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Taha Yasin Ramadan

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: Taha Yasin Ramadan	(Former) Vice President of the Republic
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, (Taha Yasin Ramadan), of the following:

At the time you were a member of the (disbanded) Revolutionary Command Counsel, the Vice President of the Republic of Iraq, and the (former) General Commander of the Popular Army, and when the defendant (Saddam Hussein Al-Majid) 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, and considering that you were the General Commander of the Popular Army and the Head of the Security Committee formed on the same day to investigate the assassination attempt, which convened at the (former) National Council building, you issued orders for your forces to launch a wide scale and systematic attack to kill, arrest, detain, and torture large numbers residents of Al-Dujayl (men, women, and children). Nine persons were killed on that day and the following day. The slain individuals were ('Abbas Jasim Muhammad Rida Hattu Al-Salami, Karim Kazim Ja'far Al-'Ubaydi, 'Imad Hasan Mahdi Ja'far Al-Aswadi, Ra'd Al-Karbala'i, Muhammad 'Abd Juwad Al-Zubaydi, Mahrus 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) Intelligence Service commanded by the accused (Barzan Ibrahim Al-Hasan). 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 survivors were transferred to (Abi Ghayb) Prison also supervised by the (disbanded) Intelligence Service, where torture of a similar nature continued and more detainees died. Their names 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). Another group of them (men, women and children) were taken to Liyyah Desert Compound in Al-Samawah, originally designed to lodge the wandering nomads and their cattle, where they were held in detention for (four years). During this time, the prisoners were subject to torture, as well as harsh medical and living conditions resulting from life in the desert. As a result, (Hamid Mahdi Al-Khaz'ali) and other members of the detained families died. They were ('Abd-al-Wahab Ja'far Habib Al-'Ubaydi, Sabriyyah 'Abbas Ahmad Al-'Ubaydi, Sabri Asad 'Abdullah Al-Haydari, and the children Muthanna Majid Ya'qub and Thabit Asad 'Ali Al-Haydari). The Interrogation and Investigation Department (Al-Hakimiyyah) then transferred the names of (148) individuals, including the names of some killed during interrogation, as well as some juveniles under the age of 18, to the National Security Affairs Department of the (disbanded) Presidential Diwan. The detainees were then transferred to the (disbanded) Revolutionary Command Court lead by the accused ('Awad Hamad Al-Bandar), who issued an irrevocable death sentence on June 14, 1984 in a brief trial that lasted one session. The death sentence was enumerated in Decision number 944/C/1984. Several individuals convicted in the trial were never present at the trial as they died under torture. Some of the persons sentenced to death were juveniles under the age of 18, which violated 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. As a member of the (disbanded) Revolutionary Command Counsel, you participated in issuing Decision number (1283) on October 24, 1982 to confiscate the agricultural lands and orchards belonging to the townspeople of Al-Dujayl. You also personally supervised the removal of the orchards and trees surrounding Al-Dujayl under direct orders from the accused (Saddam Hussein Al-Majid), as indicated in audio tapes presented in the case. After the hanging, the bodies of the dead were hidden and not returned to their families, and the fates of several others remain unknown. They 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]