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Hussein Displays Courtesy After Death Sentence Fury

By [JOHN F. BURNS](#)

BAGHDAD, Nov. 7 — [Saddam Hussein](#) returned to court on Tuesday, to the dock where he erupted in fury against the death sentence imposed on him 48 hours earlier. But this time, it was a different Saddam who showed up, a courteous arguer of legal points who seemed to have put his tempestuous performance on Sunday aside so as to concentrate on his continuing legal battles.

Mr. Hussein was back before the Iraqi High Tribunal, but in a different case, involving the so-called Anfal military campaign in the late 1980s in which, prosecutors contend, as many as 180,000 Kurdish civilians were killed. The Anfal case has been in progress since August, again with Mr. Hussein as the principal defendant, as he was in the narrower Dujail case that brought him and two associates verdicts of death by hanging.

The resumption of the Anfal case brought the 21st day of testimony by Iraqi Kurds who survived the chemical weapons attacks and mass graves that marked the campaign. Court officials have said they expect the case to last well into next year, possibly into the spring or summer. But the question now is whether Mr. Hussein will live to see its conclusion — or, as Iraqi officials say is now more likely, be taken to the gallows weeks or even months before the Anfal verdicts are delivered.

None of this seemed to greatly trouble Mr. Hussein as he rose from his seat on Tuesday to press for more detail from a Kurdish witness who testified that he survived a massacre by Mr. Hussein's troops in 1987. The witness, Qahar Khalil, now 61, said he was one of 37 men and boys who were lured from a hiding place in caves above their village by an Iraqi Army promise of amnesty, only to be rounded up, taken behind a nearby hill, lined up and gunned down. His younger brother was killed.

“There were 16 soldiers facing us, with two officers,” Mr. Khalil said.

“One of the officers said, ‘Sit down,’ and immediately the other one said, ‘Shoot.’ The soldiers all fired on us, and we collapsed on the ground. When they had finished the bullets in their Kalashnikovs they reloaded, and they did this three times. One of the officers asked an older soldier to administer the coup de grâce to all the bodies.” Gesturing to a scar on his forehead, he added, “This is my coup de grâce.”

Mr. Hussein, who has often reminded the court that he studied law in Cairo during three years in exile in the early 1960s, raised a finger to catch the judge’s eye, then rose in the dock. The court, he said, should ask Mr. Khalil to be more specific.

“He said there were two officers involved,” Mr. Hussein said. “You should ask, ‘What did they look like? What was their rank? What were their names?’ The court should be able to find at least one of these officers. What we have here is a witness who takes us on a tour, but offers no details.”

“Is this the way to get at the truth?” Mr. Hussein asked.

Then, turning to sit down, he nodded to the judge, Muhammad al-Uraibi.

“Thank you,” he said.

As prosecution lawyers rose to counter Mr. Hussein’s argument, the judge, seemingly keen to avoid the angry testing of wills that has marked many of Mr. Hussein’s interventions in the trials, closed off the exchange.

“The defendant Saddam has raised a purely legal point,” he said. “Under the law, the witness can say what he wants. But it is the court’s responsibility to weigh the validity of witness testimony.”

At another point, Mr. Hussein took exception to testimony by a second witness, Aba Bakr Ali Saeed, 52, who said he, too, had survived the mass killing described by Mr. Khalil, running away

with two bullets in his legs. Asked by the defense counsel why his village had been attacked, Mr. Saeed blamed Mr. Hussein. “He said that all Kurds were saboteurs,” he said.

Mr. Hussein, rising again, referred the court to “more than 70 books” issued during his rule containing his speeches and writings, and challenged the court to review them for anything demeaning to the Kurds. “When did Saddam say that all Kurds were saboteurs?” he asked. Mr. Saeed said Mr. Hussein had made the remark to a gathering of tribal sheiks, and that “everyone knows it.”

Mr. Hussein then offered a brief discourse on tolerance and forgiveness, citing the teachings of the Prophet Muhammad and of Jesus. He went on to what sounded like an oblique appeal for an end to the country’s current slide toward civil war.

“I call on all Iraqis, Arabs and Kurds, to practice tolerance and forgiveness, and to shake hands with each other,” he said.

Mr. Hussein’s shifting mood has been a feature of both trials. As he did on Sunday, he has dismissed them as show trials with an outcome — his execution — preordained by the Americans.

Often he has used outbursts from the dock to call on Sunni insurgents to continue their battle to drive out the Americans. But he has also shifted, sometimes within minutes, to his lawyerly mode, counseling the judges on points of law, pressing for more cross-examination of witnesses, and even, on rare occasions, advising his own defense team to calm down.

But events outside the court appear to have moved sharply against his prospects of seeing the Anfal trial through. When plans for the trials were laid in 2004, American and Iraqi officials envisaged a series of trials at which the full range of brutalities committed during his 24 years in power would be laid out in court. The plan called for Mr. Hussein to appear as the principal defendant in at least three or four cases, along with a shifting cast of associates drawn from 80

other so-called high-value detainees held with him in American custody at the Camp Cropper military detention center near Baghdad airport.

What has changed the plan is the worsening war. Senior Iraqi officials, including the prime minister, [Nuri Kamal al-Maliki](#), believe that Mr. Hussein, alive, remains a potent rallying point for Sunni insurgents fighting American troops and the American-backed, Shiite-led government. Senior American officials, too, say that using a series of trials to fix Mr. Hussein's personal responsibility for a wide range of atrocities is now a lower priority in face of the Sunni rebels' unrelenting fight to regain the power the Sunni minority lost with Mr. Hussein's ouster.

Beginning 30 days after Sunday's verdicts in the Dujail trial, a nine-judge appellate court will automatically review the death sentences passed against Mr. Hussein, his half-brother Barzan Ibrahim al-Tikriti, a former head of the Mukhabarat intelligence agency, and Awad al-Bandar, the former head of Mr. Hussein's revolutionary court. The three were found guilty of crimes against humanity for the persecution of the townspeople of Dujail, north of Baghdad, after what was said to be an assassination attempt against Mr. Hussein in 1982. A total of 148 men and youths were executed, and hundreds of others banished for years to a remote desert camp in southern [Iraq](#).

Iraqi court officials have said since Sunday's verdicts that they foresee few reasons for a protracted delay in the appeal court's review of the case, and that they expect a ruling upholding the death sentences within two or three months. That, they have said, could clear the way for Mr. Hussein's execution as early as March. Since the death penalty in Iraq was restored by Iraq's interim government in 2004, more than 30 men, many convicted of insurgent offenses, have been hanged, and more than 300 others are on death row, Iraqi officials say.