

Legal lynching of Saddam Hussein begins in Iraq

James Cogan
19 October 2005

The trial of Saddam Hussein that begins today in Baghdad, under the auspices of the US-created Supreme Iraqi Criminal Tribunal (SICT) and the US-sponsored Iraqi government, is a legal travesty. No credibility can be given to the prosecution of the former Iraqi head of state by a puppet court and client administration that exist only due to the illegal and predatory invasion of Iraq by US imperialism and the continued presence of more than 150,000 American and other foreign troops.

Hussein and his Baathist regime have many crimes against the Iraqi people to answer for. However, the proceedings starting today are nothing but a show trial designed to have the former dictator quickly sentenced to death and executed. The aim is not justice, but to obscure the complicity of the United States, Britain and other major powers in many of Hussein's atrocities.

Today Hussein is being prosecuted only for 19 charges relating to the massacre of some 150 people in the village of Dujail in 1982. The murders followed a failed assassination attempt on the Baathist leader by alleged members of the Shiite fundamentalist Da'awa organisation—the party of the current Iraqi prime minister, Ibrahim al-Jaafari.

The Dujail massacre has been carefully chosen, instead of other Baathist crimes that were encouraged or sanctioned by the major powers. These include the slaughter of Iraqi Communist Party members in 1979; the murder of thousands of Shiites in the lead-up to the 1980 US-backed Iraqi invasion of Iran; the use of Western-supplied chemical weapons against Iranian troops and civilians during the 1980-88 Iran-Iraq war; the pogroms against the Kurdish population in the late 1980s; and the butchery of tens of thousands of Shiites and Kurds following the 1991 Gulf War.

It is no secret that the prosecution of Hussein has been crafted to prevent any repetition of the ongoing trial of former Yugoslav leader Slobodan Milosevic in the UN-

run International Criminal Tribunal, where he is facing 66 charges of war crimes and genocide allegedly committed in Croatia, Bosnia and Kosovo.

Milosevic is a nationalist demagogue who bears much responsibility for the horrors inflicted on the Balkan peoples in the 1990s. Over the past four years, however, he has used his trial to document the machinations of the major powers in fomenting the ethnic conflicts that tore apart the region and to expose the criminality of the NATO attack on Yugoslavia in 1999. The trial has become, to put it mildly, an embarrassment for the prosecutors.

Hussein's defence is certain to challenge the legality of the 2003 US-led invasion and thus the legitimacy of the court. However, by narrowly framing the charges, the US is hoping to avoid any questions about its collaboration with the Baathist regime in the 1980s. Hussein could, for example, relate the discussions he held with US presidential envoy, and now secretary of defence, Donald Rumsfeld in 1983 and 1984, which led to US assistance to Iraq during the Iran-Iraq war.

The consequence is a trial that has more in common with a lynching, guided by the principle that dead men don't talk. It has been thoroughly prejudiced by the Iraqi government, which has all but directed the SICT to hand down the death sentence against Hussein in the shortest possible time.

Iraq's president Jalal Talabani told national television on September 6 that Hussein was a "war criminal and he deserves to be executed 20 times a day for his crimes". Prime minister Jaafari declared on Monday that the trial was not a "research project". All the judges had to decide, he emphasised, was, "has this man committed crimes?" and to do so quickly.

Article 30(b) of the SICT statute dictates that a death sentence must be carried out within 30 days of appeals being exhausted.

On October 16, Human Rights Watch drew attention to this article in a lengthy critique of the Hussein trial. The sentencing stipulation, it noted, “creates the possibility that a person charged in several cases can be tried, convicted and executed for one of those cases, before any other cases are subject to public trial, and as such is likely to deprive victims, witnesses and the Iraqi people as a whole of the opportunity to conclusively establish which individuals were legally responsible for some of the worst human rights violations in Iraq’s history. The execution of convicted individuals while other charges are pending against them means that there may never be a public accounting of the evidence for and against them in relation to these events.”

The *Washington Post* commented on October 18: “The length and complexity of the Milosevic trial helped convince Iraqi prosecutors that they needed to concentrate on a few key events rather than attempt to cover the full range of alleged atrocities during Hussein’s 24-year rule, legal experts and observers said.”

The paper ignored the fact that the US occupation authority created the precursor to SICT, wrote its initial statutes and selected the chief investigative judge and four other judges to preside over the trial. The Bush administration decided to exclude the UN from any role in the Hussein trial in order to guarantee the tightest possible control over the proceedings.

The case against Hussein and other Baathists has been prepared from the beginning by a liaison office made up of lawyers and advisors from the US, Britain and Australia—all countries whose governments are themselves guilty of war crimes for the 2003 invasion and subsequent occupation. The *New York Times* noted on Tuesday that “the liaison office has been the real power behind the tribunal, advising, and often deciding, on almost every facet of its work, always behind a shield of anonymity”. The SICT’s activities are funded by \$138 million from Washington.

The stench of illegitimacy that surrounds the Hussein trial has produced a remarkable state of affairs. In stark contrast to the gloating coverage of Hussein’s capture 22 months ago, the Bush administration and the US media provided virtually no commentary as the date of his trial approached. Had the White House wanted to, it would have gone out of its way to make the event a focus of attention.

The muted reportage reflects the fear in Washington that Hussein’s prosecution may prove to be another factor in intensifying anti-occupation opposition and the armed

insurgency against US and government military forces.

The American manipulation of the trial can only undermine the Shiite and Kurdish parties that make up the Iraqi government. Many of their supporters already regard the promises of Iraqi sovereignty and independence from Washington as a sham. Among millions of Shia and Kurdish workers and rural poor—who suffered at the hands of the Baathists and continue to suffer appalling conditions—the limited character of the charges against Hussein can only add to their anger and frustration.

The trial will also compound the anger among Sunnis. In the two-and-a-half years since the invasion of Iraq, and contrary to its expectations, US imperialism has been unable to enlist the collaboration of any significant section of the Sunni Arab establishment that underpinned Hussein’s regime, let alone support from the broader Sunni population.

The voting in last weekend’s referendum on a draft constitution revealed the extent of the divisions. While Sunnis overwhelmingly voted no, Kurds and Shiites predominantly voted yes. Amid rising sectarian tensions, many Sunnis consider that they have been marginalised and have nothing to lose by backing the insurgency.

Hussein’s lawyer Khalil al-Dulaimi has made clear in press statements that the central thrust of the legal defence will be a rejection of the court’s legitimacy. He plans to demand that the entire trial be adjourned while a motion to dismiss the case is prepared.

Amid concerns over the impact of the trial, US officials have been applying pressure on the Iraqi government not to televise today’s proceedings. If it is broadcast, there is likely to be a 20-minute delay between filming and transmission. As the *New York Times* blandly stated, this “appeared intended to allow the tribunal to censor any untoward developments in the court—an outburst from Mr Hussein perhaps, or a security breakdown”.

The Hussein trial is shaping up to be another political debacle for the Bush administration and the US occupation of Iraq.



To contact the WSWS and the
Socialist Equality Party visit:
wsws.org/contact