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captain of his soul?

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Zacarias Moussaoui: master of his fate and captain of his soul?



By Philip Baum

The government of the United States looks likely to achieve the satisfaction it so yearns for. Unless the defence team manage to convince the jury that Zacarias Moussaoui is too mentally unstable to warrant execution, he will be put to death.

With that lethal injection, America will feel that it has gone some way towards avenging the deaths of all those who died on 11 September 2001. "Closure", the word one often hears uttered, will be at hand.

Or perhaps it could just be the latest in the catalogue of post- and pre-911 errors of judgement? Sentencing Moussaoui to death affords him exactly what he wants – the right to be regarded by his people as a martyr.

If his testimony is to be believed, death would have been his chosen route had he not been arrested whilst attending flying school a month prior to 911. He claims he was to have piloted a fifth aircraft and crashed it into the White House. Perhaps he dreams that he had been so selected – other al Qaeda sources have certainly questioned his suitability – or perhaps that was the plan? It matters little. Either way, with the world as his audience, martyrdom beckons.

As the prosecutors move on to the next stage of the trial, they will attempt to convince the jury of nine men and three women that his failure to inform the FBI of his involvement in the 911 plot, or his knowledge of it, makes him culpable for the deaths of the 2,972 people who died that day. In fact, the jurors had only to be satisfied that he was responsible for the death of one person. The prosecuting team will be aided by Moussaoui himself, who has repeatedly demonstrated his loyalty to Osama bin Laden and the al Qaeda network and is likely to continue to do so. There will be little need for the parade of victims who will testify as to the hurt, both physical and emotional, that they have to endure as a result of his actions.

Meanwhile, the defence team will have to conjure up a case demonstrating that

Moussaoui's actions were not those of a sane individual. We will hear stories about his childhood, his alienation from society and his suffering from schizophrenia. If they can prove that he is mentally ill, he will not be put to death. Most legal experts contend that this is an unlikely scenario.

Most rational people regard the actions of suicidal terrorists, be they unsophisticated bombers who walk in to densely populated city centres and detonate their lethal belts or those who undergo lengthy training to pilot aircraft and turn them into weapons of mass destruction, as being attributable to some form of mental instability. That, however, is a far cry from diagnosing somebody as mentally ill. And, whilst Moussaoui's courtroom behaviour may leave many questioning his mental health, his "rational" identification with the al Qaeda philosophy is unquestionable. He believes that what happened on 911 was the correct course of action. His only regret may be that he failed to actively participate in the mission.

So are we set to provide this troubled man with peace at last? Are we ready to afford him the accolade of "martyr"? Many may contend that it is an insult to those who died to afford him the rank of "martyr". However, they forget that such a rank is not bestowed upon an individual by us. Are we not, by killing him, setting him upon a pedestal for future al Qaeda operatives?

The death penalty is regarded by nearly the entire developed world as abhorrent. It is the punishment of yesteryear. It has no proven deterrent factor. It simply panders to the desire for blood in return for blood.

The United States of America, supposedly a symbol of the free world, is the only member state of the Organisation for Economic Co-operation and Development (OECD – those states that share a commitment to democratic government and the market economy) that still sanctions capital punishment, aside from Japan where executions are rare. Indeed, China aside (whose use of the death penalty

goes off the scale), the vast majority of the world's executions take place in Iran, Saudi Arabia and the United States – strange bedfellows!

According to Amnesty International, "60 prisoners were executed in the USA in 2005, bringing the year-end total to 1004 executed since the use of the death penalty was resumed in 1977". Meanwhile, "over 40 countries have abolished the death penalty for all crimes since 1990. They include countries in Africa (recent examples include Côte d'Ivoire, Senegal), the Americas (Canada, Paraguay, Mexico), Asia and the Pacific (Bhutan, Samoa, Turkmenistan) and Europe and the South Caucasus (Armenia, Bosnia-Herzegovina, Cyprus, Greece, Serbia and Montenegro, Turkey)".

The key argument against the death penalty is that it is a punishment contravening the Universal Declaration of Human Rights (10 December 1948). Article 3 states that "Every person is entitled to life, to freedom and to his own safety". That includes Zacarias Moussaoui. Yet even if one sets aside the Declaration (before somebody starts arguing that it also means that we should set Moussaoui free!), the use of the death penalty in this case can only play into al Qaeda (and their supporters) hands.

We have so little to gain by sentencing him to death, yet so much to lose. The concept of imprisonment without parole is a far harsher punishment.

Compare the cases of Timothy McVeigh and Rudolf Hess.

McVeigh was executed in Terre Haute, Indiana, three months to the day before the 911 attacks, a little more than six years after he had driven his rented Ryder truck, packed with 55 gallon drums of ammonium nitrate, and detonated it outside the Alfred P. Murrah Federal Building in Oklahoma City. Did he express remorse? No. Did he get what he wanted? Yes. Following the macabre execution which relatives of those killed were able to watch on a closed-circuit TV broadcast,

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where McVeigh “appeared to be looking into a small camera that had been installed overhead in his death chamber”, the widow of one of his victims said that McVeigh, “just gave us that same glare that makes me think he got what he wanted”. Indeed there was no final statement from McVeigh, just the release of the poem “Invictus” which ends “I am the master of my fate; I am the captain of my soul”.

And does the world remember McVeigh. Those in Oklahoma will never forget his actions, nor will many Americans, albeit that his actions were superseded by those on 9/11. For the rest of the world, he is simply a minor notoriety from history whose name has almost already been forgotten. So, where is the lesson in his execution? McVeigh's attorney, Rob Nigh, was quite correct when he said, following the execution, “We have made killing a part of the healing process”.

On the other hand take Rudolf Hess. Why do we remember his name?

Hess was Germany's Deputy Führer and

regarded as third in line after Hitler and Göring in the run up to World War II. Here was an individual who certainly displayed traits of a person suffering mental illness. Hitler himself declared Hess insane following Hess' bizarre flight to Scotland to meet the Duke of Hamilton in 1941, following which he was held by the British as a Prisoner of War.

His name, like those of his Nazi colleagues who were executed following the post-war Nuremberg trials, would have long been forgotten were it not for his being sentenced to life imprisonment. Few of the names who made it to the gallows have any meaning to today's generation: Hans Frank, Wilhelm Frick, Alfred Jodl, Ernst Kaltenbrunner, Wilhelm Keitel, Alfred Rosenberg, Fritz Sauckel, Arthur Seyss-Inquart, Julius Streicher and Joachim von Ribbentrop. Hess, however, albeit a comparatively minor criminal is remembered and served as an example to the world. Why? Because he was sentenced to life and ended up committing suicide in gaol in 1987 at the age of 92.

The exception may be Adolf Eichmann, tried and executed in Israel 16 years after the War ended. Yet it is noteworthy that the then US President, John F. Kennedy, is said to have urged the Israelis not to execute him as a political gesture to show the difference between themselves and the Nazis.

Moussaoui may be guilty of crimes against humanity, yet whether he is mentally competent should not be the issue in the determining of his fate. We can afford him his wish or allow him a lifetime of contemplation, during which he will serve as a constant reminder to us all. Meanwhile the United States will be able to demonstrate that, in the words of the member States of the Council of Europe, “everyone's right to life is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and for the full recognition of the inherent dignity of all human beings”.

If the courts fail to act appropriately, they are set to allow Moussaoui to be the master of his fate and the captain of his soul...

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