

# Iraqis fearful, curious of Saddam's POW status

BY HAMZA HENDAWI  
THE ASSOCIATED PRESS

**BAGHDAD, IRAQ** — Iraqi officials expressed fears Saturday that a Pentagon decision to declare Saddam Hussein a prisoner of war will prevent them from putting the ousted dictator on trial. The international Red Cross, however, said POW status does not preclude a war crimes prosecution.

U.S. officials in Baghdad sought to assure Iraqis that no deal was made to keep them from trying the ousted dictator for war crimes and crimes against humanity.

Iraq will have a "substantial leadership role" when the former Saddam faces justice, said Dan Senor, a spokesman for the U.S.-led occupation authority.

"There is no need for concern by anybody because the ultimate designation (of Saddam's status) will be determined down the road," Senor told a news conference Saturday.

On Friday, a Pentagon spokesman, Maj. Michael Shavers,

said the Defense Department's top civilian lawyers have determined that Saddam — held in U.S. custody and under CIA interrogation since his capture last month — is a prisoner of war because of his status as former commander in chief of Iraq's military.

POW status under the Geneva Conventions grants Saddam certain rights, including access to visits by the International Committee of the Red Cross and freedom from coercion of any kind during interrogations.

In Geneva, Ian Piper, a spokesman for the international Red Cross, said handing Saddam over to the Iraqis for trial would not conflict with the 1949 Geneva Conventions on the conduct of warfare, as long as he is granted due process.

It is up to the United States, as Iraq's occupier, to determine how Saddam is to be tried, Piper told The Associated Press.

"The status means that he's recognized as a formal combatant and therefore cannot be accused for having waged war,"

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DAN SENOR  
ADVISOR TO THE U.S. PRESIDENTIAL ENVOY IN IRAQ

Piper said. But he added that Saddam's prisoner of war status "does not give him immunity from accusations of crimes against humanity."

Piper said that national courts have the power to try people who break international war crimes conventions. "It's supposed to be part of national law, and one would expect the national law to apply at the end of the conflict."

The Geneva Conventions say that a POW can only be tried by the same courts as a member of the detaining country's military would be tried — a military court, or a civilian court as the

law allows. The conventions make no specific mention of war crimes or crime against humanity.

Saddam's capture brought a sense of relief to many Iraqis who suffered under his 23 years of iron-fisted rule. No Red Cross representatives have yet seen Saddam, whom the United States says is held in a safe location. Iraqi officials say he is being held in the Baghdad area.

The United States has said it plans to hand Saddam over to the Iraqis for trial. But that is not expected to happen before sovereignty is handed back to an Iraqi government by July 1, the date designated for the formal end of the U.S.-led occupation.

Saddam's POW designation raised concerns among many Iraqis that it would keep him out of an Iraqi court — and made some suspicious that the Americans want it that way.

"I am surprised by this decision," said Dara Nor al-Din, a former appeals court judge and member of Iraq's U.S.-appointed

Governing Council. "We still consider Saddam a criminal, and he will be tried on this basis. This new move will be discussed thoroughly in the Governing Council."

Another council member, Mahmoud Othman, said the United States had no right to make such a decision. "The Iraqi people want Saddam to be tried for his crimes in accordance with the Iraqi law. Iraqis want to know the parties which helped Saddam to commit those crimes and to possess weapons of mass destruction," he said.

Iraq's justice minister, Hashim Abdul-Rahman, called the Pentagon comments "mere views" and insisted that Iraqis themselves would determine Saddam's fate.

"The only thing I do know is that Iraqi bodies will decide Saddam's status," Abdul-Rahman said. "We will determine his legal status when the Iraqi authorities take over this issue."

Senor sought to play down the significance of the Pentagon comments.

"It is a confirmation of what the United States government has said all along and that Saddam Hussein will be treated under the Geneva Conventions until determined otherwise," he said.

On the streets of the Iraqi capital Saturday, some Iraqis speculated that the Americans were trying to deny Iraq the chance to try Saddam for fear he would expose secret contacts between Washington and Baghdad, especially during Iraq's 1980-88 war against Iran. The West provided Baghdad with arms to prevent an Iranian victory that would have threatened Middle East interests.

Ibrahim al-Basri, a physician, said he believed POW status was part of "a bargain between Saddam and the United States."

"He handed them Iraq," al-Basri said. "If the Americans wanted to clone an agent to serve them, they wouldn't find a better one than Saddam. He brought the Americans to the Gulf, divided the Arabs, destroyed Iraq and its weapons, threatened Syria and Iran."

# Fired Treasury secretary says U.S. planned Iraq war early

BY SCOTT LINDLAW  
THE ASSOCIATED PRESS

**CRAWFORD, TEXAS** — Former Treasury Secretary Paul O'Neill contends the United States began laying the groundwork for an invasion of Iraq just days after President Bush took office in January 2001 — more than two years before the start of the U.S.-led war that ousted Saddam Hussein.

"From the very beginning, there was a conviction that Saddam Hussein was a bad person and that he needed to go," O'Neill told CBS's "60 Minutes" in an in-

terview aired Sunday night.

The official American government stance on Iraq, dating to the Clinton administration, was that the United States sought to oust Saddam.

But O'Neill, who was fired by Bush in December 2002, said he had qualms about what he asserted was the pre-emptive nature of the war planning.

"For me, the notion of pre-emption, that the U.S. has the unilateral right to do whatever we decide to do, is a really huge leap," according to an excerpt of the interview that CBS released Saturday.

The administration has not found evidence that the Iraqi leader was involved in the Sept. 11 attacks, but officials have said they had to consider the possibility that Saddam could have undertaken an even larger scale-strike against the United States.

White House spokesman Scott McClellan would not confirm or deny that the White House began Iraq war planning early in Bush's term. But, he said, Saddam "was a threat to peace and stability before September 11, and even more of a threat after September 11."

"It appears that the world according to Mr. O'Neill is more

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PAUL O'NEILL  
FORMER U.S. TREASURY SECRETARY

about trying to justify his own opinions than looking at the reality of the results we are achieving on behalf of the American people," McClellan said in Texas, where the president is staying at his

ranch.

O'Neill's interview was part of his effort to promote a new book about the first half of Bush's term, "The Price of Loyalty," for which O'Neill was a primary source.

The administration began sending signals about a possible confrontation with Iraq even before Sept. 11, 2001.

In July 2001, after an Iraqi surface-to-air missile was fired at an American surveillance plane, Bush's national security adviser put Saddam on notice that the United States intended a more resolute military policy toward Iraq. "Saddam Hussein is on the

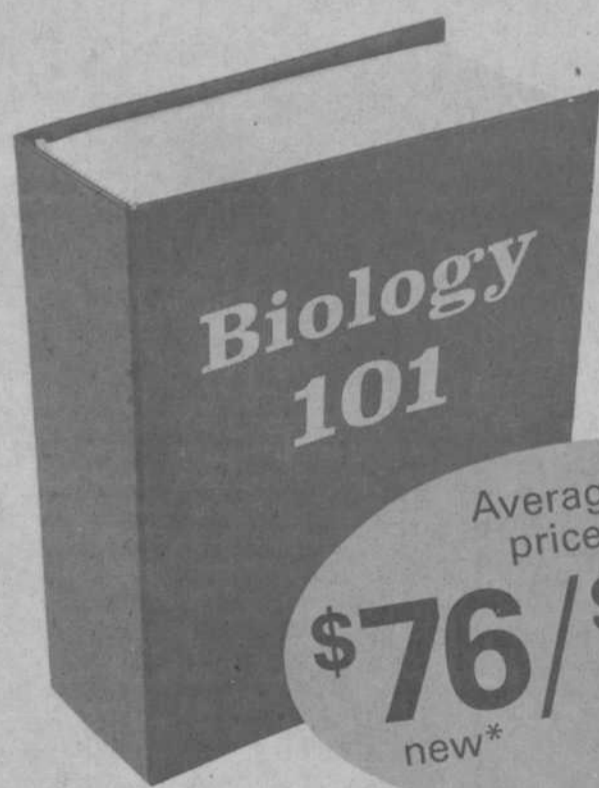
radar screen for the administration," Condoleezza Rice said at the time.

Yet Secretary of State Colin Powell said in December 2001, after the terrorist attacks in Washington and New York, that "with respect to what is sometimes characterized as taking out Saddam, I never saw a plan that was going to take him out."

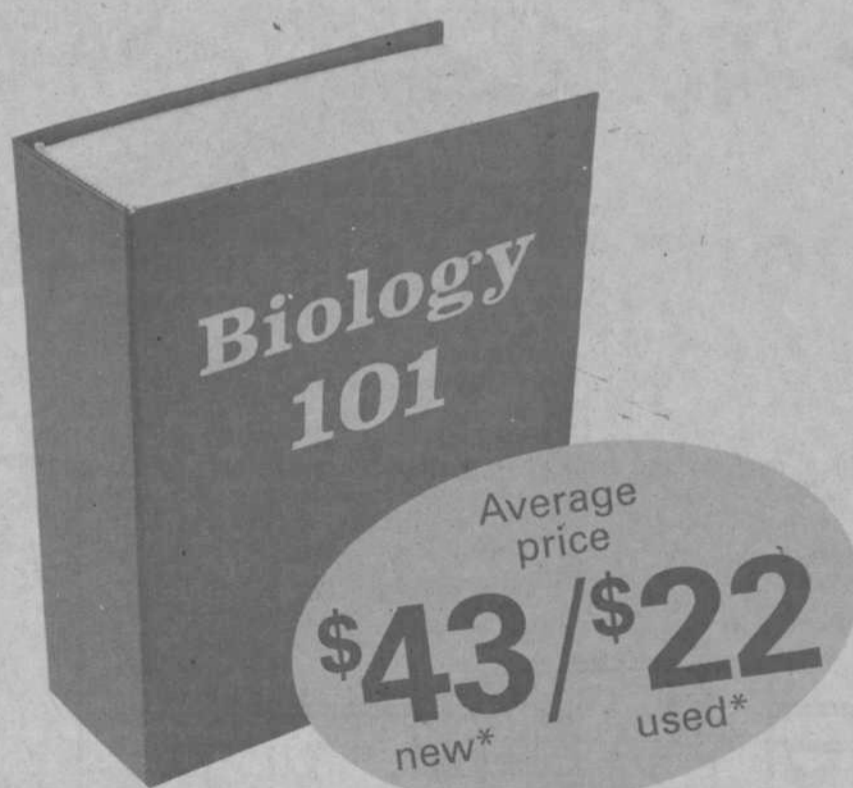
According to the book by former Wall Street Journal reporter Roh Suskind, the Bush administration began examining options for an invasion in the first months after Bush was inaugurated.

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