

Saddam Hussein hearings: a show trial orchestrated in Washington

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10 December 2005

The three days of hearings this week in the trial of Saddam Hussein have demonstrated once again the fraudulent and illicit character of the stage-managed proceedings.

No justice is possible in a court established by the illegal US occupation of Iraq. Every aspect of the trial, from the choice of judges and charges to the court statutes and the contrived media coverage, has been supervised by US officials. A small army of American lawyers operating from the US embassy advises the judges and prosecution on the case.

Lashing out at the legal sham, Hussein exclaimed: "How is it [the court] legitimate if it is set up by the Americans!" He declared that he was not afraid of being executed and refused to take part in proceedings on Wednesday, saying: "I will not be in a court without justice. Go to hell, you and your agents of America!"

Underscoring the predetermined outcome of the trial, Hussein's co-defendant and former intelligence chief Barzan Ibrahim al-Tikriti interjected: "Why don't you just execute us?"

The strategy of the court's American minders is transparent: to exploit the emotional impact of first-hand accounts of torture and murder to drown out all other questions surrounding the case. Trial judge Rizgar Mohammad Amin allowed defence lawyers only a quarter of an hour to challenge the legitimacy of the court, and then only after the defence team walked out in protest.

Hussein and his co-defendants have been charged over the murder of 148 men and teenage boys from the predominantly Shiite town of Dujail in 1982. The killings took place in the wake of an assassination attempt on Hussein by members of the Da'wa Party in the midst of the Iran-Iraq war.

The choice of the Dujail massacre was deliberate. Not only did it suit the political needs of the Da'wa Party, now a prominent part of the US puppet regime in Baghdad, but, from Washington's standpoint, had no obvious connection to the US administration of the day. From the outset, the Bush administration has been concerned to prevent Hussein from using the trial, as former Yugoslav president Slobodan Milosevic has done, to establish US complicity in the crimes of the Baathist regime, such as the gassing of Kurds in Hallabja in 1988.

Predictably, the media in Iraq and internationally has focussed attention on the harrowing accounts of the survivors of the Dujail massacre. Men, women and children were rounded up and held for months and years, tortured and in some cases killed. The witnesses, most of whom spoke with their voices electronically disguised from behind a curtain, provided gruesome details of their ordeals.

From a legal standpoint, however, none of the witnesses has made any direct connection to Hussein or the other accused. One man, who claimed that intelligence chief Ibrahim was present during torture sessions, had to admit that he was blindfolded at the time. Ibrahim flatly denied any involvement declaring: "I am not a jailer, I am a political official."

Coaxing "Witness A" to implicate the accused, one of the judges asked: "Who is your complaint against?" The woman first replied "Saddam", then "the entire regime" and later added: "The president [Hussein] doesn't know anything about this, he wasn't paying attention and he should not be responsible for everything." Even the media had to acknowledge that much of the testimony was rambling and incoherent.

The coverage on the state-run and US-supervised TV channel al-Iraqiya has made not the slightest pretence of impartiality. What is taking place is a political show trial, as the Baghdad correspondent for the British-based *Guardian* explained:

"Whenever the courtroom had a break, the screen was filled with a propaganda commercial showing Saddam's face. Blood slowly pours across it. Pictures of the former president bringing his hand down firmly to make a point are intercut with archive footage of a prisoner lying on the ground while a man uses a baseball bat to smash his wrists. In the style of Shia religious mourning a voice wails a poem that taunts Saddam with God's judgment: 'Where will you hide from all your crimes?'"

Hussein and his Baathist regime are undoubtedly responsible for many crimes. But President George Bush, Vice President Richard Cheney and Defence Secretary Donald Rumsfeld, as well as a long line of US officials, should be standing alongside him in the dock for their crimes against the Iraqi people.

Hussein is being tried for punishing the village of Dujail for an attempt on his life in the midst of Iraq's war with Iran. Yet exactly the same methods are being used by the US military

today against towns and villages suspected of harbouring anti-occupation fighters. Last year US forces levelled the city of Fallujah killing hundreds of civilians, at a conservative estimate. Similar operations are currently underway against strongholds of armed opposition in the west of the country.

There is mounting evidence that the US and its Iraqi allies have established death squads to systematically round up, torture and murder opponents of the American occupation. Each month the number of bodies in Baghdad's main morgue showing signs of torture and execution-style killing is in the hundreds. Along with journalists, clerics and politicians critical of the US presence, two of Hussein's defence lawyers have been murdered in circumstances that point to the involvement of pro-government forces.

Many more Iraqis have been arbitrarily rounded up, detained without trial and tortured by US forces. Highlighting the obvious hypocrisy of the Bush administration, Hussein's defence lawyers have asked witnesses whether they had been stripped naked or threatened by dogs while held in Abu Ghraib prison. While accounts of abuse are being broadcast from the courtroom in Baghdad, US officials are publicly defending the CIA's worldwide system of prisons and torture chambers, to which US captives are "rendered".

From the outset, Human Rights Watch, Amnesty International and other international bodies have been critical of the US-established court, warning Washington that the Hussein trial risks being regarded as illegitimate. Human Rights Watch and Amnesty International have both produced lengthy reports detailing the numerous breaches of international law and basic legal rights involved in the proceedings.

As the present session began, John Case, the UN's human rights chief in Iraq, declared: "We're very anxious about the tribunal. The legitimacy of the tribunal needs to be examined. It has been seriously challenged in many quarters... We believe that weaknesses in the administration of justice, in addition to the antecedents surrounding the establishment of the tribunal, will never be able to produce the kind of process that would be able to satisfy international standards."

Following this week's hearings, there is a distinct nervousness in ruling circles in Washington and Baghdad that the trial has not turned out as the political triumph it was meant to be. Despite the efforts by US and Iraqi officials to control proceedings and the media coverage, Hussein has refused to be cowed, demonstrating his contempt for the legal fraud. In an Iraqi population overwhelmingly hostile to the US occupation, his stance has resonated, including grudgingly among those who suffered under his regime.

Vice President Ghazi al-Yawar openly expressed his alarm that Hussein had turned the trial into a rallying point for anti-US sentiment. "This has become a platform for Saddam to show himself as a caged lion when really he was a mouse in a hole," he told the media. "I don't know who is the genius who is producing this farce. It's a political process. It's a comedy

show. I don't know what this is."

In the US, the conservative *Stratfor* thinktank voiced concern about the "profound effect" on Iraq's Sunni population. "Hussein's defendants have repeatedly called into question the legitimacy of the court, claiming the trial was 'made in America.' There also has been a broad campaign to inform Iraqi Sunnis of the alleged mistreatment endured by prisoners and the lack of due process to former Baathist officials since the United States invaded Iraq in March 2003... The court proceedings against Hussein suggest the kind of treatment Sunnis might expect from the ruling government, thus negatively impacting the ongoing negotiations to bring Sunnis into the political fold."

Writing in the *Washington Post*, right-wing commentator Charles Krauthammer lambasted the Bush administration for "bungling the trial". The only purpose of bringing Hussein to court, he declared, was "to demonstrate the justice of a war that stripped this man and his gang of their monstrous and murderous power." Instead, "we are witness to a political test of wills between the new Iraq represented by an as-yet incompetent legal system and the would-be tyrant-for-life defiantly raising once again the banner of Baathism, on a worldwide stage afforded him *by us* [emphasis in the original]."

Such comments reflect a fear that the trial is turning into a political disaster. Far from legitimising the US invasion of Iraq, the legal charade in Baghdad has simply underscored the criminal character of the occupation which is being maintained by the very methods employed by the ousted Hussein regime.



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