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Dear Colleagues,

The International Center for Transitional Justice (ICTJ) today has made available its 23-page briefing paper, “The Creation and First Trials of the Iraqi Supreme Criminal Tribunal.”

The tribunal is facing an uphill battle on several major fronts ahead of the trial of Saddam Hussein and his close associates on Wednesday, October 19. But if it acts quickly, decisively, and properly to ensure that the proceedings meet international fair trial standards and are transparent and accessible to the public, it may yet be able to overcome its problems, the ICTJ said in its paper.

The paper provides an overview of the creation and development of the tribunal, as well as the major challenges it faces, including:

- its susceptibility to political pressures which casts doubt on its independence;
- the inordinate influence of the U.S. government, which has already negatively affected perceptions of its legitimacy and may affect evidence presented at the trial;
- being and appearing to be fair and consistent and duly respectful of international fair trial standards, especially regarding the rights of the accused;
- adequately protecting and providing support to witnesses within a poor security environment; and
- fostering transparency and providing explanatory information to the public at large on a regular basis.

“The trial of Saddam Hussein and other Iraqi officials is the most significant and ambitious domestic effort in decades to bring perpetrators of mass crimes to justice,” said Miranda Sissons, senior associate and head of the ICTJ’s Iraq program. “The tribunal still has time to act to ensure a fair trial and the adequate protection of the rights of the accused. Victims of gross human rights violations and their families deserve no less than a process that delivers justice and truth and is beyond reproach.”

The Center has been involved in Iraq since mid-2003. It has followed the tribunal’s establishment closely, and has worked and held several meetings with senior tribunal officials.

The ICTJ will have monitors observing the trials from the tribunal courtroom in Baghdad starting on Wednesday, October 19. They are available for comment both ahead of and during the trial proceedings. Should you wish to speak with them or would like further information, please contact me at +1 (917) 703-1106 or sgrego@ictj.org.

Best regards,

Suzana Grego