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HEADLINE: Was justice too swift?;

Critics say Hussein's speedy execution casts doubt on Iraqi judicial system and leaves unresolved more grievous alleged crimes.

BYLINE: By Aamer Madhani and Tom Hundley, Tribune staff reporters. Aamer Madhani reported from Chicago and Tom Hundley from London.

BODY:

Saddam Hussein's trials and his march to the gallows were intended to be turning points in Iraq's history in which justice was delivered on behalf of hundreds of thousands of people killed by the dictator's brutal regime.

But for many human rights advocates and court watchers who followed the trials, Hussein's swift conviction and execution instead left them with doubts about the emerging Iraqi government and the fairness of its judicial process.

Hussein died on the gallows in Baghdad early Saturday, less than two months after an Iraqi court sentenced him to death for the killings of 148 Shiite Muslims in Dujail and just four days after the Iraqi appeals court upheld the verdict. Even some American advisers who helped set up the new judiciary after Hussein's fall reportedly were surprised by the speed of the process.

Few denied that Hussein was guilty of war crimes and atrocities against his own people, and many said the execution reflected the heartfelt desire of the Iraqi people.

But in the end, critics said, the flawed trials and the swift appeals process suggested that the system did little more than provide victors' justice, delivered by a Shiite-dominated government against a Sunni Arab who repressed Shiites for more than two decades. And the execution in the Dujail case cut short a second trial of Hussein on even more grievous charges of killing thousands of Kurds in northern Iraq.

"It was absolutely right that Saddam Hussein should be held to account for the massive violations of human rights committed by his regime, but justice requires a fair process and this, sadly, was far from that," said Malcolm Smart, director of Amnesty International's Middle East and North African monitoring program. "The trial should have been a landmark in establishment of the rule of law in Iraq after decades of Saddam Hussein's tyranny. It was an opportunity missed."

What might have been most jarring about the proceedings that led to Hussein's hanging was how quickly the appellate court came to its conclusion, said Scott Horton, a Columbia University law professor who has served as a defense attorney for Iraqi journalists accused of crimes in Iraq.

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Horton said that in his dealings with the Iraqi criminal justice system, judges spent little time reviewing cases that were on appeal, even capital cases. On a trip to Iraq to represent an Iraqi journalist, he said he was stunned to see judges dispensing of serious cases in as little as 10 minutes and defense counsel playing the role of a "potted plant" during proceedings.

"It's still in the process of finding its way," Horton said of the Iraqi judicial system. "I think the big question that Americans should be asking is, 'Are we moving it to be more transparent and just or we moving it toward being fast?'"

Lightning appeal

The short time for the appellate proceedings in Hussein's case was in marked contrast to death penalty cases in the U.S., where condemned individuals often wait on Death Row for years while myriad appeals are considered.

Doug Cassel, an international law expert who worked with the United Nations in its investigation of atrocities in El Salvador, pointed out that while the Iraqi court took about nine months to hear a case that included hundreds of witnesses, thousands of pages of testimony and documentary evidence, the appellate court needed little more than a month to uphold the sentence.

"The lesson that is sent to the world is that the United States talks a big game about due process, but in reality it doesn't really believe in it," said Cassel, now a professor of law at the University of Notre Dame.

Hussein's execution also holds the potential of deepening the rift between the U.S. and its key European allies. Capital punishment is banned throughout the European Union, where political leaders and human-rights organizations spoke out strongly against hanging the Iraqi leader.

Even British Prime Minister Tony Blair, President Bush's staunchest ally in Iraq, opposed executing Hussein.

"We are against the death penalty," Blair said. "However, what I think is important about this is to recognize that this trial of Saddam has been handled by the Iraqis themselves. . . . It does give us a very clear reminder of the total and barbaric brutality of [Hussein's] regime."

In Italy, which has one of the strongest anti-capital punishment movements in Europe, Prime Minister Romano Prodi warned that executing Hussein would be counterproductive.

"The decision to condemn Saddam to death has in itself more risk of negative effects than positive for the stabilization of the country," Prodi said. "I don't believe that the execution of Saddam will help even minimally the pacification of the country."

Even as the trials progressed, human-rights organizations raised questions about the process. Court watchers said they were troubled by a laundry list of problems that marked the chaotic proceedings. At times, defendants and prosecutors shouted over each other, and an occasional scum broke out between defendants and bailiffs, overshadowing the vivid testimony of witnesses and the damning documentary evidence.

The trials were punctuated by tantrums, harsh rebukes of the court's legitimacy and several boycotts of the proceedings by the defendants and their lawyers.

Political interference

The proceedings also were marred by political interference and by the failure to take adequate measures to protect witnesses and defense lawyers, court watchers said.

Even before the appeal was completed, Prime Minister Nouri al-Maliki predicted that Hussein would be hanged

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before the end of the year. The chief judge in the Dujail case, a Kurd, resigned after Shiite politicians complained that he was giving Hussein too much leeway to make speeches. The chief judge in the second case was removed after making a statement that some politicians said was prejudicial in favor of Hussein.

During the course of the trial, three defense attorneys were killed, 200 relatives of victims of Dujail have been slain, and several families of witnesses were moved to the heavily fortified Green Zone for their protection.

Still, President Bush said in a statement that, "Hussein was executed after receiving a fair trial--the kind of justice he denied victims of his brutal regime."

Michael Scharf, a professor at Case Law School in Cleveland who helped train judges and prosecutors for the Iraqi tribunal, told CNN that the trials were more thorough, orderly and systematic than is widely believed.

"The judges really dealt with all the analysis in great detail," Scharf said.

He later added: "There were a lot of things that went wrong during this trial, but overall it was not a miscarriage of justice."

Ken Joseph, an Iraqi exile and author of the soon-to-be-published book "Who Lost Iraq," said critics fail to realize that the Iraqi judicial system was a mockery during Hussein's reign. In comparison, Hussein and his co-defendants were treated fairly.

"It wasn't perfect," Joseph said. "But if you want to compare it to the other courts in the Middle East, what it did was historic."

Hours before Hussein's hanging, some critics also warned that the dictator's fast-track execution would confound efforts to establish exactly what happened during his rule and would be another squandered opportunity for Iraqis to come to terms with their past.

When Hussein was executed, he was in the midst of a second trial for the Anfal campaign, the 1987-88 operation that resulted in the deaths of 180,000 Kurds, including tens of thousands who died in chemical attacks. Many Kurds protested the announcement that Hussein would die before the Anfal trial could be concluded.

"The other victims are being cheated out of justice," said Cassel, the Notre Dame law professor. "There is no need to rush to execution."

International court

Before the trial started, many human-rights advocates pushed for Hussein and other members of his coterie to be tried in an international court. But both U.S. and Iraqi officials chafed at the idea of trying Hussein outside the country, arguing that the Iraqi tribunal would serve a crucial role in healing the country's open wounds.

Richard Dicker, an international law expert at Human Rights Watch, said it was not that the Iraqi judges and prosecutors lacked the know-how to deal with Hussein's staggering record of criminality. Rather, Iraq's judiciary simply "did not have the infrastructure and capacity available to deal with the most complex criminal procedure imaginable."

Dicker said that a mixed court of Iraqis and international jurists, similar to the one that will soon try former Liberian leader Charles Taylor, could have produced a more convincing verdict. The Bush administration, however, has long been suspicious of international courts.

"What I fault the U.S. for was the insistence, even before Baghdad had fallen to coalition troops, that it wanted an all-Iraqi court to try Saddam," he said. "I believe that this was a decision taken regardless of facts on the ground, motivated by an ideological and political point the administration was trying to make: that you don't need international

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courts."

Dicker said the appeals process in Hussein's case "failed even more starkly than the trial."

Specifically, he pointed out that after the verdict and sentence were handed down Nov. 5, Hussein's lawyers were given 30 days to appeal, but they did not receive a copy of the 300-page trial decision until Nov. 22. The appeals chamber held no hearings before issuing its decision last week.

"The proceedings against Saddam Hussein are a lost opportunity on a grand scale," Dicker said. "There was no shortage of evidence that could have been used against him. ... The race to execution will undercut the legitimacy of the whole process and deprive the Iraqi people of an indisputable record of what happened during his regime."

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Hussein made enemies in and out of Iraq

Saddam Hussein ruled Iraq with an iron fist for 24 years, his reign marked by brutal oppression of Shiites, Kurds and anyone else challenging his authority. Beginning in the 1990s, he earned the enmity of the U.S. and other nations by flouting international law, a tactic that ultimately led to his downfall.

EARLY LIFE

1937: Hussein is born on April 28 (some believe he was born two years later) to a poor family near Tikrit.

1947: Hussein moves in with a maternal uncle, Khairallah Tulfah, who will influence his politics. They move to Baghdad.

1956: Hussein helps lead student protests against the pro-British monarchy and organizes thugs to intimidate government sympathizers.

ENTERS POLITICS

1957: Hussein begins to associate with the Baath Party, a movement that seeks Arab unity.

1958: A violent military coup topples the monarchy.

1959: Hussein flees into exile after joining a failed attempt to kill the head of the government.

1963: With U.S. support, the Baath Party overthrows the government but loses power months later. Hussein returns to Iraq and marries his cousin Sajida. 1964: Hussein is imprisoned for plotting against the new president.

1967: Hussein escapes during a transfer between prisons. 1968: The Baathists regain power. Ahmed Hassan al-Bakr, a relative of Hussein, becomes president.

RISE TO POWER

1969: Al-Bakr names Hussein vice president, and Hussein takes control of security. Over the next 10 years, Hussein surpasses the president in power.

1979: Hussein forces al-Bakr to resign and takes his place. He begins a purge of the regime. Hundreds are imprisoned and executed.

1980: Hussein orders an invasion of Iran. In eight years of war, as many as 1 million are killed. 1982: Following an attempt on his life in the town of Dujail, Hussein orders the torture and killing of 148 Shiites.

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1988: Hussein orders attacks on Kurds, killing about 5,000 with chemical weapons in Halabja.

PERSIAN GULF WAR

1990: Iraq invades and annexes Kuwait. The UN demands that Iraq withdraw and imposes economic sanctions.

1991: The U.S. and its allies drive Iraq out of Kuwait. The UN demands that Iraq disclose and destroy its stockpiles of weapons of mass destruction. The economic sanctions continue, devastating the country over the next 12 years.

U.S. ATTACKS

September 2002: President Bush tells the UN "action will be unavoidable" if Iraq does not abandon its weapons programs.

February 2003: The U.S. and Britain fail to get UN support for an attack on Iraq.

March 20: The U.S. bombs Baghdad in an attempt to kill Hussein. An invasion follows.

April 9: Baghdad falls to U.S. forces.

July 22: The U.S. military kills Hussein's sons, Uday and Qusai, in a raid in Mosul. Dec. 13: U.S. forces capture Hussein hiding underground near a small hut in Ad Dawr, Iraq. Nov. 5,

2006: An Iraqi court finds Hussein guilty of crimes against humanity in the 1982 Dujail killings and sentences him to hang.

Dec. 30, 2006: Hussein is executed.

Sources: "Saddam Hussein: The Politics of Revenge" by Said Aburish, Atlantic Monthly, BBC, The Iraq Foundation, Tribune reports

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NOTES: THE EXECUTION OF SADDAM HUSSEIN

GRAPHIC: PHOTO (color): State-run Al-Iraqiya television shows a masked executioner preparing Saddam Hussein for his death sentence to be carried out Saturday morning in Baghdad. Getty/AFP photo from video image.

PHOTO: State-run Al-Iraqiya television shows executioners placing a noose around Saddam Hussein's neck Saturday. The broadcast cut away just before the deposed dictator was hanged. Getty/AFP photo from video image.

PHOTO: Iraqis rally around an effigy of former Iraqi President Saddam Hussein in the Sadr City neighborhood of Baghdad on Saturday. The Arabic on the effigy's head reads, "Saddam the Tyrant." AP photo by Karim Kadim.

PHOTO: Hussein as a teenager. AP Photo

PHOTO: Hussein is cheered by a crowd in Samarra in 1988. AFP Photo

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PHOTO: April 21, 2003, (Time magazine) cover

MAP: Iraq. Chicago Tribune

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