



Note from Baghdad: Abd Hammoud's moment of justice

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Yesterday we encountered a strange moment of serendipity. Dr Lateef Rashid, invited those of us working on the Global Justice Project: Iraq to dinner with his colleague the Minister of Justice Dara Noureddin. Dr Lateef Rashid, the Minister for Water, has one of the best reputations in Iraq for running his complex Ministry, not least because as a proud Kurd, he succeeded in getting the legendary Arab Marshes in the South of Iraq back to 80 per cent of where they were at before water was diverted to starve their inhabitants. The dinner was at Dr Rashid's house, which was the former residence of Abd Hammoud, the personal secretary of Saddam Hussein. As it happens, yesterday Hammoud was sentenced by the Iraq High Criminal Tribunal (which sentenced Saddam Hussein to death in 2006), to life imprisonment for the execution of 42 Baghdad merchants in the summer of 1992. Tariq Aziz, the former regime's international visage, received a 15 year sentence. The two half brothers of Saddam were sentenced to death, while the former Governor of the central bank was found not guilty.

The occasion was also eerie for a different reason. An aside first: I had previously met Judge Dara Noureddin when preparations were afoot for the trial of the former Ba'hist leaders, in Amsterdam in 2004. I am sorry that the high hopes we expressed at the meeting were not fully realized, given the setbacks that followed, but at least one lesson was learned. For difficult cases like Lebanon, Sudan or Iraq, I believe it is better to have the trial carried out abroad, to prevent witnesses, judges and defense lawyers from being killed, as happened in Iraq during the two years of Saddam's trial. It is also better to shape the court into a mixed tribunal, to protect the local judges. From this Iraqi lesson, we derived the shape of the Special Tribunal for Lebanon which came into being on March 1st. Considering the continued risk on Lebanese judges who will sit on it, I wonder whether it should not have been totally composed of international judges.



The Iraqi Minister of Justice's reputation was well known to me for having stood up to Saddam Hussein as a judge, and I asked him about the details yesterday. Here is the synopsis: Under the Ba'hist constitution, the Revolutionary Command Council (RCC) issued orders which had an automatic legal status (some of which are even said to have been secret). An RCC order had been made in 1981 with respect to the dedication by the state of land to be distributed to military officers and other political grantees. In Baghdad, a special section of the Municipality had responsibility over this dedication and distribution. Some ten years later, a case came up before Judge Dara which involved land held jointly by a number of owners requesting its division amongst them by Judge Dara's property court. Not receiving an answer from the Municipality of Baghdad about this particular piece of real estate, Judge Dara ruled in favour of the petition of the joint owners. The decision was challenged by the municipality under the RCC order of 1981, but Dara rejected the challenge on the basis that the RCC order contradicted the new 1990 Iraqi Constitution which Saddam had just brought into being and which included the right to own private property. The decision was adopted as precedent, but it escaped the attention of Saddam Hussein until a decade later, when a similar case came up and he realized that his order was not being applied. He asked who had allowed his order to be set aside, and was informed of the Dara jurisprudence. The judge was arrested, detained for three months, then sentenced for two years. He stayed another eight months in prison.

Dinner with a judge imprisoned by Saddam for standing up for basic rights under the Constitution, in the house of Abd Hammoud, personal secretary of Saddam Hussein and the éminence grise of the system, on the day of his sentencing. This was an unusual moment for justice. For Hammoud, yesterday may not be the end of his sentencing. As someone opposed to the death sentence, I drank to his health. My Iraqi hosts raised their glasses also, possibly not for the same reasons.