

September 21, 2006

On First Day, New Judge Throws Hussein Out of Court, to Lawyers' Dismay

By [RICHARD A. OPPEL](#) Jr.

BAGHDAD, Sept. 20 — One day after the judge in [Saddam Hussein](#)'s genocide trial was fired over accusations that he was biased in favor of the former dictator, the judge who replaced him threw Mr. Hussein out of the courtroom on Wednesday and declared, "I decide whether I want to listen to you!"

The new judge, Muhammad al-Uraibi, was clearly determined to show he would not tolerate outbursts by Mr. Hussein, in which he has denounced the American occupation and threatened witnesses.

In protest, Mr. Hussein's lawyers withdrew from the case on Wednesday. One lawyer, Wadood Fawzi, attacked the "flagrant interference of the executive authorities to guide the path of this trial." He demanded guarantees that his client's rights would be protected. In the current phase of the trial, Mr. Hussein stands accused of genocide in the killing of more than 50,000 Kurds during a military campaign in 1988.

On Tuesday night, Prime Minister [Nuri Kamal al-Maliki](#) fired the previous judge, Abdullah al-Amiri. Mr. Maliki's aides cited the judge's comments in court last week in which he assured Mr. Hussein, "You are not a dictator."

Aides to Mr. Maliki have said that Judge Amiri showed a clear bias against the prosecution and that his comments last week had insulted and enraged many Iraqis. But international human rights groups, including [Human Rights Watch](#) and the International Center for Transitional Justice, said the firing undermined the credibility of the court and might send a message to other judges that displeasing the government may lead to dismissal.

Wednesday brought a new wrinkle in the controversy. The statute allowing tribunal judges to be removed requires that the Presidency Council, composed of President Jalal Talabani and two vice presidents, approve the action, but that has not yet happened, according to an American close to the case who spoke on condition of anonymity.

Judge Amiri voluntarily decided to step aside, and he “decided not to come today,” the official said during a briefing with reporters on Wednesday night.

Judge Uraibi, a Shiite Arab, is believed to be from Amara, in southeastern [Iraq](#), and has served as a judge before, the American official said.

After the lawyers withdrew Wednesday, Judge Uraibi motioned for new defense counsel to step forward, prompting Mr. Hussein to rise to criticize the judge from the dock.

“I tell you to listen to my opinion,” he demanded.

Judge Uraibi replied: “Sit down. Sit down. I am the presiding judge, and I decide whether I want to listen to you!” The judge then ordered him removed.

In response, Mr. Hussein shouted, “Yes, yes,” and he told the judge that he knew his father had been “an agent in the security forces.” Gesturing to his abdomen, Mr. Hussein said he knew that the judge’s father had once had hernia surgery.

As Mr. Hussein was led away, the judge disputed what he said about his father: “I challenge you in front of the public. Get him out!”

Human rights groups are questioning whether tribunal judges will be kept in check because they fear that if they are removed, they might lose their security protection.

The American official said he could not comment on whether Judge Amiri would lose any security protection. But he said it was “highly premature” to suggest that the tribunal’s impartiality had been harmed by the removal of the judge.

Qais Mizher and Abdul Razzaq al-Saiedi contributed reporting.

Copyright 2006 The New York Times Company