

Saddam's Unrepentant Judge Sponsored By

An Iraq High Tribunal member talks about Saddam Hussein's trial.

By [Jessica Ramirez](#)

NEWSWEEK WEB EXCLUSIVE

Updated: 5:57 PM ET Jan 29, 2008

Judge Mohammed Oreibi al-Khalifa is a member of the Iraq High Tribunal, which was created to prosecute crimes that occurred under the regime of Saddam Hussein. Khalifa presided over the conviction of Saddam Hussein and the so-called Anfal trial, which specifically dealt with the crimes committed against Iraqi Kurds. The Anfal decision, as it is known, named six of Saddam's highest officials as responsible for the genocidal campaign that left hundreds of Kurdish people dead. It also designated rape as a form of torture. In one case Khalifa remembers the story of a female prisoner whose baby died soon after she gave birth. The woman was not allowed to bury her child. Instead she was forced to watch dogs rip its tiny body apart and eat it. During a recent trip to Washington, D.C., Khalifa spoke with NEWSWEEK's Jessica Ramirez about the work of the Iraq High Tribunal. **Excerpts:**

NEWSWEEK: What brought you and the other judges to Washington?

Mohammed Oreibi al-Khalifa: I am very happy to be in Washington—the capital of the greatest country in the world. The reason we're here is that we are delivering lectures at many American universities regarding the Anfal case. We wanted to give these lectures to college students and American academics to explain the specifics of the Anfal crimes and how we dealt with them.

What kind of court is the Iraq High Tribunal?

Our court is an exceptional court, in part, because we are doing very specific work on crimes committed by Saddam's regime. When that mission comes to pass then the court will be dissolved.

The Global Justice Center, which has recognized the Iraq High Tribunal's work in the area of women's rights, had you meet Supreme Court Justice Ruth Ginsberg. What did you discuss?

It was brief, but we learned about the high court in America and the function of the constitution. We talked about the kind of cases they have looked into and jurisdiction. We discussed the number of judges who preside and some history of the court.

They also facilitated a visit to the Holocaust Museum. What did you think of the museum?

The woman who explained what we were seeing talked to us about how the property of the Jews was confiscated. They destroyed their property, and then the Jews were asked to compensate for the cost of the destruction process. It was a double loss for them. Saddam Hussein did the same. I will give you an example. When Saddam used to execute certain victims, he would send the body to the family of the executed person. They would order the family of the dead person not to weep and not to have any ceremonial event for that death. The family must also pay for the price of the bullets used to kill the person. Frankly, we benefited a lot from what we saw at the museum. I know, of course, about the relationship between Hitler and the Jews. But I didn't have the impression that it was this barbaric or at this criminal level. I concluded that dictatorship is the same everywhere. What I have seen today happened in

my country under the Saddam regime. What I know is that man has a right to life and a right to freedom. His rights should be guaranteed whether he is a Jew, Christian or Muslim. I was very impressed with the museum.

When you and the other judges reviewed the information that led you to believe rape was a form of torture in the Anfal decision, what kind of stories helped you reach that decision?

There were many. Kurdish women have suffered a lot. When the ruling authorities at the time used to arrest civilians, they would isolate women from men. That was the first step. Then they would isolate young men from old men. The young men would be taken and killed. The elderly people would be taken to stay with the women. Once this was done then they would start investigations. The elderly ladies, their investigation would not take a long time. The investigation would be concentrated on the young ladies. That is what court witnesses said. Some of the elderly ladies told us that the investigators would take some of the young women at night saying they wanted to investigate them. In fact, there was no investigation. They were being raped. We asked the elderly women how they knew this. They said that when the young ladies came back they told that they were raped. Another elderly woman had seen the rape occur through curtains. Those who were not raped directly during the investigations were asked to be naked and investigated in that manner. Another witness we spoke to was arrested under the accusation that he had used foul language against the son of the president. He was beaten and tortured. He was ordered to confess to being a member of an opposition party. If he confessed he was told he would be executed. He refrained. He was a university student. So the security men resorted to another way of getting him to confess. They tortured him with electricity, pulled out his nails and broke his bones. I believe he was even sexually violated. As a means to force him to confess, they brought his mother and sister. The security men then raped them one after the other before him. They expected him to confess, but he didn't. They sentenced him to prison. He was released in 1990. When he was released he found that his mother had been executed. In 1991, during the events of the uprising, he fled. So they executed his father, two of his brothers and three sisters. He had no one remaining. Every member of his family is dead.

Often, if a woman is raped, a family member will kill her in order to restore the family honor. Do you think Iraqis should change their view of rape in general, and not just as it pertains to crimes committed by Saddam's regime?

[Honor killing] happens when a family does not understand and does not have a clear viewpoint of what happened to their daughter. She is a victim. How can she be a victim twice? Iraqi law does not protect those who kill women that are raped. The court should always be on the side of justice when the woman is a victim.

You played a significant role in the Saddam Hussein trial. During that time at least one judge and three attorneys were killed. What was life like for you then, and what is it like for you now?

I have to tell you that a judge has a very difficult life. To carry out his duties he should feel he is safe and his family as well. The judge—Judge Perwez—he sacrificed his life for justice and to move the Iraq High Tribunal forward. During the Anfal case two of my family members were killed, and my niece was seriously injured. The government took precautions, but this violence is the case for Iraqi people in general. We are no exception.

What precautions have you taken to remain safe?

The government has provided me with a residence in the Green Zone—like other judges. Since the government knows how dangerous my job is, the government provides me with several guards as well.

How many guards do you have?

I have at least 50 guards. The man who leads them is my shadow. He is my companion everywhere.

What about your family?

They do not live in the Green Zone with me. Family is very important. That's why we take all the necessary measures to protect them. I will say that they are in Iraq because we love Iraq. We cannot leave Iraq.

Do you think you will ever be completely safe in Iraq?

In this case, I am like other Iraqis. Every single Iraqi's life is threatened at some point. But to serve justice and Iraqis, I remain proud of my job. I am not sorry for it, even if it means my life.

Are you afraid for your life?

No.

Are you afraid for your country?

Yes. Every person has priorities: himself, his family, his homeland. In my case, my country is one of my most important [priorities]. It is a great country that deserves and needs to be loved.

URL: <http://www.newsweek.com/id/106083>

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