

# Put Saddam on Trial for War Crimes

Aug 6, 2001



Articles & Testimony

**W**hen Yugoslav President Slobodan Milosevic began his campaign of ethnic cleansing in 1992, Europe did not respond by expanding trade with Serbia. Quite the opposite, it ostracized Milosevic and, in 1993, succeeded in pressing the United Nations to appoint a commission of experts to investigate his crimes. The judicial process was slow, but paid dividends. It took six years to indict Milosevic, and another two years to bring him to the War Crimes Tribunal in The Hague.

Contrast that experience with the approach toward Saddam Hussein, a perpetrator of more-grievous human-rights abuses than Milosevic. Sadly, increasingly lucrative Iraqi business contracts appear to have virtually silenced any European effort at indicting Saddam for war crimes. Russia, for example, has earned more than \$1 billion in contracts with Saddam under the oil-for-food programs, and has promises of several billion dollars more in future contracts once sanctions are lifted. In the first four years of the oil-for-food program, France won \$3.5 billion in trade with Iraq.

The U.S. (and maybe its close ally in these matters, Britain) appears ready to strike Iraq again any day now as Saddam continues to upgrade his air defenses and challenge the no-fly zone. But the fact that United Nations reports show France and Russia doing much more trade with Iraq than other European countries should not surprise. Unfortunately, France and others are not limiting themselves to legal trade.

With the November 2000 resumption of illegal oil exportation through the Iraq-Syria pipeline, Baghdad receives an additional \$1 billion annually outside the tight constraints of the U.N. humanitarian program. With selective contracting, Saddam uses this money to reward countries taking a softer line toward Iraq. According to the July 9, 2001, edition of the Baghdad weekly *Nabd Al-Shabab*, CMA CGM, France's leading shipping company, will soon start defying the sanctions regime on Iraq by ferrying supplies into Iraq.

## Interests, Not Morals

While working as a visiting professor at the University of Sulaymani in Western-defended northern Iraq this past year, I had occasion to witness the growing involvement of Western executives in Iraq. I was surprised to see a Baghdad-based representative of a French company trying to sell laboratory equipment, for example. Mohammed Douri, Iraq's United Nations ambassador, recently told a reporter, "Politics is about interests. Politics is not about morals. If the French and others will take a positive position in the Security Council, certainly they will get a benefit."

Those dealing with the murderous Saddam regime may think that statecraft requires pragmatism, but they're only being practical in the short-term sense of the word. Many Iraqis I met, including those still living under Saddam Hussein but visiting the north where Iraqis can talk openly, could not contain their antipathy for those seeking to rehabilitate a man they blame for crimes against humanity.

Baghdad does not award contracts for quality: Of the six Russian ambulances ordered for the town of Halabja, five broke down irreparably within a month, complained local hospital officials. So what is Saddam getting in exchange? Maybe it is the votes of at least two permanent members of the U.N. Security Council against the creation of an

international court to look into the Iraqi regime's war crimes.

For even as European governments and firms rehabilitate Saddam as a business partner, the war-crimes case against Saddam Hussein daily grows stronger. Many sites of Saddam's 1988 chemical-weapons attacks are within the northern Iraqi safe haven. In one particularly brutal attack, 5,000 civilians died when Iraqi planes dropped chemical bombs on Halabja, a town 200 kilometers south of the internationally imposed no-fly zone, but still outside Saddam's control. Doctors at Halabja's Emergency Hospital report a 300-1,000% increase in rates of previously rare cancers and birth defects.

Many students at University of Sulaymani, who were six or seven years old at the time of the Halabja attack, remember it vividly; they will never forget the day their ailments began and their mothers, fathers, or siblings died. Halabja was not the only town in which chemical weapons were dropped on civilians, nor did Saddam only use chemicals. His officials arrested over 150,000 Kurds, Turkmen, Assyrians, and other non-Arabs, and they have never been seen again.

One old man in Chamchamal, a sprawling town along the line of control dividing Saddam's Iraq from the safe haven, said he lost 12 immediate family members in 1988 at the hands of Saddam's security forces. When residents of Sulaymaniyah overran the local Iraqi security prison during a 1991 uprising, they captured official documents showing rape to be an interrogation tool. Execution chambers in the political prison remain as memorials to the victims.

Saddam's ethnic cleansing did not stop in 1988. According to officials in the safe haven, Saddam's forces have stripped almost 200,000 Iraqis of their property since 1991, turning their houses over to ruling Baath party officials, and dispatching them penniless into the Kurdish-controlled north. If those evicted and abused prior to 1991 are counted, more than 800,000 of the approximately 3.5 million living in northern Iraq are internally displaced persons.

While the international media covered the Kosovo exodus from the Macedonian side of the border, Saddam does not allow camera crews to enter his safe haven, nor does he allow foreigners to travel unescorted. I was not subject to Saddam's restrictions, since I entered Iraq without a visa. Authorities in the safe haven allowed me to drive myself around, without a minder or prearrangement. I went to tent cities and refugee camps. There were 1,660 refugees at the tent camp of "Satan's Spring" the day I visited. Recently deported Iraqi Kurds and Turkmen reported that arbitrary arrests, beatings, and confiscation of U.N. ration cards, preceded their expulsion. Many had relatives executed for alleged political crimes.

#### Scarred and Traumatized

Ethnic Arabs also seek shelter in the safe havens. Every Iraqi straggling across the line-of-control dividing Saddam's forces from the safe haven is a potential witness for a war-crimes tribunal. While the 600 Kuwaiti POWs unaccounted for in Iraq will likely never live to testify, many potential witnesses remain scarred and traumatized in Kuwait. The Kuwaitis retain many documents left behind following the expulsion of Iraqi forces from Kuwait, detailing executions, torture, and other crimes.

Potential witnesses also abound in Iran. Former Iranian POWs told me while in Tehran of severe abuse at the hands of Iraqi authorities. According to the U.S. State Department, Iraqi authorities summarily executed thousands of Iranian prisoners. Iranian veterans and the Islamic Republic allege that Iraq used chemical weapons against Iranian soldiers during the 1980-1988 Iran-Iraq War.

A war-crimes tribunal will not materialize overnight. That's not what happened with Milosevic, a man who neither used chemical weapons nor pursued a nuclear program. Nor did it happen for those investigating the slaughter in Rwanda. In both cases, the U.N. Security Council first established commissions of experts in order to organize and

evaluate evidence.

Surely, U.N. Security Council permanent members France and Russia and temporary member Norway should have no problem with allowing the secretary-general to appoint a commission of experts to look into charges against Saddam Hussein. Unless, of course, they wish to be exposed for acting only for the sake of their short-term financial gain. We will see, perhaps soon, whether business transactions have produced a quid pro quo.

Mr. Rubin, a visiting scholar at the Washington Institute for Near East Policy, recently returned from nine months as a Carnegie Council fellow and visiting professor in northern Iraq's universities. ❖

Wall Street Journal (European edition)

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