

Saddam's trial is merely a political sideshow

The success of the new constitution will depend on whether Sunnis feel cheated by the referendum

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Nineveh has always been a place to conjure with, lurking in people's schooltime memories or popping up in quiz shows as some sort of fabled ancient city. Founded by Nimrod, "the mighty hunter", it was in fact the last capital of the Assyrian empire, before the armies of Babylon razed most of it to the ground.

This week Nineveh was buried again. Its evocative name belongs to one of Iraq's 18 provinces and, thanks to its multicultural population, Nineveh was the swing region for the referendum on the constitution Iraqis voted on last Saturday. How Nineveh goes, so goes the country, as you might say.

Remember the referendum? Last weekend the world's airwaves were full of broadcasts about the success of the voting in which millions "defied the insurgents" by turning out to cast their ballots. Then we heard preliminary but "informed" speculation that the constitution had passed. Majorities of Kurds and Shias had given it enthusiastic support in the north and south-east. In Sunni areas, where voters had been expected to reject it, not enough had come forward to turn it down.

The rule was that if two-thirds of voters in any three provinces rejected the constitution, it would fail. Election officials conceded that two-thirds had done so in the two fiercely anti-American provinces that include Falluja, Ramadi and Tikrit. But Nineveh, which Sunnis share with Kurds and Christians, had not produced a big enough no vote. So the message was: "Sorry, Sunnis. Our constitution is safe."

Along comes a second big Iraqi event: the trial of Saddam Hussein. Important though it is as a catharsis for the former dictator's hundreds of thousands of surviving victims, it has little political significance since only a small minority of Iraqis still support him. Of course, it could backfire on the Americans if Saddam is humiliated in court by unfair or high-handed treatment. To a wider circle of Iraqis, and other Arabs, he might then become a symbol of wounded national pride, as he was briefly when Washington published pictures of his mouth being examined by a military dentist after capture.

Manipulating the trial's timing is the real story. Why suddenly this week? A fortnight ago, at Chatham House in London, Iraq's president, Jalal Talabani, said he did not know when the trial would take place. Within days a date was fixed, conveniently diverting reporters' attention from the referendum count. With the issue out of the spotlight, it is a fair bet that when the official result is declared - perhaps today - the announcement that the constitution has passed will be treated as pretty dull since we already "know" that from the weekend leaks by Condoleezza Rice, Jack Straw and the Iraqi government.

How could they be sure, since counting was not yet complete? Was the fact that the count would be flawed the real thing they knew? Was the trial an improvised political device to get rigging out of the headlines?

On Monday some Iraqi election officials were beginning to say they had come upon major irregularities and suspiciously high Kurdish voter turnouts, in places exceeding 95%. Below the radar of the Saddam Hussein trial, more questions have been raised. Turnout figures in such cities as Najaf doubled from an initial figure of 45%. In Nineveh and Diyala, another province with a Sunni Arab majority, officials initially talked of startling yes votes of up to 70% in each. Later, they changed the Nineveh figure to say the no votes had won - but the figure was only 55%, and so below the crucial 66% threshold for rejection.

In a rigorous analysis for the Inter Press Service, the American scholar Gareth Porter

questions even that figure. He says it is based on an unbelievably low turnout among Sunnis. It implies that Nineveh's Christians, who had declared their opposition to the constitution in advance, changed their mind on the day. He quotes a US military liaison officer who used to work there as admitting that Kurdish officials, who have long vied for control over Mosul, Nineveh's main city, and inflate its population figures, stuffed ballots in January's election and may have done it again.

Does this matter? The constitution will be declared to have passed, because the Bush administration wants it passed. It paves the way for elections in December, which will be spun as further proof of Iraq's gradual democratisation. Yet it will have been bought at a high price. Cheating the Sunnis is not a sensible policy, especially when, out of the other side of its mouth, the Bush administration claims to be trying to get them into the political process.

The fact that large numbers of Sunnis voted last week does not mean they no longer support armed resistance. Reporters in Falluja found voters who said they backed the insurgency even as they cast their ballots. This is logical enough. Iraqis who questioned the legitimacy of the January elections had no option but to boycott. Those who question the constitution's legitimacy had a more complex choice. They could boycott it, as the Association of Muslim Scholars and some other groups close to the resistance proposed. Or they could vote it down. This made pragmatic as well as ideological sense - if you assume the counting will be fair.

The real debate inside the insurgency seems to centre on targeting and whether car-bomb attacks on civilians are politically inept. Washington's spooks recently released a letter purportedly intercepted from al-Qaida's second-in-command, Ayman al-Zawahiri. He urged his people in Iraq to give up attacks on Shias and other civilians because they alienate potential supporters. The letter may be forged, meant in part to frighten Syrians as well as Iraqis. It calls for al-Qaida to move on from setting up a Sunni Islamic state in Iraq when the Americans pull out - "perhaps faster than we imagine" - and extend the jihad "to Iraq's secular neighbours".

Whether the letter is fake or not, the targeting issue certainly resonates in Iraq. Resistance is based mainly on nationalism and anger at the US military's record of abusing detainees and killing civilians in poorly targeted attacks on cities. Most Iraqis denounce the suicide bombings as the work of foreign jihadis rather than as legitimate revenge. It would be one of the many unintended ironies of Bush's futile war on Iraq that he has spawned so much terrorism there that he now has to use letters from al-Qaida's leaders to moderate the more extreme tactics of their followers.

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