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Barzan Ibrahim Al-Hasan

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

Republic of Iraq
Iraqi High Tribunal
Office of the Head 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: Barzan Ibrahim Al-Hasan Al-Tikriti	Former Chief of the Intelligence Service
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 Trial Chamber of the Iraqi High Tribunal accuse you, (Barzan Ibrahim Al-Hasan), of the following:

When you were Chief of the Intelligence Service and in charge of the Security Protection of the former President of the Republic, and after the accused (Saddam Hussein Al-Majid) had visited the town of Al-Dujayl on July 08 1982, and under the claim that gun shots were fired in the direction of the escort cars in his motorcade, you issued orders to the Intelligence Service members, the security and military authorities, the popular army, and the disbanded Al-Ba'th Party organizations 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 people were arrested and detained at the Investigation and Interrogation Directorate (Al-Hakimiyyah) of the disbanded Office of the Head of the Intelligence Service, which was under your command. According to intelligence reports, the detainees were subject to torture by intelligence officers under your direct orders; 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. They were Ya'qub Yusif Husayn Al-'Ubaydi, Jasim Muhammad Latif Al-Salami, Salih Muhammad Jasim, Qasim 'Ali Asad Al-Haydari, 'Alwan Hasan Husayn Al-Salami. The surviving detainees were transferred to

Abi-Ghurayb 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 time 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 also died. 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. Later, the Investigation and Interrogation Directorate (Al-Hakimiyyah) of the disbanded Intelligence Service referred 148 individuals, some of whom had already died in detention, to the disbanded Security Affairs Department in the Presidential Diwan. These individuals were then referred to the Revolutionary Command Court headed by the accused 'Awwad Hamad Al-Bandar, who issued an irrevocable sentence hang them after 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. Among those sentenced to death and executed were juveniles who had not yet reached the age of 18. Their execution was in direct 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. The names of the six juveniles were 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. After the hanging, the bodies of the dead were hidden and not returned to their families.

As the Head of the Intelligence Service, you were one of the chief officials of the former regime and directly responsible for ordering the imprisonment and interrogation of individuals detained by the Intelligence Department, which was under your supervision.

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]