

Saddam Hussein in court: a show trial made in the USA

Peter Symonds
5 July 2004

The brief court appearance of Saddam Hussein last Thursday had all the trappings of a political show trial. It was staged by the US administration, with the assistance of its local collaborators, in an effort to shore up the embattled US occupation of Iraq and Bush's political fortunes at home.

True to form, the US and international media played its assigned role, helping to maintain the pretence that the affair represented justice by and for Iraqis. It remained completely silent on the complicity of the US and other major powers in Hussein's crimes.

The *World Socialist Web Site* holds no brief for Hussein, a ruthless and brutal dictator who is undoubtedly guilty of terrible crimes against the Iraqi people. But it has to be noted that the aging strongman conducted himself with a good deal more dignity and honesty than his accusers, defiantly refusing to accept the legitimacy of the tribunal or the US invasion of Iraq. "You know that this is all theatre by Bush, the criminal, to help him with his [election] campaign," he contemptuously told the judge.

From start to finish, every aspect of the 30-minute proceedings had "Made in the USA" stamped all over it. Hussein appeared in a makeshift courtroom on a US military base in the outskirts of Baghdad with the sound of American helicopters whirring in the background. He and 11 other senior members of his regime were brought to the base by US soldiers from unknown locations then, for the sake of appearances, walked into the courthouse by Iraqi police.

The immediate purpose of the court appearance was to establish the fiction that the detainees were now in Iraqi custody. For weeks prior to the formal handover of sovereignty on June 28, the Bush administration had insisted that it, not the new interim Iraqi government, would retain control of Hussein. But with the occupation supposedly ended, there was no legal basis for continuing to hold Hussein as a Prisoner of War (PoW). So Hussein was nominally "handed over" to an Iraqi court, only to be returned to an American military prison at the end of the day.

While an anonymous Iraqi judge nominally conducted the affair, US officials were clearly in control. There was a small and carefully vetted audience. No American military uniforms were present but, as the *New York Times* explained: "[O]fficials of the new Iraqi government were seated with three American reporters and three American officials: two lawyers advising the Iraqi judge, and a United States Navy admiral acting as a spokesman who attended in tan chinos and a yellow, short-sleeved sportshirt."

Media coverage was severely limited. No Iraqi reporters were allowed into the courtroom. The initial video footage released to the media came without sound. As veteran Middle East correspondent Robert Fisk explained in the *Independent*, the audio only came later, after a team of US officers had censored the tapes. An American TV crewmember, who was present, later told Fisk: "They were running the show. The Americans decided what the world could and could not see of this trial—and it was meant to be an Iraqi trial. There was a British official in the courtroom who we were not allowed to show pictures of. The other men were US

troops who had been ordered to wear ordinary clothes so that they were 'civilians' in the court."

The sham was further exposed by the fact that Hussein had no defence lawyer. While the presiding judge pompously asked Hussein whether he could afford a legal defence, a team of lawyers hired by Hussein's wife and daughters has been unable to obtain access to their client or to the documents on which the prosecution case is being built. The lawyers allege they have received death threats from Iraq's US-appointed leaders and have appealed to the International Red Cross, the US, France, Britain and Belgium to guarantee their safe passage to, and protection in, Iraq. The team has filed a suit in the US against the refusal of American authorities to grant access to Hussein.

Mohammed Rashdan, a Jordanian lawyer who heads Hussein's team, denounced last week's proceedings: "The mockery of [the] trial shows there is no democracy. They shouldn't have asked him any questions without a lawyer there... We are facing clear legal violations. The allegations that this is going to be a fair trial are baseless... They are afraid of bringing out the truth because a fair trial would be an indictment of George Bush. He has to first prove whether his entry into Iraq was legal or not."

Hussein's stage-managed appearance only highlights the fraudulent character of the "Iraqi Special Tribunal". It was set up last year by the US Coalition Provisional Authority (CPA) and its puppet Iraqi Governing Council (IRC), both of which adamantly opposed the establishment of a UN-mandated court along the lines of the International Criminal Tribunal for the former Yugoslavia, which is hearing charges against former Serbian President Slobodan Milosevic.

Fearful of any degree of outside scrutiny and control, the Bush administration has established a body that lacks even the semblance of independence. The body is completely funded by Washington and is "advised" by a team of at least 50 US officials on every aspect of its functioning. The FBI is leading the investigation, along with the US Bureau of Alcohol, Tobacco and Firearms. Prosecutors from the Justice Department are involved in framing the charges.

In a lengthy memorandum to the IRC last December, the US-based Human Rights Watch (HRW) organisation cautiously questioned the tribunal's legitimacy and suggested a large number of amendments to its statute to bring it into line with international law. Neither the IRC nor the US occupation authorities took any notice of the letter. Summing up its objections in January, HRW concluded the US had "failed to articulate any basis in international humanitarian law by which the tribunal could be established" and criticised its drafting as "highly secretive without any opportunity for broad consultation or public comment".

Among the breaches of basic legal procedure identified by HRW was the failure to ensure that the tribunal judges and prosecutors were independent, impartial and had the necessary legal experience. Any serious application of these requirements would have automatically ruled out the tribunal's director—US-trained lawyer Salem Chalabi, nephew of

Ahmad Chalabi, the convicted embezzler and longstanding US stooge, who, until recently, was one of the Pentagon's favourites for the post of Iraqi prime minister.

Like his uncle, Salem Chalabi is a member of the Iraqi National Congress, set up by the CIA in the early 1990s and directly financed by Washington for more than a decade. Salem was an enthusiastic supporter of the US invasion and has vested financial interests in the US occupation of Iraq. Last year, Salem set out to cash in on his connections by establishing the Iraqi International Law Group (IILG). Its website described its mission as taking "the lead in bringing private sector investment" to Iraq and boasted that its clients numbered "among the largest corporations and institutions on the planet".

On the grounds of "security", none of the judges or prosecutors appointed to the tribunal has been officially named, thus preventing any scrutiny of their background. Journalist Robert Fisk did, however, identify the faceless judge who conducted Hussein's arraignment as Ra'id Juhi—a 33-year-old who worked for 10 years as a judge under the Baathist regime. He performed another political service for the US occupation in April, when he indicted opposition Shiite cleric Muqtada al Sadr for murder—a decision that provided the pretext for the US military to move against al Sadr's militia.

The HRW memorandum also drew attention to the failure of the tribunal's statute to adequately safeguard the basic legal rights of the accused. Contrary to the International Covenant on Civil and Political Rights, the statute failed to ensure that guilt had to be proven beyond reasonable doubt. Much of the tribunal's procedure will be based on the criminal code established in the late 1960s and early 1970s, after the Baath Party seized power and imposed its dictatorial rule. During questioning and investigation, the tribunal's statute does not provide the right for the defendant to remain silent, to consult a lawyer or to be informed of the nature of the charges. It offers no protection against arbitrary detention or physical and mental torture, or to the use of forced confessions in court.

Given the revelations of systematic torture and abuse by US interrogators and guards at the Abu Ghraib prison, there is every reason to believe that Hussein and other "high value detainees" have already been subjected to various types of coercion. At the very least, they have been held for months in solitary confinement—treatment that constitutes a form of psychological duress and is thus prohibited under the Geneva Conventions.

In the flood of media reports that appeared in the US last week, there was a distinct undercurrent of nervousness that Hussein's trial would backfire. This was evident in the minute dissection that was made of Hussein's "body language" during his brief appearance and the expression of concern about how the affair was being received in "the Iraqi street". It was also manifest in the media comments about the possibility of Hussein turning the tables on his accusers, as the former Serbian president Milosevic has done in his trial, and its political implications.

If the initial polls and interviews are any guide, the trial is not going to be the trump card that Washington had hoped for. A straw poll conducted last week by a Baghdad radio station after Hussein's appearance found that 45 percent of callers wanted Hussein dead, while an astonishing 41 percent wanted him released. A more systematic recent poll by the Iraqi Centre for Research and Strategic Studies, which works closely with the US occupation authorities, reported that some 20 percent of Iraqis thought Hussein deserved clemency.

That Hussein, who ruthlessly ruled Iraq for more than two decades, should have any measure of support is an indictment of the Bush administration. The former Iraqi president is able to garner sympathy only because of the overwhelming hostility of ordinary Iraqis to the illegal US invasion and occupation of the country. Many continue to feel that the

tyrant should be put to death, whatever the means. Others, however, regard the trial as another humiliating US imposition on their country, and express sneaking admiration for Hussein, despite his long record of oppression and brutality.

Abu Allah, interviewed in a Baghdad restaurant for the *San Francisco Chronicle*, declared: "You see how he argues with the judges. For sure, I didn't like him when he was in power—he took my brother's land from him once and stuck him in jail for six months. But you must remember that he was still our leader, and an Iraqi, and it is good that he shows that he is not a coward." Many more Iraqis are too preoccupied with daily survival in the social disaster created by the US invasion to care too much about Hussein's trial or his fate.

While Arab leaders have been notable for their cowardly silence, newspaper editorials throughout the Middle East have been critical of the trial, reflecting a broader popular hostility. The *Jordan Times*, for instance, warned that the trial may also bring to light how Hussein "came to power and which countries, especially in the west, helped him consolidate his grip on power". The trial, it continued, "is also about the role some western capitals had in providing the Iraqi regime with the means to wage wars against Iran and Kuwait and use chemical weapons against its own people".

The US administration cannot afford to have details of Washington's long and sordid association with Hussein and the Baath Party come to light in the course of the trial. According to some accounts, the CIA's connections with Hussein go back to his botched assassination attempt on the life of Iraq's left-nationalist leader General Abdel-Karim Kassem in 1959. Four years later, the Baath Party ousted Kassem in a putsch that was backed by the CIA, which supplied the names and addresses of leading Iraqi Communists to be rounded up and executed.

The Bush administration has ensured that the Iraqi Special Tribunal remains under its tight control in order to prevent the trial turning into a political debacle. Washington is well aware that former Serbian president Milosevic is preparing his defence in the Hague, and is expected to call various past and present political leaders, including British Prime Minister Tony Blair and former US President Bill Clinton, as witnesses to testify to their responsibility for the bloody events in the Balkans. The last thing that the White House wants is for senior US officials to be put on the witness stand in Baghdad over their role in Iraq in the late 1980s and early 1990s.

Tribunal director Salem Chalabi made clear last week such a thing would not happen. He told the media that the actual trial proceedings, which will not start for months, would not be televised, so as to prevent Hussein from "grandstanding". He explained that the rules of evidence would be strictly drawn to prevent the defendant from bringing in "extraneous" subjects. "Saddam is going to want to use the tribunal as a platform for his political views, but we are not going to let him. We're going to make him focus on the very specific charges against him," he said.

The seven charges read out against Hussein last Thursday were couched in the most general terms. They included: the murder of political opponents over three decades; the killing of religious leaders in 1974; the slaying of members of the Kurdish Barzani clan in 1983; the forcible displacement of Kurds in 1986-88; the gassing of Kurds in Halabja in 1988; the 1990 invasion of Kuwait and the suppression of the 1991 uprising by Kurds and Shiites.

In none of these instances should Hussein be standing alone in the dock. Throughout the 1980s, the Reagan and Bush administrations backed the Baathist regime in its bloody war against Iran and deliberately turned a blind eye to its use of chemical weapons against Iranian soldiers. With the approval of their governments, various US and European companies supplied Iraq with the technical means to develop and build its "weapons of mass destruction".

Only in the aftermath of the Iran-Iraq war did the Bush administration turn on its local vassal and use the invasion of Kuwait in 1990 as the pretext for bolstering the strategic presence of the US in the Persian Gulf. The US ambassador to Baghdad at the time, April Glaspie, deliberately encouraged Hussein to believe that he had Washington's backing in his dispute with Kuwait over its siphoning of oil from the al-Ramallah fields in southern Iraq. Following the US-led invasion of Iraq in 1991, President Bush senior first encouraged the Kurds and Shiites to revolt against the Hussein regime, then deliberately abandoned them to their fate when it became clear that the rebellions were more of a danger to US interests in the Middle East than the military dictator in Baghdad.

Hussein and other members of his regime should be put on trial for their crimes by the Iraqi people. But the precondition for any genuine justice is the immediate and unconditional withdrawal of all US and foreign troops from the country. Moreover, all those US officials responsible for the present illegal occupation of Iraq, as well those who previously backed and assisted Hussein's crimes, should be held legally accountable for their actions.



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact