

Closed-door court proceedings in Iraq against Hussein's associates

Peter Symonds

21 December 2004

In an attempt to bolster the electoral prospects of Iraq's interim prime minister Ayad Allawi and the embattled US occupation, two of Saddam Hussein's former associates were brought before a court in Baghdad on Saturday. The proceedings, which were closed to the public and to journalists, were followed by a brief press announcement and the release of selected video footage.

The two men—Ali Hassan al-Majid, also known as “Chemical Ali”, and former Iraqi defence minister General Sultan Hashim Ahmad—last appeared before the Iraqi Special Tribunal in July, along with Hussein and nine other senior members of the ousted Baath Party regime. All are accused of crimes against humanity.

Al-Majid, one of Hussein's cousins, is notorious for directing the genocidal “Anfal” campaign against Iraqi Kurds, in which an estimated 100,000 people “disappeared” or were murdered, some by chemical weapons. He was also in charge of the savage repression of the 1991 Shiite uprising in southern Iraq following the end of the US-led war on the country.

Hussein and his associates are undoubtedly guilty of terrible crimes. But the court proceedings against them are nothing more than show trials. Both the Bush administration and its puppet regime in Baghdad are hoping to gain a measure of support for the illegal US-led military occupation by convicting men who are detested by broad layers of the Iraqi people.

Allawi, in particular, has been pushing for proceedings to be accelerated. He insisted in September that the court cases had to begin before the end of the year, and thus before national assembly elections on January 30. Last Tuesday, he suddenly announced that “the trials of the symbols of the former regime will start, one by one, so that justice can take its course in Iraq.” The following day, he formally declared his candidacy for the upcoming elections.

Allawi's denunciations of the crimes of the accused

ring very hollow. He was an enthusiastic member of the Baath Party until 1975, when he broke away and began a lengthy collaboration with the American and British intelligence agencies. According to a *New York Times* report earlier this year, Allawi and his Iraq National Accord (INA) were involved with the CIA in carrying out car bombings and other attacks inside Iraq in the 1990s aimed at destabilising the Hussein regime. Like Allawi, the INA was comprised mainly of disaffected members of the Baath Party, including senior intelligence and military officers.

Since being installed as interim prime minister in May, Allawi has attempted to portray himself as a “strongman” capable of suppressing the armed resistance against the US occupation. An article in the *Sydney Morning Herald* in July, based on two eyewitnesses, reported that Allawi personally carried out the summary executions of at least six prisoners at the Al-Amariyah security centre in Baghdad in mid-June in a demonstration of the methods the police should use. While Allawi dismissed the report, no serious investigation has been carried out into the detailed allegations contained within it.

While Allawi sought to capitalise on the legal proceedings last Saturday, the presiding judge Raad al-Juhyi insisted that the trials themselves would only start next year. “What happened today was an investigative hearing for the accused. It could be repeated many times,” he said. Al-Juhyi, who officiated when Hussein and his associates were arraigned in July, provided few details of what took place.

The highly secretive character of the judicial interrogation underscores the bogus character of the special tribunal itself. Established last year by the US Coalition Provisional Authority, the court is funded by Washington and “advised” by a large team of US officials. Its proceedings are not governed by international law and do not guarantee basic legal rights to the accused

but have been drawn up to suit Washington.

A lengthy memorandum prepared by the US-based Human Rights Watch (HRW) organisation last December pointed to many inadequacies in the tribunal's statute. It does not guarantee that the presiding judges are independent and impartial, or have the necessary experience to hear complex human rights cases. It does not rule out confessions obtained by torture, nor does it guarantee the right to remain silent. Contrary to the International Covenant on Civil and Political Rights, it does not ensure that guilt has to be proven beyond reasonable doubt.

Richard Dicker, director of the HRW international justice program, cautiously declared last week that he was worried about the proceedings becoming "a political show trial". "The whole process has been shrouded in secrecy. Understandably, there are real security concerns, but the need for security doesn't preclude issuing information on whether the indictments have been issued and whether lawyers had access to the accused," he stated.

At the July arraignments, none of the accused had defence lawyers. Majid and Ahmad were represented by court-appointed lawyers. Hussein, who has been held for more than a year, was only given access to one of his lawyers last week. His legal defence team has foreshadowed a case in the US courts to require that the rights and procedures of the American legal system apply to the Iraqi tribunal. Entitled "The Iraqi Special Tribunal as Victors' Justice", the legal brief argues that US law should prevail, as the case against Hussein is being taken at the behest of Washington.

One of the purposes of the secrecy surrounding the tribunal's workings is to maintain the fraud that the interim Iraqi regime and Iraqi officials are in control. Yet Hussein and his co-accused are being detained by the US military and every aspect of the cases against them is being closely supervised by US officials. Despite tight controls over the media during the hearings in July, they proved to be an embarrassment, after journalists released uncensored footage and reported that US officials and military officers were effectively running the show.

Not prepared to make the same mistake twice, journalists were barred last Saturday. According to an Associated Press report based on a source in the courtroom, General Ahmad told the judge: "I have been a military officer for 40 years and have never been punished. It's unfortunate that I have to sit like this before the court with the Americans sitting behind me." The US embassy refused to confirm the presence of American

officials at the hearing, but there is no reason to doubt they were there.

More fundamentally, the Bush administration is determined to keep a tight rein on the trials to prevent the accused from following the example of former Serbian president Slobodan Milosevic by using the courtroom to expose the highly political character of the proceedings.

There is no doubt that the Hussein regime is guilty of many crimes, particularly in the course of the 1980s during its brutal and protracted war with Iran. But if and when the Baathist leaders are put in the dock, a number of top US officials should be standing alongside them. Under the Reagan administration, the US helped to arm and finance the Baathist regime's war against Iran and effectively condoned its use of chemical weapons.

Current US Defence Secretary Donald Rumsfeld made a number of visits to Baghdad as Reagan's special envoy to meet with Hussein and other leading Baathists. His trips established the political basis for the renewal of diplomatic ties in 1984 and US diplomatic and military support for Iraq.

"Chemical Ali" may have been responsible for the use of cyanide and nerve gas against the northern city of Halabja in March 1988 that killed more than 4,000 people, mainly Kurds. But Washington made no vigorous protest at the time and internal State Department documents reiterated that the massacre should not damage US relations with the Hussein regime.

Like all the lies about Iraq's weapons of mass destruction, the Bush administration's sudden "concern" about the crimes of Hussein is no more than a pretext for its own illegal actions—the US subjugation of Iraq and seizure of its huge oil reserves. Genuine justice for the Iraqi people requires the immediate and unconditional withdrawal of all US and foreign troops and the indictment of US officials responsible for the invasion.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact