

The killing of Hussein's sons: the Nuremberg precedent and the criminalization of the US ruling elite

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24 July 2003

There is little doubt that Uday and Qusay Hussein, the two sons of former Iraqi president Saddam Hussein killed by US forces in a house on the outskirts of Mosul July 22, were morally and politically reprehensible figures. By all accounts, Uday Hussein, the elder, was a sexual predator and murderer, while Qusay, as chief of Iraq's notorious security apparatus, had even more blood on his hands. Given the reactionary nature of the regime, there is no reason to doubt the extent and depth of their crimes.

Having said that, both the means by which Hussein's sons were liquidated and the manner in which the killings were greeted by the American government and media speak volumes about the nature of the US intervention in Iraq and the character of the American political establishment.

On the plane of morality, there exist no fundamental differences between the personnel of the Hussein regime and the Bush administration. The latter operates in every sphere with unashamed lawlessness and violence. If there is a difference in the degree of brutality against its own citizens, the "restraint" exercised by the Bush forces is a matter of circumstance rather than moral superiority over the killers and torturers of the ousted Iraqi regime.

In the operation against the Hussein brothers the US military mobilized hundreds of troops and dozens of vehicles and aircraft. The American forces used automatic weapons, rockets, rocket-propelled grenades and tow missiles against four individuals armed with AK-47 automatic rifles.

The assault had the character of a gangland slaying, the vengeful wiping out of the cornered leadership of one gang by a more powerful and better-armed outfit. An unnamed senior US military official in Iraq spoke like a Mafia don, telling the UPI: "This is a very beneficial hit. They cannot feel anything other than doom, since if we can take down these guys, we can take down anybody."

The exultation of US and British officials and the media over the killings in Mosul—which included the death of the 14-year-old son of Qusay Hussein, Mustapha—can only arouse revulsion. The pleasure that these circles take in bloodletting and violence has a pathological character.

President George W. Bush boasted, "Now more than ever Iraqis can know the former regime is gone and is not coming back." Senator Ted Kennedy, the dean of Democratic "liberals," expressed satisfaction over the killings. "It's progress," he said.

Britain's Prime Minister Tony Blair was less restrained, declaring, "This is a great day for the new Iraq."

The American media was both jubilant and bloodthirsty. The *New York Daily News* carried photos of Saddam Hussein and his two sons, with red crosses placed over Uday and Qusay, and the words, "One to go." Rupert Murdoch's *New York Post*, headlined its editorial "E-RAT-ICATED!"

The *New York Times* also celebrated the "hit" in Mosul, calling the

assassination of the Hussein brothers "the most encouraging news out of Iraq in weeks." The editors of the *Washington Post* called the deaths "very good news indeed" and went on to claim that the killings "meant a serious blow to the diehard resistance that has plagued the postwar administration."

The notion that the murders in Mosul will halt Iraqi resistance to the US colonial occupation of that country is wishful thinking of the most politically blinkered variety. The American government and media establishment apparently believes its own propaganda that the only opposition to the US presence is being offered by "holdouts" of the old regime, "terrorists" and "criminals."

These people are so blind to social and political reality and so distant from the Iraqi people that they cannot conceive of popular resistance that rejects both the Ba'athist regime and foreign imperialist tyranny. Attacks on US forces continued unabated July 23, as two more American soldiers died and nine were wounded in attacks.

Why was no effort made to capture Uday and Qusay Hussein alive? When asked about this, Lt. Gen. Ricardo Sanchez, who was in charge of the operation, answered blandly, "Our mission is to find, kill or capture."

A number of factors come into play. After weeks of US deaths and sagging troop morale, American officials no doubt concluded that a murderous assault would boost the spirits of the war constituency in the US and the psychotic element in the military. In any event, they share the outlook of this constituency and were in need of a bloodletting themselves. The pent-up rage and vindictiveness, in the face of growing Iraqi resistance, expressed itself in the extermination of Hussein's sons.

More fundamentally, the capture of Uday and Qusay Hussein presented politically troublesome problems. Putting the two former officials on trial would have inevitably raised the issue of the entirely lawless character of the war and occupation. The Hussein brothers would not have found it a great challenge to turn the tables on their prosecutors and expose the hypocrisy and criminality of the Anglo-American operation in Iraq.

We have the example of the ongoing Slobodan Milosevic war crimes trial in The Hague, which has turned into a fiasco for the US and NATO. The former Yugoslav president has already succeeded—during the prosecution phase of the case—in using the tribunal to expose the machinations of the great powers. Milosevic is expected to develop his arguments during the two years he will now have to present his defense.

Beyond the immediate situation in Iraq, there is the equally vexing question of the long-standing relationship between the US government, including some of its current leading officials, and the former Hussein regime.

In February 2003 the National Security Archive released 60 documents detailing the extent of the relations between the Reagan administration and the Iraqi government during the 1980s. At the time of the Iran-Iraq

war the US, while claiming to be neutral in the conflict, supported Hussein against the Islamic regime in Teheran. The Archive notes that Washington, through direct and indirect means, provided financing, weaponry, intelligence and military support to Baghdad “in accordance with policy directives from President Ronald Reagan,” several years before the US restored formal relations with Iraq in November 1984.

A highlight of the process of normalizing American-Iraqi relations was the visit by then presidential envoy (and current Secretary of Defense) Donald Rumsfeld to Baghdad in December 1983, where he held a 90-minute conversation with Saddam Hussein. The US was well aware that the Iraqis were using chemical weapons against Iranian forces and Kurdish insurgents. Rumsfeld made no mention of the issue in this discussion. A secret memo sent to the State Department reported that “Saddam Hussein showed obvious pleasure with [the] President’s letter and Rumsfeld’s visit and in his remarks.”

As the *New York Times* reported in March 2003, the US and France were the sources of Iraq’s biological weapons programs.

Iraqi officials have learned to their cost that whether a foreign leader is feted by Washington or assassinated depends entirely on the circumstances.

The assassination of the Hussein brothers has further undermined the claim that the US went to war to prevent the Iraqi regime from developing or using weapons of mass destruction (WMD). According to Judith Miller in the July 23 *New York Times*, Qusay Hussein “was also responsible for overseeing Iraq’s unconventional weapons. ... Stephen Black, a former inspector and chemical weapons expert, said that by virtue of his control of the security services, Qusay would have known, for instance, ‘whether they had chemical weapons, how many they had, and where they were deployed.’ ... Finally, he said, Qusay would have known not the exact hiding places but the ‘broad brushes of the concealment policy and practices—whether Saddam had destroyed or hidden weapons or the capability for just-in-time production, and what the goals of this concealment were.’”

Obviously, by taking the decision to murder Qusay, the US government and military expressed their total lack of interest in the existence of WMD and, in effect, acknowledged that such deadly and dangerous weapons do not exist.

The bloodlust and lawlessness of the present-day political establishment is placed in sharp relief by comparing its campaign of political assassination in Iraq with the attitude of the US to the treatment of fascist mass murderers captured at the end of World War II.

Less than sixty years ago, Washington opposed the summary execution of the leaders of Nazi Germany and Imperial Japan—who had committed crimes on a far more massive scale than any carried out by the regime of Saddam Hussein—and insisted they be placed on public trial and accorded all of the legal privileges of due process. The vast contrast between then and now underscores the break with any conception of democratic principles that has occurred within the American ruling elite.

The surviving Nazi leaders were responsible for the deaths, by genocide and war, of tens of millions, yet American officials were scrupulous in demanding that they be captured alive and placed on trial, as they eventually were, at the Nuremberg War Crimes Tribunal in 1945-46. Considerable pains were taken to ensure that the defendants not take their own lives. The US was insistent that the defendants be provided with counsel and access to evidence and that they be accorded the right to cross-examine witnesses.

Dennis Hutchinson of the University of Chicago in a November 18, 2001 *Chicago Tribune* article cited the comments of Supreme Court Justice Robert H. Jackson, chosen to represent the US in any post-war proceeding, explaining the options he presented to President Harry Truman: “We could execute or otherwise punish them [the Nazi officials] without a hearing. But indiscriminating executions or punishments

without definite findings of guilt, fairly arrived at, would ... not set easily on the American conscience or be remembered by our children with pride.” Jackson insisted that the only appropriate “course is to determine the innocence or guilt of the accused after a hearing as dispassionate as the times and horrors we deal with will permit, and upon a record that will leave our reasons and motives clear.”

Jackson feared that summary executions would erode the moral high ground that the victorious powers enjoyed, according to Hutchinson, and that it was necessary as well to document the precise nature of the Nazi crimes for posterity. Jackson commented: “Unless we write the record of this movement with clarity and precision, we cannot blame the future if in days of peace it finds incredible accusatory generalities uttered during the war. We must establish incredible events by credible evidence.”

In a comment directly relevant to the current international situation, both in Iraq and Afghanistan, Jackson noted that the Allied triumph by itself did not provide the victors with the legal sanction to punish German officials, nor did Allied claims and proclamations. The guilt of the Nazi leaders had to be proven in a court of law.

Jackson declared, “The president of the United States has no power to convict anyone. He can only accuse. He cannot arrest in most cases without judicial authority. Therefore, the accusation made carries no weight in an American trial whatsoever. These declarations are an accusation and not a conviction. That requires a judicial finding. Now we could not be parties to setting up a formal judicial body to ratify a political decision to convict. Then judges will have to inquire into the evidence and give an independent decision.”

In his opening statement to the Nuremberg tribunal, Jackson said, “That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law is one of the most significant tributes that power has ever paid to reason.”

Jackson’s comments and actions were bound up with a certain fidelity to democratic principles that still held sway within the American ruling elite. They expressed as well a certain confidence in the prospects for US capitalism and the post-war world. They came from a position of relative political and economic strength.

The prevailing atmosphere in present-day Washington, which venerates repression and murder, represents the collapse of any adherence to democracy, at home and abroad. The Bush administration, which came to power through fraud and thuggery, serves the interests of a crisis-ridden ruling elite that can only hope to exercise power through the unrestrained use of violence on a global scale.

The campaign of political assassinations in Iraq is a further demonstration of the criminalization of the American ruling elite.



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