

**Statement  
by Mr. Elias Khoury, representative of the Union of Arab Jurists**

**on the report of the Special Rapporteur, Mr. Leandro Despouy,  
on the independence of the judges and lawyers  
11 June 2007**

**Mr. President,**

On behalf of the Union of Arab Jurists, I extend my appreciation to the Special Rapporteur, Mr. Leandro Despouy for his valuable and substantive report.

We are following very closely and appreciate the Special Rapporteur's efforts to strengthen the judicial systems around the world.

We support the recommendations of Mr. Despouy in this regard and hope that the Human Rights Council will take all necessary actions to achieve justice and the independence of the judiciary and to enhance the office and mandate of the Special Rapporteur in order to enable him continue his efforts in this field.

The Special Rapporteur has indicated that corruption of the judiciary and attack against its independence are the most serious threats to the rule of law. He stated several elements that contribute to the deterioration of the judiciary system, the political and ideological loyalty of the judges are among it.

This deterioration is what the international community has repeatedly reported are rampant in Iraq where the trials there are based on vindictiveness. They lack the basic principle of any legal trial. They become means of carrying out summary, arbitrary and extra-judicial execution. These killings have been carried out as revenge against the former legitimate Iraqi leaders who were removed from power by an illegal act of aggression in which the Iraqi authorities ruling the country today have participated against their own people.

The height of the abuse of judicial authority has been the summary, arbitrary, and extra-judicial execution of the legitimate president of Iraq, who was executed on the morning of 30 December 2006. President Saddam and other members of the Iraqi government were arrested by the occupation forces and formally declared prisoners of war. They were subsequently handed over to Iraqi authorities who the occupying powers knew would torture and kill them without a fair trial. These acts—both by the occupying powers and Iraqi authorities—constitute grave breaches of international laws and are war crimes. They must not be overlooked and those responsible are held accountable. Impunity for these grave breaches is a stain on international human rights law.

In addition, the so-called Iraqi Criminal Court that was established by the occupying powers is itself a serious violation of the Geneva Conventions, which prohibit an occupying power from establish courts. The court did not and does not meet the minimum requirements for fair trials. The trials lack the most minimum guarantees of due process, in particular those contained in the International Covenant on Civil and Political Rights and the Geneva Conventions. This court regularly deprives defendants of the right to an adequate defense by constantly threatening lawyers who appear before it and prevented them from making their arguments. The court has ordered some lawyers be imprisoned without cause. The court has even been connected to the assassination of several lawyers.

Defendants are regularly deprived of their legal right to appeal rulings issued against them as judgements are not sent to the Appellate Court within the regular Iraqi judicial system, but are instead handled by one of the chambers of the special Criminal Court made up of the same judges who decide cases in first instance. Often pleadings are not even read or give judicial consideration. In one instance the Hugh Court even changed a sentence of life to one of death [Taha Yassin Ramadan] without specifying the crime.

**Mr. President**

It is now urgent that the international community—especially this Council—apply pressure on the occupation authorities and Iraqi authorities to stop these illegal trials and to immediately implement the Special Rapporteur's proposal to establish an international tribunal to prosecute with impartiality and independence of all serious crimes committed in Iraq, especially those committed after the invasion in 2003.

**Mr. President**

The Union of Arab Jurists wishes to draw the attention of the Council to attempts led by some influential members of the Security Council to destroy the foundations of the international law and to politicize the law through hypocritical action aimed at embedding the hegemony of a few in the unipolar world. The most recent hypocritical action has been the decision of the Security Council, in Resolution No. 1757 adopted under Chapter VII, to form an international court to try the perpetrators of alleged political assassinations in Lebanon, while remaining conspicuously silent in the face of the war crimes, genocide and crimes against humanity that are being committed in Lebanon, in Iraq, and in the occupied Palestine Territories. This silence and impunity must be ended, we call up on the Council to work towards this goal. **Thank you**

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