

# Ambush of Defense Lawyers in Hussein Trial Kills One

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By **JOHN F. BURNS**

BAGHDAD, [Iraq](#), Nov. 8 - Gunmen ambushed two of the defense lawyers in the [Saddam Hussein](#) trial on a Baghdad street on Tuesday, killing one and seriously wounding the other. Coming after another defense lawyer was killed on Oct. 20, the latest attack brought immediate demands from other lawyers in the case for the trial to be halted and moved to a location outside Iraq.

An Interior Ministry official said the drive-by shooting in a western suburb of Baghdad had killed one of two lawyers who represented Taha Yassin Ramadan, a former vice president under Mr. Hussein, and Barzan al-Tikriti, Mr. Hussein's half-brother and former head of the secret police. Both men are defendants with Mr. Hussein in the first trial to be held for the mass killings under his rule.

The trial opened briefly in Baghdad three weeks ago and quickly adjourned. It is set to resume Nov. 28.

The Interior Ministry account said three or four gunmen in a red Opel sedan attacked the lawyers' car with automatic rifles as they drove in late morning through the suburb of Adel, a mainly residential district about four miles west of the Tigris River.

One of the lawyers, Adel Muhammad al-Zubaidi, about 60, died instantly. The other, Thamer Mahmoud al-Khuzai, in his early 40's, survived, and was taken to an American military hospital near the airport, according to another member of the defense team.

The killings compounded a sense that the tribunal is trapped in a crisis that may be hard to resolve. With 2 of the 13 defense lawyers who appeared at the court's opening session slain, and a third badly wounded, the others seem determined to shun the court. The Iraqi Bar Association, saying it spoke for the defense lawyers, said it would uphold a boycott of the trial it announced after the first killing. Two lawyers representing Mr. Hussein said they would demand that the trial be annulled.

Iraqi court officials said the defense lawyers had rebuffed an offer of round-the-clock protection by Interior Ministry bodyguards after the killing of the first defense lawyer on Oct. 20. The chief prosecutor, Jaafar al-Mousawi, said in a telephone interview that the defense lawyers had refused to take telephone calls from court officials, and that the bar association had also rejected the offers.

The Tuesday killings brought the total number of people slain in connection with the court to eight, according to a tally given by officials at the Iraqi High Tribunal, the name

given to the court trying Mr. Hussein when it was reconstituted under a new Iraqi statute last month. .

The total includes the first defense lawyer killed, Sadoun al-Janabi, who died less than 36 hours after the trial's opening session. He was the chief lawyer for Awad al-Bandar, the chief judge of Mr. Hussein's revolutionary court.

The dead also include one of the court's judges, shot in his driveway with his son earlier this year; the brother of the chief prosecutor, Jaafar al-Mousawi, working as a driver for the court when he was killed; and three other court officials.

At least a dozen of the court's judges and prosecutors have been given bodyguards, and some travel in armored cars. Some have been housed, with their families, in the heavily protected "green zone" that is the base for the Iraqi government and high-ranking American officials.

The trial of Mr. Hussein and seven co-defendants, the first of several the former Iraqi ruler is expected to face for mass killings under his rule, was adjourned only three hours after it opened on Oct. 19.

The prosecution alleges that Mr. Hussein led the others in the premeditated killing of 148 men and teenage boys from the Shiite town of Dujail, north of Baghdad, after an assassination attempt there on Mr. Hussein in July 1982. It says 46 of the victims were tortured to death more than a year before the revolutionary court condemned all 148 victims to death.

Mr. Hussein's chief lawyer, Khalil al-Dulaimi, said in a telephone interview that the surviving defense lawyers were preparing a new statement rejecting the reconvening of the court and declaring it "illegal."

Mr. Dulaimi again rejected the court's proposal that lawyers be given bodyguards, and dismissed a suggestion he said the court had made for the lawyers to take part in the trial sessions by teleconferences from their offices or homes. "That's just ridiculous," he said.

Another lawyer for Mr. Hussein, Khamis al-Obeidi, was similarly uncompromising. "We think that it's impossible to hold a trial in Baghdad in these security conditions, and that the court should be transferred to a location outside Iraq," he said.

That proposal has been repeatedly rejected by Iraqi officials, and by American Justice Department lawyers who advise them, who have said holding the trial in Iraq is a test of Iraq's sovereignty and of progress toward responsible government after the horrors of the Hussein era.

In any case, the Tuesday attack seemed certain to deepen the suspicions that have bedeviled the tribunal since it was established 20 months ago by an American decree. Mr. Dulaimi, Mr. Hussein's lawyer, said Mr. Khuzai, the lawyer who survived the attack,

had told him that a police car had shadowed the ambush, and had taken both lawyers to a hospital.

Interior Ministry officials said they had no knowledge of any police car having witnessed the ambush, but Mr. Dulaimi's account seemed likely to foster a growing conspiracy theory among the many Sunni Arabs still loyal to Mr. Hussein. The theory holds that the Shiite-dominated transitional government has sponsored police death squads operating out of the Interior Ministry that attack loyalists of the ousted government.

Reporters who went to the Shaab district of Baghdad after the killing of the first lawyer, Mr. Janabi, found witnesses who said they had heard some of the men who stormed Mr. Janabi's office saying they were from the Interior Ministry. Mr. Janabi's body turned up shortly afterward on wasteland nearby, with gunshot wounds to the head.

"I got a phone call from Thamir al-Khuzai, " Mr. Dulaimi said, "and he told me that the car carrying the men who sprayed them with bullets today was followed by a police car. Thamir said the police car picked both of them up after the shooting, and took them to the American hospital.

"It only goes to show how cleverly they coordinate these attacks. It is the Interior Ministry that has offered to provide us with protection against these attacks, but it is the ministry itself that is planning the killings."

Mr. Mousawi, the chief prosecutor, said in a telephone interview after the killings that the court would reconvene as planned on Nov. 28, and would appoint new defense lawyers from its own "defense bureau" if lawyers appointed by the defendants failed to appear.

He said three lawyers in the bureau were studying the dossiers of prosecution evidence given to the defendants' lawyers in early August, to prepare them for the trial. "Our lawyers are ready," he said.

But it was far from clear that the court's credibility could survive the buffeting it seems likely to endure if it proceeds with court-appointed defense attorneys. Although the arrangement is allowed by Iraqi criminal procedures, it was deeply discredited in Mr. Hussein's years in power.

Abdul Razzaq al-Saiedi contributed reporting for this article.