

Thinking the Unthinkable: Saddam Trial, Arraignment or Apology?

By [Felicity Arbuthnot](#)

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When Saddam Hussein announced to the U.S. inspired kangaroo Court in Baghdad, that he was: 'Saddam Hussein, President of Iraq...', he was ridiculed in the media. He was right. Iraq's 'sovereignty and territorial integrity', were guaranteed by the U.N., whose founding Charter deems illegal the invasion of another U.N.Member state.

Since the supine Secretary General of the U.N., Kofi Annan, finally stated, twenty months after the invasion that it was 'illegal' , it is worth addressing what Saddam Hussein and his co-defendants are being tried for and whether they are owed apology rather than prosecution. After the horrors rained on Iraq under occupation, from torture in hidden prisons, to Abu Ghraib's unspeakable depravities at the hands of U.S. personnel, destruction of countless thousands of homes with their occupants buried alive within them, throughout Iraq, the uncounted thousands of families shot by troops for simply driving on their country's roads, Saddam's crimes against humanity, whilst appalling, hardly compare. Further, with two attorneys assassinated, others on both sides and the Judge threatened with death and U.S., pressure over all, the Court can only, arguably, be as bad or worse as the accusations against those which operated under the former regime.

For the thirteen years prior to the 2003 invasion the world was drip-fed an incessant diet of the regime's crimes. The attack on the Kurds at Halabja in 1988, the allegations of over six hundred Kuwaiti prisoners still held in Iraq from the 1991 invasion of Kuwait, Iranian prisoners held from the eight year Iran-Iraq war (inspite of the fact that for several years before the invasion, exchanges of prisoners, or remains had been taking place with relative regularity) hidden chemical and biological weapons programmes -and even, in an inspired bit of psychops added bogeymanism to soften up US opinion in the run up to the invasion, 'Saddam' it had been discovered was still holding an American pilot shot down in 1991, Michael Speicher.And torture chambers and mass graves, mass graves, mass graves.

No charges are being brought over Hallabja it seems. Understandably that can of worms won't be opened. The U.S. sold Iraq chemical weapons and reportedly, advised on their most 'effective' use. There is also a US War College Report which points the Hallabja finger at Iran. America was supplying them too. Stirring up wars is a nice little earner. No word has been heard of the missing Kuwaitis, previously also a pet subject of Anne Clwyd MP, now Tony Blair's Human Rights Advisor on Iraq. She has not mentioned them since the invasion. The Iran-Iraq exchanges were halted after the invasion and Michael Speicher has never been heard about again. What new grief after hope his family have been put through by lies in high places, can only be imagined. Mass graves? One can only speculate that perhaps they too have become largely embarrassing as so many were in the southern areas where British and American troops buried countless thousands in 1991 - including bulldozing alive into

trenches, young Iraqi conscripts. Others were undoubtedly also from the US driven Iran-Iraq war where the south was the front line.

As for charges related to secretly producing weapons of mass destruction which could destroy western targets in forty five minutes? Don't think so. The real wmd's were, of course, a raft of dodgy dossiers and more duplicity in high places. The regime even delivered an eleven thousand eight hundred page document to the U.N. in late 2002, seemingly accounting for all. But we will never know, since US officials liberated it from the weapons inspectors office in an 'unprecedented' act and returned about a third, so extensively blacked out as to be 'incomprehensible' according to U.N Ambassadors.

The charge Saddam Hussein and his co-defendants face is that, after an assassination attempt against him and those in his convoy in July 1982, in the village of Dujail, one hundred and forty two villagers were executed after trial. Execution for treason was legal under Iraq's Constitution, as it is in the U.S., where the one thousand and first person since 1976 has just been executed by lethal injection for alleged gang related murders a couple of years before Dujail. After the 2003 invasion of Iraq, the death penalty was briefly abolished - but brought back under pressure from the U.S. desert booted, bunkered 'Viceroy', Paul Bremer.

When Saddam went to Dujail, he said in his speech: 'The days are gone when Iraq belonged to foreigners'. Dujail, we are told, is the best documented case of atrocities. Let us hope it is not an excuse to flag a message to the countless Iraqis who feel hostile to foreigners illegally occupying their country for oil for all and piping water from the great Tigris and Euphrates rivers for western allies Turkey and Israel.

Sabah Al Mukhtar, President of the Arab Lawyers Association and specialist in international law points out, regarding Dujail, that whatever the human rights considerations regarding the horror of executions: 'The Iraqi Constitution, then as now, was and is still valid; that a Judicial Order, ratified as Head of State in official capacity, is subject to State Immunity under the Vienna Convention - and that contrary to perception, that the United Nations recognises the current government is absolutely wrong, both substantially and factually. Iraq as a State, has, was and still is recognised as a State. The concept of recognition relates to States not governments. UN Resolution 1546 did not recognise the government, but simply welcomed it, which is a statement expressing political, rather than a legal status.'

If legality has been further turned on its international head by this trial, it has to be questioned how selective it has become. Given the horrors of the last twenty months in Iraq, the frying suffocation of prisoners in metal containers in Afghanistan's summer heat under US/UK watch and actions 'as in Iraq', says Al Mukhtar, why are not others in high places nearer to home, not in the dock in Saddam's illegally squatted palace? Oh - and the traditionally dressed, dish-dasha, kafiyeh wearing Barzan Al Tikriti in secular but conservative Iraq, pitched up in Dujail: '...in jeans and red cowboy boots'. The fairies are back in my garden.

Felicity Arbuthnot is a Global Research Contributing Editor based in London

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