

## Insecurity

Two years after the armed intervention by the coalition forces, the Iraqi people remain the victims of extreme violence. The violence affects all sectors of the population but more particularly the civil population especially the most vulnerable in society. In addition to being a grave violation of the right to life, the insecurity is also an obstacle to the success of efforts for the reconstruction of institutions and for the economy of the country.

Some estimates evaluate the loss of civilian life in Iraq at more than 100,000. Additionally, the level of violence in Iraq generated by the absence of any state control is such that the daily life of many is in jeopardy, except in the autonomous kurdish region. Also, the Iraqi people are also still regularly deprived of necessities such as gas and electricity, two years after the start of the war.

Access to health care and to education is threatened since hospitals and schools are often the targets of aggression and fighting. Dominican sisters and brothers who have been involved for more than 250 years in the fields of health and education in the country are seriously concerned about the consequences of such deprivations and violence not only for the present but also for the future of young Iraqis.

One of the main priorities of the new Iraqi authorities and the occupying forces remains the re-establishment of security in the country and the protection of the civilian population without regard for their community or religious affiliation. However, the end cannot justify the means and therefore the use of violent means which violate the principles of the rule of law to guarantee security can only lead to a further exacerbation of existing tensions.

## Respect for humanitarian law

In the present stage of the conflict, respect for the fundamental principles of the Geneva Conventions and international human rights law in general is indispensable for making any significant advances. Furthermore, in carrying out their operations, all parties involved in the conflict, whoever they may be, must conform to the law, without any condition of reciprocity. This also implies that states cannot be exonerated from their legal responsibility, either by transferring certain of their activities to private agencies, mercenaries or to « private security companies », or by refraining from applying humanitarian law under the pretext of the terrorist nature of the activities of their adversaries.

- The re-establishment of the rule of law

Another major long-term challenge facing Iraq is the re-establishment of the rule of law. The persistence of a high level of impunity remains a key factor in the ongoing violence. The struggle against impunity needs to build on the establishment of independent and effective legal

institutions, that are capable of recognizing criminal activity and crimes of a private or commercial nature which are at the origin of a great deal of the violence affecting the people.

Acts committed by foreign forces stationed in Iraq as well as acts committed by private individuals working under their control, should also be subject to legal proceedings in the appropriate jurisdictions. It is extremely important that justice be accessible in a visible, expeditious and equitable way in order to dispel the sense that impunity is the norm. The absence of legal recourse contributes to the violence in the country. In the absence of an efficient public justice system, the only alternative for many remains private justice.

The UN and the international community can play a major role by offering their support to the new Iraqi authorities in the training of personnel and helping to put in place institutions and procedures that are in conformity with human rights and international standards.

## Respect of minorities

Cultural and religious diversity has always been an integral part of Iraqi reality. This diversity requires dialogue, and the integration of all the parts of society in the political, economic and social life of the country.

The distinction between Shiites and Sunis, Arabs and Kurds, Assyrians and Turkomans, Yezidis and Mendeans are a source of cultural richness and an opportunity for openness for the Iraqi people. One of the conditions for appeasing the situation in Iraq is respect for ethnic and religious minorities as well as ensuring their involvement in the conduct of public affairs and the guarantee of religious freedom for all citizens.

- Recommendations :

**Dominicans for Justice and Peace, Dominican Leadership Conference and Congregations of St. Joseph, Pax Christi Internationalis**, in conjunction with **Franciscans International**,

Recommend :

1. That the UN Commission on Human Rights as well as other bodies of the UN take seriously the report of the High Commissioner for Human Rights on the «present situation of human rights in Iraq » (1) by implementing the main recommendations of the report without delay.
2. Recommend that the UN and the international community take all the necessary means to accompany the new Iraqi authorities in their reconstruction efforts, especially in the administrative and legal areas, as a precondition for a return to peace and security in the country.
3. Exhort the Iraqi authorities to fully incorporate all sectors of the society in the reconstruction of the country, with due respect for the equality of all citizens before the law, without regard for their religious or community affiliation.

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Report of the High Commissioner for Human Rights -The present situation of Human Rights in Iraq. (E/CN.4/2005/4)