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Iraq: Amnesty International deplors death sentences in Saddam Hussein trial

Amnesty International deplors the decision of the Supreme Iraqi Criminal Tribunal (SICT) to impose the death sentence on Saddam Hussein and two of his seven co-accused after a trial which was deeply flawed and unfair. The former Iraqi dictator was sentenced today 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 Hussein was captured by US forces, ended last July. The verdict was originally due to be announced on 16 October but was delayed because the court said it needed more time to review testimony.

The case is now expected to go for appeal before the SICT's Cassation Panel following which, if the verdict were to be upheld, those sentenced to death are to be executed within 30 days.

"This trial should have been a major contribution towards establishing justice and the rule of law in Iraq, and in ensuring truth and accountability for the massive human rights violations perpetrated by Saddam Hussein's rule," said Malcolm Smart, Director of the Middle East and North Africa Programme. "In practice, it has been a shabby affair, marred by serious flaws that call into question the capacity of the tribunal, as currently established, to administer justice fairly, in conformity with international standards."

In particular, 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 Hussein 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.

"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 Hussein'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."

Amnesty International will now follow closely the appeal stage, where the evidence as well as the application of the law can be reviewed, and the SICT has therefore an opportunity to redress the flaws of the previous proceedings. However, given the grave nature of these flaws, and the fact that many of them continue to afflict the current trial before the SICT, Amnesty International urges the Iraqi government to seriously consider other options. These could include adding international judges to the tribunal, or referring

the case to an international tribunal -- an option indicated by the UN Working Group on Arbitrary Detention last September.

Saddam Hussein is currently being tried by 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.

Public Document

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