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Presenter: Iyad Allawi and Iraqi Minister Of Justice Mailk Dohan Al-Hassan Tuesday, June 29, 2004

Press Conference with Iraqi Prime Minister

(Note: The remarks of the prime minister and minister are provided through interpreter.)

(Applause.)

MR. : (Through interpreter.) Mr. Prime Minister, the Iraqi press and the international and Arab news agencies would like to congratulate the new Iraqi government for their sovereignty. One thousand congratulations to you, Mr. Prime Minister.

PM ALLAWI: In the name of Allah, the most merciful, the most compassionate, peace be upon you.

Our country has now entered into a new era, the second new era within the past 14 months. Last April Iraq began an era free from Saddam Hussein. We Iraqis are grateful for the coalition action that liberated us from the former dictator's tyrannical grip.

Now we have entered an era free from occupation. We Iraqis now again control the affairs of Iraq. We Iraqis believe that to truly be in control of our affairs and our own future, we must be in control of the destiny of the people we believe most responsible for so much of the suffering the Iraqi people endured over the past 35 years.

To that end, this government has formally requested the transfer of the most notorious and high-profile detainees to Iraqi legal custody. So Saddam Hussein, along with up to 11 other high-value detainees, will be transferred to the legal custody of Iraq tomorrow and will be charged before an Iraqi investigative judge on the following day.

More than 1 million Iraqis are missing as a result of events that occurred during the former regime. Hundreds of thousands of Iraqis of all religions and ethnic groups are believed to be buried in mass graves.

Those we believe most responsible for Iraq's suffering will face Iraqi justice in the Iraqi Special Tribunal established in December to try former regime associates for crimes against humanity, genocide and war crimes. The trials in the Iraqi Special Tribunal will be conducted by Iraqi judges. I know I speak for my fellow countrymen when I say I look forward to the day former regime leaders face justice, God willing.

At our request, the multinational forces will continue to maintain physical custody of them until Iraq's correction service is fully capable for providing for their safety and secure detention of the accused. And up to that date, the multinational force will keep those detainees and will transfer them over to Iraqi justice. The multinational force has agreed to this, and they will keep them for the Iraqis, but Iraq will keep the legal custody. This agreement has been formalized in a memorandum of understanding entered into by the Ministry of Justice and the multinational force.

And so, in the coming days, we will see the commencement of criminal proceedings against Saddam Hussein and others we believe were most responsible for crimes against the Iraqi people and others. And because we are for independent judiciary, the accused who will appear in front of the Iraqi court and that they will be afforded rights that were denied by the former regime. The accused will have the right to -- the accused will have access to legal counsel, and they will have the right to appoint legal counsel, and the accused will have access to legal counsel free of charge if they are unable to pay. The accused may not be compelled to testify against themselves and may remain silent.

While the legal proceedings against some members of the former regime may begin soon, the judicial process will take some time. Justice will be done, however, and the progress of these cases will be open for all to see. The Iraqi special tribunal is continuing to organize its trial and upper chambers while its investigative judges are conducting investigations into the atrocities that may be brought before the tribunal. We will likely not see the trial of Saddam and his -- (word inaudible) -- begin for a number of months. I urge the Iraqi people to be patient and justice will prevail.

And thank you very much. We'll take questions if you have them. The minister of Justice is also here, available.

Q (Through interpreter.) First of all, I would like to congratulate you for the transfer of sovereignty. But lots of legal experts, and especially the Arabs, they are now questioning the legitimacy of this government, and they say that if the former regime elements and Saddam Hussein were to declare another government in exile, they have the right to do so. What is your opinion?

PM ALLAWI: What is your source?

Q: It was on the Internet and this is the opinion of the Egyptian legal experts.

PM ALLAWI: (chuckles..no response provided.)

Q: Microphone please.

How will this proceeding take place? This is going to be -- some say this is going to be a political process more than a judicial process.

MIN. AL-HASSAN: (Through interpreter.) The proceedings are going to take shape through the way we're going to be dealing with the accused and the questioning of the accused. All of that will give you a clue if this is going to be a legal proceeding or political proceeding.

MODERATOR: (Through interpreter.) Microphone, please. Microphone, please.

Q (Through interpreter.) Is Saddam going to be prejudged and is this going to be just a formality? If you don't have any evidence against him, how are you going to be sentencing Saddam?

MIN. AL-HASSAN: This is a logical question. If we do not have any evidence against Saddam, the tribunal is going to declare him innocent. But if we have sufficient evidence against him, then he's going to be indicted. This is the result of any trial.

Q Gregor Mayer from the German Press Agency, DPA. Who are the other 11 top former regime elements who will be transferred? And the second question: When will a counsel of Saddam or somebody who could be appointed a counsel have the access to --

PM ALLAWI: (In English.) Sorry, sir. It's not clear. The second part of the question is not clear.

Q The second part: At what time will a legal representative have access to Mr. Saddam?

PM ALLAWI: (In English.) His legal counsel, you mean?

Q Yeah.

PM ALLAWI: (In English.) No, we are now talking about the transfer to the Iraqi jurisdiction. And this will happen tomorrow. Once this takes place -- and then, of course, he is entitled to appoint his lawyers.

The rest of the suspects, the criminals suspected of crimes committed against the Iraqi people -- we'll distribute the names later today.

(In Arabic.)

Q Thank you. I'm Larry Kaplow with Cox Newspapers. Could you explain your position toward other detainees being held currently by the coalition forces? There are several groups. You could have regular criminals or people suspected of security crimes or others who were in the former regime. How do you expect to handle each of those groups?

PM ALLAWI: (In English.) No, we now are talking about a specific group of suspects. This other question will be deferred later, will -- but now we are talking about Saddam and the 11 people.

(In Arabic.)

Q (Through interpreter.) Halim Al-Sahdi (sp), al-Sabah newspaper. Some of the former regime elements that committed crimes against this people were not apprehended, like Izzat al-Douri. How are you going to try those? Are you going to be conducting some trials in abstentia?

MIN. AL-HASSAN: Sure, if we have evidence against them, they will be tried in abstentia for sure.

Q (Through interpreter.) Jamhorian Etaliair (ph). Mr. Prime Minister, what are the procedures that your government is going to take to deal with the security situation? Are you going to declare a state of emergency or emergency law?

PM ALLAWI: I want questions to be related to this subject. We will talk and tell you about those procedures later. Maybe tomorrow or the day after tomorrow we will tell you about those procedures that were adopted by the Cabinet.

Behind you, blue shirt.

Q Sir, will Saddam have the right to represent himself in court? And if he does have that internationally recognized legal right, then how will you prevent him from behaving like Milosevic did in his -- the early days of his trial, and indeed now, which has gone on for about two years and has no end in sight, and caused at the time a degree of unrest in Serbia?

PM ALLAWI: (In English.) No, Saddam will be entitled to have representation. He is entitled to appoint lawyers, and maybe if he doesn't have money to appoint lawyers the government will pay the money so -- (chuckles) -- so he's represented well. We assure you that it will be a just trial and a fair trial, unlike the trials that he afflicted on his enemies, on the Iraqi people.

Q I'm sorry, sir; that's not what I asked. Will he be able to represent himself if he so chooses, without an attorney?

PM ALLAWI: (In English.) Yeah, yeah. He can represent himself, yes.

Q Lindsey Hilsum, Channel 4 News. Is there a danger that Saddam Hussein could use the opportunity of appearing in court for propaganda, in order to plead his own cause and gather more followers? And what would you do about that?

PM ALLAWI: (In English.) This is really a theoretical question. The courts will be just courts.

There will be definitely proof and evidence, and it will be a full legal proceeding. We don't think that there would be -- he will be able to stage a propaganda coup. But it will be an open trial, it will be an open court. And he is entitled to any representation.

Q (Through interpreter.) (Name off mike) -- Egyptian Near East Agency. The Americans gave status of -- POW status to Saddam Hussein. Are you going to lift this status on him once you take over his custody?

PM ALLAWI: His status is not of interest to us. The status that was given to him when he was arrested by the coalition forces is not of interest to us. What is of interest to us is the status under which we take custody of him. He is accused of crimes that he has committed in Iraq and he is an accused that is facing accusation, and he does not have any privileges under the POW status of Geneva Convention.

Q (Through interpreter.) Dr. Allawi, you have said that this is going to be an open hearing. What if Saddam asks the tribunal for this proceeding to be not open to the public?

PM ALLAWI: The fact that this is an open hearing, a public hearing, is a guarantee. If he wants to give up this guarantee, it's up to him. But the interests behind having a public hearing is that you have a guarantee that the proceedings are fair. And if he wants to give it up, we might look into that and let him get it.

Q (Through interpreter.) My question is would you allow non-Iraqi lawyers, Arabs or French, to come and defend Saddam Hussein? And are you going to ensure their security, and are you going to ensure the security of those victims of Saddam?

MIN. AL-HASSAN: Regarding to allow foreign lawyers to defend Saddam, according to the law of the tribunal, he has the right to appoint a legal counsel. But the syndicate of Iraqi lawyers say that foreign lawyers cannot exercise in Iraq unless they're given an approval of the syndicate and the lawyers union.

The second question regarding the security of the lawyers that come into Iraq, this is for the prime minister to answer.

Q Thank you, I'm -- (off mike) -- with the Washington Times. (Off mike) -- Justice minister if there are going to be foreign observers or participants or advisers in the process? And also, how long do you think this trial will take?

MIN. HASSAN: (In Arabic.)

PM ALLAWI: (In English.) Yes, they are allowed to attend the course.

Q Hi, Vivienne Walt from Time Magazine. Could you tell us, both, what your opinion is about reinstating the death penalty? Has this been actually discussed? Was it raised at all at today's

Cabinet meeting?

PM ALLAWI: (In English.) We are still discussing a host of issues. We will tell you about it soon as we finish discussing the -- whatever we agree on. But I would like the questions, you know -- I will allow (two ?) questions only to be focused on Saddam and the rest of the people who would be attending the -- delivered tomorrow to the Iraqi authorities.

Q Kelly Wright, Fox News. By conducting this trial of Saddam Hussein, what would the new Iraq show to the world? What kind of message will go out towards the world in trying him?

PM ALLAWI: Well, we will show that justice will prevail ultimately, regardless of how long it will take to be implemented. We would like to show the world also that the Iraqi government, the new Iraq government, means business and want to do business and want to stabilize Iraq, put it on the route and road towards democracy and peace. We want to put this bad history behind us and to move with the spirit of national unity and reconciliation in the future.

Q (Through interpreter.) Would the tribunal allow for average people to file complaints with the tribunal and ask for compensation regarding the crimes that were committed by Saddam against them? Would you allow the average citizen to get in touch with this tribunal?

PM ALLAWI: I'm going to allow the minister of justice to answer.

MIN. AL-HASSAN: I have -- when I was an average citizen, I did file complaints against Saddam Hussein. This is a right of very Iraqi citizen, but this tribunal cannot look into the issues of compensation. For that we have special commissions. As the prime minister knows, we have a special commission to compensate for the property claims and another commission for compensation, material compensation, like the victims of mass graves. Those who were killed and were exiled and those whose tongues were cut off, those can be compensated through another commission of compensation, and this commission will start work next week.

Thank you very much. Shukran. We have to go.

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