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HEADLINE: Government Ousts Chief Judge in Hussein Trial

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BODY:

The Iraqi government ordered the chief judge in the genocide trial of Saddam Hussein to step down Tuesday because he said last week that Hussein was "not a dictator," prompting legal experts to voice concern that the dismissal could undermine the independence of the tribunal hearing the case.

The Iraqi cabinet voted unanimously to remove the judge, Abdullah al-Amiri, a Shiite Muslim who had served as a judge during Hussein's rule, because it felt he was no longer impartial and his conduct had "injured the feelings of the victims in the case," government spokesman Ali al-Dabbagh said.

"The government wants to maintain the independence of the court without interfering with their daily work and their decisions," Dabbagh said. "But at the same time, they want the court to keep neutral."

Amiri issued his controversial declaration, which angered many Iraqis, during a courtroom exchange on Thursday, one day after the prosecution accused him of bias and asked him to step down because he had "allowed the defendants to treat the chamber as a political forum."

When a Kurdish farmer testified that he had begged Hussein in 1988 to spare the lives of his family, Hussein leapt out of his seat and asked why the farmer would have tried to plead with him if he was, in fact, a dictator.

"You were not a dictator," the judge replied, adding that those around Hussein had made him one.

Hussein smiled and replied, "Thank you."

Dabbagh said the government has the authority, under the statute that created the Iraqi Special Tribunal, to remove judges and prosecutors from the tribunal "for any reason." He said Amiri would be transferred to another court.

International legal observers said that although the executive branch may have the authority to remove Amiri, its action threatened to stain the tribunal's credibility and bolster claims by Hussein's defense team that the court is illegitimate and lacks independence.

"This raises alarm bells," said Michael P. Scharf, a professor at Case Western Reserve University School of Law and an adviser to the tribunal. "It looks like the government is trying to meddle with the tribunal. This will erode the tribunal's independence and legitimacy further in the eyes of the international community and the Iraqi people."

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An official close to the court said Amiri would be replaced on Wednesday by Mohammed al-Uraibiy, another member of the court's five-judge panel. The official spoke on condition of anonymity because he was not authorized to speak about the matter publicly.

Badiyeh Aref, a lawyer on Hussein's defense team, said Tuesday night that the government did not have a right to replace the judge because of his comments.

"If the judge told Saddam Hussein that he is innocent, then they should change the judge," he told al-Arabiya television. But the comments about Hussein being a dictator, he said, were irrelevant. "This court is not charged with determining whether Saddam is a dictator or not."

Michael A. Newton, a law professor at Vanderbilt University Law School and another adviser to the tribunal, said the government's action violated the spirit, if not the letter, of the law that was supposed to grant the court independence.

"For the government to attempt to do this in some sense plays into the defendants' hands, strengthening the argument that the court is a function of politics and not of law," he said. "An equally serious concern is the degree of intense preparation that this judge has done which will be very difficult to simulate with any rapidity."

Court officials could not be reached for comment Tuesday evening, and the U.S. Embassy in Baghdad declined to comment.

Meanwhile, a group of tribal leaders from Anbar province asked Prime Minister Nouri al-Maliki on Tuesday to recognize a newly formed council of chieftains and its force of 20,000 fighters as the new provincial government in the volatile Sunni insurgent stronghold.

Sheik Fasal Gaood, a prominent tribal leader, said about 1,000 sheiks and other local officials attended a meeting in Ramadi last Thursday and formed a 43-member Anbar Salvation Council, representing 18 major tribes, to fight al-Qaeda and other insurgents.

"The situation right now in Anbar is total chaos. There is no government, there is no authority, there is no law," he said. "We want to launch a strike to end the terrorists once and for all in Anbar."

The conference, known as the Anbar Awakening, called on Maliki to sack the existing provincial government and replace it with the Salvation Council. "The governor of Anbar is an extremist and Islamist, and he has links to the terrorists," said Sheik Hameed al-Haes, the leader of al-Boodyat, one of the major tribes in Anbar. "That's why we want to replace him."

Dabbagh, the government spokesman, said the prime minister welcomed the support of the tribes in combating insurgents and would consider their requests.

Also Tuesday, parliament issued a statement calling on Pope Benedict XVI to issue a full apology for a speech last week in which he quoted a 14th-century Byzantine emperor as saying that the prophet Muhammad brought "only evil and inhuman" things to the world. Members of parliament said a statement the pope made Sunday, in which he said he was "deeply sorry" about the reaction in some countries to his remarks, did not go far enough.

The U.S. military announced on Tuesday that a soldier from the 89th Military Police Brigade was killed when his vehicle was struck by a suicide car bomb in Mosul, and a soldier with Multinational Division-Baghdad was killed when his vehicle was struck by a roadside bomb. No further details were released.

Special correspondents K.I. Ibrahim and Naseer Nouri contributed to this report.

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