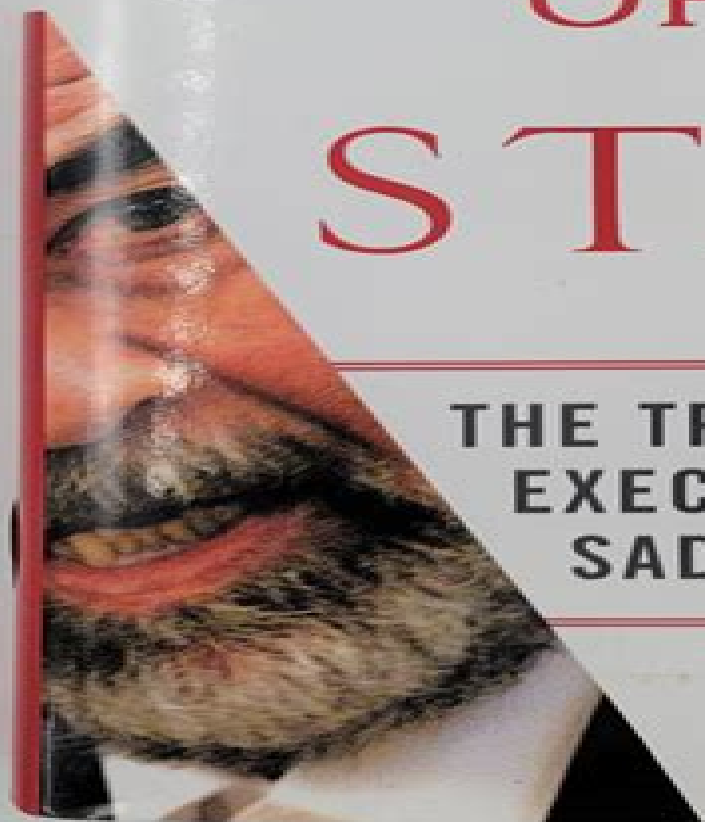


MICHAEL A. NEWTON AND MICHAEL P. SCHARF

ENEMY OF THE STATE

THE TRIAL AND
EXECUTION OF
SADDAM HUSSEIN



Enemy Of The State The Trial And Execution Of Saddam Hussein

Beth K. Dougherty



Enemy Of The State The Trial And Execution Of Saddam Hussein:

Enemy of the State Michael A. Newton, Michael P. Scharf, 2025-05-21 At 12 21 p m on October 19 2005 Saddam Hussein was escorted into the Courtroom of the Iraqi High Tribunal in Baghdad for one of the most important and chaotic trials in history For a year two American law professors had led an elite team of experts who prepared the judges and prosecutors for the mother of all trials Michael Scharf a former State Department official who helped create the Yugoslavia Tribunal in 1993 and Michael Newton then a professor at West Point would confront such issues as whether the death penalty should apply how to run a fair trial when political and military passions run so high and which of Saddam s many crimes should be prosecuted Newton was in Baghdad in December 2003 when the Tribunal was announced and Saddam was captured In the following months Scharf and Newton helped write the rules of the Tribunal conducted a mock trial in perhaps appropriately Stratford upon Avon England and provided legal analysis on dozens of issues Newton then returned to Baghdad several times during the trial and appeal Now from its two shapers comes the fascinating inside story of the trial and execution of Saddam Hussein and the attempt to bring the rule of law to post invasion Iraq

Enemy of the State Michael A. Newton, Michael P. Scharf, Alan M. Dershowitz, 2013 A behind the scenes account documents the events surrounding the executed Iraqi dictator s capture and the assemblage of the High Tribunal describing how its team of judges and prosecutors was prepared to run a fair trial in the face of such obstacles as international upheavals and the disapprovals of the U K and the U N

Enemy of the State Michael A. Newton, Michael P. Scharf, 2008-09-16 At 12 21 p m on October 19 2005 Saddam Hussein was escorted into the Courtroom of the Iraqi High Tribunal in Baghdad for one of the most important and chaotic trials in history For a year two American law professors had led an elite team of experts who prepared the judges and prosecutors for the mother of all trials Michael Scharf a former State Department official who helped create the Yugoslavia Tribunal in 1993 and Michael Newton then a professor at West Point would confront such issues as whether the death penalty should apply how to run a fair trial when political and military passions run so high and which of Saddam s many crimes should be prosecuted Newton was in Baghdad in December 2003 when the Tribunal was announced and Saddam was captured In the following months Scharf and Newton helped write the rules of the Tribunal conducted a mock trial in perhaps appropriately Stratford upon Avon England and provided legal analysis on dozens of issues Newton then returned to Baghdad several times during the trial and appeal Now from its two shapers comes the fascinating inside story of the trial and execution of Saddam Hussein and the attempt to bring the rule of law to post invasion Iraq

Research Handbook on Post-Conflict State Building Paul R. Williams, Milena Sterio, 2020-08-28 As a conflict ends and the parties begin working towards a durable peace practitioners and peacebuilders are faced with the thrilling possibilities and challenges of building new or reformed political security judicial social and economic structures This Handbook analyzes these elements of post conflict state building through the lens of international law which provides a framework through which the authors

contextualize and examine the many facets of state building in relation to the legal norms processes and procedures that guide such efforts across the globe The volume aims to provide not only an introduction to and explanation of prominent topics in state building but also a perceptive analysis that augments ongoing conversations among researchers lawyers and advocates engaged in the field

The Prisoner in His Palace Will Bardenwerper,2017-06-06 Documents the story of twelve young American soldiers deployed to Iraq in the summer of 2006 who were assigned to guard Saddam Hussein in the months before his execution a responsibility that raised life changing questions about their beliefs and Hussein s character

The Scene of the Mass Crime Christian Delage,Peter Goodrich,2013-05-07 The Scene of the Mass Crime takes up the unwritten history of the peculiar yet highly visible form of war crimes trials These trials are the first and continuing site of the interface of law history and film From Nuremberg to the contemporary trials in Cambodia film in particular has been crucial both as evidence of atrocity and as the means of publicizing the proceedings But what does film bring to justice Can law successfully address war crimes atrocities genocide What do the trials actually show What form of justice is done and how does it relate to ordinary courts and proceedings What lessons can be drawn from this history for the very topical political issue of filming civil and criminal trials This book takes up the diversity and complexity of these idiosyncratic and in strict terms generally extra legal medial situations Drawing on a fascinating diversity of public trials and filmic responses from the Trial of the Gang of Four to the Gacaca local courts of Rwanda to the filmic symbolism of 9 11 from Soviet era show trials to Nazi People s Courts leading international scholars address the theatrical political filmic and symbolic importance of show trials in making history legitimating regimes and most surprising of all in attempting to heal trauma through law and through film These essays will be of considerable interest to those working on international criminal law transitional justice genocide studies and the relationship between law and film

No Way Home, No Way to Escape United States. Congress. Commission on Security and Cooperation in Europe,2015

The Politics of Conflict Monica Ingber,2015-04-01 By looking at the problem of complicity in political violence from a social versus a legal perspective The Politics of Conflict offers readers new insight into the ways in which violence operates To do this Monica Ingber applies Gilles Deleuze s analysis of the novellas of Leopold Sacher Masoch particularly *Venus in Furs* to the politics of violence in Iraq Specifically Ingber develops the concept of transubstantiatory violence to think through the relationship between social complicity and political violence By assessing politics in Iraq through the lens of transubstantiatory violence it becomes possible to see how social complicity validates what would be otherwise viewed as illegitimate forms of violence This legitimization of violence is addressed through the problematization of the modern correlation of security law and the social contract by exploring three key areas of socio politics state making and nation building political movements and the popular militia A serious study that makes important contributions to political science political philosophy and conflict studies The Politics of Conflict demonstrates an alternative view of violence that is provocative in its ability to destabilize dominant understandings of regime violence and

the counter reactions of opposition movements *The International Criminal Court in an Effective Global Justice System* Linda E. Carter, Mark S. Ellis, Charles Chernor Jalloh, 2016-11-25 International tribunals need to interface effectively with national jurisdictions which includes coordination with domestic judicial prosecutions as well as an appreciation for other non judicial types of transitional justice In this book the authors analyze the earlier international tribunals established since the 1990s and the parallel national proceedings for each In examining the ways in which the ICC can best coordinate with national processes this book considers the ICC s present interactions with national jurisdictions and the statutory framework of the Rome Statute for interface with national jurisdictions *Being Human* Fazil Moradi, 2024-01-12 The Iraqi Ba th state s Anf l operations 1987 1991 is one of the twentieth century s ultimate acts of destruction of the possibility of being human It remains the first and only crime of state in the Middle East to be tried under the 1948 UN Genocide Convention the 1950 Nuremberg Principles and the 1969 Iraqi Penal Code and to be recognized as genocide crimes against humanity and war crimes in Baghdad between 2006 and 2007 Being Human Political Modernity and Hospitality in Kurdistan Iraq offers an unprecedented pathway to the study of political violence It is a sweeping work of anthropological hospitality returning to the Anf l operations as the violence of political modernity only to turn to the human survivors hospitality and acts of translation testimonial narratives law politics archive poetry artworks museums memorials symbolic cemeteries and infinite pursuit of justice in the Kurdistan Region of Iraq Being Human gathers together social sciences humanities and the arts to understand modernity s violence and its living on The Law and Practice of the International Criminal Court Carsten Stahn, 2015 The International Criminal Court has significantly grown in importance and impact over the decade of its existence This book assesses its impact providing a comprehensive overview of its practice It shows how the Court has contributed to major developments in international criminal law and identifies the ways in which it is in need of reform **The Syrian Conflict's Impact on International Law** Michael P. Scharf, Milena Sterio, Paul R. Williams, 2020-03-26 Written as the decade long Syria conflict nears an end this is the first book length treatment of how the Syrian war has changed international law In The Syrian Conflict s Impact on International Law the authors explain the history of the current conflict in Syria and discuss the principles and process of customary international law formation and the phenomenon of accelerated formation of customary international law known as Grotian Moments They then explore specific examples including how use of force against ISIS in Syria has changed the law of self defense against non state actors how the allied airstrikes in response to Syria s use of chemical weapons have changed the law of humanitarian intervention and others This book seeks to contribute both to understanding the concept of accelerated formation of customary international law and the specific ways the Syria conflict has led to development of new norms and principles in several areas of international law **Philosophy of Nonviolence** Chibli Mallat, 2015-01-08 In 2011 the Middle East saw more people peacefully protesting long entrenched dictatorships than at any time in its history The dictators of Tunisia Egypt and Yemen were deposed in a matter of weeks by nonviolent marches

Imprecisely described as the Arab Spring the revolution has been convulsing the whole region ever since Beyond an uneven course in different countries Philosophy of Nonviolence examines how 2011 may have ushered in a fundamental break in world history The break the book argues is animated by nonviolence as the new spirit of the philosophy of history Philosophy of Nonviolence maps out a system articulating nonviolence in the revolution the rule of constitutional law it yearns for and the demand for accountability that inspired the revolution in the first place Part One Revolution provides modern context to the generational revolt probes the depth of Middle Eastern Islamic humanism and addresses the paradox posed by nonviolence to the perpetual peace ideal Part Two Constitutionalism explores the reconfiguration of legal norms and power structures mechanisms of institutional change and constitution making processes in pursuit of the nonviolent anima Part Three Justice covers the broadening concept of dictatorship as crime against humanity an essential part of the philosophy of nonviolence It follows its frustrated emergence in the French revolution its development in the Middle East since 1860 through the trials of Arab dictators the pyramid of accountability post dictatorship and the scope of foreign intervention in nonviolent revolutions Throughout the text Professor Mallat maintains thoroughly abstract and philosophical arguments while substantiating those arguments in historical context enriched by a close participation in the ongoing Middle East revolution

Prosecuting Maritime Piracy Michael P. Scharf, Michael A. Newton, Milena Sterio, 2015-05-28 This book addresses maritime piracy by focusing on the unique and fascinating issues arising in the course of domestic piracy prosecutions from the pursuit and apprehension of pirates to their trial and imprisonment It examines novel matters not addressed in other published works such as the challenges in preserving and presenting evidence in piracy trials the rights of pirate defendants and contending with alleged pirates who are juveniles A more thorough understanding of modern piracy trials and the precedent they have established is critical to scholars practitioners and the broader community interested in counter piracy efforts as these prosecutions are likely to be the primary judicial mechanism to contend with pirate activity going forward

Africa and International Criminal Justice Fred Agwu, 2019-11-04 This book provides an overview of crimes under international law radical evils in a number of African states This overview informs a critical analysis of the debates surrounding the African Union's call for withdrawal from the International Criminal Court and proposes a way forward with a more pertinent role for the Court The work critically analyzes the arguments around withdrawal from the ICC and the extension of the jurisdiction of the African Court into criminal matters It is held that this was not intended in the spirit of complementarity as envisaged by the Rome Statute and is subject to political calculation and manipulation by national governments Recasting the ICC as a court of second instance would provide a stronger institutional and jurisdictional regime The book will be a valuable resource for students academics and policymakers working in the areas of international humanitarian law international criminal law African studies and genocide studies

Historical Dictionary of Iraq Beth K. Dougherty, 2019-06-15 Iraq the land of Hamurabi and Harun al Rashid has played a long and unique role in the history of

human civilization The oldest civilization known to humankind evolved on the shores of its twin rivers the Tigris and the Euphrates The great cities of antiquity Uruk Ur Akkad Babylon al Basra Mawsil and Baghdad were major centers of high culture and political power for much of the course of human history This updated edition offers new and expanded coverage of a broad range of political economic security cultural and religious topics including the emergence of a sustained protest movement for reform the war against the Islamic State of Iraq and Syria and the Kurdish independence referendum This third edition of Historical Dictionary of Iraq contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 1 000 cross referenced entries on important personalities politics economy foreign relations religion and culture This book is an excellent resource for students researchers and anyone wanting to know more about Iraq

'Is It Global War on Terrorism' or Global War over Terra Africana? Nkwazi Nkuzi Mhango, 2017-12-06 Global War on Terrorism or Global War over Terra Africana How Imperial Powers Seek to Occupy Africa Militarily is a long onerous academic voyage of the demystification and demythologization of the Global War on Terror former US president George W Bush and former UK premier Tony Blair conceived envisaged and declared for their hidden personal and national interests It is a hidden and untold story of the other side about the GWOT which is but the GWOTA Major arguments presented gyrate around the deconstruction and overhaul of the GWOT so that it can be equally formulated and fought by all nations for the interests of all but not the interests of some as it currently is Also the book repudiates the pontification the pontifices maximus of the GWOTA have always made ex nihilo while concealing their drive s for perpetually exploiting poor countries Terrorism is a world phenomenon everybody must fight provided it is collectively agreed decided and declared for the collective good and interests of the world but not the interests of a few hegemonic countries that usurped the power of declaring who is a terrorist and who is not Although terrorism is real the manner it is fought is a little bit knotty This tome acts as an eye opener and a wake up call for Africa to start interrogating and excavating the hidden truths about the GWOT chiefly the way it was enacted declared presented and now fought with essentialist and controversialist modus operandi and rationale Other major questions asked and answered are Why exporting military and military hardware guised as fighting terrorism without underscoring the terror military incursion will inter alia cause to Africa especially If truly the aim of the GWOT is to wage war on terror why doesn't the West want to empower African armies Why did the US appoint itself to lead the war conceived and declared without meeting the requirements of the just war or international standards Why hasn't the world learned from Iraq and Libya whose governments were toppled under the fa ade of the GWOT Is it the GWOT or the GWOTA

Propaganda, War Crimes Trials and International Law Predrag Dojcinovic, 2013-03-01 First Published in 2012 Propaganda War Crimes Trials and International Law addresses the emerging jurisprudence and international law concerning propaganda in war crimes investigations and trials The role of propaganda in the perpetration of atrocities has emerged as a central theme in the war crimes trials in the past century The Nuremburg trials initially and the International

Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda currently have all substantially contributed to the development of international law in this respect Investigating and exploring the areas between lawful and unlawful propaganda they have dealt with specific mechanisms and consequences of the phenomenon within the perspective and framework of their international legal mandates But the cultural codes and argots through which propaganda operates have vexed international courts struggling to assign responsibility to the instigators of mass crimes as subtle but potentially fatal communications often remain undetected misinterpreted or even dismissed as entirely irrelevant With contributions from leading international scholars and legal practitioners Propaganda War Crimes Trials and International Law pursues a comparative approach to this problem providing an overview of the current state of the theory of propaganda in the social sciences exploring this theory in the legal analysis of war crimes and related proceedings and finally offering a study of the prosecution of propaganda related crimes in international law and the newly emerging jurisprudence of war crimes propaganda cases

The Amicus Curiae in International Criminal Justice Sarah Williams, Hannah Woolaver, Emma Palmer, 2020-02-06 The amicus curiae or friend of the court is the main mechanism for actors other than the parties including civil society actors and states to participate directly in proceedings in international criminal tribunals Yet reliance on this mechanism raises a number of significant questions concerning the functions performed by amici which actors seek to intervene and why and the influence of amicus interventions on judicial outcomes Ultimately the amicus curiae may have a significant impact on the fairness representativeness and legitimacy of the tribunals proceedings and decisions This book provides a comprehensive examination of the amicus curiae practice of the International Criminal Court and other major international criminal tribunals and offers suggestions for the role of the amicus curiae In doing so the authors develop a framework to augment the potential contributions of amicus participation in respect of the legitimacy of international criminal tribunals and their decisions while minimising interference with the core judicial competence of the tribunal and the right of the accused to a fair and expeditious trial

Criminal Justice in International Society Willem de Lint, Marinella Marmo, Nerida Chazal, 2014-01-03 This book adopts a critical criminological approach to analyze the production representation and role of crime in the emerging international order It analyzes the role of power and its influence on the dynamics of criminalization at an international level facilitating an examination of the geopolitics of international criminal justice Such an approach to crime is well developed in domestic criminology however this critical approach is yet to be used to explore the relationship between power crime and justice in an international setting This book brings together contrasting opinions on how courts prosecutors judges NGOs and other bodies act to reflexively produce the social reality of international justice In doing this it bridges the gaps between the fields of sociology criminology international relations political science and international law to explore the problems and prospects of international criminal justice and illustrate the role of crime and criminalization in a complex evolving and contested international society

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