

U.S. gives Iraq custody of Hussein

By PATRICK MARTIN

UPDATED AT 6:30 AM EDT

Wednesday, Jun 30, 2004

BAGHDAD -- The new Iraqi government will take legal custody of Saddam Hussein today, to stand trial for some of the worst crimes of the 20th century.

In his first public act since taking office on Monday, interim Prime Minister Iyad Allawi announced yesterday that Mr. Hussein, who ruled Iraq from 1979 until 2003, and 11 of his top officials will be formally charged tomorrow with crimes against the Iraqi people.

Although the Iraqi government is taking legal custody of the former dictator, he will remain under the physical custody of U.S. forces in Baghdad until the Iraqi prison system is capable of confining him and his co-accused, Mr. Allawi said.

He told a press conference yesterday that Mr. Hussein will be tried before an open special tribunal. The 67-year-old defendant, who was captured by U.S. forces last December, will be free to speak and can appoint legal counsel or represent himself. "If he doesn't have the money," Mr. Allawi said with a smirk, "counsel will be provided."

Mr. Allawi said his cabinet is discussing reinstating Iraq's death penalty, which had been suspended by former U.S. occupation chief Paul Bremer.

Salem Chalabi, director of the Iraqi Special Tribunal that will try Mr. Hussein, said tomorrow's appearance at the tribunal, housed in a courthouse inside Baghdad's fortified "green zone," will likely be filmed for public release.

The first group of Hussein lieutenants to face the tribunal includes Ali Hassan al-Majid, also known as "Chemical Ali;" former vice-president Taha Yassin Ramadan; former deputy prime minister Tariq Aziz; and two of Mr. Hussein's half brothers. The Prime Minister said he himself requested that coalition forces keep Mr. Hussein and other top prisoners under U.S. guard "until correction services are fully capable of providing for their safety" and secure detention.

(Two weeks ago, Iraqi leaders had demanded that Mr. Hussein be transferred to Iraqi control immediately. But Washington rebuffed those demands, saying that the transfer would happen "at an appropriate time" after the handover of sovereignty and insisting that he must remain under secure guard.)

For Iraqi citizens, word that Mr. Hussein will stand trial was welcome news.

"I have waited for justice for a long time," said Sanab Hussein, 32. Her husband, a Shia Muslim, was taken prisoner in 1999, tortured and hanged. He had been part of a Shia student protest.

Most will know of some of the more infamous crimes: the use of chemical weapons against Kurds in the north in the late 1980s -- 100,000 were killed in 1988 alone -- and the crushing of the Shiites in the south who rebelled in 1991 in the wake of the Persian Gulf war.

But from the very beginning, Mr. Hussein's was a reign of terror. In 1969, even before he became president but still wielded great power, he claimed he had uncovered a Zionist plot and publicly hanged 14 men, nine of them Jews. Their bodies were left hanging in Liberation Square for more than a day.

In 1979, shortly after taking full power, he had 60 members of his own Revolutionary Command Council executed, allegedly for conspiring with Syria. He then had videotapes of the event circulated.

Political opponents, such as the prominent Shia leader Mohamad Baqir Sadr, were assassinated; members of the communist and religious Dawa parties were rounded up.

In 1981-82, an estimated 3,000 people were executed.

Hamid Najal Hamadi's seven brothers were among them. Mr. Hamadi, now 43, had returned from fighting in Iran to his home in Balad, a Shia town in the middle of the Sunni triangle north of Baghdad. He found that seven of his nine brothers had been killed and the rest of the family driven from their substantial home, along with 66 other families in the town. "Look at this," he said, bringing out several portraits of his family. "Two of my brothers were twins. They were only 13. They were accused of being leaders in the resistance."

Today, in his modest house in the poor Baghdad district of al-Hurriya, Mr. Hamadi says that execution would be too easy for Mr. Hussein.

"They should put him in a cage and let all the people walk by and spit on him," he said.

Although Mr. Hussein will be formally charged tomorrow, several months of preparation are needed before the trial can begin. A Western diplomat explained that while there is plenty of evidence of victims -- 300 mass graves have been found, helping account for the more than 300,000 people who disappeared during the Hussein years -- a team of specialists from the Federal Bureau of Investigation is "focusing on a dozen cases where Saddam can be shown to have 'pulled the trigger.' "

Chibli Mallat, a Beirut-based lawyer and anti-Hussein activist, has been documenting details about Mr. Hussein for years.

He says there are four main categories under which Mr. Hussein can be tried: crimes against humanity, including torture and the execution of political opponents; war crimes, which include his use of prisoners to clear minefields in Iran and his execution of soldiers in Kuwait; genocide, for the mass murder of Kurds and perhaps of the Shia; and international aggression, for his attacks against Kuwait, Israel and Iran (in which almost two million people died).

Putting Mr. Hussein on trial may benefit the interim government. As one diplomat noted, "It's good to remind people how bad things were under Saddam."

Not everyone is so sure. Patrick Cockburn, co-author of *Out of the Ashes: The Resurrection of Saddam Hussein*, wrote recently that being put on trial will give the former dictator a chance to "re-establish his aura as a formidable figure."

Watch for him, Mr. Cockburn suggests, to summon U.S. Defence Secretary Donald Rumsfeld to testify about his 1983 visit to Baghdad as a presidential envoy, when he offered full U.S. support for Mr. Hussein's war against Iran. Or to subpoena U.S. executives who sold him the means of producing his chemical and biological weapons.