

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

HAIDER AZIZ AL-SAYED JASSIM ALI)
RASHEED, in his own right, and as)
Administrator and legal representative of the)
Estate of AZIZ AL-SAYED JASSIM ALI)
RASHEED (Deceased),)

Plaintiff,)

vs.)

No.:

SADDAM HUSSEIN, UDAY)
HUSSEIN, QUSAY HUSSEIN)
and THE REPUBLIC OF IRAQ,)

Defendants.)

COMPLAINT

PARTIES AND SUMMARY OF BASIS FOR CLAIMS

1. Plaintiff, Haider Aziz Al-Sayed Jassim Ali Rasheed (“Haider”), is an alien who has held the status of Permanent Resident of the United States since March 23, 2000 and who has resided in Pittsburgh, Pennsylvania since that time, when he received asylum through the auspices of the United Nations in order to escape further persecution from Defendants. Once eligible, it is his intention to apply for United States citizenship.

2. Plaintiff is also the son of Aziz Al-Sayed Jassim Ali Rasheed (“Decedent”), who was an Iraqi citizen. Plaintiff is the Administrator and Representative of his father’s estate.

3. Decedent was a major writer, journalist and intellectual figure in the Mideast. Decedent was a member of a prominent and well-respected family in Iraq and

was educated in the West. He was widely regarded as a great intellectual figure in the region, and was the author of over forty books which addressed critical issues in Iraq and the Mideast, including the political situation in Iraq under Saddam Hussein, books dealing with Iraq's treatment of the Kurds, the oppression of women in Mideastern culture, the Palestinian-Israeli conflict, and the interplay between religion and politics in the Mideast. Decedent also wrote books addressing religious themes.

4. Decedent's reputation and stature became so prominent that that he was approached by opposition groups in 1991 to become the leader of Iraq in the event that Saddam Hussein could be overthrown by an uprising that was openly encouraged and supported by the United States government. (Unfortunately, this uprising was crushed in 1991 and the years following by Saddam Hussein, resulting in the brutal imprisonment and mistreatment, persecution and murder of untold numbers of Iraqis.) At that time, he expressed his opposition to Hussein's invasion of Kuwait. Shortly thereafter, Decedent was imprisoned without cause and later murdered upon orders of Defendants. His family, including his son Haider, were also persecuted, and their several homes, bank accounts, and other property were confiscated by Defendants. Haider brings this claim seeking redress for his persecution and imprisonment and for the brutal imprisonment, torture and murder of his father by Saddam Hussein's regime, which violate international law and are proscribed by the U.S. Constitution.

JURISDICTION AND VENUE

5. Jurisdiction is present pursuant to the Alien Tort Claims Act 28 U.S.C. §1350 (“ATCA”) and Torture Victim Protection Act 28 U.S.C. § 1350, note 2 (“TVPA”).

6. Venue is proper pursuant to 28 U.S.C. §1391(d) as Defendants Saddam Hussein, Uday Hussein and Qusay Hussein are all aliens not present in the United States.

DEFENDANTS

7. Defendant, Saddam Hussein (“Saddam”), is an Iraqi citizen who at all relevant times was President and Prime Minister of the Republic of Iraq (“Iraq”) and controlled Iraq through a repressive one-party apparatus dominated by him and the other Defendants. His main office was located at the Republican Palace in Baghdad, Iraq. His last known residential address was the Radwaniyah Palace, Baghdad, Iraq.

8. Due to his overthrow from power by Coalition Forces in April of 2003, Saddam has fled and is believed to be hiding somewhere in Iraq or one of its neighboring countries. He is a fugitive of the United States and the international community.

9. In 1968, the Ba’ath Party took control of Iraq. Soon thereafter, Saddam gained control of the Ba’ath Party and seized power. In 1978, he declared himself President and Prime Minister and assumed various other titles. Since 1978, he has maintained complete dictatorial and totalitarian political and economic control over the entire country.

10. As President and Prime Minister, Saddam organized within his regime various police, paramilitary and military organizations (collectively hereinafter “Regime

Organizations”) to maintain complete autocratic control over the country. These Regime Organizations include, but are not limited to the Special Mukhabarat, the Fedayeen, the Republic Guard and the Special Republican Guard. Since Saddam’s rise to power, the Regime Organizations individually and collectively have been used by Saddam to perpetrate on a pervasive and overwhelming scale the kidnapping, disappearance, detention, imprisonment, torture, murder and other forms of repression on thousands of Iraqis who were or were perceived by Saddam to be political enemies of Saddam’s regime. Defendants through the Regime organizations have perpetrated summary executions and “disappearances” *in masse*. The United Nations has documented over 16,000 cases of persons who have disappeared; the United States Department of State reports that more than 3,000 of those who have been imprisoned have been summarily executed since 1997, and there are persistent reports that Saddam and his sons, Defendants Uday and Qusay, were active in carrying out the extrajudicial killings.

11. Defendants, Uday Hussein (“Uday”) and Defendant, Qusay Hussein (“Qusay”), are Iraqi citizens and the sons of Saddam. At all relevant times, Uday and Qusay have been fully and directly complicit in carrying out Saddam’s reign of repression and terror. This has included their direct participation through Regime Organizations in the kidnapping, disappearance, detention, imprisonment, torture and murder of thousands of Iraqis who were or were perceived to be the political enemies of Saddam’s regime. Their last known residential address was Radwaniyah Palace, Baghdad, Iraq. Due to their overthrow from power by Coalition Forces in April of 2003, Uday and Qusay have fled and are believed to be hiding somewhere in Iraq or one of its

neighboring countries. They are fugitives of the United States and the international community.

12. Defendant, the Republic of Iraq, is a foreign state and its capital is Baghdad. At all relevant times, the United States did not have formal diplomatic relations with Iraq. Iraq, however, has maintained a Permanent Resident to the United Nations located at 14 East Street, New York, New York, 10021. Additionally, Iraq maintains an “Interest Section” in the Algerian Embassy located at 1801 P Street, N.W. Washington, DC 20036.

COUNT I – HAIDER JASSIM V. DEFENDANTS
ALIEN TORT CLAIMS ACT (28 U.S.C. §1350)

13. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 12 as if fully set forth herein.

14. The ATCA provides Plaintiff, an alien, a cause of action for claims arising from torts that are committed in violation of the law of nations or a treaty of the United States.

15. Plaintiff and his family are Shiite Muslims, a religious sect which Saddam has systematically persecuted since his rise to power, and subjected to various acts of cruel, inhuman or degrading treatment.

16. On or about August 1997, Plaintiff was arbitrarily detained, kidnapped, imprisoned and subjected to “disappearance” by the Iraqi Special Mukabarat for the simple act of making an innocent phone call to his uncle, a university professor, who resides in the United States. This disappearance, kidnapping and imprisonment was

carried out upon the orders of the Defendants without trial, hearing or due process of any kind.

17. Plaintiff was imprisoned until April 1999, when he was released without explanation. Once released, out of fear of further persecution, Plaintiff was forced to flee to Jordan. Thereafter, he was granted political asylum in the United States under the auspices of the United Nations and sought refuge in Pittsburgh, Pennsylvania.

18. Before, during and after his imprisonment, Plaintiff was afforded no due process or legal means by which to address his imprisonment.

19. During the entire time of his imprisonment, Plaintiff was maintained in solitary confinement in inhumane conditions in a dark, subterranean cell. Plaintiff was also not permitted to communicate with any friends or family during his imprisonment.

20. While imprisoned, Plaintiff was tortured by the following means, including but not limited to:

- (a) Threatened execution of him and/or his family;
- (b) Threatened torture of him and/or his family;
- (c) Physical beatings and regular, coercive interrogations;
- (d) Starvation;
- (e) Dehydration;
- (f) Refusal to provide adequate medical care; and
- (g) Confinement in subhuman conditions in an unlit underground cell.

21. Plaintiff was tortured by order of the Defendants through the aforesaid means simply because he had attempted to communicate with someone in the United

States and/or because of his ties to his father (as part of systematic persecution of his father for perceived political beliefs that differed from those of Defendants).

22. Said torture involved the cruel, inhuman and degrading treatment of Plaintiff in violation of international and U.S. law, including, but not limited to, *The Universal Declaration of Human Rights*, adopted Dec. 10, 1948, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 18 U.S.C. §2340(A), and the United States Constitution.

23. Due to the disappearance, kidnapping, imprisonment and torture of Plaintiff, he has sustained severe psychological, emotional and physical injuries some or all of which are or may be permanent in nature.

24. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for a sum in excess of \$75,000, exclusive of punitive damages, interest, and attorneys' fees.

A Jury Trial is Demanded.

COUNT II – HAIDER JASSIM V. DEFENDANTS
TORTURE VICTIM PROTECTION ACT (28 U.S.C. §1350)

25. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 24 as if fully set forth herein.

26. The TVPA provides Plaintiff a cause of action, independent of any other laws, for his disappearance, unlawful detainment, kidnapping, imprisonment and torture by the Defendants as described above.

27. Said torture involved the cruel, inhuman and degrading treatment of Plaintiff in violation of international and U.S. law, including, but not limited to, *The Universal Declaration of Human Rights*, adopted Dec. 10, 1948, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 18 U.S.C. §2340(A), and the United States Constitution.

28. Due to his disappearance, arbitrary detainment, kidnapping, imprisonment and torture, Plaintiff has sustained severe psychological, emotional and physical injuries, some or all of which are or may be permanent in nature.

29. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for a sum in excess of \$75,000, exclusive of punitive damages, interest, and attorneys' fees.

A Jury Trial is demanded.

COUNT III – ESTATE OF AZIZ JASSIM V. DEFENDANTS
ALIEN TORT CLAIMS ACT (28 U.S.C. §1350)

30. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 29 as if fully set forth herein.

31. Decedent wrote over forty books and was editor and literary critic for several magazines and newspapers in Iraq. He edited and wrote for various government publications including al-Qadisiyya, al-Ghad and al-Thawra. Decedent was one of the few prominent intellectual figures in Iraq that chose to remain there after Saddam's rise to power.

32. Decedent was first imprisoned at the age of eighteen in 1959 and again in 1963 for his writing.

33. In 1987 and 1988, Decedent was first imprisoned for six months by Defendants for publishing a religious book which Saddam perceived to be critical of his regime. While imprisoned, Decedent was forced to write books favorable to Saddam Hussein, including “Saddam A Giant in Mesopotamia”, under threats of persecution of his wife and five children. While in prison, Decedent attempted suicide because of despair over being forced to publish writings which were greatly at odds with his core beliefs.

34. On or about April 15, 1991, Decedent, then 55 years old, was arrested at his home in Baghdad by the Special Mukhabarat upon orders of Defendants. He was then confined to a prison for political detainees at Mudiriyyat al-Amn al-'Ammah, General Security Directorate, in Baghdad. Decedent was imprisoned because of the comments published by him which were perceived to be critical of Hussein’s dictatorship and which objected to his wrongful invasion of Kuwait. This disappearance, kidnapping and imprisonment was ordered by the Defendants.

35. Decedent was “arbitrarily detained”, kidnapped, imprisoned and subjected to “disappearance” for criticizing Saddam and his regime for their conduct involving the invasion of Kuwait in a letter that he wrote to Saddam in April 1991, and because of his refusal to write articles supporting the Hussein regime following the invasion of Kuwait. Of the thousands of political detainees imprisoned by Defendants, Decedent was one of the most prominent among them.

36. Decedent was imprisoned without a trial or hearing of any kind, or the provision of any sort of due process.

37. After his imprisonment, Decedent was never heard from again by his family, friends and acquaintances. In March 1993 Amnesty International appealed to the authorities to clarify the fate, whereabouts and legal status of Decedent. Arab writers and journalists also appealed on his behalf and although the authorities acknowledged his arrest, they refused to provide any details of the charges against him or information about his fate and whereabouts.

38. Defendants never responded to inquiries by the Amnesty International, the United Nations and other persons or entities regarding Decedent's whereabouts. He was last seen by observers sometime in 1997.

39. While imprisoned, Decedent was tortured by the following means, including but not limited to:

- (a) Threatened execution of him and/or his family;
- (b) Threatened torture of him and/or his family;
- (c) Physical beatings;
- (d) Starvation;
- (e) Dehydration;
- (f) Disease;
- (g) Refusal to provide adequate medical care; and
- (h) Confinement in subhuman conditions.

40. Decedent was executed by order of the Defendants in or after 1997, the time during which he was last known to be alive.

41. Decedent's torture involved the cruel, inhuman and degrading treatment in violation of international and U.S. law, including, but not limited to, *The Universal Declaration of Human Rights*, adopted Dec. 10, 1948, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 18 U.S.C. §2340(A), and the United States Constitution.

42. The Plaintiff and the Estate of the Decedent are entitled to recover wrongful death damages, including pecuniary losses, and damages for loss of support, consortium, loss of society, companionship, prospective inheritance, care, love, guidance, training, education, solatium and services, and damages for grief and mental anguish, moral damages, punitive damages and such other relief as may be appropriate.

43. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for a sum in excess of \$75,000, exclusive of punitive damages, interest, and attorneys' fees.

A Jury Trial is demanded.

COUNT IV – ESTATE OF AZIZ JASSIM V. DEFENDANTS
TORTURE VICTIM PROTECTION ACT(28 U.S.C. §1350)

44. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 43 as if fully set forth herein.

45. The TVPA provides Plaintiff a cause of action for Decedent's disappearance, kidnapping, imprisonment, torture and extrajudicial killing of him by the Defendants as described above.

46. Said torture involved the cruel, inhuman and degrading treatment of Plaintiff in violation of international and U.S. law, including, but not limited to *The*

Universal Declaration of Human Rights, adopted Dec. 10, 1948, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 18 U.S.C. §2340(A), and the United States Constitution.

47. The Plaintiff and the Estate of the Decedent are entitled to recover wrongful death damages, including pecuniary losses, and damages for loss of support, consortium, loss of society, companionship, prospective inheritance, care, love, guidance, training, education, solatium and services, and damages for grief and mental anguish, moral damages, punitive damages and such other relief as may be appropriate.

48. By reason of the foregoing, Defendants are jointly and severally liable to Plaintiff for a sum in excess of \$75,000, exclusive of punitive damages, interest, and attorneys' fees.

WHEREFORE, Plaintiff seeks an award of compensatory damages, interest, attorney fees and punitive damages against Defendants and such other relief as may be appropriate.

A Jury Trial is demanded.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: _____

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