

A legal farce: Iraqi court confirms Saddam Hussein's death sentence

Peter Symonds

27 December 2006

The confirmation yesterday of the death sentence against Saddam Hussein is the final act in a legal charade directed from Washington. The Iraqi Appeal Court upheld the verdict against Hussein and two of his co-accused—Barzan Ibrahim al-Tikriti and Awad Hamed al-Bandar—brought on November 5 for the execution of 148 Shiites from the town of Dujail in 1982. With the only avenue of appeal exhausted, all three can be hanged at any time within the next 30 days.

White House spokesman Scott Stanzel hailed the court decision, declaring it to be “an important milestone” in efforts “to replace the rule of a tyrant with the rule of law”. In fact, the Bush administration has repeatedly demonstrated its contempt for basic legal norms, riding roughshod over international and US law. It has pressed for the execution of Hussein as a means of demonstrating to the world that it is capable of killing its opponents with impunity.

The Appeal Court decision comes as no surprise. From start to finish, the trial of Hussein and senior figures in his Baathist regime has been a piece of political theatre with a preordained outcome. The Bush administration refused to place the former Iraqi strongman before an international tribunal, drew up the flawed rules for the Iraqi High Court and has overseen every aspect of the case via a large team of American lawyers based in the US embassy in Baghdad.

Washington's Shiite-dominated puppet government in Baghdad has brazenly interfered in the trial, exploiting it to bolster support among its social base. Shortly after the verdict was handed down last month, Iraqi Prime Minister Nuri al-Maliki preempted the outcome of the appeals process, telling the BBC that he expected Hussein to be hanged by the end of the year. Significantly, yesterday's decision was first

announced, not by the Appeal Court, but by a government minister—National Security Adviser Mouwafak al-Rubaie.

International legal experts and human rights bodies have repeatedly criticised the legal process. In a statement issued yesterday, the US-based Human Rights Watch (HRW) described the trial as “deeply flawed” and called on the Iraqi government not to carry out the execution. A detailed 97-page HRW report on the Dujail case issued last month highlighted numerous breaches of elementary legal process, pointing to government interference in the trial. The report concluded that the court's conduct reflected “a basic lack of understanding of fundamental fair trial principles”.

In January, the chief judge in the case, Rizgar Muhammed Amin, was forced to resign after senior government officials denounced him for giving too much leeway to the defendants and defence lawyers. His replacement Raouf Abdel Rahman repeatedly overrode defence protests, expelling the defendants and their lawyers from the court. Defence challenges to the legitimacy of a court established through an illegal invasion were simply swept aside. Former US Attorney General Ramsey Clark, who was part of Hussein's defence team, yesterday described the legal process as a travesty.

The trial was never about justice. The first charge was deliberately confined to the Dujail killings in 1982 to avoid any reference to Washington's close collaboration with the former Iraqi strongman, particularly in late 1980s. The Bush administration was deeply concerned that Hussein would follow the example of former Serbian President Slobodan Milosevic and implicate the US in the crimes of the Baathist regime.

Following the overthrow of the Shah of Iran in 1979, the US actively encouraged Saddam Hussein to invade in 1980 as a means of undermining the newly established Islamist regime. The Dujail incident occurred amid a series of setbacks to the Iraqi army in the Iran-Iraq war. The execution of Shiite men and boys from the town of Dujail was carried out in reprisal for an attempt on Hussein's life by members of Dawa—the same Islamist party to which Prime Minister Maliki belongs.

In 1983 and 1984, former Defence Secretary Donald Rumsfeld went to Baghdad as a special presidential envoy to cement closer ties with the Hussein regime. Following those visits, the US provided military and economic assistance to Iraq, including for the development of the chemical weapons that were used against Iranian troops and Kurds allied to Iran. A second trial is currently underway into atrocities against the Kurds in the late 1980s—the so-called Anfal campaign. There is, of course, a complete silence in the court on US complicity.

Whatever Hussein's undoubted crimes, the Bush administration is directly responsible for war crimes of a far greater order of magnitude in Iraq. More than 650,000 Iraqis are estimated to have died directly as a result of the illegal US-led invasion and occupation. The charge of which Hussein has been convicted—a reprisal for an attempt on his life—is standard operating procedure for the US military in Iraq, which has mercilessly bombed and strafed buildings and villages suspected of harbouring anti-occupation insurgents.

US troops routinely break into houses and arbitrarily detain Iraqis. Thousands continue to be held without trial in US-run prisons and subject to torture. High profile detainees have simply disappeared into the American gulag of secret jails and torture chambers. Many of the Shiite death squads that are now criticised in the American media had their origins in the "Salvador option" first implemented in 2004 following the appointment of John Negroponte as US ambassador. Hit squads operating under the cloak of the Interior Ministry are widely believed to have been responsible for the murder of three of Hussein's defence lawyers.

The Appeal Court announcement coincides with the US administration's plans for an escalation of violence against the Iraqi people. President Bush is preparing to

announce a huge "surge" of between 20,000 and 50,000 US troops to Iraq for a bloody crackdown in Baghdad and in the western Anbar province against anti-US insurgents and the Shiite militia of cleric Moqtada al-Sadr. What is being prepared is a crime that will dwarf anything that Hussein ever carried out.

Those responsible for the criminal invasion and occupation of Iraq—Bush, Cheney and the rest of the gangsters in the White House—should all be put on trial for war crimes.



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact