

A flawed trial

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Article

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Metaphorically speaking, the head of the person who "tried to kill my dad" was finally handed to the US president.

For all of Saddam Hussein haters, at least momentarily, there was a feeling of relief, if not triumph. In the words of the Iraqi deputy foreign minister: "The people of Iraq are the victors in the issue of Saddam's hanging, just as they were the main victors in his fall."

Though this may appear as an overstatement, it did display the deep sentiments involved.

Otherwise, how else would one explain the disregard for the timing of the execution held during the feast of Aidiladha, regarded as a time for compassion and forgiveness.



[A protester in Pakistan condemns US President George W. Bush and British Prime Minister Tony Blair following the execution of Saddam Hussein.](#)

Even the Afghan president, a close US ally, noting that Aidiladha is a day for happiness and reconciliation, said: "It is not a day for revenge."

And President George W. Bush echoed it could have been "more dignified" while Blair deemed it "unacceptable".

An editor of a London-based newspaper declared: "It is an act of scorn against a great religion by the United States and the Iraqi government."

Invariably, it makes one wonder why the hurried sentencing when Saddam had been a valued prisoner of war in a US-run high security military prison since his capture in December 2003.

What is more revealing, according to US-based Human Rights Watch, is Saddam's defence lawyers had just 30 days to file an appeal from the Nov 5 verdict.

But the trial judgment was only made available to them on Nov 22, leaving just two weeks to respond.

More damaging still, the Appeals Chamber announced its confirmation of the verdict and the death sentence on Dec 26.

To this, the director of Human Rights Watch's International Justice Programme observed: "The appeals process appears even more flawed than the trial."

Other legal opinions said that according to international convention, it is forbidden to hand a prisoner of war to his adversary. Somehow, all these seem irrelevant.

Judging from the official video clips aired, the former president lived up to their expectations to the very last moments of his life, as the noose was being tightened around his neck.

Unlike a self-proclaimed war-time president who dodged his duty, Saddam, like the soldier he was, walked unhesitatingly to the gallows, refusing to wear a hood. In fact, as a soldier, he wanted the firing squad.

"Saddam was in self-control. I was not expecting him to be like that," said judge Moneer Haddad, a member of the panel of appeal court judges.

Clasping the Quran in his hand, Saddam was hanged in Kadhimiyah, northern Baghdad, at 6.05am.

Muslims worldwide were oblivious to the pre-dawn hanging; not like the US president, who reportedly was briefed late Friday night that the execution would take place.

Bush, who gave instructions to be woken up if "there was any departure from the plan", was asleep (then 9pm in the US) when Saddam was hanged.

Seemingly unaware of reports on how flawed the trial was leading to the execution, a statement from White House (Dec 29) quoted the US president: "Today, Saddam Hussein was executed after receiving a fair trial - the kind of justice he denied the victims of his brutal regime."

The US-based Human Rights Watch (Dec 30), however, reaffirmed that the execution marked a significant step away from respect for human rights and the rule of law in Iraq, following a deeply flawed trial for crimes against humanity.

Among the serious flaws outlined in the trial included the failure to disclose key evidence to the defence, violations of the defendant's right to question prosecution witnesses, and the presiding judge's demonstrations of biasness.

In November 2006, the Human Rights Watch released a 97-page report which was based on 10 months of observation and dozens of interviews with judges, prosecutors and defence lawyers.

Similar sentiments were echoed by many others worldwide, including the London-based Amnesty International which said the execution was not only wrong in principle but also the trial was clearly unfair.

The BBC (Dec 30) added: "It is even more worrying that in this case, the execution appeared a foregone conclusion once the original verdict was pronounced."

In December 2003, when Saddam was captured, Bush's response was: "Good riddance, the world is better off without you."

The reality, however, is the war is still raging into its fifth year; and "worse off" instead.

And if the simple logic to eliminate Saddam quickly was to somehow intimidate and scare the "terrorists", the reality is that December 2006 was the deadliest month for the US forces in more than two years.

As for Iraq and its people, they are still in the grip of a dire situation.

Clearly, this is not about defending the tyranny of Saddam, but rather all about the miscarriage of justice, ironically, something that Saddam was accused to have committed and hanged for.

To sum up, a member of the European Commission, and a former Belgian foreign minister, put it bluntly: "You don't fight barbarism with the acts that I deem as barbaric."

