as the lasting influence of the aggressive war and occupation of the United States of America and its allies.
2. Crippling flaws in the Iraqi legal system reflect grave threats to the rule of law in Iraq. JAI has learned of credible evidence indicating that the Iraqi judicial system is open and susceptible to political pressure, corruption and bribery. Lack of guaranteed, universal due process, combined with a death penalty, creates a climate of rank lawlessness.
3. JAI urges the Government of Iraq to provide redress and accountability for the invasion and occupation by the United States and its allies that took place in 2003. JAI urges the Government of Iraq to join the International Criminal Court and to enforce the rule of law in Iraq.



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Analysis

4. Since 2014, Iraq has effectively been in a state of civil war. The Iraqi government, in conjunction with the United States and other powers, have only very recently established full control over Iraq's territory from the Islamic State (ISIS).
5. During this period, the Iraqi government has flagrantly engaged in human rights violations against civilians, both in areas of its effective control, as well as in ISIS-held territories.
6. Freedom of expression has suffered under the current Iraqi government. On February 11, 2017, a protest was held in the Green Zone in Baghdad. The response of the Iraqi government was to respond with violence, which killed at least 7 and wounded 320 other people.
7. Torture continues to be used by Iraqi state forces. Ostensibly a weapon to combat terrorism, the Iraqi government authorities have conducted torture and other ill-treatment of prisoners whom they have detained. Torture is oftentimes used as a means of coercing confessions. The confession is then used by the Iraqi judicial system to procure a harsh penalty, even a death penalty.
8. The use of the death penalty by the Government of Iraq is not at all consistent with international law. The death penalty is heavily disfavored under international law and international human rights law, and states are obligated to preserve the lives of people and to provide dignity to them, even if those people have been found guilty of heinous crimes. In addition, and with respect to Iraq, the use of the death penalty is not at all applied in a manner consistent with any meaningful form of due process.
9. For example, on August 21, 2016, the Government of Iraq executed 36 people in one day for their alleged role in a 2014 terrorist attack. Many of these individuals were convicted after flawed trials, with evidence that their confessions had been extracted using torture.
10. The judicial system in Iraq suffers from fatal defects and it is not hyperbole to suggest that basic fairness is highly difficult, and sometimes impossible, to obtain. Persons with power or other resources often commit crimes in the open, with impunity. JAI has learned that Iraqis are routinely detained, convicted on flimsy or non-existent evidence, and even sentenced to the death penalty shortly thereafter. Individuals charged with terrorism are subject to torture.
11. JAI has serious concerns that the rule of law has been replaced with the rule of might in Iraq.



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Failure to provide redress to victims of the 2003 invasion

12. Through the present, the Government in Iraq has failed to provide redress to Iraqi citizens who were victims of grave human rights abuses in Iraq that occurred as a result of the 2003 invasion and occupation by the United States and its allies.
13. In March 2003, the United States invaded Iraq without authorization from the United Nations Security Council and not in self-defense. This invasion of Iraq was an act of aggression, in violation of the United Nations Charter and international law.
14. As a consequence of the invasion, millions of Iraqi people lost their lives, homes, and property.
15. There are credible allegations that United States troops, and other members of the Allied Coalition that invaded Iraq, committed war crimes in Iraq, or other grave human rights abuses.
16. There are credible allegations that individual military contractors associated with private companies committed war crimes in Iraq, or other grave human rights abuses.
17. The Government of Iraq has an obligation to inquire and hold accountable both the U.S. leaders who invaded their country, without legal authorization, and military personnel (both governmental and private) who committed human rights violations associated with the invasion and occupation.

Failure to protect minorities

18. Through the present, the Government in Iraq has failed to protect discrete and insular minorities from harassment, violence and persecution.
19. To name just two communities, the Iraqi Yazidis and Iraqi Sabeen Mandeian communities have suffered heavy persecution in Iraq, following the U.S.-led invasion in 2003.
20. If nothing is done to protect these communities, they will lose their culture and ways of life.



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Consequence of invasion and occupation

21. In JAI's view, the situation in Iraq today is a direct consequence of the illegal invasion and occupation in March 2003.
22. The grave threat to human rights and the rule of law in Iraq today is the "fruit of the poisonous tree" of that invasion. The failure to hold U.S. leaders accountable for that invasion and resulting crimes committed during the occupation, has created a culture of lawlessness and impunity with respect to the administration and governance of Iraq.
23. While Iraq does not bear responsibility for its own invasion and occupation, it now bears the burden of redressing the crime of the invasion and occupation, and in removing the impunity of Iraqi government leaders who today disregard the rule of law.

Recommendations

24. The Government of Iraq must restore the rule of law by creating the conditions for (i) judicial independence and (ii) prosecution of corruption at all levels of government.
25. The Government of Iraq must address the crimes committed by those leaders and governments that invaded and occupied Iraq in 2003.
26. The Government of Iraq must protect minority groups.
27. The Government of Iraq must protect and defend the rule of law. The Government of Iraq should join the International Criminal Court as a means of creating and defending a culture that respects law, including international law.

Respectfully submitted,

/s/ Inder Comar

of Just Atonement Inc.