

Press release issued by the Registrar

**ADMISSIBILITY DECISION
CONCERNING THE CASE OF SADDAM HUSSEIN**

The European Court of Human Rights has **declared inadmissible** the application lodged in the case of Saddam Hussein (application no. 23276/04) against 21 countries: Albania, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Turkey, Ukraine and the United Kingdom. (The decision is available only in English.).

The applicant

The applicant, Saddam Hussein, is an Iraqi national, who was born in 28 April 1937. He is the former President of Iraq and is currently detained in Iraq.

Summary of the facts

On 20 March 2003 Iraq was invaded by coalition forces which allegedly included support from each of the above 21 States during the relevant period, under the leadership of a United States general.

In early April US forces captured Baghdad. On 16 April 2003 a US General announced the creation of the Coalition Provisional Authority (CPA), a civilian administration that would exercise powers of government temporarily in Iraq. On 13 May 2003 the US Secretary for Defence appointed Ambassador Bremer as Administrator of the CPA. On 13 July 2003 the Iraqi Governing Council (IGC) was formed: the Administrator of the CPA could veto all decisions of the IGC. The CPA was to co-ordinate with the IGC on all matters involving the temporary governance of Iraq.

On 13 December 2003 Saddam Hussein was captured near Tikrit by US soldiers.

On 8 June 2004 the UN Security Council adopted Resolution 1546 (2004) whereby it endorsed the formation of a sovereign interim Government of Iraq which would assume, by 30 June 2004, full responsibility and authority for governing Iraq; it welcomed the end of the occupation and the cessation of the CPA (also by 30 June 2004) when Iraq would reassert its full sovereignty; and it noted that, pending the assumption of full security responsibility by the Iraqi security forces, the presence of the multinational force in Iraq was at the request of the incoming Interim Government of Iraq. Two days earlier than foreseen, on 28 June 2004 all CPA authority was transferred to the new Iraqi Interim Government.

On 30 June 2004 the applicant was transferred by US troops to the Iraqi Government for trial.

Complaints

The applicant complained about his arrest, detention and subsequent handover to the Iraqi authorities and ongoing trial. He relied on Articles 2 (right to life), 3 (prohibition of torture and inhuman and degrading treatment), 5 (right to liberty and security) and 6 (right to a fair trial) of the European Convention on Human Rights and Article 1 of Protocols Nos. 6 (abolition of the death penalty in time of peace) and 13 (abolition of the death penalty in all circumstances) to the Convention.

He maintained that he would be executed following a finding of guilt after a “show trial” for which he lacked even the basic tools of defence. He argued that he fell within the jurisdiction of the 21 states concerned, which, he considered, continued to hold *de facto* power in Iraq even after the June 2004 transfer.

Procedure

The application was lodged on 29 June 2004 when the Court also refused a request under Rule 39 of the Rules of Court for an interim measure.

Decision of the Court¹

The Court considered that the applicant had not demonstrated that he fell within the jurisdiction of the Respondent States (the above mentioned 21 States) on any of the bases alleged. He did not fall within their jurisdiction on the basis of their control of the territory where the alleged violations took place. Even if he could have fallen within a State’s jurisdiction because of his detention by it, he had not shown that any one of those States had any responsibility for, or any involvement or role in, his arrest and subsequent detention. Finally, there was no basis in the Convention’s jurisprudence and the applicant had not invoked any established principle of international law which would mean that he fell within those States’ jurisdiction on the sole basis that they allegedly formed part (at varying unspecified levels) of a coalition with the US, when the impugned actions were carried out by the US, when security in the zone in which those actions took place was assigned to the US and when the overall command of the coalition was vested in the US.

Accordingly, the Court did not consider it to be established that there was or is any jurisdictional link between the applicant and States in question or therefore that the applicant was capable of falling within the jurisdiction of those States, within the meaning of Article 1 of the Convention.

Notes to editors:

- 1) The case file has been declared confidential to avoid identifying the applicant’s legal representatives.
- 2) The decision is available today on the Court’s Internet site (<http://www.echr.coe.int>).

¹ This summary by the Registry does not bind the Court.

Press contacts: Roderick Liddell (telephone: +00 33 (0)3 88 41 24 92)
Emma Hellyer (telephone: +00 33 (0)3 90 21 42 15)
Stéphanie Klein (telephone: +00 33 (0)3 88 41 21 54)
Beverley Jacobs (telephone: +00 33 (0)3 90 21 54 21)
Fax: +00 33 (0)3 88 41 27 91

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. Since 1 November 1998 it has sat as a full-time Court composed of an equal number of judges to that of the States party to the Convention. The Court examines the admissibility and merits of applications submitted to it. It sits in Chambers of 7 judges or, in exceptional cases, as a Grand Chamber of 17 judges. The Committee of Ministers of the Council of Europe supervises the execution of the Court's judgments.