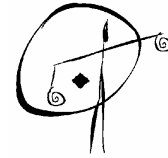




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From Totalitarianism to Democracy: Reconciliation and Accountability in Iraq - Creating a Space for Consultation Erbil (Kurdistan, Iraq)

Final Communiqué

9 May 2009

Upon the invitation of the “International Alliance for Justice” led by Bakhtiar Amin and of “No Peace Without Justice”, in cooperation with Tolerancy International, and with support from the Iraqi Council of Representatives, the Kurdistan Parliament-Iraq, the Kurdistan Regional Government, the Foundation for the Future, and the governments of Italy and Greece, the International Conference “**From Totalitarianism to Democracy: Reconciliation and Accountability in Iraq - Creating a Space for Consultation**” was convened from 7 to 9 May 2009 in the historic city of Erbil, Kurdistan-Iraq.

The Conference gathered the leadership of all Iraq’s major political groupings, representatives of the judiciary, opinion makers and civil society leaders from across the full diversity of Iraqi society, as well as senior international experts from four continents with first-hand experience of making the difficult transition from totalitarianism to democracy.

The Conference built on the solid foundations and outcomes of previous discussions of Practical Federalism in Iraq, held in Venice from 18 to 26 July 2006: in Erbil, Kurdistan–Iraq from 10 to 16 July 2007: Rome from 26 to 27 September 2007: Venice from 18 to 22 December 2007: and Dokan, Kurdistan-Iraq from 9 to 10 November 2008, previously convened by the “International Alliance for Justice” and by “No Peace Without Justice”.

The framework for discussions did not seek to promote any particular preconceived model or solution, but rather to begin a substantive dialogue and consultation process focused on how to develop an Iraqi reconciliation and accountability processes responsive to the aspirations and expectations of the Iraqi people.



Italian Ministry of Foreign Affairs



Greek Ministry of Foreign Affairs



Iraqi Council of Representatives



Kurdistan Parliament - Iraq



Kurdistan Regional Government



Tolerancy International



Foundation for the Future



Discussions were conducted in a spirit of acceptance and mutual respect, and were underpinned by a shared commitment to a coordinated, national, and truly comprehensive process of accountability and reconciliation in Iraq.

Within this constructive atmosphere participants discussed in detail the many specific components of a reconciliation and accountability process, including its political, economic, and cultural dimensions.

The Conference was opened by HE Massoud Barzani, President of the Kurdistan Region, and the Presidencies of the Iraqi Council of Representatives and the Kurdistan Parliament-Iraq.

The International Experts Panel was opened by HE Sadiq Al Mahdi, and followed by other international guests who shared their first-hand experience of the policy decisions that have contributed both to the successes and failures of reconciliation and accountability processes in other transitioning and post-conflict societies, attesting in this session to the fact that Iraq is not alone in navigating the difficult transition from totalitarianism to democracy.

The leaders of the political groups, the chairpersons of the relevant Parliamentary Committees and representatives of the national and regional governments provided in the first plenary session a firm foundation for further discussion with an overview and evaluation of the reconciliation and accountability processes that have taken place in Iraq to date, agreeing that these were largely inadequate to address the full extent of the crimes committed against the Iraqi people, and redress the diverse experiences of its many victims.

In order to confront in concrete and specific terms the many facets of accountability and reconciliation, the proceedings continued with a series of nine parallel sessions, each discussing one of the many components that might form part of a more comprehensive and coordinated process of accountability and reconciliation in Iraq. The topics discussed included: 'Engaging the population in the accountability and reconciliation process;' 'Measures and processes for accountability and reconciliation;' 'Redress, Recognition and Restitution;' 'Security and Military reorganization in the context of reconciliation and accountability;' 'Managing Diversity and Pluralism in Iraq: allocating competences across national, regional and provincial bodies;' 'Iraqi Foreign Relations & Neighbourhood Policy;' 'Cultural, social and educational aspects of accountability and reconciliation;' and 'Economic reconstruction and oil and gas laws in the context of reconciliation; and 'Justice for victims, including IDPs, refugees, displaced, migrants and detainees;''

These discussions led participants to recommend the following practical steps:



- **Preliminaries and general principles:**

First: The Iraqi accountability and reconciliation process should be developed as a national strategy responsive to the prevailing social and political realities of Iraq, not as a response to foreign impositions.

Second: All political parties, both at a national and regional level, must make it a priority to articulate a shared concept of reconciliation so as to secure a common framework for all future initiatives and discussions. For this purpose, participants at the Conference agreed that in a national Iraqi context, the concept of reconciliation includes, at the very least:

- A commitment to justice for the victims of crimes committed by the former regime, either through prosecution, or for less serious crimes, through other non-judicial forms of accountability;
- An effort to support the reintegration of members of the former regime, militia organisations, and others who are not guilty of crimes, in an effort to support the project of rebuilding Iraqi society and economy;
- Immediate measures to compensate all victims and their families for their losses, both financial and psychological;
- Measures to extend the scope of reconciliation beyond the political leadership, and to reach also those not engaged with the political process;
- In order to avoid the recurrence of violence, and to protect the rights of Iraq's countless victims, the requirements of justice and the rule of law, there cannot be any amnesty for the perpetrators of crimes against the civilian population of Iraq;

- **Practical steps:**

1. A database must be established to document the crimes committed by the former regime against the Iraqi people;
2. To demonstrate its concern and awareness of the suffering of the Iraqi people caused by the crimes of the former regime, including genocide against the Iraqi population in Kurdistan Region, central Iraq, and southern Iraq, the Iraqi State must apologise to its people;
3. In accordance with the international resolutions concerning the engagement of women in the peace-making process and reconciliation activities, women should be active and prominent participants in the reconciliation and accountability process;



4. Political, military, and civilian leaders must look beyond their own specific interests and be seen to represent all Iraqis equally, regardless of their religion, ethnicity, or political affiliation;
5. Decisive measures must be taken to identify and engage all concerned parties and stakeholders in any reconciliation process in Iraq;
6. In order to build a truly comprehensive reconciliation and accountability process, any such process must include all Iraqi communities, regardless of their size;
7. Perpetrators of crimes should be urged to acknowledge these crimes and apologize to their victims;
8. The criminal prosecution of the perpetrators of all serious crimes is crucial to establishing a democracy founded on the rule of law, even if prosecutions are possible only in the most serious cases;
9. Reconciliation should be viewed as the outcome of a process, not as a beginning. Iraqis should begin this process by allowing all components of their society to openly express their grief at the suffering of the past;
10. Financial and administrative corruption must be eliminated from the government, and structures must be introduced to provide oversight and accountability as part of the reconciliation process;
11. Compensation procedures for victims and their families should be clarified and simplified in order to accelerate the compensation process, and to encourage victims to accept reconciliation and the possibility of peaceful coexistence;
12. Measures must be taken to provide financial compensation for missing persons and unjustly imprisoned persons;
13. Measures should be taken to provide financial compensation to all victims harmed by government policies for the full period from 1963 until the present;
14. The rights of the residents of disputed areas should be restored as soon as possible, as this unresolved issue presents a serious obstacle to the reconciliation process;
15. The government should provide assistance and financial support for IDPs, refugees, displaced persons, and migrants, in order to facilitate their return to their homes;
16. As an important foundation for a reconciliation process, the Iraqi army and security services must be rebuilt as a truly national force, representing equitably all components of the Iraqi people, while respecting human rights so as to ensure it is never again used as a means of oppressing the Iraqi people;
17. Build a consistent civil society; and prevent the militarisation of society, including the recruitment and use of armed groups for political purposes;



18. All questions concerning the status of armed groups and militias should be resolved in accordance with the constitution and laws of Iraq;
19. Citizenship, acceptance, and respect for Iraq's religious, ethnic, and cultural diversity should be taught in all educational institutions as a means of promoting national identity and reconciliation;
20. A specialised study centre should be established to document, promote, and disseminate information about successful reconciliation initiatives;
21. The full ethnic and religious diversity of Iraq should be reflected and acknowledged in formal discussions by specific reference to these religions and ethnicities in the place of generic reference to "other religions," "other ethnicities," and "minorities."
22. Support the process of building balanced relations with the international community and urge it to contribute to Iraq's reconstruction as a means of facilitating the accountability and reconciliation process;
23. The international community's role and involvement in the reconciliation process should be structured and determined by the will of the Iraqi people;
24. The Iraqi government should build relations with other countries based on mutual interest and the interests of the Iraqi people, and efforts should be made to resolve pending disagreements;
25. Iraq should distance itself from regional and international conflicts;
26. Cooperation and collaboration with the international community should be extended to include also cultural and educational support;
27. Iraq must continue to uphold its international and constitutional obligations, in particular its human rights obligations, and efforts must be made to better enshrine these principles in its own legislation and practice;
28. Adopt legislations to guarantee freedom of expression; greater freedom for the press and media; and the right to access information based on the provisions of the Iraqi constitution;
29. Establish a higher council for culture and arts, develop reform mechanisms and procedures, and develop plans to support culture through a special fund with branches at a national level, as well as in the regions and governorates;
30. Review the curriculum in order to develop an education system that supports and encourages a culture of democracy, human rights, the rule of law, based on the acceptance of a pluralism of opinions and convictions;



31. Accelerate the resolution of the status of the disputed areas issue based on the provisions of article 140 of the Iraqi constitution, as this issue presents an obstacle to the reconciliation process;
32. Accelerate the resolution of the Regional Corps (Peshmerga) budget through a consensus agreement between the federal government and the KRG, in accordance with the constitution;
33. Stress that oil and gas are the property of all the Iraqi people in all its regions and governorates, as stated by article 111 of the Iraqi constitution, and underline the importance of equitably distributing the revenues of oil and gas;
34. All Iraqi parties should accelerate the resolution of their disagreements relating to oil and gas in accordance with articles 111, 112 and 115 of the Iraqi constitution, as resolving these issues would greatly enhance the prospect for national reconciliation;
35. Accelerate the legislation of an ‘oil and gas law’ and a ‘revenue sharing law’, in accordance with the provisions of the constitution, so as to secure a framework for the production and distribution of oil and gas;
36. Measure should be taken to improve the transparency and efficiency of the oil management process in order to eliminate the waste of the oil resources which are the property of the Iraqi people;
37. Support government institutions caring for injured persons and the victims of the former regime including the Iraqi Property Claims Commission; Iraqi Prisoners and Politically Dismissed Foundation; and the Martyrs Foundation, and proceed with the legislation necessary to further facilitate their work;
38. Provide more support for widows and orphans, adopting any additional legislation where necessary;
39. Support and enhance the role of Civil Society Organisations;
40. Establish a special fund to support the victims of the former regime, the victims of terrorism, and civilian casualties of military operations. This fund should be financed by the allocation of a percentage from the grants of donor countries;

The participants at the Conference “From Totalitarianism to Democracy: Reconciliation and Accountability in Iraq - Creating a Space for Consultation” call upon the Iraqi government, the Iraqi Council of Representatives, the Iraqi Higher Judicial Council, the Kurdistan Regional Government, all political groups and parties, Civil Society Organisations, and the media to adopt these recommendations and to take measures consistent with the constitution for their immediate implementation so as to facilitate and support the articulation of an Iraqi accountability and reconciliation process.