

Chapter 12

Conclusion & Recommendations

This report has shown how Washington and London presented exaggerated, misleading and clearly false information to the public and to the United Nations and how they launched a war without Security Council authorization, in violation of the UN Charter. In military operations, the US used indiscriminate and especially injurious weapons. Early on, the Coalition destroyed the Iraqi state and allowed looting, arson and violence to demolish Iraq's hospitals, universities, libraries, museums and virtually all national institutions. A "reconstruction" program has squandered billions of dollars through corruption, fraud and gross malfeasance.

The report has also shown how the Coalition used massive military might that largely destroyed a dozen of Iraq's cities. Coalition forces have held thousands of Iraqis in unlimited detention without charge or trial, subjecting many to abusive interrogation and torture. Coalition troops routinely kill Iraqi civilians at checkpoints, during house searches, and during military operations of all kinds. Coalition troops have also committed murder and atrocities. And they have set up Iraqi militias, commando units and death squads that bring violence and mayhem to the country.

Hundreds of thousands of Iraqis have died and large numbers have been wounded and maimed. More than four million have been displaced, including over two million that have fled the country. Poverty is widespread, illness and mortality of children exceptionally high, and food insecurity rising steadily.

Iraqis vigorously oppose the long-term bases that the US is constructing and the enormous embassy complex that symbolizes long-term US hegemony in the country. By an overwhelming majority, Iraqis want the Coalition to withdraw, as repeated public opinion polls show. A growing majority of the public in the United States favors withdrawal as well, as does the public in the United Kingdom. Coalition governments must recognize reality. It is time for them to accede to the will of their people and to desist from a process that daily violates the law.

The United States has established broad legal immunity in Iraq for its military forces, for private security personnel, for foreign military and civilian contractors, and even for the oil companies doing business with Iraq. No matter what crimes the Coalition commits, Iraqis now or in the future face legal barriers if they seek accountability. US Presidential Executive Order 13303, Order 17 of the Coalition Provisional Authority, Security Council Resolution 1546, and other official acts, shield Coalition personnel from arrest, detention, prosecution or punishment. While the US and its allies have applied limited legal reckoning in a few flagrant cases, punishment has been light. Those with command responsibility have remained beyond the law. Such impunity cannot be allowed to continue. The international community must enforce the laws and insure that justice is served.

The road ahead is very difficult. Iraq will not easily recover and achieve stability. But there are clear steps that can begin a resolution of the conflict. The United Nations and the international community must end the complicity of silence and they must vigorously address the Iraq crisis. The Security Council must assume its responsibilities and consider alternatives for the future. The US Congress must heed and act on the wishes of the electorate. And courts worldwide must act to promote justice and accountability.

The following policy recommendations suggest an immediate path forward:

- The international community should fully acknowledge and address Iraq's humanitarian crisis.
- The Security Council should end the Coalition mandate at the earliest opportunity and plan for a stable transition in Iraq, respecting international law.
- The US Coalition must promptly and speedily withdraw all its forces from Iraq.
- Withdrawal must be governed by a clear and speedy timetable and it must be complete, with no residual forces or bases and with no conditions.
- A UN peacekeeping force, clearly distinct from the Coalition, could assist with the transition, by monitoring the ceasefire, strengthening local police forces and the judicial system, and organizing fully-credible elections.
- US Coalition forces should fully respect international law during any period they remain in Iraq.
- US Coalition forces and the Iraqi government should speedily release all "security detainees" who have not been charged with a crime; an amnesty of others being held in connection with the post-invasion conflict should also be considered.
- Iraqis should engage in comprehensive and broadly-inclusive negotiations to arrive at a plan for security and peaceful government of the national territory. The United Nations could provide assistance for this process.
- All armed groups and militias must agree to a ceasefire and a disarmament process. Iraqi government forces should act with restraint and with full respect for the rule of law. As Coalition forces withdraw, irregular forces should turn in their weapons and disband, as part of the national peace and reconciliation process.
- New elections should be held in Iraq after the withdrawal of occupation forces, based on international electoral standards and subject to international observers; a new (or revised) constitution would be a necessary part of the reconciliation process.
- No new oil laws and contracts should be adopted until peaceful, post-occupation conditions guarantee a full and democratic national debate about the future of Iraq's most important natural resource.
- The international community should assist with reconstruction and rebuilding of Iraq's infrastructure and badly-damaged cities, as well as the speedy resettlement (and guaranteed security) of those who have been displaced.
- Courts, both national and international, should pursue those with command responsibility, to hold them accountable for the many grave violations of international humanitarian and human rights law.