



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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THIS ILLEGAL WAR MUST BE CONDUCTED LAWFULLY

The ICJ condemns the illegal invasion of Iraq in the clear absence of Security Council authority -this constitutes a great leap backward in the international rule of law.

Now that the military attack has begun in earnest, it is imperative that States take care not to compound one unlawful action with others. All parties are obliged to follow the humanitarian and human rights prescriptions laid in out in the 1949 Geneva Conventions, other relevant international instruments and international customary law. In particular, the fact that Iraq has been illegally invaded in no way absolves it from scrupulously respecting international humanitarian law and human rights law. States which are not taking a part in the hostilities must benefit from, and themselves respect, the rules of neutrality. In particular, they may not allow their territory to be used for military purposes nor may they be made the object of attack.

Belligerents are obliged to treat humanely all persons in their power. They must not attack any persons surrendering. All parties to the conflict must take special care to distinguish between military objectives and civilian persons or objects. The latter may not be made a target of attack. The ICJ would like to stress that all States must scrupulously observe the rules prohibiting or limiting the use of certain weapons. No weapon that is excessively cruel or by nature indiscriminate may be used, even if it is not the object of a treaty prohibition. The ICJ is particularly concerned about reports that some parties may be contemplating using chemical agents. For those States party to the Chemical Weapons Convention, a strict interpretation is indispensable. In addition, the 1925 Geneva Protocol and customary law absolutely prohibit the use of chemical weapons.

" We hope that these rules will not be the object of the same cavalier treatment that participating states have applied to the UN Charter" said ICJ Secretary-General, Louise Doswald-Beck.

The ICJ recalls the absolute prohibition of committing war crimes or crimes against humanity. Such crimes entail the individual responsibility of all involved persons, from the political masters to the foot soldier. All States are obliged to ensure that persons suspected of such crimes are prosecuted. Parties to the Rome Statute that do not prosecute these persons, must surrender them to the International Criminal Court.

For further information, please contact: Louise Doswald-Beck at + 41 22 979 38 00

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

81A, avenue de Châtelaine, P.O. Box 216, 1219 Châtelaine, Geneva, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org