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Iraq: comprehensive approach to justice urgently needed

Amnesty International reiterated its call for a comprehensive and authoritative review of options for ensuring justice in Iraq, in response to the announcement today by United States (US) authorities of the possible establishment of a special court to bring to justice those responsible for past crimes against Iraqis. According to reports, the court would operate on the basis of the Iraqi judicial system.

"We welcome the principle of involving Iraqis in the process of ensuring justice for the gross human rights abuses perpetrated in Iraq in the last few decades", Amnesty International said. "This process would be best facilitated by bringing to Iraq international experts to work with Iraqis in assessing the Iraqi justice system and making recommendations for its long-term reform and for any transitional mechanism that may be needed in the meantime. Any mechanism chosen as a result must be in full compliance with international standards for fair trial and not impose the death penalty."

Amnesty International has recommended that a United Nations (UN) commission of experts be sent to Iraq to develop - in a matter of months - proposals for a program that would address comprehensively the issue of justice in Iraq in close consultation with Iraqi civil society.

"A number of proposals for bringing to justice perpetrators of human rights abuses have been formulated, but none is based on an in-depth authoritative analysis of the situation in Iraq. This is why expert advice is essential. The UN has the recognized expertise and authority in this field and should therefore play the leading role in this respect".

As occupying powers, under international humanitarian law the United States of America (USA) and the United Kingdom (UK) must ensure law and order, and this requires ensuring proper police and judicial functions to deal with the immediate situation. They must use Iraqi law but not implement those provisions inconsistent with international human rights and humanitarian law.

"In this respect, we welcome the review of the Iraqi penal legislation and code of criminal procedure that we understand is being carried out by the US and UK authorities in Iraq, to the extent that it aims at ensuring fair process for those suspected of current crimes", Amnesty International said. "However, as occupying powers the USA and UK cannot engage in a major, long-term review of the Iraqi justice system: this is a task for an effective Iraqi government when established".

The people of Iraq need truth and accountability for human rights violations. Since Amnesty International delegates arrived in Iraq, they have been overwhelmed by individuals approaching them to document their experiences of human rights violations. People have reported cases of relatives who were "disappeared", some going back as far as 1979. In one instance, a community leader presented Amnesty International with a list of 154 names of people executed in 1999 in Basra.

"Any selective or partial judicial process will spectacularly fail the Iraqi people", Amnesty International said. "Ensuring justice is fundamental for the countless victims of decades of grave violations of human rights by Iraqi government agents, as well as the victims of abuses committed by all parties in the course of several conflicts, including the ongoing war", Amnesty International concluded.

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For the full text of the report *"Iraq: Ensuring justice for human rights abuses"* please go to : http://web.amnesty.org/library/Index/ENGMDE140802003

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