

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Iraq: New evidence further undermines the right to fair trial

Amnesty International has written to Iraq's Justice Minister to express concern about a new disclosure which raises further questions about the fairness of former President Saddam Hussain's trial in 2005-2006. Citing a report recently published by the *New York Times*, Amnesty International is asking why one of the trial judges was dismissed and replaced shortly before the court delivered its verdict, which led to the execution of Hussain and three co-accused, and why the government did not make this public at the time or since.

According to the *New York Times* report, published 25 September 2008, political pressure from the government led to Judge Mundher Hadi being dismissed only a week before the end of the year-long trial and his replacement by another judge who had not heard any of the evidence but who was considered more likely to support the imposition of the death penalty. Only a week after the new judge's appointment, the court sentenced Saddam Hussain and two others to death; they and a fourth accused whose life sentence was changed to death on the orders of an appeal's panel, were executed at the end of 2006 and in 2007.

In its letter to Justice Minister Safa al-Din Mohammed al-Safi, Amnesty International called for urgent clarification of the circumstances in which one judge was substituted for another and this new allegation of political interference in the trial, and repeated previous demands that the court in question, the Supreme Iraqi Criminal Tribunal (SICT), should be brought into full conformity with international standards on fair trial.

Amnesty International, other human rights organizations and United Nations (UN) expert bodies, including the UN Special Rapporteur on the independence of judges and lawyers, have repeatedly expressed concern about government interference and other deficiencies in proceedings before the SICT, which was set up specifically to try Saddam Hussain and others accused of gross human rights violations committed under his government. The organisation continues to urge that all those accused of abusing human rights should be brought to justice in trials which conform fully with international fair trial standards, as set out in several international human rights treaties, including the International Covenant on Civil and Political Rights, which Iraq ratified in 1971. Amnesty International continues to urge that those convicted in such trials should receive sentences commensurate with the seriousness of their crimes but without resort to the death penalty.

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