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Iraq: Tribunal established without consultation

Amnesty International has expressed concern to the Coalition Provisional Authority (CPA) and the Iraqi Governing Council about the decision to establish an Iraqi special tribunal that was taken without prior consultation with the Iraqi civil society or the international community.

"We have been urging that the proposals to establish the tribunal be subject to widespread consultation within Iraqi civil society, especially the legal profession and human rights groups, as well as the international community," said Amnesty International today. "Unfortunately, the draft statute of the tribunal was not made public before its adoption."

Under international humanitarian law, the authority of the CPA as an Occupying Power to establish a tribunal of the scope envisaged for the Iraqi special tribunal is doubtful at best. Amnesty International is concerned about reports that the tribunal will use Iraqi criminal code - some aspects of which are inconsistent with international human rights standards - to regulate trial procedures and define crimes and punishments.

"We are particularly concerned that the Iraqi Penal Code provides for the death penalty for crimes under the jurisdiction of the tribunal," said Amnesty International.

Amnesty International is seeking a copy of the statute that was adopted in order to analyze it in detail.

Public Document

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