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## Iraq to Try Hussein Aides in Spring; Some May Face Death

By JOHN F. BURNS

AGHDAD, Iraq, Feb. 9 - Iraqi officials say the long-awaited legal reckoning for Saddam Hussein and his most powerful associates will begin this spring with televised trials for at least 2 of the top 12 men held in American custody, and Iraqi prosecutors will ask the five-judge panels overseeing the trials to impose the death penalty for those among the 12 judged guilty of the worst crimes.

One of the first men to be tried will be a widely feared cousin of Mr. Hussein's, Ali Hassan al-Majid, known as Chemical Ali for his role in poison-gas attacks that killed thousands of Iraqi Kurds in the late 1980's, officials say. The other will be Barzan al-Tikriti, a half brother of Mr. Hussein's who served early in Mr. Hussein's rule as head of the mukhabarat secret police, identified by witnesses as having overseen the razing of a village north of Baghdad, and the killing of many of its male inhabitants, after an assassination attempt against Mr. Hussein in 1982.

Nearly two years after American troops captured Baghdad, twin courtrooms being built for the trials in Baghdad's heavily guarded Green Zone compound are nearly ready, and investigating judges are close to completing dossiers outlining the first cases, the officials say. Although American and British legal experts have played a crucial behind-the-scenes role in preparing the cases, the trials will be conducted before an Iraqi court known as the Iraqi Special Tribunal, and not, as in the case of the war crimes trials for major figures in the former Yugoslavia, Rwanda and Sierra Leone, before an international court.

Arrangements have been made for TV relays that will carry the trials in Baghdad live to Iraqi and worldwide audiences, according to a Western legal expert who met with reporters in the Green Zone today to outline plans for the trials. He said the courtrooms would include seating for reporters, and a public gallery to which ordinary Iraqis would be admitted on a "first-come, first-served" basis. Security is expected to be as tight as any seen in Iraq since Mr. Hussein was toppled, with a close watch kept by Iraqi and American troops for attempts to kill witnesses, prosecutors and judges, as well as the defendants.

The Iraqi officials, speaking on condition of anonymity for reasons of personal security, say Mr. Hussein himself is not likely to go on trial until the cases against several of his associates have been completed, and will thus probably not come to trial before the end of this year, and possibly well into 2006.

Iraq's human rights minister, Bakhtiar Amin, said in an interview that officials preparing the trials wanted to use the cases against Mr. Hussein's associates to establish "command responsibility" for the crimes committed under his rule, building a pyramid of evidence to demonstrate that ultimate accountability for the decisions that led to the deaths of tens of thousands of Iraqis rested with Mr. Hussein.

One of Mr. Hussein's top associates, Mohammed Hamza Zubaydi, who served as Iraqi prime minister after Mr. Hussein seized power in 1979 and began a bloody purge of the ruling Baath Party, is not likely to face trial at all, the officials say, because of worsening health problems. Mr. Zubeidi, who is in his late 60's, is the oldest of the 12 "high-value detainees," including Mr. Hussein, who are being held at an American military prison camp near the Baghdad airport. Officials say he is suffering from severe heart failure that traces back to two bypass operations before Mr. Hussein was toppled from power, and that American doctors treating him do not expect him to recover.

But the remaining 11 are now expected to go forward to trial, the Iraqi officials said, despite efforts by some of them to win their freedom, or at least to plea-bargain for exemption from the death penalty, by cooperating with investigators. In the early months of the special tribunal's existence, after it was established by American decree last spring, legal experts involved in the cases said that one of those who was willing to give evidence against Mr. Hussein and other top figures was Tariq Aziz, a former deputy prime minister. They said another was Sultan Hashem Ahmed, defense minister during the American-led invasion in the spring of 2003, and the general who signed the terms that brought an end to allied military operations against Iraq in the 1991 Persian Gulf war.

Their overtures took on new significance when Ayad Allawi, a former Baathist appointed by the Americans as interim prime minister at the time of the sovereignty transfer, moved last fall to take effective control of the court by dismissing senior officials of the special tribunal and appointing political loyalists in their place. One of those dismissed, Salem Chalabi, the tribunal's executive director, said Dr. Allawi was seeking political control of the court so as to be able to free some defendants, or at least lessen the charges, a power Mr. Chalabi said he Dr. Allawi would use in his efforts to persuade former Baathists active in the insurgent underground to switch sides and help to bring an end to the war here.

But Mr. Amin, the human rights minister, said that there would be no compromise in the case of Mr. Aziz, a Christian, who was Iraq's main diplomatic emissary for 15 years before Mr. Hussein's overthrow. Mr. Amin, a Kurd, said that Mr. Aziz was deeply implicated in Mr. Hussein's crimes against Iraq's Kurdish minority, and in particular in the abuses of Kurdish Christians. "I am opposed to anyone with blood on his hands, and who has been involved in genocide and atrocities against his own people, being released," Mr. Amin said.