

November 5, 2006 Judgment: Statement of Saddam Hussein's Defense Lawyers

By [Global Research](#)

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The Presiding Judge of the First Trial Panel

Peace be upon you,

Sub./ Finalization of the procedures of the case No.(1st.crim.2005) – “the so-called Dujail case”

It has been reported that the Court will issue its judgment in the above-mentioned case on November 5, 2006. We want to state the following:

1- The due procedures of this case have not completed in order for a sentence to be announced according to article no. (156) of the (Iraqi) Civil Procedural Law. The Court has not yet received the final defense submissions, which have already been handed to it. Although one of our (protected) colleagues was delegated by the Defense Committee and by his other colleagues to submit our submissions to the Court, in compliance with the decision of the same court in its session no. (39) Of July 27, 2006, which provides that the Court will “admit the deposition of the defense lawyer’s and their client’s submissions during the adjournment period of time, which ends on the 16th of October 2006. Our delegated colleague has done the following to this end:

a) On Sept 4 2006, he submitted a request to the Court to meet the Presiding Judge, in order to confer with him about the submission of the final defense submissions and to let the lawyers present them during the proceedings of 16 October 2006. Or to add these submissions to the file of the case in order to be considered and reviewed by the Court. We have not reached any conclusion on this matter.

b) On 4th of October 2006, our colleagues met with the left-hand judge Basil Abdul-Latif (member of the panel) and the Chief Prosecution in order to submit the final defense submissions and to present them before the Court.

c) After judge Basil Abdul-Latif received the submissions, he made some comments about the form of them. We accepted his comments in full and our colleague was supposed to return to the Green Zone after two days to submit the submissions to the Court.

d) Our colleague stayed inside the Green Zone for (14) days, trying to submit the submissions to the Court, but to no avail. The submissions were handed to a translator who works for the Court, in order to submit them, but we have not yet reached any results.

e) On 14th of October 2006, our colleagues: lawyer Khalil Dolaimi, Dr.Curtis Doebbler and

lawyer Issam Ghazawi traveled to Baghdad. The sole aim of this journey was to deposit the final edited submissions at the Court. That was with the knowledge of the Defense Committee members and the other colleagues. They submitted a formal request to have a meeting to submit the submissions, but nobody has responded to their request, so we were obliged to send the submissions to the Court by e-mail on the 16th of October 2006.

2- Our clients are entitled to the rights, which are provided for in Para. (b) of article (19) of the law of the Iraqi High Criminal Court. Among these is our client's right to have the adequate time and facilities to prepare their defense. After the defense submissions were prepared by the clients and their legal council, the Court refused to receive and review them, as part of the documents of the above mentioned case which deems the Court as lacking the requirements of a fair trial as provided for in international law and which violates the right to have a defense – a right which is guaranteed both legally and constitutionally.

3- Moreover, article (14.3.b) of the International Covenant for Civil and Political Rights confirms this right of having proper time and facilities to prepare a defense. This right is reaffirmed by article (14.3.c) of the same Covenant and principles 1, 5 and 6 of the Basic Principles of the Rule of Lawyers. The right to a fair trial is one of the standards of international human rights law and it aims at protecting the individuals from any deprivation or derogation of their basic rights in any illegal or arbitrary manner.

4- We, as a defense committee, in addition to our other colleagues, are confident that our clients are innocent of any of the charges that are alleged to them, in particular, after the Working Group on Arbitrary Detention rendered its opinion no.31/2006 on the 1st of September 2006, which, states in its paragraph no.(27) that: "In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty for Mr.Saddam Hussein is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights to which Iraq and the United States are parties, and fall within category III of the categories applicable to the consideration of the cases submitted to the Working Group".

Paragraph 28 of the same opinion also states that: "As a consequence of the opinion rendered, the Working Group requests the Governments of Iraq and the United States to take the necessary steps to remedy the situation of Mr.Saddam Hussein and to bring it into conformity with the principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights".

5- Since the provisions on International Humanitarian law and the International Human Rights law are mandatory provisions that should not be violated, the Defense Committee and the other Defense lawyers, confirm that the law of the Court and its Rules of Procedure gravely violate the obligatory rules of the above mentioned laws.

We request the Court to:

First – To agree that the final submissions of the defense lawyers and their clients be presented before the Court.

Second – To decide on another date for the proceedings. Not before, at least sixty days, to present the defense submissions, so that the new data may be suitable for the Court, the lawyers and their clients.

Third – That the final defense submissions are added to the file of the above-mentioned case, and that the Court should consider and review these submissions in particular because these submissions contain documents and evidence that may affect and be productive in the whole course of the case.

The Presiding Judge:

There is only one explanation for the Court’s refusal to respond to our lawful requests and for its continued ignorance to them. It is that this is a trial which has a political purpose to convict President Saddam Hussein in order to keep pace with the occupying invador’s policy to get use of such a decisions (of conviction) and to utilize it for electoral objectives as been illustrated by President Saddam Hussein in a letter he sent to the Court on the 22nd of October 2006. For this, the Court bears the moral, legal and historical responsibilities before the Iraqi people and the world.

With due respect

The Defense Lawyers:

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