

# The Trial of Saddam Hussein

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The ongoing trial of Saddam Hussein could prove increasingly uncomfortable for the Bush administration. The first crime of which the deposed dictator is accused, the secret execution of 143 Shiites arrested in 1982, seems an odd choice for the prosecution, and politics may be behind it. Hussein is accused of using poison gas against Iranian troops, of genocide against the Kurds and of massacring tens of thousands to end the 1991 uprising after his defeat in the Gulf War. The problem for the Bush administration with these other, far graver charges, is that the Americans are implicated in them either through acts of commission or omission.

The saga of Dujail began, as the BBC explained recently, with Hussein's visit to the mixed Shiite and Sunni town north of Baghdad in summer of 1982. Many of the young men in Dujail were conscripts fighting at the front against Khomeini's Islamic Republic of Iran, which Hussein had invaded in 1980. Hussein appears to have gone there to drum up support for his war, which had quickly become a costly and dangerous quagmire. Worse, many Iraqi Shiites were members of the fundamentalist Dawa Party. They were willing to fight Iran to stop it from taking over Iraq, but they hated Hussein, who had made membership in their party a capital crime. As Hussein was leaving Dujail, Shiite assassins tried to kill him.

Hussein responded in typical brutal and immediate fashion by rounding up dozens of Shiites in Dujail (in all likelihood especially those families that his secret police suspected of being Dawa). One hundred forty-three never came home and are probably in a mass grave of the sort that dots the Iraqi landscape. Given that the Shiite fundamentalist parties came to power in the Jan. 30, 2005, elections, and that the leader of the Dawa Party, Ibrahim Jaafari, became the prime minister, the conviction of Hussein first on these charges would gratify Jaafari's party base and add to his faltering popularity.

The Dujail charges have the advantage for Washington of stemming from an incident that occurred a year before the U.S. rapprochement with the Iraqi Baath Party in 1983. In the 1970s, Iraq under Baath Party dictator Brigadier General Ahmad Hassan al-Bakr had grown close to the Soviet Union, with which it signed a treaty of friendship in 1972 and from which it began importing arms. In 1973, al-Bakr supported the Syrians in their war with Israel.

The ensuing poor relations with Washington were not repaired until 1983. Persistent allegations are made by some observers, including journalist Christopher Hitchens, that then-President Jimmy Carter put Hussein up to invading Iran in September of 1980. These allegations seem implausible on their face, and there is no documentary proof for them. A former National Security Council staffer for Gulf affairs, Gary Sick, has told this author that Hussein's invasion of Iran came as a shock to the NSC in 1980. Sick's impression of continued frost between Washington and Baghdad is borne out by documents published by the National Security Archive, housed at George Washington University.

The turning point came in 1983, as the Reagan administration reevaluated its policy toward the Middle East. Note that it does not appear to have been deterred by a small matter such as Hussein's propensity to massacre townspeople like those at Dujail. The threat that Khomeinism posed to U.S. interests in the region had been underlined by the rise of Shiite radicalism in Lebanon. The U.S. suspected extremist Shiites of blowing up the U.S. embassy and killing 63 persons in Beirut on April 18, 1983. Hussein's invasion of Iran had been stopped dead in its tracks by Iranian military and irregular forces, and by 1982 Iran was beginning an effective counterattack. Ayatollah Ruhollah Khomeini desperately wanted Baghdad. Ronald Reagan's special envoy to the Middle East, Donald Rumsfeld (then also CEO of G.D. Searle & Co.), began worrying about the implications if the Iranians succeeded in taking it, as did the director of the Central Intelligence Agency, William Casey.

One possible impediment to better relations between the U.S. and Iraq was the latter's use of chemical weapons. The 1925 Geneva Protocol, which forbade the use of chemical weapons, specified that it "shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations." The Reagan State Department was well aware that Hussein had begun using chemicals against Iranian troops at the front, and by Nov. 1 was actively considering [PDF] what punitive measures might be taken against Iraq.

Nevertheless, Reagan sent Rumsfeld to Baghdad in December, 1983. The National Security Archive has posted a brief video of his meeting with Hussein and the latter's vice president and foreign minister, Tariq Aziz. Rumsfeld was to stress his close relationship with the U.S. president. The State Department summary of Rumsfeld's meeting with Tariq Aziz stated that "the two agreed the U.S. and Iraq shared many common interests: peace in the Gulf, keeping Syria and Iran off balance and less influential, and promoting Egypt's reintegration into the Arab world." Aziz asked Rumsfeld to intervene with Washington's friends to get them to stop selling arms to Iran. Increasing Iraq's oil exports and a possible pipeline through Saudi Arabia occupied a portion of their conversation.

The U.S. and Iraq were well on the way toward a restoration of diplomatic relations (broken off in 1967 by the colonels' regime that preceded the Baath) and a military alliance against Iran. The State Department, however, issued a press statement on March 5, 1984, condemning Iraqi use of chemical weapons. This statement appears to have been Washington's way of doing penance for its new alliance.

Unaware of the depths of Reagan administration hypocrisy on the issue, Hussein took the March 5 State Department condemnation extremely seriously, and appears to have suspected that the United States was planning to stab him in the back. Secretary of State George Shultz notes in a briefing for Rumsfeld in spring of 1984 [PDF] that the Iraqis were extremely confused by concrete U.S. policies toward Lebanon, Syria, Egypt, Jordan, Israel and combating Khomeini. "In each case," Shultz observes, "Iraqi officials have professed to be at a loss to explain our actions as measured against our stated objectives. As with our CW statement, their temptation is to give up rational analysis and retreat to the line that US policies are basically anti-Arab and hostage to the desires of Israel."

Rumsfeld had to be sent back to Baghdad for a second meeting, to smooth ruffled Baath feathers. The above-mentioned State Department briefing notes for this discussion remarked that the atmosphere in Baghdad (for Rumsfeld) had worsened for two reasons. First, Iraq had failed to completely repulse a major Iranian offensive and had lost the

“strategically significant Majnun Island oil fields and accepting heavy casualties.” Second, the March 5 scolding of Iraq for its use of poison gas had “sharply set back” relations between the two countries.

The relationship was repaired, but on Hussein’s terms. He continued to use chemical weapons and, indeed, vastly expanded their use as Washington winked at Western pharmaceutical firms providing him materiel. The only conclusion one can draw from available evidence is that Rumsfeld was more or less dispatched to mollify Hussein and assure him that his use of chemical weapons was no bar to developing the relationship with the U.S., whatever the State Department spokesman was sent out to say. As former National Security Council staffer Howard Teicher affirmed, “Pursuant to the secret NSDD [National Security Directive], the United States actively supported the Iraqi war effort by supplying the Iraqis with billions of dollars of credits, by providing US 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.” The requisite weaponry included cluster bombs. Whether it also included, from Washington’s point of view, chemical weapons and biological precursors for anthrax, Teicher does not say.

Teicher adds that the CIA had knowledge of, and U.S. officials encouraged, the provisioning of Iraq with high-powered weaponry by U.S. allies. He adds: “For example, in 1984, the Israelis concluded that Iran was more dangerous than Iraq to Israel’s existence due to the growing Iranian influence and presence in Lebanon. The Israelis approached the United States in a meeting in Jerusalem that I attended with Donald Rumsfeld. Israeli Foreign Minister Ytzhak Shamir asked Rumsfeld if the United States would deliver a secret offer of Israeli assistance to Iraq. The United States agreed. I traveled with Rumsfeld to Baghdad and was present at the meeting in which Rumsfeld told Iraqi Foreign Minister Tariq Aziz about Israel’s offer of assistance. Aziz refused even to accept the Israelis’ letter to Hussein....” It might have been hoped that a country that arose in part in response to Nazi uses of poison gas would have been more sensitive about attempting to ally with a regime then actively deploying such a weapon, even against its own people (some gassing of Kurds had already begun).

The new American alliance might have been a public relations debacle if Iran succeeded in its 1984 attempt to have Iraq directly condemned at the United Nations for use of chemical weapons. As far as possible, Shultz wanted to weasel out of joining such a U.N. condemnation of Iraq. He wrote in a cable that the U.S. delegation to the U.N. “should work to develop general Western position in support of a motion to take ‘no decision’ on Iranian draft resolution on use of chemical weapons by Iraq. If such a motion gets reasonable and broad support and sponsorship, USDEL should vote in favor. Failing Western support for ‘no decision,’ USDEL should abstain.” Shultz in the first instance wanted to protect Hussein from condemnation by a motion of “no decision,” and hoped to get U.S. allies aboard. If that ploy failed and Iraq were to be castigated, he ordered that the U.S. just abstain from the vote. Despite its treaty obligations in this regard, the U.S. was not even to so much as vote for a U.N. resolution on the subject!

Shultz also wanted to throw up smokescreens to take the edge off the Iranian motion, arguing that the U.N. Human Rights Commission was “an inappropriate forum” for consideration of chemical weapons, and stressing that loss of life owing to Iraq’s use of chemicals was “only a part” of the carnage that ensued from a deplorable war. A more lukewarm approach to chemical weapons use by a rogue regime (which referred to the weapons as an “insecticide” for enemy “insects”) could not be imagined. In the end, the

U.N. resolution condemned the use of chemical weapons but did not name Iraq directly as a perpetrator.

When the Dujail case is resolved and the tribunal trying Hussein goes on to other crimes, sooner or later the issue of chemical weapons use must arise. Iran is already furious that the tribunal seems unlikely to charge Hussein for his battlefield deployment of this weapon. When the issue arises, it will be difficult for Donald Rumsfeld to avoid sharing the docket, at least symbolically, with his old friend, Hussein. Rumsfeld helped to forge the U.S. alliance with Iraq that lasted from 1984 until Hussein's invasion of Kuwait in August of 1991. He did so in full knowledge that the Baath regime was using mustard gas—which severely burns the lungs—against the Iranian children sent by Khomeini to launch “human wave” attacks. One Iranian survivor commented that with each flaming breath he takes, he wishes the gas had killed him. The pogrom against the Shiites of Dujail was a horrible crime. Far more horrible ones, in which the U.S. government was intimately complicit, were to follow.

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