

## Prosecutors in Hussein Case Tie Him to Order to Kill 148

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BAGHDAD, Iraq, March 1 — As [Saddam Hussein](#) watched quietly from the dock, prosecutors on Tuesday displayed what they said was his signature on orders of execution for 148 men and boys, some as young as 11, in what appeared to be the first evidence linking the former dictator to large-scale crimes since his trial began in October.

The presentation was a striking turnaround for a trial that had been widely dismissed as a farce, with the defendants and their lawyers alternately refusing to appear and delivering angry tirades in court.

The new material and more orderly atmosphere also suggested that the trial — which has come under strong criticism by Iraqi officials and human rights groups — may yet fulfill American hopes for a credible public forum on the crimes of Mr. Hussein's rule. But it remains unclear what standard of proof they are using in authenticating the evidence.

The trial adjourned today until March 12 after a second session that focused on the documents.

An unaccustomed hush fell over the courtroom on Tuesday as the lead prosecutor, Jaafar al-Musawi, leafed through page after page — displayed on a screen — in which mass executions are discussed as calmly as purchase orders. Many bore the letterhead of Iraq's feared intelligence service, the Mukhabarat. Others were scrawled out by hand.

One letter stated, "It was discovered that the execution of 10 juveniles was not carried out because their ages ranged from 11 to 17 years old. We recommend executing them in a secret manner in coordination with the management of the prison and the Mukhabarat."

An arrow runs from that sentence to the margin, where it is written by hand: "Yes. It is preferable that they are buried by the Mukhabarat." The handwriting is Mr. Hussein's, the prosecutor said, though he did not offer independent handwriting analysis or other proof to back his claim.

The chief judge is the final arbiter of the documents' authenticity, though he listens to both sides before making a decision.

Other letters showed that intelligence officials mistakenly printed a death certificate for a 14-year-old boy. When they discovered he was still alive, they had him brought to Baghdad and hanged, according to the letter, addressed to Barzan Ibrahim al-Tikriti, Mr. Hussein's half brother and fellow defendant.

Mr. Hussein, who in previous sessions often burst out laughing or delivered lengthy tirades, said almost nothing on Tuesday. Dressed in a dark suit, he looked gaunt and subdued as he watched

the documents, and never stood up. He said at one point, "I want to tell the media — there is no letter from me." But his voice could scarcely be heard.

Until now, much of the trial has been a flamboyant battle of wills between the chief judges on one hand, and Mr. Hussein and Mr. Ibrahim on the other. But on Tuesday, Mr. Musawi quickly established himself as a new force in the courtroom. When Mr. Ibrahim began bickering with the current chief judge, Raouf Abdel-Rahman, the prosecutor interceded, pointing at Mr. Ibrahim and loudly demanding that he listen to the documentary evidence.

Prosecutors say most of the documents are originals obtained after the fall of the government. The tribunal's statutes do not require guilt to be proved beyond a reasonable doubt, and human rights groups have raised questions about whether the trial can meet international standards in Iraq's current state of chaos.

As the documents were being read, the defendants stayed in their seats, seemingly stunned by the sight of their own names and signatures.

"Does that document have the logo of the office on it?" Mr. Ibrahim interrupted at one point. When the prosecutor said the letter was an interoffice memo that would not have been written on letterhead, Mr. Ibrahim merely replied, in a weak voice, "these papers are not official."

Of the 148 men and boys whose death warrants Mr. Hussein is accused of signing, 96 were hanged in the Abu Ghraib prison, the documents showed. Forty-six died under torture, including four additional inmates who were accidentally added to the group. Ten boys and adolescents were executed in 1989, after they reached the legal age.

For the first time, at least one of the defendants seemed to acknowledge a connection to the executions, which took place after an assassination attempt on Mr. Hussein in the Shiite village of Dujail in 1982.

"I have sentenced the 46 but I have no idea about the others," said Awad al-Bandar, another defendant who was head of the revolutionary court when it ordered the executions. It was not immediately clear why Mr. Bandar believed this admission would be exculpatory.

The trial's resumption after a two-week adjournment — the latest of many — was something of a triumph for American officials. The sectarian violence that broke out last week after a bombing at a major Shiite mosque in Samarra had pushed the country to a full-scale crisis, with government operations largely shut down during three days of full-time curfew. It was uncertain until Monday night whether the trial would resume Tuesday.

"Particularly after all this turmoil, we think it's a good sign that we were able to move forward" with the trial, said an American diplomat familiar with the court.

The trial still faces serious problems that have drawn criticism from international human rights monitors. Two defense lawyers and a judge were killed last year, and the defense still insists it is not being given adequate protection. In January the entire defense team walked out after Judge

Abdel-Rahman removed a member of it— along with Mr. Ibrahim — for disruptive behavior. The judge also removed all of the defendants for similar reasons. The defendants soon returned, and were represented by court-appointed lawyers who appeared to be doing a lackluster job.

On Tuesday the defense team returned to the courtroom for the first time since the walkout in January. But within minutes, after their request for an adjournment was denied, Mr. Hussein's two lead lawyers, Khalil al-Dulaimi and Khamis al-Obeidi, walked out again.

Mr. Hussein, too, has tried to draw attention by complaining about his treatment, and his lawyers said he went on a weeklong hunger strike in protest last month. But aside from his subdued manner, Mr. Hussein showed no signs of ill health on Tuesday.

Political interference has also been a problem. The trial's first chief judge, Rizgar Muhammad Amin, resigned in January after a number of high-level Iraqi officials criticized him for being too lenient with the defendants. An alternate judge was passed over after he was accused of having been a member of Saddam Hussein's Baath Party, although he denied the charge. The court is not supposed to be vulnerable to Iraq's highly politicized de-Baathification process, but it appears to have had an effect anyway.

More documents are expected when the trial resumes on Wednesday. Once the documentary phase is over, the court will adjourn briefly to prepare a formal charge against the defendants. The defense will then be given a chance to call its own witnesses.

The proceeding was very different from the events surrounding the executions of the 148 men and boys after the Dujail incident, said Mr. Musawi, the lead prosecutor.

"None of the defendants were brought to court," he said as he displayed the documents. "Their statements were never recorded."