

Hussein trial descends into a legal farce

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When it resumed last Sunday, the trial of Saddam Hussein soon became a shambles, once again underlining the bogus character of the court set up and managed by the Bush administration.

Under pressure to speed up proceedings, the newly-installed chief judge, Raouf Abdel-Rahman, told the court that he would not tolerate political speeches. “Any irrelevant remarks will be struck from the record, and anyone who breaks the rules will be removed from the courtroom and tried as if he were present,” he declared.

Abdel-Rahman ordered Barzan Ibrahim al Tikriti forcibly removed when the former Iraqi intelligence chief questioned the legitimacy of the court, describing it as “a bastard child”. Tikriti, who has cancer, was complaining over the lack of proper medical treatment. Four bailiffs seized Tikriti and physically dragged him out of the courtroom.

Amid shouts of “Down with the traitors! Down with America!” by the defendants, Abdel-Rahman threatened to prosecute one of the defence lawyers, Salih Armouti, a Jordanian. “You have incited your clients and we will start criminal proceedings against you,” the judge declared, ordering that the lawyer also be removed from the court.

The rest of the defence team walked out in protest, ignoring repeated threats from Abdel-Rahman that they would not be allowed to return. Hussein protested over the imposition of court-appointed lawyers as his defenders and left the court, denouncing the chief judge.

When the proceedings finally resumed, the four main defendants, along with their defence lawyers, had either been removed or left the courtroom in protest. Yet the chief judge continued with the trial for the next three hours, taking evidence from witnesses, which went unchallenged by the court-appointed defence lawyers.

Hussein and his co-defendants have been charged

with the killing of 148 men and teenage boys from the mainly Shiite town of Dujail in 1982. The murders took place following an assassination attempt on Hussein by members of the Shiite-based Da’wa Party in the midst of the Iran-Iraq war.

The court and its US advisers narrowly defined the charges against Hussein quite deliberately. For the Da’wa Party, which is prominent in the current Iraqi puppet regime, the prosecution of the Dujail massacre will help to bolster its flagging support among Shiites. For Washington, the atrocity conveniently has no obvious connection to the US administration of the day.

The Bush administration has been concerned from the outset to prevent Hussein from using any trial, as former Yugoslav president Slobodan Milosevic has done, to expose the complicity of the US in the crimes alleged against him. Washington insisted that Hussein be tried in Iraq, rather than by an international tribunal, so as to maintain tight control over the proceedings.

However, the trial, which began on October 19, has gone from one crisis to the next. The former chief judge, Rizgar Muhammad Amin, tried to give the trial a veneer of legitimacy by appearing to be even-handed and allowing Hussein and his defence lawyers the opportunity to challenge proceedings. He was bitterly criticised by government ministers and in the US for failing to control proceedings tightly enough.

Visiting Baghdad in late December, Senator Arlen Specter, chairman of the US Senate Judiciary Committee, told Amin that he was disappointed that Hussein had been allowed to “dominate” the trial. “You have a butcher who has butchered his own people, a torturer who has tortured his own people. The evidence ought to be presented in a systematic way which would show that there’s been quite an accomplishment in taking [Hussein] out,” he declared. In other words, the purpose of the trial was not to determine Hussein’s guilt but to politically justify the

illegal US-led occupation of Iraq.

Amin resigned as chief judge on January 9, saying he was fed up with criticism from high-ranking government officials. The remainder of the five-judge panel hearing the case designated Judge Said Hammashi to replace Amin but he quickly came under fire. Ali Lami, head of the government's de-Baathification commission, accused Hammashi of being a former member of Hussein's Baath Party. Hammashi denied the accusation but was transferred off the case and Abdel-Rahman appointed in his place.

This blatant political manipulation of the court provoked warnings from the US-based Human Rights Watch (HRW) last week that the entire process may be seen as illegitimate. "The demand for Presiding Judge Rizgar Amin's dismissal, which contributed to his resignation, was nothing less than an attack on judicial independence," Richard Dicker, HWT International Justice Program director, stated.

"The removal of Judge al-Hammashi from the trial created the appearance of a court that is continually subjected to political interference. Sitting judges cannot be shuffled around as though they were deck chairs on the Titanic," Dicker added.

Law professor Michael Scharf, one of the US advisers who trained the tribunal officials, expressed similar concerns to the *Los Angeles Times*. "The game of musical chairs that is unfolding at the trial is bound to take its toll on local and world opinion about the credibility of the proceedings in Baghdad," he said, adding hopefully: "But the tribunal is far from critically wounded. I think it will pull through the latest setback."

However, it is impossible to obscure the basic fact that the court is the product of an illegal US-led invasion. The efforts of Washington and the Baghdad regime to muzzle Hussein and his lawyers will only make its character as a political show trial more apparent. While Hussein and the Baathist regime are undoubtedly guilty of crimes, this court is not designed to provide justice for the victims, but to justify the continuing neo-colonial occupation of the country.

The trial is due to restart on Wednesday. The defence team has declared that it will boycott the proceedings. "The court hearing yesterday [Sunday] lacked the basics of a fair and honest trial, and the judge was biased against the defendants, who under the law are innocent until proven guilty," defence lawyer Khalil al-

Dulaimi said. He called for the trial to be moved out of Iraq to an international court.

Hussein has also declared that he will not attend court. Without defence lawyers and the chief defendants, the proceedings are a rather naked legal sham.



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