

8. Saddam Hussein

In the Name of Allah, the Most Merciful, the Most Compassionate

Republic of Iraq
Iraqi High Tribunal
Office of the Chief Judge of the First Trial Chamber

Lawsuit Number: 1/1st
Criminal/2005
Date: 2006 May 15

Accusation Document

Judge: Ra'uf Rashid Abdul Rahman	Chief Judge of the First Trial Chamber
Name of the Defendant: Saddam Hussein Al-Majid	Former President of the Republic of Iraq
Scene of the Crime	Town/Al-Dujayl Salah-al-Din Governorate/Baghdad
Date of the Crime	1982 July 8 until 1989 January 16
Names of the Plaintiffs	The State and the plaintiffs whose statements are verified in the interrogation and trial records and whose names are indicated in the case record

I, Judge Ra'uf Rashid Abdul Rahman, the Chief Judge of the First Trial Chamber of the Iraqi High Tribunal accuse you (Saddam Hussein Al-Majid) of the following:

At the time you were the President of the Republic of Iraq, the Commander-in-Chief of the Armed Forces, and the Chairman of the former Revolutionary Command Council, and on July 8, 1982 as you were visiting the town of Al-Dujayl, which falls under the administrative jurisdiction of Salah-al-Din Governorate, and under the claim that gun shots were fired against the cars escorting your motorcade, you issued orders to the military and security organizations, the Intelligence Service, the Popular Army, and the Ba'th Party organization in Al-Dujayl to launch a wide scale and systematic attack to shoot and use all kinds of weapons and helicopters to kill, arrest, detain, and torture large numbers of the residents of Al-Dujayl (men, women, and children). Afterwards, you issued orders to remove their orchards and demolish their houses. Based upon these orders, the organizations and the troops killed nine people that day and the following day. The nine slain individuals were Abbas Jasim Muhammad Rida Hattu Al-Salami, Karim Kadhim Ja'far Al-Zubaydi, Imad Hasan Mahdi Ja'far Al-Aswadi, Ra'd Al-Karbala'i, Muhammad 'Abd Juwad Al-Zubaydi, Mahruz Muhammad Hadi Al-Kallabi, Hashim Adnan Jasim Al-Khaz'ali, Sadiq Majid Hamid Al-Khaz'ali, and Sattar Tawfiq Yahya Al-Khafaji. Groups of families totaling 399 individuals were arrested and detained at the Investigation and Interrogation Department (Al-Hakimiyyah) of the disbanded Office of the Head of the Intelligence Service and under the command of the accused (Barzan Ibrahim Al-Hasan), according to the documents attached to the case. The detainees were subject to torture by intelligence officers; during the interrogation and due to torture by electricity, battering of the head with metal rods, prevention from sleeping, and other torture methods, a group of detainees died. The deceased were Ya'qub Yusif Hussein Al-Ubaydi, Jasim Muhammad Latif Al-Salami, Salih Muhammad Jasim, Qasim Ali Asad

Al-Haydari, and Alwan Hasan Hussein Al-Salami. The other detainees were transferred to Abu-Ghurayb Prison under the supervision of the disbanded Intelligence Service. At the mentioned prison, torture continued and many of detainees were killed and died due to the usage of the aforesaid means of torture. Those who died in detention were Mijbil Hasan Aziz Al-Marsumi Yasin, Hasan Hattu Al-Salami, Nufah Hasan Agha Al-Zubaydi, and the children Hisham Fakhri Asad Al-Haydari, Zinah Muhammad Hasan Al-Haydari, and Ali Majid Ya'qub Al-Kharbatli. Many of the surviving detainees (men, women, and children) were transferred to Liyyah Compound in the desert, which was designed to shelter Bedouin nomads and their livestock in the area of Al-Samawah. They were detained at Liyyah for four years during which they were subject to torture and deliberate harsh health and living conditions in addition to deprivation of food and medication in the desert. As a result of these harsh conditions Hamid Mahdi Al-Khaz'ali died. A number of the members of detained families died and they are Abdul-al-Wahab Ja'far Habib Al-Ubaydi, Sabriyyah Abbas Ahmad Al-Ubaydi, Sabri Asad Abdallah Al-Haydari, and the children Muthanna Majid Ya'qub and Thabit Asad Ali Al-Haydari. Based on your direct orders, the National Security Affairs Department of the disbanded Presidential Diwan referred 148 people to the dissolved Revolutionary Command Council Court headed by the accused Awad Hamad Al-Bandar. The people referred to the Revolutionary Command Council Court included some who had already died in detention due to torture in the Investigation and Interrogation Department (Al-Hakimiya) and Abu-Ghurayb Prison, including juveniles whose ages were less than 18 years. The names of these people are Mahmud Hasan Muhammad Al-Haydari, Abbas Habib Kadhim Al-Marsumi, Mahdi Hussein Ali Al-Musawi, Habib Jasim Juwad, Hashim Ali Laftah Al-Zubaydi, Ahmad Abd Juwad Al-Zubaydi, Muhammad Abd Juwad Al-Zubaydi, Muhammad Hasan Mahdi Al-Aswadi, Fu'ad Hasan Mahdi Al-Aswadi, Khamis Kadhim Ja'far Al-Ubaydi, Hussein Ali Habib Al-Ubaydi, Hadi Abd-al-Wahab Ja'far Al-Ubaydi, Maytham Mahdi Abbas Al-Salami, Ali Anwar Hasan Al-Salami, Ja'far Ali Hussein Al-Musawi, Mu'ayyad Salim Majid Al-Haydari, Imad 'Abbas Hassun Al-Haydari, Nasir Abdul Aziz Juwad Al-Zubaydi, Ahmad Jasim Muhammad Ridha Al-Hattu, Jasim Naji Abd Al-Aswadi, Hussein Salman Muslih Al-Khazraji, Hussein Dahham Sultan Al-Salami, Amir Dahham Sultan Al-Salami, Yusif Abd Ali Hasan Al-Ubaydi, Mahmud Jasim Abdul Hasan Al-Jumayli, Hafiz Muhammad Hadi Al-Kallabi, Ibrahim Salih Kadhim Al-Musawi, Muslim Abd Ali Najm Abbud Al-Salami, Ahmad Jasim Abdul Hasan, Mahdi Sa'id Abbud, Qasim Muhammad Jasim Al-Zindah Al-Zubaydi, Salim Abbas Ali, and Haydar Jasim Hussein Al-Salami. The defendant Awad Hamad Al-Bandar issued an irrevocable decision sentencing all 148 people referred to the Revolutionary Command Council Court to death by hanging after conducting a brief trial that lasted only one session. The sentence was in accordance with decision number 744/C/1984 which was issued on June 14, 1984. People who had already died from torture during interrogation were included in the list of 148 people which the Revolutionary Command Council Court tried and sentenced to death. In addition, the Revolutionary Command Council court sentenced to death and executed juveniles who had not yet reached the age of 18 in violation of article 79 of the (amended) penal code number (111) of 1969, the juvenile protection code number () of 1983, and the amended Law of Criminal Procedure number (23) of 1971. The sentence also violated article 6, paragraph 5 of the International Covenant on Civil and Political Rights, dated December 16, 1966, made effective on March 23, 1976, and which the Iraqi

Republic ratified on February 18, 1969. Article 6, paragraph 5 of the International Covenant on Civil and Political Rights states that sentences of death shall not be imposed for crimes committed by persons below 18 years of age. You promptly issued and signed Presidential Decree No. 778 on June 16, 1984 which ratified the abovementioned sentence for mass execution. On October 24, 1982, you issued Revolutionary Command Council Decree No. 1283 in your capacity as chairman of the disbanded Revolutionary Command Council. Revolutionary Command Council Decree No. 1283 confiscated the agricultural lands and orchards of Al-Dujayl residents and ordered those orchards destroyed. The bodies of the slain were concealed and were not handed over to their relatives. The fate of a number of detainees, including six juveniles, is unknown. The names of the six missing juveniles are Muhammad Hasan Muhammad Al-Haydari, Muhammad Jamil Ayyub Al-Khazraji, Najm-al-Din Abd Juwad Al-Zubaydi, Isma'il Abbas Al-Khaz'ali, Talal Ya'qub Majid Al-Kharbatli, and Talib Jamil Ayyub Al-Khazraji.

Based on the above, you have committed crimes in violation of Article 12, paragraph 1, sub-paragraphs A, D, E, F, I, and J of the Statute of the Iraqi High Tribunal, Law No. 10 of 2005 which states:

Article 12

First: For the purposes of this Law, “crimes against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack

- A. Willful killing;
- D. Deportation or forcible transfer of population;
- E. Imprisonment or other severe deprivation of physical liberty in violation of fundamental norms of international law;
- F. Torture;
- I. Enforced disappearance of persons; and
- J. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to the mental or physical health.

You are liable for these crimes in accordance with Paragraphs 1, 2 (sub-paragraphs A, B, and D), 3, and 4 of Article 15 of the Statute of the Iraqi High Tribunal, Law No. 10 of 2005 which states:

Article 15

First: A person who commits a crime within the jurisdiction of this Tribunal shall be individually responsible and liable for punishment in accordance with this Law.

Second: In accordance with this Law, and the provisions of the Penal Code, a person shall be criminally responsible if he [or she]:

- A. Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that [other] person is criminally responsible;
- B. Orders, solicits or induces the commission of such a crime, which has occurred or has been attempted;
- D. Participating by any other way with a group of persons, with common criminal intention to commit or attempt to commit such a crime, such participation shall be intentional and shall either:
 - 1. Be made for the aim of consolidating the criminal activity or criminal purpose of the group, where such activity or purposes involve the commission of a crime within the jurisdiction of the Court; or
 - 2. Be made with the knowledge of the intention of the group to commit the crime.

Third: The official position of any accused person, whether as president of the State, chairman or member of the Revolution Command Council, prime minister or member of the cabinet, or a member of the leadership of the Ba'ath Party, shall not relieve such person of criminal responsibility nor mitigate punishment. No person is entitled to any immunity with respect to any of the crimes stipulated in Articles 11, 12, 13 and 14 of this Law.

Fourth: A superior is not relieved of the criminal responsibility for crimes committed by his subordinates, if he knew or had reason to know that the subordinate had committed, or was about to commit such acts, and the superior failed to take the necessary and reasonable measures to prevent such acts or to refer the matter to the competent authorities for investigation and prosecution.

Based on the abovementioned, and in light of the facts that were verified by official documents and other evidence that were cited during interrogation and trial, and as the Chief Judge of the First Trial Chamber of the Iraqi High Tribunal, and according to the mentioned charges, I order the process of your trial by virtue of the penal articles that I read before you.

How do you plea? Are you guilty or innocent?

The Judge
[TC: The signature of the judge is included]

The accused replied (admitted or denied)

I read and clarified the charges to him.

The Judge
[TC: The signature of the judge is included]