

Chief Prosecutor in Hussein Trial Calls for Death Penalty

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By JOHN F. BURNS

BAGHDAD, Iraq, June 19 — Saddam Hussein uttered only two sarcastic words — "Well done!" — today as a prosecutor demanded that Mr. Hussein and three top associates, one of them Mr. Hussein's half-brother, be sentenced to death for their role in the persecution of hundreds of Shiite townspeople after a supposed attempt to assassinate Mr. Hussein in 1982.

During eight months on trial, Mr. Hussein has said more than once that he expected to be sentenced to death. So it was little surprise that he reacted dismissively when the prosecutor, Jaafar al-Moussawi, called for the death penalty in his case.

Earlier in the trial, Mr. Hussein boasted that he had escaped death before, apparently a reference to his having fled Iraq in 1959 after participating in an attempt to assassinate Abdul Kareem Kassem, the president of the country at the time.

Mr. Moussawi also urged the court to impose death sentences on Barzan Ibrahim al-Tikriti, Mr. Hussein's half-brother and the former head of the mukhabarat, or secret police; Taha Yassin Ramadan, a former vice-president of Iraq and the head of a Baath party militia known as the Popular Army; and Awad Bandar, former head of the revolutionary court that approved death sentences for 148 Shiite residents of Dujail, the predominantly Shiite town 35 miles north of Baghdad where the claimed assassination attempt took place in 1982.

Mr. Moussawi urged the court to acquit Mohammed Azawi, one of four local Baath party members from Dujail who were charged with participating in the repression that followed. He said the judges should "minimize the punishment" of three others — Abdullah Ruwayid, his son Mizhar Ruwayid, and another defendant, Ali Dayeh Ali — who, along with Mr. Azawi, were accused of helping Mr. Hussein's secret police round up hundreds of townspeople.

By arguing for lenient sentences for the four Dujail men, and for the acquittal of Mr. Azawi, the prosecutor effectively narrowed the court's focus to Mr. Hussein and his three close associates. They are charged with crimes against humanity for their role in events that included the executions; the deaths under torture of 46 men and youths who had already been killed by the time Mr. Bandar's court sentenced them to death; the forced removal of 399 other townspeople, including women and small children, to a desert detention camp in southern Iraq; and the razing of most of the fruit orchards and date palm groves around Dujail.

Iraqi law provides that death sentences in most criminal cases be carried out by hanging; military courts can also order execution by firing squad. Officials of the Iraqi High Tribunal, the special court established to try Mr. Hussein and high-ranking officials of his

former government for the worst atrocities committed during his 24 years in power, have said that any death sentences imposed by the court and upheld on appeal will be carried out by hanging.

But that eventuality, at least for Mr. Hussein, appears to be many months, and possibly several years, away.

Although the prosecution completed its closing arguments in the Dujail case on Monday, after more than 35 days of hearings in the case since it began in October, the trial is still expected to continue into mid-July. The chief judge, Raouf Abdel Rahman, recessed today's hearing until July 10, when the dozen or more lawyers representing Mr. Hussein and the other defendants will begin their closing arguments. Each of the eight defendants will also have a chance to make a closing address directly to the court.

After that, the court will take another lengthy recess to allow the judges to reach verdicts. Court officials say those could come within 60 days of the court's adjournment, possibly by September.

But Mr. Hussein and his associates are almost certain to carry the case to the court's nine-judge appellate division, a process that court officials say could take another six months, possibly more.

Iraqi law stipulates that death sentences must be carried out within 30 days of a final ruling by the appeals court. But Mr. Hussein has already been named as a defendant in a second case, involving the killing of 50,000 Iraqi Kurds in the so-called Anfal military campaign starting in 1988. That campaign involved chemical-weapon attacks and wholesale purges that sent entire village populations to execution in mass graves.

The Anfal trial is expected to begin later in the summer while the Dujail trial is in recess, in the same court room, situated in the former Baath party headquarters in Baghdad.

Court officials say the Anfal trial is likely to run for many months, probably longer than the Dujail trial, which concerns events that are far more limited in time and extent.

Senior officials in the new Iraqi government, including Jalal Talabani, the president, who is a Kurd, have said that they want to see Mr. Hussein tried and convicted in the Anfal case before he is executed, an approach that suggests that even if he is sentenced to hang in the Dujail case, the former Iraqi ruler could avoid the gallows for another two years or more.