

UN human rights expert deplures Saddam's trial and execution; calls for legal overhaul

4 January 2007 – Citing “glaring flaws” in the trial of former Iraqi President Saddam Hussein, who was hanged on Saturday, and his co-defendants, an independent United Nations human rights expert has called on the Iraqi Government to halt the other executions and overhaul its judicial system to comply with international law.

“The trial and execution of Saddam Hussein were tragically missed opportunities to demonstrate that justice can be done, even in the case of one of the greatest crooks of our time,” Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, [said](#) in a statement.

He called for far-reaching reforms, and said a number of basic measures must be taken at once, including commuting the other death sentence to life imprisonment or other long terms, eliminating the Government's powers to remove a judge “for any reason,” and amending the 30-day time period between final judgement and execution to ensure full respect for the right to appeal.

Mr. Alston, a law professor at New York University, cited three major flaws. First, the trial was marred by serious irregularities denying Mr. Hussein a fair hearing.

Secondly the Government “engaged in an unseemly and evidently politically motivated effort to expedite the execution by denying time for a meaningful appeal and by closing off every avenue to review the punishment,” he declared.

“Finally, the humiliating manner in which the execution was carried out clearly violated human rights law,” he said. “The right not to be subjected to cruel, inhuman or degrading punishment was violated when Saddam Hussein Al-Majeed was mocked by his executioners and then shown to the world by video as a morbid, public spectacle.”

While acknowledging “an understandable inclination to exact revenge in such cases,” he warned that “to permit such instincts to prevail only sends the message that the rule of law continues to be mocked in Iraq, as it was in Saddam's own time.

“If the current Government of Iraq is serious about marking a departure from the predetermined and arbitrary justice meted out by Saddam himself, a number of reforms should be adopted urgently,” he said, adding that as a first step, the reportedly imminent execution of two co-defendants, Barzan Ibrahim Al-Hassan and Awad Hamad Al-Bandar, should be halted.

This echoed a [call](#) made yesterday by UN High Commissioner for Human Rights Louise Arbour.

Mr. Alston stressed that the trials “were characterized by glaring flaws” with the legal right of defendants to challenge evidence severely impeded. The statements of at least 23 prosecution witnesses were read into the court record without giving the defendants any opportunity to

question them. He cited “the disarray” of the trial with an 80 per cent turnover among the judges and the murder of three defence lawyers.

He said the right to have one’s conviction and sentence reviewed by a higher tribunal appears to have been treated as a mere formality, with all the complex issues disposed of in less than a month. “This undue haste mocks the due process requirements of international law. The process to date has given the clear sense of a predetermined rush to execute rather than of a commitment to achieve justice,” he declared.

Special Rapporteurs are unpaid, independent experts who report to the UN [Human Rights Council](#).

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