

## FOR IMMEDIATE RELEASE

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### **Saddam Trial Adjournment Increases Chances for Fair Trial**

*Iraqi Tribunal Should Seize Opportunity to Address Concerns*

**BAGHDAD/NEW YORK, October 19, 2005**—The adjournment of the trial of Saddam Hussein and seven of his co-defendants by the Supreme Iraqi Criminal Tribunal until November 28, 2005, provides much-needed time to the tribunal and defense counsel to prepare for the trial, said the International Center for Transitional Justice today. The tribunal may need to consider further adjournments to ensure that the proceedings are fair and impartial.

“The tribunal judges’ professional treatment of the defense counsel in today’s proceedings was encouraging, and the decision to adjourn is a significant step in the right direction,” said Miranda Sissons, head of the Iraq program and courtroom trial observer for the ICTJ in Baghdad. “Today’s adjournment gives the Iraqi tribunal the opportunity to address head-on concerns about its ability to conduct a fair trial under independent and legitimate auspices, and to take concrete action on other crucial areas such as public outreach and witness protection.”

The security arrangements made for the first day of the trial left limited space, if any, in the courtroom for relatives of the defendants, and at times made proceedings inaudible to observers sitting behind a glass wall, ICTJ observers noted.

Defense counsel and some of the defendants raised three main challenges in today’s proceedings: the lack of adequate time given to the defense to study the final dossier and prepare its case; the lack of sufficient access to the accused by defense counsel; and concerns regarding the court’s legitimacy and competence.

The Center urges the tribunal to use the trial delay to adequately respond to those and other serious challenges.

*To address concerns regarding the rights of the defense, the tribunal should:*

- allow the defense sufficient time to examine the evidence and prepare its case;
- allow defense counsel adequate access to the accused;

- clarify procedural issues that remain unclear or unresolved, such as the absence of clear rules governing disclosure; and
- decide that any statement by the accused should be ruled inadmissible as evidence if obtained without the accused being informed of his full rights under the law, and without the presence of defense counsel.

*To address concerns about its legitimacy and competence, the tribunal should:*

- ensure that the proceedings strictly adhere to international fair trials standards, particularly to the rights of the accused, and allow the defense to properly mount its case;
- employ vigorous media and public outreach programs to ensure that the proceedings are transparent, accessible, and comprehensible to the Iraqi public at large; and
- provide adequate protection and support to victims and those who testify, including developing a full witness protection and relocation program.

“Politicians should immediately cease their continuing efforts to manipulate these trials for political gain,” said Sissons. “If the judges cannot be protected from threats of dismissal or political interference in their work, these trials will be seriously compromised.”

The trials are likely to have both short- and long-term impact on Iraqi politics and development as well as on the Iraqi people. Several Iraqis present in the courtroom drew stark contrasts between these trial proceedings and their personal experiences under the past regime. One person recounted the story of her trial which took place behind closed doors in a dark room in the presence of only one judge. The proceeding concluded in five minutes with the judge imposing on her a sentence of 20 years in prison or death.

The start of the trial of Saddam Hussein and his co-defendants marks the beginning of the most significant and ambitious domestic effort in recent decades to bring perpetrators of mass crimes to justice. If conducted fairly, the trials could help to deliver not only a measure of justice and truth, but could assist Iraq in emerging from a history of severe violence and abuse by indicating that perpetrators are not above the law but that they must be treated according to internationally accepted standards. It is now up to the tribunal in the coming weeks to ensure that its proceedings are fair, transparent, and above reproach.

## **ICTJ Reports and Resources**

To access the ICTJ’s briefing paper on the “Creation and First Trials of the Supreme Iraqi Criminal Tribunal,” made publicly available on October 17, 2005, go to: <http://www.ictj.org/downloads/iraq.briefist.pdf> The paper provides an overview of the creation and development of the tribunal, the major challenges it faces, and recommendations for moving forward.

To access reference documents on the Iraqi tribunal, go to [www.ictj.org](http://www.ictj.org).

The ICTJ's survey report, "Iraqi Voices: Attitudes Toward Transitional Justice and Social Reconstruction," released in May 2004, can be found at:

<http://www.ictj.org/downloads/IraqDesigned.pdf>

### **About the ICTJ**

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and nonjudicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others.

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