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Iraq: Amnesty International deplors execution of Saddam Hussain

Amnesty International deplored the execution today of Saddam Hussain following the confirmation of his sentence by the Iraqi Appeals Court on 26 December 2006.

The organization, which totally opposes the use of the death penalty, said it was concerned that the Iraqi Appeals Court had failed to address the major flaws during the former dictator's trial before the Supreme Iraqi Criminal Tribunal (SICT) which had rendered it unfair.

"We oppose the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, but it is especially abhorrent when this most extreme penalty is imposed after an unfair trial," said Malcolm Smart, Director of Amnesty International's Middle East and North Africa Programme. "It is even more worrying that in this case, the execution appeared a foregone conclusion, once the original verdict was pronounced, with the Appeals Court providing little more than a veneer of legitimacy for what was, in fact, a fundamentally flawed process."

Amnesty International said it had greatly welcomed the decision to hold Saddam Hussain to account for the crimes committed under his rule but this should have been done through a fair process. "His trial should have been a major contribution towards establishing justice and ensuring truth and accountability for the massive human rights violations perpetrated when he was in power, but his trial was a deeply flawed affair" said Malcolm Smart. "It will be seen by many as nothing more than 'victor's justice' and, sadly, will do nothing to stem the unrelenting tide of political killings."

Saddam Hussain was sentenced to death on 5 November 2006 after being convicted in connection with the killing of 148 people from al-Dujail village after an attempt to assassinate him there in 1982. The trial, which began in October 2005 almost two years after Saddam Hussain was captured by US forces, ended last July. The Appeals Court confirmed their sentences on 26 December 2006, when Judge Arif Shaheen confirmed that it must be carried out within 30 days after ratification by Iraqi President Jalal Talabani or his delegate.

The trial before the SICT failed to satisfy international fair trial standards. Political interference undermined the independence and impartiality of the court, causing the first presiding judge to resign and blocking the appointment of another, and the court failed to take adequate measures to ensure the protection of witnesses and defence lawyers, three of whom were assassinated during the course of the trial. Saddam Hussain was also denied access to legal counsel for the first year after his arrest, and complaints by his lawyers throughout the trial relating to the proceedings do not appear to have been adequately answered by the tribunal. The appeal process was obviously conducted in haste and failed to rectify any of the flaws of the first trial.

"Every accused has a right to a fair trial, whatever the magnitude of the charge against them. This plain fact was routinely ignored through the decades of Saddam Hussain's tyranny. His overthrow opened the opportunity to restore this basic right and, at the same time, to ensure, fairly, accountability for the crimes of the past. It is an opportunity missed," said Malcolm Smart, "and made worse by the imposition of the death penalty."

At the time of his execution, Saddam Hussain was also standing trial before the SICT, together with six others, on separate charges arising from the so-called Anfal campaign, when thousands of people belonging to Iraq's Kurdish minority were subject to mass killings, torture and other gross abuses in 1988. It is expected that this trial will now continue against the other accused. The execution of Saddam Hussain is a major blow to the process of establishing the truth of what happened under his rule and as such another squandered opportunity for Iraqis to find out about and come to terms with the crimes of the past.

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