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Allow an international panel to judge Saddam: Justice for all the victims

Anne-Marie Slaughter and William Burke-White

As the Bush administration develops its plans for the trial of Saddam Hussein, it must remember that Saddam's victims are not only in Iraq. Saddam is responsible for numerous and equally appalling crimes against non-Iraqis: He used chemical weapons against Iranian soldiers in the 1980s and he aggressively invaded and occupied Kuwait in 1990. Equally important as the need to bring justice for all of Saddam's victims, the trial of Saddam must be perceived as legitimate in Iraq, and, as widely as possible, in the Islamic world. To achieve both these aims, the tribunal should include judges both from Iraq and from other countries most directly affected by his crimes, including at least one from Iran or Kuwait.

Fortunately, the statute of the Special Tribunal approved last week by the Iraqi Governing Council allows for the inclusion of international judges. While members of the Council have asserted that "this will be an Iraqi process," they are free to consult widely, with the United States, the United Nations, the Arab League, the European Union, and others as to the best composition of the tribunal.

The statute of a Special Tribunal for Crimes against Humanity also allows the tribunal to prosecute crimes against both Iraqis and non-Iraqis. Specifically, it has jurisdiction over the crime of aggression as defined in Iraqi law. Saddam can thus be tried not only for crimes against his own people but also for waging aggressive wars against Iran and Kuwait and for war crimes against their citizens. Including these charges offers the chance to bring a sense of justice to the entire region he destabilized and terrorized for decades. At a press conference on Monday, President George W. Bush announced his desire to "work with Iraqis to develop a way to try [Saddam] that will withstand international scrutiny." Saddam's trial will have three key audiences: Iraq, the Middle East, and the rest of the world. Holding a trial led by Iraqis in Iraq will do much for the legitimacy of the proceedings at home. Saddam was responsible for the deaths of hundreds of thousands of Iraqi citizens, particularly Kurds and Shiites. For the victims of these horrendous crimes, Saddam's trial should be held in Baghdad, physically close to the victims and structured in such a way that Iraqis can judge their own.

By including one or two judges from other victim states, the rest of the Muslim world will have greater faith that the trial is not only a victors' justice.

The statute of the tribunal approved last week can go far to assuage international criticism. It provides all the basic guarantees of a free trial. Trials are to be public. The accused are innocent until proven guilty. They have the right to counsel (including international counsel), the ability to confront witnesses and a right to appeal.

Yet, as the Iraqi judiciary has not functioned in any serious way for decades, Iraq needs help to build a case against Saddam and ensure that his trial is perceived as free and fair. In this regard, the statute allows for international advisers for both the prosecutors and judges. The tribunal should invite -- possibly with the help of the United Nations, which has a great deal of experience in international trials -- a distinguished group of international jurists, including some from the Muslim world, to serve as advisers. Even nations opposed to the war agreed that Saddam was an evil tyrant. His trial presents an opportunity for the entire international community to come together around something all agree on.