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THE REACH OF WAR: THE TRIBUNAL; Court Hands Legal Custody Of Saddam Hussein to Iraq

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After seven months of imprisonment, Saddam Hussein appeared before an Iraqi court on Wednesday as the new Iraqi government took legal custody of him and 11 of his aides.

Mr. Hussein offered no protest or defiance as he was read the papers transferring legal, but not physical, custody, a senior military official said. He will be given a chance to speak to the court on Thursday at an arraignment, where he will be charged with crimes against humanity: the killing and torture of hundreds of thousands of Iraqis during his more than two decades in power.

"Are you Saddam Hussein?" an Iraqi judge asked the defendant, according to the military official.

Mr. Hussein, 66, apparently in good health and shorn of the long hair and gray beard he had when he was arrested last December in a hole near his hometown, Tikrit, said that he was. He also said that he wanted to ask some questions, said Salem Chalabi, a lawyer in charge of the tribunal trying Mr. Hussein and the other defendants.

"He was told he should wait until tomorrow," Mr. Chalabi told Reuters. Custody was transferred at 10:15 a.m., officials said.

The arraignment of Mr. Hussein and his aides on Thursday will come in a week that has not seen the spectacular insurgent attacks that many Iraqi and American officials had feared would mark the transfer of authority.

Last Thursday, insurgents staged attacks across Iraq that left at least 105 people dead and hundreds injured. Since then, said a senior military official with the multinational forces here, insurgent activity has remained fairly low-key.

On Wednesday, insurgents fired at least 10 mortar rounds at a military base near the Baghdad International Airport, wounding 11 American soldiers. In the southern city of Samawa, two Iraqis were injured in a car bombing near a police station.

In Falluja, four people were killed when a house was hit by a missile fired from an American warplane, witnesses told Reuters.

But the official said the military was wondering why the insurgents had not launched more high-profile attacks like the ones last week.

The official said the military was leaning toward the theory that the insurgents had not planned attacks in the last few days, but that large-scale attacks could happen in the coming days as a violent test of the new government.

"It is our assessment," the official told reporters at a briefing here, "that the purpose of the attacks in the first couple of days would not just be destruction and not just to send a signal, but it would be a test to see how the new government reacts. Is the new government going to be too weak, too strong? Will it be harsh, not harsh enough? Are they going to find a middle point?"

"I think the new government recognizes that they have a responsibility, in a large-scale attack, that they need to address it. And we are absolutely confident in Prime Minister Allawi's, and his team's, ability to confront any such message."

The official was referring to Iyad Allawi, sworn in Monday as prime minister of an interim government charged with leading Iraq into elections for a national assembly next January. Like many of the new leaders of Iraq, Dr. Allawi spent years trying to overthrow Mr. Hussein.

The transfer of legal custody over Mr. Hussein presented an early challenge to the new Iraqi government on a particularly important issue: to what extent Dr. Allawi, who has longstanding ties to Washington, will bend to the demands of an unpopular American presence.

Though he had said earlier in the week that Iraqis would have actual custody of Mr. Hussein in their own jail, on Tuesday he said that "at our request" American troops would continue to keep him under guard.

The official with the multinational forces said Dr. Allawi had "intimated to us that he may ask for custody" once Iraq constructs an "adequate" facility to hold him.

Like the hearing transferring custody on Wednesday, the arraignment on Thursday will take place at an undisclosed location before a senior Iraqi judge, who for security reasons has not been identified.

There were indications that it would take place outside Baghdad, shortly after another change in the American command here: Gen. George W. Casey Jr. will take over as the top military leader in Iraq from Lt. Gen. Ricardo S. Sanchez, who led the forces here since the invasion last year.

About six reporters will be permitted to cover the arraignments, half of them from Arabic-language media. Television cameras will be allowed, though the arraignments will not be broadcast live. The proceedings were expected to be lengthy because the 12 defendants will be arraigned individually and each will be given an opportunity to address the charges.

They will be tried before the Iraqi Special Tribunal, set up in December, which American officials say will be observed by international legal experts. The crimes expected to be lodged against Mr. Hussein include the gas attacks against the Kurds in 1988, the 1980-88 war with Iran and the invasion of Kuwait in 1990.

For the past few days, the usually traffic-clogged streets of the capital have been relatively empty, many Iraqis say, as people have been reluctant to go out fearing violence surrounding the transfer of authority to the new government. The streets were especially empty on Wednesday, declared a national holiday to celebrate the transfer.

The capital has also been largely free of the usual rounds of gunfire and explosions. Hayder Abd Jellewi, 36, a guard at an old German school downtown, attributed that to the large number of Iraqi police officers, military personnel and guards like himself on the streets. On Wednesday, Iraqi security forces were evident in numbers, while virtually no American soldiers could be seen on the streets of Baghdad.

Mr. Jellewi said he was grateful for the lack of violence during the transfer of authority but voiced confidence that Iraqi security forces can handle whatever happens next.

"I can tell you that 90 percent of the Iraqi people are ready to face the dangers of such an occasion," he said. "The next few days will show that Iraqis deserve to take their sovereignty. We are all on alert. We are ready to face anything."

Dr. Allawi, who has promised to crack down hard on the insurgency, has said his government is considering declaring a state of emergency in certain areas that could include curfews and more checkpoints.

In Najaf on Wednesday, the southern city where Shiite militiamen battled American forces in April and May, local officials imposed a 9 p.m. to 6 a.m. curfew after finding 150 pounds of explosives in a car.

2 Inmate Death Cases Reopened

WASHINGTON, June 30 (Reuters) -- The Army has reopened inquiries into the deaths of two prisoners in American custody in Iraq initially attributed to natural causes, a senior Army official said Wednesday.

The Criminal Investigation Command will look into whether the deaths were homicides, the official said, without identifying the cases.

"Some new information may have come available in the course of other investigations," the official said, and the investigators may "just want to recheck the evidence."