

4.

Muhammad Azzawi Ali

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: Muhammad Azzawi Ali	Member of the (disbanded) Al-Ba'th party
Scene of the Crime	Town/Al-Dujayl Salah-al-Din Governorate/Baghdad
Date of the Crime	July 8, 1982 until January 16, 1989
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 (Muhammad Azzawi Ali) of the following:

I, Judge Ra'uf Rashid Abdul Rahman, the Chief Judge of the First Trial Chamber of the Iraqi High Tribunal accuse you ('Mizhir Abdallah Kazim Ruwayyid) of the following:

At the time you were a member in the (disbanded) Al-Ba'th party and when the accused (Saddam Hussein Al-Majid) visited the Al-Dujayl town on July 08 1982, and under the claim that gun shots were fired in the direction of the escort cars in his motorcade, and for being a member of the Popular Army and implementing the orders issued to you by the accused (Saddam Hussein), (Barzan Ibrahim Al-Hasan), (Taha Yasin Ramadan), and other accused fugitives against whom separate lawsuits have been raised, you are charged with participating in the systematic, organized, and wide scale attack launched by the Intelligence Service, the Popular Army, the military and security organizations, and the (disbanded) Al-Ba'th party organization in the town of Al-Dujayl. You participated in the arrest and detention of the following individuals: (Salih Kabsun Muhammad Jasim Al-Haydari, Wisam 'Ali Husayn Nasir, Muhammad Thamir Jassum Muhammad, Muhammad Fakhri Sabri Asad Al-Haydari, Khayriyyah Najm 'Abbud Al-Salami, and Kawakib Khudayr 'Abbas) along with their families. Due to torture carried out by the Intelligence Officers and the harsh living and health conditions imposed on the detainees, some died, including: the children (Hisham Fakhri Sabri Asad Al-Haydari and Sabri Asad Al-Haydari). The juvenile, ('Ali Najm 'Abbud Al-Salami) was among those sentenced to death by the (former) Revolutionary Command Court headed by the accused ('Awwad Hamad Al-Bandar), who on June 14, 1984 issued an irrevocable sentence to hang 148 people in accordance with resolution number 944/C/1984 on June 14, 1984

after a brief trial lasting one session. The sentence was implemented only after the decision was ratified by the accused (Saddam Husayn) with Presidential Decree number (778) on June 16, 1984. You also participated in confiscating and razing the orchards and agricultural lands belonging to the Al-Dujayl residents.

Based on the above, you have committed crimes in violation of Article 12, paragraph 1, sub-paragraphs A, 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;
- 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, c, and d), and 5 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;
- C. For the purpose of facilitating the commission of such a crime, aids, abets or by any other means assists in its

commission or its attempted commission, including providing the means for its commission;

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.

Fifth: The fact that an accused person acted pursuant to an order of the Government or of his superior, shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment

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]