



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

18 December 2003

IMMEDIATE

P
R
E
S
S
R
E
L
E
A
S
E

DETENTION OF SADDAM HUSSEIN: AN OPPORTUNITY FOR INTERNATIONAL JUSTICE

The capture and detention of Saddam Hussein presents a unique opportunity to bring to justice the alleged author of some of the worst international crimes of the past quarter century, the International Commission of Jurists (ICJ) said today. The deposed Iraqi leader presided over a regime responsible for hundreds of thousands of unlawful killings, many of which constitute crimes against humanity and, possibly, acts of genocide.

The ICJ believes, however, that the ends of justice will only be served if the trial of Saddam Hussein and other former Iraqi officials is fair and conducted in accordance with international standards by a tribunal perceived as legitimate by the people of Iraq and the international community.

The Iraqi Governing Council, reportedly on close advise by the United States Occupying Power, has announced the establishment of a domestic tribunal to try alleged Iraqi war criminals. The ICJ has serious concerns as to whether a tribunal comprising exclusively or predominately Iraqi judges, prosecutors and investigators will have the capacity or expertise to carry out trials of the complexity envisaged. Moreover, with the eyes of the world likely to be fixed on the trial of Saddam Hussein, it will be important that any tribunal engage in the highest standards of justice and fairness and not be seen as mainly a vehicle for exacting vengeance or exercising political opportunism.

The Iraqi people have been the most directly affected by the abuses of Saddam Hussein and other Iraqi officials. In principle, a legitimate, democratically elected Iraqi Government, if one emerges in a reasonable time, should play a central role in determining how they are to be tried. The crimes for which they are likely to be accused are also by their legal nature the concern of the international community as a whole, and may involve Iranian and Kuwaiti victims from wars fought with those countries. Whether the court that eventually tries them is Iraqi, international or hybrid in character, it is essential that it be an independent and impartial tribunal that ensures the full application of international standards relating to the right to a fair trial.

Punishment of Saddam Hussein by death should unequivocally be ruled out. The ICJ opposes the death penalty in any and all circumstances and recalls that the United Nations Secretary-General and Human Rights Commission have expressed their opposition to its application.

Until such time as Saddam Hussein is brought to trial, the ICJ calls on the Detaining Power, the United States, to apply to his case fully the provisions of the Third Geneva Convention Relative to the Treatment of Prisoners of War.

For further information, please contact Ian Seiderman (English) +41-22-979-3823 or Federico Andreu (French or Spanish) +41-22-979-3819.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

81A, avenue de Châtelaine, P.O. Box 216, 1219 Châtelaine, Geneva, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org