

Analysis of saddam hussein's trial



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Frank Kopeski

On March 19 2003 The United States along with allied forces invaded Iraq and marked the start of the Iraq War. The Conflict later received the name Operation Iraqi Freedom by the United States. The invasion consisted of 21 days of major combat operations in which a joint force of troops from the United States, the United Kingdom, Australia and Poland invaded Iraq and overthrew the Baathist government of Saddam Hussein. The invasion phase consisted primarily of a conventionally fought war which concluded with the capture of the Iraqi capital of Baghdad by American forces.

On December 13 2003 US troops Captured Saddam Hussein. He was taken into custody for war crimes, crimes against humanity and genocide. With success of detaining the Iraqi President this raised a very important question. What do we do with him? Since his crimes were committed in Iraq it would only make sense that a trial be held there. The Iraqi Interim Government ended up conducting the trial. The United States Established the Iraqi Interim Government after the invasion. The Coalition Provisional Authority voted to create the Iraqi Special Tribunal (IST), consisting of five Iraqi judges. The United states Depart of justice aided in the investigation. The DOJ also aided in the setting up of the trial. The most challenging part for the US in Aiding the trial was to not get entirely involved. This became very difficult especially during the trial.

The first trial began before the Iraqi Special Tribunal on October 19th 2005. At this trial Saddam and seven other defendants were tried for crimes against humanity with regard to events that took place after a failed

assassination attempt in Dujail in 1982 by members of the Islamic Dawa Party. A second and separate trial began on 21 August 2006, trying Saddam and six co-defendants for genocide during the Anfal military campaign against the Kurds of northern Iraq. Saddam may have also been tried in absentia for events dating to the Iran-Iraq War and invasion of Kuwait, including war crimes, crimes against humanity, and genocide. During the trial Saddam appeared confident. He denied all charges and stated he was just doing what any good president would do.

On November 5 2006 Saddam Hussein was sentenced to death by hanging for the killing of 148 Shiites from Dujail, in retaliation for the assassination attempt. No further action was necessary and Saddam was ordered executed within 30 days of that date. When sentenced to death Saddam stated “ Long live the people. Long live the Arab nation. Down with the spies. God is great.” Saddam Hussein is executed on December 30 2006 at about 6:05am. He was hung at an Iraqi army base in Kazimain called Camp Justice. After his execution all other charges were dropped. On January 15 2007 Saddam’s co-defendants, Barzan Ibrahim al-Tikriti, his half-brother and Iraq’s intelligence chief at the time of the Dujail killings, and Awad Hamed al-Bandar, who issued death sentences to Dujail residents as head of a Revolutionary Court, were also sentenced to death by hanging. The former Iraqi vice-president Taha Yassin Ramadan is originally sentenced to life in prison. However, his sentencing changed to death by hanging on 12 February 2007. Ramadan’s execution took place on March 20th 2007.

Many Viewed the trial as a joke, Stating it as a “ show trial” or a “ Kangaroo Court” Human Rights Watch stated that Saddam’s execution “ follows a

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flawed trial and marks a significant step away from the rule of law in Iraq.” Amnesty International stated that the trial was “ unfair,” Many believed that the US had heavy influence on the court; this includes Saddam’s legal counsel Khalil al-Dulaimi. Khalil stated, “ This court is a creature of the US military occupation, and the Iraqi court is just a tool and rubber stamp of the invaders.” Although many felt that the US had too much influence in the trial others believed that they didn’t have enough. The trial seemed to have one goal in mind, and that was revenge. Because the US did not have final say in how the trial was conducted the trial was not entirely modeled after our system which has the one goal of justice. For example every time a judge would sway towards Saddam’s side or agree with him on a statement the judge would be replaced with a new judge. This happened many times. Another example was the way the execution was conducted. The date and place of the execution were secret until the sentence was carried out. The execution was completely absent of respect. Every aspect of the execution was fueled by revenge. He was ridiculed and humiliated which portrays a powerful message. Although his sentencing in many aspects is just, the conduction was not. This runs a huge risk of retaliation which can cause problems in the future. Currently we are finding out that ISIS is a major problem. ISIS (The Islamic State of Iraq and the Levant) is an extremist, jihadist group that aimed to set up an Islamic state in Sunni Arab-majority areas of Iraq. Many are former Baathists who seek retaliation. Raouf Abdul Rahman the Kurdish judge who sentenced Saddam Hussein to be executed has himself been captured and executed by ISIS. He was killed by the militants in retaliation for the killing of Saddam Hussein.

Martha Minow discussed three issues that were present during the Nuremberg trials that are similar to those in Saddam's trial. The three aspects Minow points out that deserve critiquing are retroactivity, politicization, and selectivity. Retroactivity is explained as defendants being charged with charges that were not announced before the start of the trial or didn't exist before the trial. It violates the rule of law because of the laws commitment to apply clear, preexisting norms. The second aspect is politicization constructing a group of different institutions and political pressures that get rid of personal independence and norms, such as they did in Nuremberg with the format of the trial, being base on five different countries that all have different laws and political pressures. Lastly she points out selectivity, which is picking out targets that could be charged with violations. Prosecutorial discretion is reflected off of identification of offenders and who is held responsible. It also reflects the chance of finding and arresting offenders. It is based off of who is selected to be held responsible for the crime at hand. Retroactivity could have played a role in Saddam's Trial. This is because the new Iraqi government was just formed. When Saddam was in power his actions would not be considered a crime under his government, but with the newly formed Iraq his actions were criminal. In a way this could be seen as retroactive. The next aspect is politicization; The US played a major role in constructing of the trial. Many aspects of it were not the norm of Iraqi culture. This put political pressure on the trial that many did not agree with. Lastly it was difficult to decide who exactly was responsible for what crime. Many crimes committed were done by Saddam's or those working under him but some weren't exactly clear who was responsible. , Barzan Ibrahim al-Tikriti and Awad Hamed al-Bandar were <https://assignbuster.com/analysis-of-saddam-husseins-trial/>

executed for crime committed during the Dujail killings. The argument can be made that they were acting under Saddam's orders. This process of figuring out who is responsible can be seen as selectivity.

The goal of these tribunals is to find justice. This tends to be very difficult do without being bias due to the nature of war. Justice is guided by truth, reason and fairness. This is all for the good of the people. Although some may disagree, revenge isn't justice. . In times like this it is hard to determine what is right and what is wrong. There is a fine line between cruelty and justice. This is a perfect example of how justice can be a double edged sword. Its situations like this that we need to learn from the past in order to move forward for the future.

Work Cited

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