

As violence spirals in Iraq

## Prosecutor demands death penalty in Hussein show trial

David Walsh  
22 June 2006

The prosecution in the trial of Saddam Hussein has demanded the execution of the former president, along with three other top officials, for his part in the 1982 repression of Iraqis—including torture and killings—whose sole crime was opposing the Baghdad regime. The denouement of the case is taking place while the US is engaged in mass repression of Iraqis—including torture and killings—whose sole crime has been resisting the occupying forces and their puppet government.

This elementary reality exposes the hypocrisy and fraudulent nature of the legal proceeding.

The current trial involves the persecution of a Shiite village, Dujail, in 1982, by the Iraqi regime in retaliation for an attempt on Hussein's life. Some 148 people were allegedly killed following the botched assassination. The Dujail case is the first in a series of trials scheduled for Hussein: he will also be charged with gassing 5,000 Kurds in Halabja in 1988 and a brutal crackdown against Shiites following the Persian Gulf war in 1991. However, if his appeals against the likely Dujail verdict are exhausted, Hussein could be executed, by hanging, before those cases are ever heard.

Since the Halabja incident occurred as part of the bloody Anfal campaign in the Kurdish north of Iraq, at a time when the Reagan administration was backing Hussein in the war with Iran and doing its best to conceal his crimes, there is some question as to whether Washington would care to have those charges fully explored.

The judges and prosecutors in the Dujail case, behind whom closely lurk the American military and intelligence apparatus, pretend to be operating in a fair-minded and impartial manner, establishing a precedent for the new Iraq as a "nation of laws." The US media, by and large, goes along with the charade. It is taken for granted by most American print and television editorialists that the death penalty is an "appropriate" punishment.

In fact, this is victor's justice, pure and simple.

Washington, Hussein's former ally during the 1980s, has organized a judicial procedure, whose outcome was entirely predetermined, for whatever political mileage it can extract. How much of an impact the case and its presumable grisly outcome will have on the current situation in Iraq, however, is highly questionable.

Even portions of the American media allow that the Hussein trial has been characterized by "disarray and farce at times" (*Christian Science Monitor*)—and worse.

One of the Iraqi president's principal defense attorneys, Khamis al-Obeidi, who represented both Hussein and his half brother, was abducted by men wearing police uniforms and shot to death on Wednesday. It was the third such killing since the trial began in October 2005. Two other defense attorneys were murdered in the first three weeks of the proceedings. In January, the chief judge resigned, under pressure from the Iraqi regime and its American handlers for permitting Hussein too much freedom in the courtroom. His assistant was also removed, after claims that he was a former Baath Party member.

Legal norms were largely disregarded, and the democratic rights of the defendants were regularly trampled on. Earlier this month, the final chief judge, Raouf Abdel Rahman, had four defense witnesses imprisoned on suspicion of perjury in a move Hussein's attorneys argued was clearly intended to intimidate other witnesses. He cut short the defense case June 13 by forbidding its lawyers to call any more witnesses, announcing, "I've finished hearing witnesses."

Abdel Rahman, in keeping with his obvious marching orders, has been particularly sensitive to any mention of the current situation, and especially the US presence. Attempts by the defendants to reject the proceeding as illegitimate and politically motivated have been shut down. On the final day of testimony, former Vice President Taha Yassin Ramadan, one of the accused, denied his guilt in rambling comments, but when he mentioned the "illegal US occupation," the chief judge instantly cut him off. Abdel Rahman has rejected

any political defense as mere speechmaking and “rhetoric.”

The proceedings are entirely illegitimate. They constitute a political show trial, intended by the Bush administration to provide a justification for its invasion and occupation of Iraq, a naked act of colonial-style aggression. The court is the product of an illegal war and occupation, and its very existence is a violation of international law, which forbids an occupying power from inflicting its own judicial bodies on a conquered people. Hussein is responsible for many crimes, but the US imperialism and its proxies have no right to play judge and jury.

The tragi-comic nature of the current trial has not done Washington’s reputation any good. And this disturbs some of the Iraq war’s liberal supporters. Richard Cohen of the *Washington Post* recently took the Bush administration to task for making a mess of a golden opportunity (“Trials and Errors in Iraq,” May 23, 2006).

The trial has been “a calamity,” Cohen claims, because it has obscured the “only redeeming element” of the Iraq war, “its moral component—the desire of some people to do good by ridding the world of a thug and his regime.” Instead, the trial has become a “sputtering charade,” which has provided Hussein “the chance to make the odd speech, to challenge the jurisdiction of the court and, in short, to turn the entire proceeding into a metaphor for the American occupation of Iraq: chaotic, endless and, worse, meaningless.”

This American liberal philistine argues: “How this has happened is almost beyond comprehension. The Bush administration was out to make two points, one political, the other ideological. It was important for the trial to be an all-Iraqi operation, and it was equally important to impose the death penalty.”

It never occurs to Cohen that the trial’s failure “to come off” flows from the nature of the war and US goals themselves: not the desire to rid the world of a thug, with whom Washington happily carried on business during the time he was carrying out his worst acts of repression, but the ruthless pursuit of American geopolitical ambitions. The trial is not orderly, convincing or democratic, in the final analysis, because it is the product of a criminal enterprise.

The latter stages of the Dujail case coincide with Iraq’s descent, under American occupation, into unspeakable violence and bloodshed. Sectarian conflict is rife, at any moment threatening to erupt in full-scale civil war. Death squads operate with impunity out of the interior ministry and the Iraqi security forces. Suicide bombings and other atrocities are a fact of everyday life. Dozens of corpses arrive in Baghdad’s morgue each day.

Early in June, an *LA Times* reporter described the situation in fairly stark terms: “Baghdad is now a city where residents never know whether they may be killed by a roadside bomb

explosion, in a crossfire, by mistakenly running a security checkpoint or by being dragged out of their vehicle at any time they leave their homes to go to work, to school, to shop or to visit relatives.

“Baghdad has just bled its way through the most murderous month since U.S.-led forces invaded the country in 2003, new Iraqi government documents indicate. More people were shot, stabbed or killed in other violence in May than in any other month since the invasion, according to statistics tallied by the Ministry of Health.

“That figure does not include slain soldiers or civilians killed in bombings, in which victims are not usually given autopsies.

“Last month alone, 1,398 bodies were brought to Baghdad’s central morgue, the ministry said. All over the capital and out into the provinces, corpses surface on a daily basis in garbage dumps, in abandoned cars or sprawled along roadsides. They often bear marks of bondage and torture.”

American imperialism bears the full responsibility for this. The US encounter with Iraq, like Vietnam before it, has been a catastrophe for both countries. Over the past decade and a half, in the Persian Gulf war, through economic sanctions, as a result of bombing raids during the interwar “peace” and, finally, in the present war and occupation, the death toll caused by American imperialism runs into the millions. All in pursuit of Iraq’s oil reserves. Whatever action is taken against Hussein will not “wash this blood clean from” its hands.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**