

REGARDING DUJAIL:
WAS SADDAM'S TYRANNICAL RULE BROUGHT TO AN UNJUST END?

BY: KATHERINE A. BREAZIER

ABSTRACT:

This case note explores the prosecution of Saddam Hussein, former leader of Iraq, and argues that although the Iraqi High Tribunal was criticized for not providing Hussein with a procedurally fair and non-biased trial, the IHT fared well in light of the complex blend of Middle Eastern law and international procedural due process norms that were applied to the process, the unstable political climate in Iraq at the time, and the lack of a viable alternative venue.

TABLE OF CONTENTS

INTRODUCTION.....	119
I. WHAT OCCURRED AT DUJAIL?.....	121
A. THE ATROCITY.....	121
B. TERROR FUELED BY AN ASSASSINATION ATTEMPT.....	123
II. JUDGING HUSSEIN.....	124
A. CHARGES.....	124
B. SADDAM’S DEFENSES REJECTED.....	125
C. OUTCOME OF THE CASE; THE TYRANT HANGS.....	127
III. THE IRAQI HIGH TRIBUNAL.....	128
A. BRIEF BACKGROUND.....	129
B. HARSH CRITICISM OF THE IHT.....	130
i. Iraqi Due Process.....	130
ii. Political Climate.....	135
iii. Availability of Alternative Venue.....	136
IV. CONCLUSION.....	140