

# Selective Justice and the Trial of Saddam Hussein

Who will pass judgment on those who judge?

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In what President Bush called “a major achievement,” former Iraqi President Saddam Hussein was found guilty of crimes against humanity and sentenced to death. The court’s judgment found wide favor in the Western world, where many regarded it a mark of success for U.S. policy. The trial, Bush assured the American public, was “a milestone in the Iraqi people’s efforts to replace the rule of a tyrant with the rule of law.” Yet there was little that could be regarded as fair and legal about the proceedings. The court itself was established at the Bush Administration’s behest. U.S. dollars financed the proceedings, and U.S. officials provided aid, training and direct involvement. The trial was fraught with problems. Three of Hussein’s lawyers were murdered and many defense witnesses were intimidated into silence. There was little in the proceedings that could justify reference to “the rule of law.” The trial was a U.S.-directed effort, intended to paint the occupation of Iraq in the best light. The U.S. and British invasion had, we were reminded, overthrown this particular tyrant. But tyrants, like war criminals, are in the eye of the beholder, and actions that might win praise and support for one man might be condemned in another. Saddam Hussein has found himself on both sides of that equation, at one time or another. During his early years in power, his crimes were not merely tolerated, but encouraged. No call was made for his removal as long as he was allied with Western interests.

How does it happen that a man can be regarded as a friend and ally one day, and an enemy the next? How is it that as praise fades away, that same man comes to deserve capture and death? Is it because his behavior has changed, or because there has been a transformation in perception?

At one time, Saddam Hussein was backed and promoted by the U.S. His brutal methods were regarded as effective tools in the struggle to further U.S. objectives. But as his actions began to threaten U.S. interests, he earned opprobrium. A closer look at the history of Hussein’s relationship with the U.S. reveals much about how foreign policy is conducted.

In his early years, Saddam Hussein was on the CIA payroll. Contacts began in 1959, when the agency sponsored him as a member of a small team assigned to assassinate Iraqi Prime Minister Abd al-Karim Qasim. The Prime Minister had made himself a target by committing the unpardonable sin of taking his nation out of the anti-Soviet Baghdad Pact. Hussein was set up in an apartment across the street from Qasim’s office and told to observe his movements. But CIA plans received a setback when the attempted assassination on October 7, 1959 was conducted in so inept a manner that it failed to achieve its objective. An over-anxious Hussein fired too soon, killing Qasim’s driver and only wounding the Prime Minister. Following the botched attempt on the Prime Minister’s life, CIA and Egyptian intelligence agents helped Hussein to escape to Tikrit. From there he crossed

into Syria and then to Beirut, where the CIA provided him with an apartment and put him through a short training course. Even at that young age, a former U.S. intelligence official recalls, Hussein "was known as having no class. He was a thug - a cutthroat." But he did have excellent anticommunist credentials. From Beirut he was eventually sent to Cairo, where he remained under the watchful eye of his CIA handlers and made frequent visits to the U.S. embassy to meet with agency officials. U.S. hostility towards Qasim had not abated, and he was eventually killed in a Ba'ath Party coup in 1963, after which the CIA gave the Iraqi National Guard lists of communists they wanted to see imprisoned and executed. According to former U.S. intelligence officials, many suspected communists were killed under the personal supervision of Hussein. As one former U.S. State Department official put it, "We were frankly glad to be rid of them. You ask that they get a fair trial? You have got to be kidding. This was serious business." With his image burnished through such accomplishments, Hussein first went on to become head of Iraqi security and then in 1979, president of the nation. He remained allied with the U.S. during his first decade in power as he ordered the arrest of communists and other political opponents by the thousands. Nearly all would be tortured or killed. (1)

In 1980, Saddam Hussein sent Iraqi troops to invade Iran in an attempt to seize territory by force of arms. The resulting war dragged on for eight years, causing immense destruction and costing the lives of 1.7 million people in one of the twentieth century's worst wars.

Relatively early in that war, in December 1983, President Reagan sent envoy Donald Rumsfeld to Baghdad to meet Iraqi President Saddam Hussein and offer American assistance. Rumsfeld told Hussein that the U.S. wanted full relations and "would regard any major reversal of Iraq's fortunes as a strategic defeat for the West." Just one month before, State Department official Jonathan Howe had informed Secretary of State George Schultz that Iraq was using chemical weapons against Iranian forces on an "almost daily basis." It was also well known by then that the Hussein government was engaging in widespread repression. Many thousands of individuals were being imprisoned, tortured, executed or sent into exile.

Howard Teicher worked for the National Security Agency when he accompanied Rumsfeld on that mission. Teicher recalls, "President Reagan decided that the United States would do whatever was necessary and legal to prevent Iraq from losing the war with Iran," and formalized a policy of assisting Iraq in a National Security Decision Directive [NSDD] which Teicher helped draft. CIA Director William Casey "personally spearheaded the effort to ensure that Iraq had sufficient military weapons, ammunition and vehicles to avoid losing the Iran-Iraq war. Pursuant to the secret NSDD, the United States actively supported the Iraqi war effort by supplying the Iraqis with billions of dollars of credits, by providing U.S. military intelligence and advice to the Iraqis, and by closely monitoring third country arms sales to Iraq to make sure that Iraq had the military weaponry required."

CIA personnel visited Iraq on a regular basis to provide surveillance intelligence gathered by U.S.-supplied Saudi AWACS planes in support of the Iraqi war effort. Both the CIA and the Defense Intelligence Agency directly assisted an Iraqi offensive in February 1988 by electronically "blinding" Iranian radar for three days. "The United States also provided strategic operational advice to the Iraqis to better use their assets in combat," Teicher said. "For example, in 1986, President Reagan sent a secret message" through Egyptian President Hosni Mubarek, acting as an intermediary, "to Saddam Hussein telling him that Iraq should step up its air war and bombing of Iran," and "similar strategic

operational military advice was passed” to Hussein through meetings with various heads of state.

Teicher “personally attended meetings in which CIA Director Casey and Deputy Director Robert Gates “noted the need for Iraq to have certain weapons such as cluster bombs and anti-armor penetrators in order to stave off Iranian attacks.” The CIA supplied cluster bombs to Iraq through Cardoen, a Chilean company.

More than 60 officials of the U.S. Defense Intelligence Agency were involved in the program which not only provided Iraq with intelligence on Iranian positions, but actually helped Iraq to develop tactical battle plans as well as plans for air strikes. Although it was well known by the later stages of the war that Iraqi forces were routinely using chemical weapons against the Iranians, American support for Iraqi offensives continued. “The use of gas on the battlefield by the Iraqis was not a matter of deep strategic concern,” recalled a former high-ranking Defense Intelligence Agency official. U.S. leaders were more interested in ensuring the defeat of Iran. The Pentagon “wasn’t so horrified by Iraq’s use of gas,” remembered a former official involved in the program. “It was just another way of killing people – whether with a bullet or phosgene, it didn’t make any difference.”

Saddam Hussein received unstinting support throughout his war with Iran. His crimes were never an issue. Not, that is, until he miscalculated and invaded Kuwait in 1990 in another attempted land-grab. This war, however, was not on the U.S. agenda, and Hussein’s reckless action triggered an attack by the U.S. and Great Britain, along with the imposition of UN sanctions. (2)

Today, Saddam Hussein is no longer regarded as a friend of the West. As long as he directed internal repression and external wars at those U.S. policy makers loathed, he was sure to receive backing. It was only when his actions went against U.S. interests that he was suddenly discovered to be a tyrant and criminal. His methods had not changed. Only the Western perception of him had shifted, because he no longer served the purposes of global capital.

The U.S. did much to create Saddam Hussein and others like him. It is impossible to avoid concluding that the trial of Saddam Hussein was little more than a case of selective justice, meant to provide post-justification for an invasion that was itself a grave violation of international law. Saddam Hussein’s crimes were real enough, but those acts would never have brought him to trial had he continued to operate within the parameters sketched for him by the West. The trial of Saddam Hussein has been widely hailed as a triumph of justice, despite the fact that it was initiated and guided by an occupying power. Yet one wonders. Who will pass judgment on those who judge?

Gregory Elich is the author of *Strange Liberators: Militarism, Mayhem, and the Pursuit of Profit*

<http://www.amazon.com/Strange-Liberators-Militarism-Mayhem-Pursuit/dp/1595265708>

## NOTES

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