

In the Name of God All Merciful All Compassionate

**Iraqi High Tribunal
Second Criminal Court
Baghdad-Iraq
Ref.No.:1/ J Second/ 2006
Date: 2007 June 24**

The Verdict

Regarding Convict Tahir Tawfiq Al-'Ani; the submitted evidences before your court, limited to the two documents No. [3744] and [3972] on 1986 Aug 26 and Sep 6 consecutively, issued by Northern Affairs Committee to Presidential Diwan, included a proposal to execute 10 detainees from the Patriotic Union of Kurdistan [included in the first document]. The second document contained a proposal to Northern Affairs Committee concerning saboteurs' money and relatives, acknowledging that the aforementioned documents' date is prior to that of this case. As for the advisory order issued by Northern Organization Office, holding the Ref No [4008] on 1987 June 20, Clause [6] does not contain a document or proof corroborating that the aforementioned convict used this jurisdiction, rather it is an order by Convict 'Ali Hasan Al-Majid. Concerning document No. [5083] on 1987 July 22, it encircles Convict's, 'Ali Hasan Al-Majid, comment over chopping off the traitors' heads. This comment is not correlated to Tahir Tawfiq Al-'Ani. As of the mass graves, found in Al-Hadar and Al-Salamiyyah Police Camp, where Kurdish detainees were arrested, there was no evidence that the convict played a role but rather a presumption as the aforementioned mass graves and police camp are located within the administrative area of Ninawa governorate. Hence, a presumption is never determined evidence. For all these reasons, the general prosecution commission recommends from your court to dismiss charges and release him for lack of sufficient evidences as per Article [183/(C)] of Criminal Trial Procedures law.

Finally, the human conscience is highly counting on your honorable court to fulfill justice through your just judgment, so that justice will shine victorious in the end. This court is the first, in contemporary history, as being a national court looking in International Crimes, questioning and prosecuting former statesmen for carrying massacres against their own people. The law is stronger than combined evils which Al Anfal organizers caused to the Kurdish people ... Your just verdict will reunite the sons of our populace together, granting them all, once again, hope.



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Therefore, General Prosecutor's commission requests to refer all names mentioned in documents and evidences, which had been proffered before your court, and were designated as involved in Al Anfal campaigns, to take legal charges against them, in each case, with all other fugitives away from this case's prosecution.

[Charges against convicts as per indictment document]

Background

On 1987 March 18, a meeting, between bygone Revolutionary Command Council and State Command of the Ba'th Party, had been held to discuss the Kurds' situation in Northern Iraq. Both commands draw a clear policy of targeting the Northern area. As a consequence, a decree had been issued, holding Ref No [160] dated 1987 March 19, granting 'Ali Hasan Al-Majid immense jurisdictions to implement the policy identified in the decree.

Decree [160] on 1987 March 29:

Based on Clause [(A)] of Article [42], and Clause [(A)] of Article [43] of the constitution, as per implementation of the joint meeting's outcome, between Revolutionary Command Council and State Command of the Social Ba'th Party, held on 1987 March 18,

The Revolutionary Command Council had decided in its session, on 1987 March 29, the following:

First: Comrade 'Ali Hasan Al-Majid, State Command Member in the Social Arab Ba'th Party, will be representing the Party State and Revolutionary Commands Council, implementing their policies all over the Northern area, including Kurdistan Autonomous Ruling area, aiming to preserve security, order and stability, applying the Autonomous Ruling law within the area.



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Second: Comrade, State Command Member, to attain this decree's objective, will be the one who all government's civil, military and security systems will report to, granting him the jurisdictions of National Security Council and Northern Affairs Committee.

Third: The following authorities will be correlated, all over the Northern area, by Comrade-State Command Member, abiding by decrees and directions issued by him, imperatively applied as per the aforementioned decree.

- 1- Kurdistan Autonomous Ruling Executive Council
- 2- The governorates governors and administrative units' leaders affiliated to Ministry of Local Administration.
- 3- Intelligence systems, internal security forces and military intelligence
- 4- People's Army commands

Fourth: the region's military commanders have to comply with the Comrade-State Command Member's orders, in everything related to Article [first] of this decree.

Fifth: This decree is effective from its issuance until further notice as all legal articles which contradict this decree will be frozen.

The decree is signed by Convict Saddam Hussein Al-Majid, the bygone Revolutionary Command Council's Commander. The dangerous crimes committed in Al Anfal operations and the concept of eradicating the Kurds as a national ethnic group in Northern Iraq had been instigated right after issuing Decree [160] for the year 1987. The planning and preparations, guided by the highest point of authority [Convict Saddam Hussein] as being head of the bygone Revolutionary Command Council and State Command of the Ba'th Party General Secretary. This is manifested in the aforementioned decree, emphasizing on their policy's implementation in the region. Convict Saddam Hussein expressed his intention, during his audio-taped conversation passed for this court on 2007 January 08, where he lanced "we will convert them into Arab now, as Salah 'Umar Al-'Ali's relatives ...



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... became Arabs". In another passage, he added "they gained their bad characters from the 'Ajam (*T.C: the Persians*) ", meaning the Kurds gained their bad characters from the Persians. These offensive words, against the Kurds as a national ethnic group, highlight Convict Saddam Hussein disdain for this community. What occurred in Decree [160] for the year 1987, and commensurate issued directions recognized as Letter No. [4008] on 1987 June 20, as well as letter correlated with chemical gases' usage in Kurdistan; reveal the domination of a plan or policy, on the national level, desiring the eradication of Kurds as a national and ethnic group, carried by Revolutionary Command Council and the Ba'th Party, whereas Convict 'Ali Hasan Al-Majid is member in both and in-charge of Northern Organization Office Bureau which is empowered to employ their policies against Kurds in Northern Iraq. The latter took of Kirkuk headquarter, putting all states civil, military and security's systems under his command. He is the supreme leader of Northern Area as per Decree [160] for the year 1987. It is worth mentioning that before the designated convict took power, as absolute ruler of the Northern Area, there were raids targeting civil inhabitants, using a diversity of weapons [conventional and prohibited], but were not concentrated. After the issuance of the aforementioned decree, Convict 'Ali Hasan Al-Majid translated the Council and Party's intentions to acts launching massacres, coerce dislocation of inhabitants, destroying villages, using conventional and chemical weapons against villages' civil inhabitants, field executions, economic besiegement, and prevention of human and animal existence in the area. The military forces attacked using all type of weapons such as artillery, rocket launchers, armors, infantry, airplanes and helicopters against the Kurdish villages. Then, they burned them to ashes, arresting all the inhabitants, killing those who tried to escape, transporting them in military-governmental vehicles to North Organizing Office and then to detention camps in Tupzawa



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Dibs, Nazarki and Al-Salamiyyah or to security committees in the governorates. The detainees were exposed to harsh living conditions, torture, rape, humiliation, famine, and segregation of men and women, young and older females, young and older males. Some were transferred to Nuqrat Al-Salman prison camp while others were buried in mass graves at Al-Hadar in Al-Mawsil, and Al-Samawah desert in Al-Muthanna Governorate. These mass graves were located and excavated by international experts, under the court's supervision. There are documents and official letters which the convicts approve its authentication or had been proved through forensic evidences, as example but not exclusively: letter No. [4008] on 1987 June 20, issued by Convict 'Ali Hasan Al-Majid, headlined "Handling villages within the Prohibited Zone", including many vital issues as: preventing human and animal existence, banning in and out travel, agronomy, agricultural and industrial investment, allowing free shooting with no restrictions whatsoever, murdering any individual arrested whose age-range is included between 15 and 70 years old, as well as granting jurisdictions to national defense regiments to confiscate civil villagers' properties. On the other hand, tens of official documents and letters were released from Presidency of the Republic, Armed Forces General Command, Chief of Army Staff, General Military Intelligence Directorate [GMID], Ministry of Defense, Corps Commanders, and Security Directorates concerning methods of execution, on a large scale basis, of attacks eradicating the Kurds as a national ethnic community via chemical gases targeting civilians, destroying their villages, carrying field executions and coercive dislocation, raiding over residential compounds. As an example, we mention General Security Directorate's [GSD] memo No [9223] directed to 45th Directorate, including the implementation of Convict 'Ali Hasan Al-Majid to execute 28 individuals from Shaqlawa for participation in sabotage acts, including 4 women. Another example is GMID letter directed to North Organizing Office, holding Ref No [1933] on ...



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... 1987 September 08, which included the output of a concentrated artillery strike using special ammunition [meaning chemical weapons], and North Organization Office's letter No [5083], on 1987 July 22, directed to 1st Corps, including a comment by Convict 'Ali Hasan Al-Majid "we do not object cutting off the traitors' heads, but it had been better of sending them to Security for investigation, maybe they would have useful Intel info, before executing them". Ministry of Defense Diwan's letter No [8574], on 1988 April 26, directed to Chief of Army Staff, including what Armed Forces General Commander's Deputy lanced "To accrue a psychological influence bigger than that achieved, we do not object a strike via special ammunition if there is a target which deserves punishment". Chief of Army Staff letter No [349], on 1988 Apr 27, headlined to 1st Corps [Sultan Hashim Ahmad], and 5th Corps [Ayad Khalil], including "it is possible to lead strikes via special ammunition against saboteurs' forces". Armed Forces General Command letter is granting (Sultan Hashim Ahmad) and (Ayad Khalil) medals of honor; for their participation in Al-Anfal Operations. The correspondence of Chief of Army Staff No. 1122 on 1988 August 21, which is addressed to the 1st Corps and the 5th corps, and indicates to the meeting of Chief of Army Staff and the deputy for the operations in (Kirkuk), (The concentration of the population will be determined in the 5th Corps sector, and it will be treated by the fierce special attacks 48 hours prior to starting the operations, to create a panic situation in their side, and to prevent them from helping the saboteurs). The correspondence of General Command of the Armed Forces No. 177 on 1988 MAR 02, which delivered the instruction of the convict (Saddam Hussein) to the deputy of General Command of the Armed Forces, and the Chief of Army Staff, in the meeting of the General Command on Saturday 1988 MAR 19, including continuing the attacks against the enemy and the saboteurs, by the artillery and air force, and put special ammunition attacks among the conventional artillery attacks (its preferable to use the special ammunition at night), The correspondence of Chief of Army Staff No. 654, on...

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... 1988 May 22, addressed to Ministry of Defense, included the following article "Strikes were executed via special ammunition on 1988 May 05, over saboteurs' headquarters within the 5th Corps' sector". Presidency of the Republic – Secretary's correspondence with GMID, holding Ref No [808], dated 1987 March 12, including a study tackling President Commander Saddam Hussein decree to raid Al-Barzani clan's headquarters with special ammunition. The respond [GMID to Presidency of the Republic – Secretary], numbered [6885] on 1987 March 25, included suggestions over special ammunition usage. Presidency of the Republic – Secretary's letter back to GMID, holding Ref No [965] on 1987 March 29, granted an approval over the aforementioned suggestion, targeting the Kurds. Finally, Health Directorate - Kirkuk Governorate letter, headlined to Internal Affairs - Al-Ta'mim Governorate, numbered [783] on 1988 June 12, included receiving Kurds' corpses coming from Dibs and Tupzawa prison camps, not adequate to legal conditions.

Summary:

After we briefly reviewed the bygone Revolutionary Command Council's Decree No. [160] for the year 1987, and letter [4008] dated 1987 June 20, issued by North Organization Office, as well as all other letters and documents affiliated with special orders to raid the Kurds, in Northern Iraq, methods of usage pertained to chemical gases, their relocation and dislocation toward prison camps, destroying down their villages, and after reviewing some victims' testimonies, how they have been murdered, chemical gases' usage, devastating their villages, dislocating them to camps, without mentioning the exposure to torture, mistreatment, humiliation, harsh living conditions, leading to the death of some due to famine or torture, and the diversity of persecution, torture and rape, due to all the aforementioned, it had been referred to experts' opinions vis-à-vis what they examined in the mass graves ...



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... and accomplished analysis, matching what they witnessed to what they drew as outcome, after listening to victims' testimonies, exploring the mass graves' status, as well as proving the chemical weapons' usage.

For what had been mentioned, it becomes certain to the court, that the previous Iraqi regime committed dangerous crimes against the Kurds in Northern Iraq, handling them as national ethnic group, specifically against civilians. These crimes included genocide, crimes against humanity, and war crimes, as we will elaborate the legal requirements of each crime, as well as its elements of proof, in a detailed manner:

Convict 'Ali Hasan Al-Majid

Born in 1941, occupied the following positions:

1. General Security Director for the year 1986.
2. Northern Organization Office's General Secretary from 1987 till 1989.
3. Minister of Interior for the year 1990.
4. Kuwait Governor from 1990 till 1991.
5. Minister of Defense from 1991 till 1995.
6. Bygone Revolutionary Command Council's member.
7. State Command of the bygone Social Arab Ba'th Party's member.

Charges against Convict 'Ali Hasan Al-Majid as per indictment form

On 20 February 2007, in the 46th hearing, the court incriminated the convict with the below charges:

First: Genocide

Article [11/ first]:

A. Murdering a given group's members.



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- B. Causing severe mental and physical damages to a given group's members
- C. Subdue the given group, premeditatedly, to harsh living conditions, aiming to partially or totally eradicate them.

By virtue of Article [15/First, Second, Third, and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.

Second: Crimes against Humanity

Article [12/ first]

- A. Premeditated murder.
- B. Genocide.
- C. Enslavement.
- D. Relocate or coercively dislocate the inhabitants
- E. Imprisonment or extreme deprivation of any other manner of physical freedom contrary to International Law's basic regulations
- F. Torture
- G. Persecuting any given group or given community for political, racial, patriotic, ethnic, cultural, religious or gender purposes or for other reasons not legitimized by International Law, correlated with any aforementioned act of sexual violence on this level of danger.
- H. Coerce harboring of individuals.
- I. Other inhuman acts, holding identical characteristics, which premeditatedly cause severe sufferings or serious damages, affecting the body or physical or mental health.



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By virtue of Article [15/First, Second, Third, and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.

Third: War crimes

Article [13] means war crimes for this code's purposes, as follow:

Fourth: other dangerous violations of codes and customs crucially implemented over non-international armed conflicts, within International Law's logic scope, precisely any of the following acts.

Article [13/ Fourth]

- A. Premeditatedly target attacks against civil inhabitants, as per their current situation [TC: for being civil inhabitants], or against civilians uninvolved directly in war activities.
- B. Premeditatedly target raids over buildings appropriated for religious, educational, artistic, scientific or charitable purposes, or against historical monuments, hospitals, and injured and patients' gathering centers, conditioned that all the aforementioned were not military objectives.
- C. Looting any town or place even if it had been forcefully confiscated.
- D. Issuing orders to dislocate civil inhabitants for reasons correlated with the dispute if not for their safety or necessary military reasons.
- E. Devastate or seize hostile properties, if it was not a matter forced by the necessities of war, by virtue of Article [15/First, Second, Third, and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.

Article [15/First]: an individual, who commits a crime within the court's jurisdiction, is held responsible as an individual, exposed to sentence as per this court's codes.



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Second: an individual is held responsible as per this court's code and Iraqi Penal Code, if he carried the following:

- A. If he commits the crime as an individual, contributor, or via another person regardless if the latter was responsible or not criminally.
- B. To order the perpetration of a crime as an individual, contributor, or via another person regardless if the latter was responsible or not criminally.
- C. To help, incite, or assist in any other way aiming to facilitate the perpetration of the crime, or its attempt of the commission, including the provision of crime's tools.
- D. To contribute in any other way, with a group of individuals, with a common criminal intention, aiming to perpetrate or instigate a crime, conditioned that this contribution is premeditated and be implemented:
 - a. Either to reinforce group's criminal act or purpose, if the activity or aim enclosed perpetrating a crime within the court's jurisdiction.
 - b. Or with the acknowledgment of the group's intent to perpetrate the crime.
- E. Direct and public incitement of perpetrating the crime as if correlated to genocide.



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F. Instigate a crime through commencing the execution, intending to commit it, hence, the crime does not occur for reasons far beyond the perpetrator's reach, is considered an exonerated reason if the committer spared effort to prevent the crime's implementation or accomplishment. He will not be charged for instigation, as per this law, if he [the perpetrator] abandoned, completely and willingly, his criminal project.

Third: the convict's official position will not be an exempt or moderator of punishment, whether the convict was a statesman, Revolutionary Command Council's member or commander, Prime or Minister in the Cabinet, or Ba'th Party Command's member. Immunity must not be considered as allegation to get rid of charges for committing the crime mentioned in Articles [11], [12], [13] and [14] of this code.

Fourth: The supreme leader will not be exempt from criminal responsibility over crimes committed by his subordinates, if the first was aware, have reasons to be acknowledged that his henchmen committed such acts, or were about to commit them, and he did not take necessary and appropriate measures to prevent the occurrence of these acts, or referred this incident to the appropriated authorities to carry investigation and prosecution.

1- Resume of plaintiffs' (victims) testimonies and eyewitnesses':

The Iraqi army launched a systematic wide-scaled attack, starting March 1987 till Al Anfal Closure [Al Anfal Eighth Operation], stretching over vast regions in Kirkuk, Al-Sulaymaniyah, Irbil and Duhuk governorates. The court authenticated more than 70 Plaintiffs' (victims) testimonies, as the majority of victims described the attacks as Armageddon. Most of them asked accusation against ...



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... Convict 'Ali Hasan Al-Majid, even though they did not see him murdering, imprisoning, beating up, or dislocating villages' inhabitants and Kurdish towns ... They asked accusation against him for being the ultimate ruler of Northern Zone, as per Decree [160] for the year 1987, as well as issuing orders to military, civil and security commands, in addition to party and intelligence systems which perpetrated genocide, crimes against humanity and war crimes, before and through Al Anfal operations. All these perpetrations were carried by direct orders from the aforementioned convict, as per letter [4008] dated 20 June 1998. They also accuse him for being in-charge of prison camps in Tupzawa, Dibs, Nazarki and Al-Salamiyyah where Kurdish men, women and children were detained for being part of a national ethnic community, driving them away, harboring and burying them in mass graves which had been later explored and included thousands of Kurds ... Below, we enclose examples of victims' complaints and testimonies [plaintiffs and witnesses]. Plaintiff [victim] Najibah Khidir Ahmad mentioned, in the 2nd hearing, dated 2006 August 22, that, when she was detained in Rashkin Camp with other villages' inhabitants, she watched many people dying, identifying some residing her hometown who died from chemical strikes against the village. The victims were identified as [NAME REDACTED].

Plaintiff (victim) [NAME REDACTED] included in his testimony, dated 2006 September 11, in front of this court "on 1987 September 03, Emergency Forces invaded our village, burning it down and detonating the electricity, as they confiscated all livestock belonging to the villagers. My seized share contained 100 goats and sheep. All villagers were arrested and moved to Al-Sulaymaniyyah Security Directorate and then back to Al-Sulaymaniyyah Emergencies. At one night, 9 names were called [[NAME REDACTED]]...



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... and [NAME REDACTED]] as well as two of Kalar inhabitants. All the aforementioned were executed behind the prison's fence. After getting them outside, I heard shootings and acknowledge from guards that those were executed for being arrested within the Prohibited Zone".

Plaintiff (victim) [NAME REDACTED] mentioned in his testimony, dated 1987 September 12, in front of this court "in the second month of 1988, ours and nearby villages had been bombed for seven consecutive days, and then the state's forces raided from 3 axis over village, arresting 90 villagers, while the rest managed to escape. The village's properties had been looted by the offensive forces, burning the village to ashes. I escaped to Iran as my brother's wife and 5 of her children were arrested. After 6 months, when I returned back from Iran, I knew from elders coming back from Nuqrat Al-Salman Camp that she, and her children, were taken to an anonymous place when segregating women and men at Tupzawa Camp. In 2004, I came to court, and was informed that 4 identification cards belonging to my brother's children were found in the mass graves, by the court ..."

Plaintiff (victim) [NAME REDACTED] stated, on 2006 September 14, in front of this court "in 1988, I was residing Sidar village, which was under the regime's control, wherein it was bombed intensively. The children and women moans reached the skies as inhabitants took refuge in basements and caves. When the Iraqi forces lunched a multi-axis, I escaped the village, accompanied with my 9 years old child, and hid in one cave. I gazed, from that location, at my village using a periscope. I saw those gathering children and women in the mosque's hall, packing them in vehicles while the bulldozers are devouring the village. I ran away to Iran, where I stayed for six months, until the amnesty's issuance. I turned back to Iraq and surrendered to the authorities. They put me in Al-Salam Camp, and managed to visit my mother released from Nuqrat Al-Salman Camp ...



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...She told me that she recognized my wife and children at Tupzawa Camp, before being released, but does not know their fate. When I met Saddam Hussein inquiring my family's fate, he responded [Shut up! They were lost in the Anfal]"
Plaintiff (victim) [NAME REDACTED] mentioned in his testimony, dated 2006 September 15, before this court "On 1988 March 22-23 [nighttime], my village had been exposed to chemical attacks, as I eye-witnessed Siwsinan smoking out. I was sure that the raid was a chemical one as I was ill for breathing toxic gases. I was hospitalized at Shursh where I was treated. Afterward, I escaped to the mountains. The very next day, I recognized mine and other villages burning down as a raid's consequence. I ran away with the families towards Kirkuk as I saw many families reaching Mila Sura where we had been encircled by the army, arrested, and dislocated to Qura Tu Camp, and then to Tupzawa camp. There, they segregated women and men, youngsters and elders. I saw my daughter [NAME REDACTED] crying bloodily. All possessions and rings were taken away from youngsters. I was moved to Nuqrat Al-Salman as my wife and five children's fates remain anonymous, not knowing anything about them...etc".
Plaintiff (victim) [NAME REDACTED], one of the survivors from the mass graves, testified in the 23rd hearing, dated 2006 November 27, "I eye-witnessed soldiers standing on edge of a hole, holding guns ... One of them shot down the people in the hole ... I was shot in my shoulder ... I saw a pregnant woman in that hole, shot by soldiers as blood was pouring out of her head ... I saw my sister [NAME REDACTED] in the hole while being shot, as well as my mother who had been shot in the head cutting down part of the veil covering her head ... I saw my maternal uncle's wife [NAME REDACTED] when she was shot ... The ...



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... shooting lasted for a time on those in the pit ... It was like rain bullets ... The pit was full of blood ... as if sitting in a sea-blood.

Plaintiff (victim) [NAME REDACTED] testified, on 1987 June 5, that I was one of the Pishmarga Forces, affiliated to Iraqi Communist Party, was positioned in Gali Siwa. Around seven o'clock nighttime, four Iraqi SUKHOY aircrafts raided over, striking with chemical bombs. She followed the inhabitants to the basement accompanied by comrade [NAME REDACTED], and her sons [NAME REDACTED] and [NAME REDACTED]. After a while, the aircrafts raided a second time. She told [NAME REDACTED] "I smell something", while recognizing that [NAME REDACTED] was wounded, [NAME REDACTED] was crying out of pain, and [NAME REDACTED] vomiting,. She asked what's going wrong and responded that they smell gunpowder. [NAME REDACTED] was lying on the floor near the hospital fainting while bombs continued to hit targets. After midnight, they were attacked by chemical weapons. They identified condensed smokes surrounding people who were crying, vomiting or aching. [NAME REDACTED] died, [NAME REDACTED] got blind due to chemical substances, and [NAME REDACTED] died. Bubbles started to appear on the plaintiff's skin, while many individuals went blind. Bombs were exploding into white to gray smokes. They were not that noisy. They acknowledged a march of Irqi forces as people were in mess. It had been agreed to withdraw to the Turkish borders, taking a period of 10 days. The victim showed a picture of a 40-days-old child named ([NAME REDACTED]), a retarded child who witnessed all these operations and is residing Denmark. Another, 2-years-old [NAME REDACTED], was in my arms when raiding chemicals, had turned blind. When we were in refuge camps ...



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... in Turkey, they were exposed to a severe diarrhea, as the victim was close to dying. This was the situation of many human [men and women] as well as animals. Plaintiff (victim) [NAME REDACTED], from Balisan, testified the following "I am Iraqi, Kurdish by origin. The Ba'th Regime attacked our villages several times via a diversity of aircrafts and weapons including chemicals. On 1987 April 16, at noon, around 6:15, villagers came back to their homes as well as their livestock. Suddenly, a group of aircrafts soared over Balisan, mounting between 8 and 12, and bombed both Balisan and Shaykh Wasanan. The sounds of bombs were low, but the smokes invaded Balisan skies. We smelled something like rotten apples or garlic. After few minutes, most of the villagers' eyes turned red as many started vomiting. Each family went apart hiding in caves or beneath trees. Some remained home. My family, made of eight individuals, saw some wounded and others screaming. At night, we lost sight or visibility and our bodies were burned. We had no one but God to rely on. Two women were moaning, as one pregnant delivered her baby who died immediately due to chemical toxics. They called the baby Chemical [Kimya'] [NAME REDACTED]. We were blind, not able to see anything. They segregated me from my wife who I don't know where they took her. After, we were all detained somewhere ... I was not able to see. They seized all our possessions, not turning them back. We were hospitalized and treated as we recognized that we were ailed from chemicals. At the hospital, we were detained by Security systems". The victim mentioned that someone called [NAME REDACTED] was martyred once they had them hospitalized, affected by chemicals. The plaintiff's wife told him that she and her daughter were detained in (Irbil) after segregating men ...



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... and women. His uncle, [NAME REDACTED], disappeared and his fate remains anonymous and the security men confiscated all they own.

Plaintiff (victim) [NAME REDACTED] testified before this court, in the third hearing dated 2006 August 22, that "on 1988 August 24, Iraqi Forces, in collaboration with National Defense Regiments, surrounded Kurdish civil inhabitants in Dahuk, Zakhu, Sarsang, Sumil, Al-'Amadiyyah, Diyar 'Ajm, Batufa, from two sides, preventing any individual from escaping while arresting many ... All the arrestees were civilians, no one was from Pishmarga. I saw two SUKHOY aircrafts bombing a number of villages which are Ikmala, Mirkaji, Habsi, and Kharba ... I saw many wounded moaning from pain, vomiting with jutting out red eyes. I went to my brother's Salih village to know his fate as well as that of his wife [NAME REDACTED] and his son [NAME REDACTED]. I was accompanied with my other brother [NAME REDACTED], relative [NAME REDACTED]. When we reached nearby my brother's house I saw him and his son lying on the floor, hugging each other [dead], hundred meters away from the porch. His wife's corpse was meters away. The prepared mule was still standing waiting to move them away while the poultry was gone.

Plaintiff (victim) [NAME REDACTED], resident of 'Azaban County, proclaimed that "In 1987, the Republican Guard's brigade attacked our village with tanks. They were equipped with bulldozers and military (Lorry) trucks ... Our village had been destroyed, as demolition acts carried on from morning till six o'clock afternoon, though our village was not a Prohibited Zone ... There was no reason to attack other than being Kurds. On 1987 September 8, 20 Security Forces' squads raided over Sharbazir Village. Me and my brothers, [NAME REDACTED] and [NAME REDACTED], were in the aforementioned village and were ...



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... arrested by security squads ... Our village and livestock had been looted, as we were arrested and transported by their vehicles. On the road, they shot a number of mules, killing some as the livestock pertaining to the villagers was dislocated. We were handed to Al-Sulmaniyyah Emergencies, called out by Major Taha who was in charge of the Emergencies at the time. When we entered the prison camp, we were 16 from 'Arbat village. We remained under detention for three months, we were extremely tortured. Our food was poisoned causing diarrhea and vomit ... There was 126 detainees where 58 were moved to another cell. I was among them as my brothers [[NAME REDACTED]] remained in the camp and their fates are anonymous.

Plaintiff (victim) [NAME REDACTED], resident of Balisan, mentioned, in the third hearing, dated 2006 August 22, that she and others of her hometown's inhabitants, including cousins [NAME REDACTED], were detained in Irbil Security Directorate, by security systems, and 3 were dead in the prison.

Plaintiff (victim) [NAME REDACTED], resident of Siwsinan, mentioned in front of the court, on 2006 September 20, "At sunset, two aircrafts soared the village's sky ... We headed to the basements ... bombing started ... After half an hour, it stopped ... I asked my daughter to go to the roof to know what happened ... Then, I went out and identified 14 corpses ... 7 are from [NAME REDACTED]family ... The remaining belongs to my daughter [NAME REDACTED]and her five children, 2 are those of [NAME REDACTED]wife and his son [NAME REDACTED]... I found the so called [NAME REDACTED]alive ... All injured, mounting to 41, were transported to a nearby clinic ... The number of martyrs was 81 ... 70 died from chemical weapons as the court applied a field examination of the mass graves where they had been entombed.



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Plaintiff (victim) [NAME REDACTED], a resident of Kurji village, included his testimony, while facing the court [21st hearing] on 2006 November 7, "On 1988 August 26-25 [nighttime], we received news from neighboring villages informing that Iraqi forces will implement Al Anfal Operations, that no one will survive. All our village's inhabitants gathered, thinking what to do. We left everything behind and tried to escape. We reached the road leading to Kani Masi and Turkish Borders after ... We realized that the road had been cut down before us. We couldn't overpass and many inhabitants turned back, hiding in farms ... On 1988 August 27-26 [nighttime], we tried another time crossing over this street but in vain ... The army took control over it so we hid back in caves ... On 1988 August 28 [morning], at 5 in the dawn, we were bombed ... The army encircled us from all sides ... We surrendered ... They retook us to our village ... They gathered us all [men, women and children] ... They ordered 33 men, me included, to line up ... They took us to the bottom of the hill ... They ordered us to look them in the face ... I saw 16 soldiers standing opposite our side ... Two officers forced us to sit on the ground ... The other officer issued the order to shoot ... He said "Shoot!" ... The soldiers shot us with fire ... We all hit the ground ... They refill their guns 3 times ... When running out of ammunition, he refills till the third one when the officer ordered them [soldiers] to shoot one shot on each one of us ... He shot me in the head, hit my forehead, and then all the soldiers retreated back to the tree where they could not see us ... In that instant, I tried to stand up and check on my father ... I saw him dying ... I saw my brothers, [NAME REDACTED] and [NAME REDACTED] dying ... I saw 18 of my relatives dying ... When I checked on all of them, they were all dead except my cousin [NAME REDACTED] who was injured in his legs. I moved and placed him in a big pit. I tried to escape. Meanwhile, I saw [NAME REDACTED], from my hometown, emerging from beneath the corpses. Each of [NAME REDACTED]...



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...and [NAME REDACTED], from Jalka and [NAME REDACTED], survived. We remained hidden in caves until 1988 September 7, without food or water. Plaintiff (victim) [NAME REDACTED], testified in front of the court, on 2006 August 22, stating "on 1987 April 16, I was with my family, constituted of my husband [NAME REDACTED] and five children. I heard aircrafts roaring in the air, so I took my children down to the basement. My husband followed me. We heard bombs and smelled rotten apple. My children started vomiting and aching. My health degraded and started vomiting. When my husband came back from the mosque, he informed me that the army is aiming an attack against us, as many groupings are waiting orders. The villagers left, using animals, toward the mountains taking some food items. We moved along with them to the caves. I was blind. Late at night, others came and took us to Raniya, by trucks. The situation there was as if Armageddon. There, I was acknowledged that chemical strikes reached Shaykh Wasanan. I lost my husband and his uncle. They put me and my 5 children in a room then Security Systems moved us to Irbil, where Balisan and Shaykh Wasanan families were concentrated in one camp. They did not give us food supplies or treatment. After 9 days, they gathered us in the camp's patio. I could not afford to walk due to burns in my legs and body, as my skin was flayed. I still bear scars till now. The soldiers segregated women and children. They bring big vehicles, called out 29 names and drove them away to an anonymous side. Then, they brought the women inside the camp, brought military vehicles and transported us Khalifan. Down the road, two women died. I came back to Siwsinan with my brother-in-law. Till now, my children are ashamed of the scars from chemical weapons' deformations. Plaintiff (victim) [NAME REDACTED], a sergeant, testified in the 28th hearing, on 2006 December 6, "On 1987 April 21, we reached Bargalu village which was bombed by ...



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... chemical weapons ... I reached the hospital along with [NAME REDACTED]... 30 injured individuals were laying in the hospital ... among them 8 injured by chemical weapons including a 8 or 9 years old child whose body was burning and his eyes swollen ... He died after two days despite the therapy ... On 1988 [TC: month not included] 22-23 [nighttime], [NAME REDACTED] told me that Siwsinan was chemically bombed ... We reached the hospital ... They brought us 70 casualties including someone called [NAME REDACTED]... The latter 4 children and wife ... Also [NAME REDACTED], [NAME REDACTED] were martyred ... We knew that 72 individuals from Siwsinan were dead by chemical weapons.

Witness Yunis Haji Haji, one of the mass graves' survivors, says "I was one of the Pishmarga and prior to 1988, there was a vicious fight between the army and Pishmarga forces, which lasted for two and a half months ... After a cease-fire between Iraq and Iran ... The government withdrew all military troops from the south to be deployed in the north. I was injured back then and couldn't take part in the battles which occurred after this date between both sides ... The competency was null ... I stayed in Khalifan ... My family turned me to Suran Security Directorate, after hearing about the amnesty on 1988 August 15 ... I was 19 years old ... I was transferred to Irbil Security Directorate with 97 other individuals ... they recorded our names and confiscated our official documents ... We were exposed to torture ... We were all Kurds ... They moved us toward Kirkuk ... The vehicle stopped beside a building headlined Northern Affairs Organization ... They drove us in ... It included two big halls ... One is designated for women and children, so they took us to the other one ... In the first three days, the torture was excessive ... They used to take us to one of the rooms filled with broken glass and order us to walk, backward and forward, on the glass. Also, they bounded us over



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... to a platforms, placing bags of icy cold water on our heads, slightly perforated. Small drops of bloody cold water splash on our foreheads weighting like a mountain ... They used to order us to be taken to toilets where the guard started counting from 1 to 3, and God have mercy on that who's late ... They used to give us two loafs of bread per day ... We were afraid to eat, not to go to toilets and be beaten up there ... One day I went outside the hall and saw 3 hanged individuals ... On each one's sexual organ was tied a gas bottle ... Once, they brought 3 affiliated to Pishmarga. They were calling them Qashmar, Zawj, and Tartur (*T.C: bad cursing words in Iraqi Arabic dialogue*) ... If they called them and did not answer, they were beaten ghoulishly ... After 1988 Sep 6, we reached 180. They evacuated the hall containing the women and children and then they called out our names, one after another, filling three buses outside ... They tied, blindfolded and placed us in vehicles, notifying us that we are to be taken to Baghdad ... After driving for 5 minutes, the vehicles diverged from main road and took a dirt side road .. We started being worry ... We knew at the moment that we are going to die ... I managed to unite mine and took off the bandage off my eyes ... The cars stopped and we were 7 to be taking out of the vehicle ... I recognized a long pit and made me sit at its edge ... I felt strike at the back of my head ... I fell into the pit ... Dark was spreading its wings ... I fainted ... When I woke up, I realized that the lower part of my body is entombed ... I freed myself from the sand, though inside the pit ... I took advantage of the bulldozer's return to take sand ... I moved out of my place to the other side of the pit. When I got certain of the guards engagement, I escaped and turned away from the pit ... The pit's depth is between 15 and 20 meters, with 1.25 meters width. When I turned away from the pit, I heard numerous gunshots ... With us, was a retarded called [NAME REDACTED]who took an identical share of torture ...



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... like us. The latter is from Karwan village. My powers were fading and exhausted due to starvation and thirst. I reached the main road...etc.
Witness [NAME REDACTED], in the 27th hearing, on 2006 December 04, elaborated "I am a resident of Gup Tapa village. I was there in 1988 and lost 25 members of my family who are my mother [NAME REDACTED], my wife [NAME REDACTED] and my children [NAME REDACTED]. Only, my daughter [NAME REDACTED] survived ... I also lost my brothers [NAME REDACTED] [a teacher], [NAME REDACTED] and his wife [NAME REDACTED], as well as the first's wife [NAME REDACTED] and their children [NAME REDACTED], and Shilan, those of [NAME REDACTED], adding up my brother's [and his wife] [NAME REDACTED] children who had been killed affected by chemical weapons. On 1988 May 03, we witnessed army deployments, dropping over Kurka Smagh and Aghjalar mountains ... We felt danger ... I had already served in chemical classification, in the army, and obtained training on chemical weapons, as I used to have in my house 21 Anti-Atropine Injections which are anti-agents against toxic gases, particularly Nerve Gas ... Half an hour before sunset, we were bombed via aircrafts holding chemical weapons ... our village was exposed ... Smokes and dioxides invade its skies ... The bombardment was of little noise, so I shouted that the bombs are chemical ones ... I advised the people to use Kurdish traditional belts as a mask, after moistening it. They did not take my advice seriously. I put one on my nose and mouth, as well as my eyes, so not to be infected. On the road to the village, one girl told me "Woe, nobody is left for you" meaning all my family is vanished ... The time of strike was that of sunset, as the inhabitants will be gathered for lunch [during Ramadan], aiming to score the highest possible death toll ... My family wanted to reach ...

The image shows a handwritten signature in black ink on the left. To its right is a circular official seal. The seal contains the text "القضاء العراقي" (Iraqi Judiciary) at the top, "رئاسة المحكمة" (President of the Court) in the center, and "المحكمة الجنائية العراقية العلية" (Iraqi High Tribunal) at the bottom. The seal is surrounded by a decorative border.

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... the stream to use water ... I heard a child's moan, I had a flashlight to check the injured as I saw more than 70 individuals, from my family, in a 500 m square, down on the ground, affected by chemical weapons. I saw a woman down the stream [her face covered by water] and heard a child's moan right next to her. When I checked over her, she turned to be my mother. I wanted to kiss her but couldn't, fearful to be contaminated by chemical gases. I saw my 10 years old daughter [NAME REDACTED], passed away and left beside the stream, as well as my brother [NAME REDACTED] laying dead on his back as liquids flew out of his mouth. Two meters away, was my wife embracing the ground, hugging my 6 years old daughter [NAME REDACTED], while holding the other [NAME REDACTED]. The latter was dead but my wife still alive and vomiting. I injected my brother [NAME REDACTED], who was still alive, and many children whom passed away, in addition to my father who was alive, with Atropine, took him by an agricultural truck, and parted away to Tutafil. We lift the corpses of 4 children, mine and my brothers'.

The Documents:

Numerous documents and files, left by the former regime in its archive, had been provided to the court. All these files prove that Convict 'Ali Hasan Al-Majid, a contributor with other convicts, committed savage crimes against Kurds as a national ethnic community. As example, we mention letter No [4008] on 1987 June 20, issued by the convict himself ordering First, Second, and Fifth Corps, as well as the rest of bygone Arab Socialist Ba'th Party systems, Security directorates, governors, and military intelligence systems in the area, to implement the instructions enclosed in the aforementioned letter such as prohibiting the existence of animals and humans in the area, banning ...



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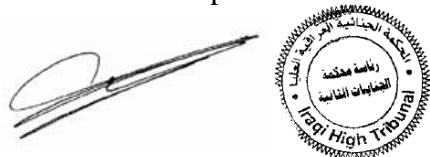
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... in and out travel, agronomy, industrial and agricultural investment, permitting shooting with no restrictions whatsoever, killing any person within the Prohibited Zone or arrest him if his age range is between 15 and 70 years [included]. Letter No [79223] on 1987 December 05, issued from GSD to 45th Security Directorate, including an implementation of Convict 'Ali Hasan Al-Majid order to execute 28 individuals from Shaqlawa locals including 4 women. The GMID letter, addressed to the North Organization Office No [1933], on 1987 September 08, includes info tackling a concentrated artillery strike's [via special ammunition] outcome. As well, the Northern Organization Office letter No [5083], dated 1987 July 22, directed to the First Corps, including the convict's comment "We have no objection in regard of cutting off the traitors' heads, though it was preferable to refer them to Security for investigation, hoping to extract useful information prior to their execution". Ministry of Defense Letter No [8547], on 1988 April 26, addressed to Army Chief of Staff including what Armed Forces General Commander's Deputy [Minister of Defense] attributed "To induce a psychological effect bigger than that achieved ... We do not object a strike by special ammunition if there is a target which deserves such punishment".

Army Chief of Staff Letter No [349], on 1988 April 27, addressed to First Corps – Convict Sultan Hashim Ahmad and Fifth Corps - Convict Ayad Khalil Zaki which included "It is possible to strive an attack via special ammunition against the saboteurs". Armed Forces General Command's special letter granting Convict Sultan Hashim Ahmad and fugitive Convict Ayad Khalil Zaki medals of bravery for their eminent role throughout Al Anfal Operations. Army Chief of Staff letter No [1122], on 1988 August 21, addressed to First and Fifth Corps, indicating the meeting attended by Army Chief of Staff and Military Operation Chief Staff's Deputy in Kirkuk, where its first article stated " concentrated population are being identified within Fifth Corps' sector and is handled by fierce special ...



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... strikes, 48 hours prior to starting operations, to create a state of fear within their lines". GMID letter, directed to Northern Organization Office, headlined "Information" and including "At 16:00 hours, on 1987 September 3, a concentrated artillery strike, using special ammunition (Chemical), was directed to three of Iran's agents' henchmen's headquarters, located east of Dukan-Pira Magrun Main Road. Their casualties were 2 dead and 12 injured, as well as a number of dead and wounded from their [saboteurs] supporters and nearby villages, located at the vicinity of the aforementioned headquarters. Letter No [12703], dated 1987 June 10, issued by GMID to Northern Organization Office, titled "Air strike", including "On 1987 June 05 [sunset] an air strike had been directed using chemicals [special ammunition] over the first branch of Al-Barzani clan in Ziwa area, located north eastern Al-'Imadiyyah County – Duhuk Governorate which next to it is located the Northern [Bahdinan] Sector's headquarter belonging to the henchmen of Iraqi Communist Party. The strike was efficient as their casualties reached 31 dead and 100 injured". In the 34th hearing on 2007 January 08, over an audio tape, Convict 'Ali Hasan Al-Majid said "I will strike them with chemicals and eradicate them". In another passage, he elaborated "We strike them with chemicals and score high casualties". Moreover, in another passage of the same audio tape, submitted to the court in the 53rd hearing, Convict 'Ali Hasan Al-Majid reveals "Yesterday, I signed the papers of 35 individuals and told them: Hang them!". Also, Army Chief of Staff letter No [15787], on 1987 May 12, addressed to GMID, including Army Chief of Staff request to supply Air Force Command and Air Defense with traitors' locations and commands to destroy them. The Court had examined the response of GMID in Letter No [9819], on 1987 May 03, which was addressed to the Army Chief of Staff which includes



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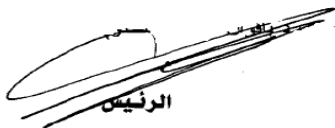
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Telegram number (11163) dated 1987 June 24, and telegram number (13613) dated 1988 August 06, sent from the Eastern Zone Intelligence System to the Military Intelligence Directorate, containing attacking (Balisan) area by special ammunition on 1988 July 28, in addition to the Eastern Zone Intelligence System's letter 384 dated 1987 November 02, that was addressed to the General Military Intelligence Directorate and its subject was to remove villages (attached are the villages that were removed from 1987 October 15 until 1987 October 31, and are 9 villages). In addition; the letter of Office of the Chief of the Army Staff number 1182 dated 1988 August 28, addressed to the command of the 1st and 5th Corps, and its subject was (the directions of the General Commander's Deputy of the armed forces, Defense Minister..... removing all villages and all houses of each village). Furthermore; Irbil Security Directorate letter numbered (19541) dated 1987 December 23, addressed to all directorates and departments, it includes the Northern Organization Office's directions of prohibiting the plowing and winter crop growing in lands of the security prohibited villages.

The experts:

The court was serious from the beginning in depending on international qualified experts who have wide specialty expertise in their field, additionally; they did their role under oath and supervision of the court. Additionally; the court also summoned some of these experts stand before the court and give their testimonies.

It was mentioned in the expert (Snow's) statement before the court on 2006 November 28, that he has excavated the mass grave in Kurmi village in Dahuk governorate, and lifting 27 bodies of those were executed by the army forces, additionally; he confirmed that all victims were in the sitting position and this matches the survivor's statements from the execution operation (as he confirmed that there was 84 shooting bullets, 10 head shootings, 24 shootings in the upper part of the chest, 65 in the hip bones and a small number in the limbs, since the victims were ordered to sit in front of the execution team). Additionally; it was mentioned in statement of the expert (Snow)



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that when he was in the area, he learned from the youngster ([NAME REDACTED]) that his mother and his young sister ([NAME REDACTED]) had died in Jaznikan in Irbil when they were arrested with thousands of women and children, they died because of the bad circumstances and malnutrition, additionally; he was able to persuade the young man to guide him to the grave, moreover; he informed us that his mother breast milk had dried up after few weeks of detention, and during examining the child, it was found that the child was 7 month old but the skeleton structure was abnormal as he noticed the effect of severe malnutrition of the bones, which gives the idea of the harsh life for the detainees specially the children.

The expert (Snow) then moved to Barjina village which is small village near to Kurmi that exposed to chemical Bombardment on 1988 August 25, among the victims was an old man called ([NAME REDACTED]) and his five year old grandson ([NAME REDACTED]) whom mistakenly escaped towards the bottom of the valley instead of going up to the top of the hill. We excavated the grave and found the skeleton of that old man and his grandson wearing their clothes. The expert has also observed some places for bomb explosion, and he took samples from the ground which was send to the United States of America, then it was confirmed from the lab examination, that mustard and Sarian gas were used in this area.

It was mentioned in the statement of the witness, physician expert [NAME REDACTED], before the court on 2006 November 29, that he visited the two Turkish refugee camps of (Diyar Bakir) with (13000) and (Mardin) with (5000) refugees, and the individuals whom he met were from the villages of (Balisan, Ikmala, Hibis, Barjina) and all those who were interviewed stated that they were injured during the Bombardment by:

- a- Eyes inflammation
- b- Problems in the respiratory system.



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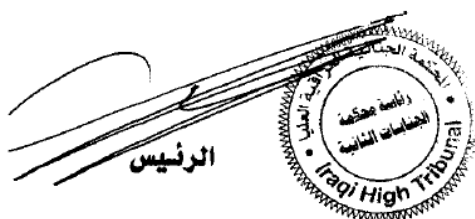
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- c- Problems in the digestive system.
- d- Burns and irritation in the digestive system.

In addition to the injuries that he saw on the wounded bodies [it was identical with marks of colored injuries of the skin, the center was less dark, this part of the injury was identical to the type that Nazis (Germans) used in the 2nd World War]. The physician added that one of the girls who was exposed to chemical explosion was examined, he added; we examined the girl and we found swelling in her chest and in between her small breasts....there was a trace of cirrhosis of healed wound in the lower lip, injury under the left eyebrow, healed injury on the left cheek, whereas the light color was in the middle while the dark color was around the injury, and this is the morphological shape of using mustard gas. Therefore the expert reached a conclusion that (Sarin and mustard gas) were used in Kurdistan, furthermore; the use of mustard gas was in a wide range.

The expert Michael Trumple stated that his work was a result of two years of efforts under the supervision of the Iraqi High Tribunal, together with the aid of experts from the United States, Australia, Costa Rica, and Canada. He added that he supervised digging three mass graves (Ninawa/2) (Ninawa/9) (Muthanna/2), the expert stated that the two graves (Ninawa/2) (Ninawa/9) located in a talus and small valleys that intersect with a big valley, in such a manner that the persons who are walking towards the south can't see the persons and equipments that are working in these graves as they are in a talus. The expert added that he excavated the mass grave (Muthanna/2) and 123 victims (who were executed) were lifted. Moreover; this grave contains children and women only, there were 25 adult women, and 98 children, and 90% of these children were under 13 years of age. The expert also added that there were different scenarios for executing the victims:



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- 1- Small groups were pushed towards the talus of the hole in to inside the grave then were shot on head from the back by one pistol bullet, while they were standing.
- 2- And by the same aforementioned style, the victims were kneeling down and shot from the back.
- 3- Groups of the victims were pushed towards the grave's edge and were shot falling down in the grave or the grave forced them to bow where the shooting took place.

The expert added that these victims had a life, fears, happiness and feelings....a woman had necklace and some jewelers, and there was a ring and finger ring. Moving to another case, where a (6-7) month embryo was in his mother's uterus. Then the expert added that during his experience period, he never saw a grave in this depth (3, 5 meters) and done by this way, to avoid being discovered. Additionally; the expert added that he found personal belongings and identity cards that were given to the court. Additionally the tribunal's commission would like to clarify that the statement of the victim's relatives were in no doubt identical, and the victims were the inhabitants of the Kurdish villages and were coerced to the mass grave during the Anfal operations.

The expert said further that he lifted 64 individuals from the mass grave (Ninawa/9) whom were all adult males, and were executed by automatic weapon. In regards to (Muthanna/2) mass grave, the expert added that 114 individuals were lifted among them were 27 adult women, 2 adult men, and 85 children. The expert added that all the victims were executed while they were standing. Furthermore; the expert added that most of the victims whom were lifted from the mass grave in (Ninawa/2), (Ninawa/9) and (Muthanna/2) were wearing the Kurdish traditional cloth, and adds that all the mass graves were prepared on the same style and were organized.



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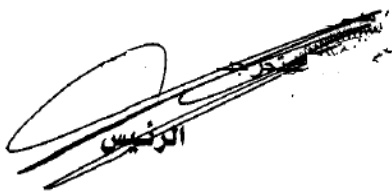
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The mass graves:

There are tens of mass graves that include thousands of victims of Al-Anfal operation and distributed over different areas of the Iraqi land. The court has received the files of (Muthanna/2) ,(Ninawa/2) and (Ninawa/9) mass graves since these graves were opened by international experts of, anthropologists, physician specialized in the forensic medicine, humanitarian organizations, specialized technical and administrative cadres and specialized laboratories in this field and under the Iraqi High Tribunal's supervision....in (Muthanna/2) mass grave, 114 bodies were lifted and under direct supervision of the international expert (Kaufman Michael Trumple), they were all executed by shooting from automatic weapons while they were standing....among them were 85 child, 27 woman, 2 adult males... The expert added that 95% of the children were under age of 13 years...all the victims were wearing Kurdish traditional cloths....50 types of the documents that were attached with the bodies were recovered, some were Iraqi currency, typed subjects..16 personal identification cards were found along with Jewelers brasless, home utensils, and detergents that were found from 93 buried bodies in the mass grave; among them were 7 necklaces, 14 beautification boxes, and 14 perfume bags... The clothes and educational subjects for the victims indicate that the persons in (Al-Muthanna/2) grave were of the Kurdish ethnicity...The expert mentioned that bullets were found with males and females bodies of variable ages... bullets were extracted from 21 bodies, and bullets cartridges were extracted from 37 persons and 79 bullet, there were 83 bullets and 28 bullet cartridges attached to the clothes of the dead... bullets punctures were found in all the dead people's clothes and it was more clear in the clothes that covers the torso such as shirts, dresses, and jackets...ropes that were used for hand cuffing the victim were extracted as well as blindfolding



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Which is a piece of textile...The expert further said that analyzing the evidence clarify that the victims were pushed to the mass grave and killed once. In the mass grave (Ninawa/9), 123 remains bodies were lifted, and they were 25 adult woman and 98 child, and 90% of them were below 13 years old and all were executed... 145 document were found between the remains bodies of the two mass graves (Ninawa/2) and (Ninawa/9), and these documents are personal identifications cards, military identification cards, salary certificates, pictures, letters and personal documents, from the documents, 63 identification cards, 10 of it related to persons from Al-Sulmaniyyah area. The expert added that after analyzing parts of the clothes that were recovered from the two graves (Ninawa/2) and (Ninawa/9), it was clarified the origin, age and social ethnicity, the analysis was for 123 case which clarified that they are of Kurdish origin, the most apparent cloth was the Kurdish uniform that convolute around waist. Furthermore; the international expert (Snow) opened the mass grave in Kurmi village, and he stated his testimony before the court in its session 24 dated 2006 November 28, and this grave included 27 body from 33 persons that were executed by shooting.

A brief for the statement of the convicts against the convict ('Ali Hasan Al-Majid)

1- A brief for the statement of the convict (Husayn Rashid) against the convict ('Ali Hasan Al-Majid):

it was mentioned in the statement of the convict (Husayn Rashid) before the investigative judge on 2005 September 12, that the first responsible in Al-Anfal operation and what was committed in, is Saddam Hussein, as he was occupying the head of state and General Commander of the Armed Forces, and he was the one who gave the order of implementing these operations, additionally; their was no entity could execute anything without an order from him or ('Ali Hasan Al-Majid) as he was the second responsible after the convict (Saddam Hussein) for all what was happening in the northern area as he had all the authorities of the president.

2- A brief for the statement of the convict (Sabir 'Abd-al-'Aziz Al-Duri) against the convict ('Ali Hasan Al-Majid):



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The following was mentioned in the testimony of convict Sabir 'Abd-al-'Aziz Al-Duri before the investigating judge on the 2005, May 06: After taking the authority of the Northern Organization Office, convict 'Ali Hasan Al-Majid became the direct commander for the Northern and Eastern systems; The families were transferred by the Intelligence systems to the Northern Organization Office which was headed by the convict 'Ali Hasan Al-Majid, and their fate was up to him, as it was stated in his testimony before this court on 2007, December 12, the task of removing the villages from the restricted security areas was assigned to military units that carried out these operations after receiving orders from the Northern Organization Office ... then he says, the operation of relocating the inhabitants from the villages and deliver them to the Security Directorate of the Northern Governorates and the Northern Organization Office was carried out by military units pursuant to the orders issued from their new reference 'Ali Hasan Al-Majid.

3. Summarized testimony of Convict Farhan Mutlak Salih against Convict 'Ali Hasan Al-Majid:

The following was mentioned in the testimony of Convict Farhan Mutlak Salih before the investigating judge on 2005, October 14: after the issuance of Decree No (160) for the year 1987, we received a letter from the General Military Intelligence Directorate stating that 'Ali Hasan Majid is the Commander of both systems; than he says, I personally witnessed the families being moved in military convoys towards the People's Army buildings in Kirkuk where all the families were gathered, and that the Northern Organization Office was responsible for the fate of these families. As for the court's question on 2007, February 15 (The court understands that you are stating that 'Ali Hasan Al-Majid executed 182 thousand individual) he answered (you are the ones stating that, and the press is saying that 182 thousand individuals were executed in Al-Anfal, and if that information is correct, who will stand in front of 'Ali Hasan Al-Majid and tell him, I am not executing your order, let us be reasonable Mr. President of the Tribunal)

And in another question from the court during the same session; are you convinced with these field executions? the convict answered

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Farhan answered; these three decrees of the Revolutionary Command Council are to be executed with out any reference to the court, this is the country's policy and I follow this procedure, so is it reasonable for me to say that this policy or these decrees are wrong?

4. Summarized testimony of Convict Sultan Hashim Ahmad against Convict 'Ali Hasan Al-Majid:

The following was mentioned in the testimony of convict Sultan Hashim Ahmad before the investigating judge on 2005, March 20 and before this court on 2007, February 11: the coordination between our department and the Northern Organization Office was processed under order No. 4008 in 2007, June 20, signed by 'Ali Hasan Al-Majid and states that after occupying the target, the families present in the operations area were to be transported by military vehicles with protection of the army personnel to the Military Intelligence System in Kirkuk, then to the Northern Organization Office. And no one knows their fate afterward. The Northern Organization Office "headed by Convict 'Ali Hasan Majid" is responsible for the mentioned families.

((Inspections and Reports))

To insure certainty the court decided to conduct field inspection and view the locations in order to find the truth. Therefore, the court committee with its all members accompanied by the general prosecution committee traveled to the northern area and inspected the following locations:

1- Nazarki Fort in 2006, November 21

It is a building that consists of two floors, built from bricks and cement in a rectangular form, centered with a big yard; the ground floor consists of 26 halls and 53 rooms, and the 2nd floor consists of 19 halls and 36 rooms. The court noticed six control towers on the building, and now this castle is inhabited by poor Kurdish families.

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and this fort was used as a detention facility to retain the Kurdish families that were brought from Kurdish villages that were under attack and forced relocation during 1987-1988.

2- Bahirka Area

When the court inspected the Bahirka Area in 2006, November 22, this location appeared to be a residential neighborhood because of its newly established houses; it is 15 Km away from the center of Irbil Governorate and located on a level land where no buildings were established previously, and far from the mountains. The former regime used this area as a detention facility to retain the Kurdish families that were brought from Kurdish villages that were under attack and forced relocation during 1987-1988.

Villages Inspection Report (Balak Jar, Takya, Siwsinan and Shurish Complex), dated 2006, November 23:

When the court committee arrived to Siwsinan Village, they noticed a graveyard on the eastern side of the main street; the graveyard was surrounded by fence and the tombs were organized by the victims' names. The committee also noticed that the names on the tombs were identical to those mentioned in the plaintiff testimonies during the court sessions. It became clear that the buried victims were those killed by the chemical attacks during Al-Anfal operations.

Then the court committee proceeded to Balak Jar and Takya villages, and noticed that the area was surrounded by a mountain chain near Qar Dagh Mountain. Takya village is located on a mountain versant, with 20-25 houses, and Balak Jar village is located on Qar Dagh valley with 12-20 houses.

Approximately 500 meters away from the village the court committee noticed an unexploded rocket planted in the ground, and an other 2 meters long unexploded rocket about 1000 meters away from the village.

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After that the court committee proceeded to Shurish Complex. When the committee arrived to the complex in 2006, November 23, they noticed that it is a very big residential complex, located on the side of the main road that connects Al-Sulaymaniyah city with Chamchamal. An inspection operation was carried out and a drawing of the area was prepared.

After that the court committee proceeded to Birjina village which is located 27 km away from Dahuk governorate and 50 km away from the Turkish Iraqi borders, in a mountainous area, surrounded from four sides by a mountain chain. The court noticed that all houses and the mosque were completely demolished; the court also noticed the mass grave that contains the corpse of the victim [NAME REDACTED] and his grandson [NAME REDACTED] whose name was mentioned by the plaintiffs. The court also noticed remaining rocket pieces containing a yellow solid material; after a lab examination, it appeared that these materials were chemical.

The court conducted site inspection on Shaykh Wasanan area, Balisan area and Wara village; the committee noticed unexploded fragmental bombs, containers of cluster bombs, and remaining covers for chemical bombs; they found unknown remaining materials in some of its parts, found between Biraw and Kani Bard villages, a sample was kept with the Engineering Brigadier General in order to perform lab examinations, knowing that the Military Engineering Brigadier General accompanied the court commission, and the type of remaining weapons was defined by the mentioned expert.

The commission moved to inspect Wara village and the its grave, this village is located on the eastern side of the main road that leads to Balisan, 2 km away from the grave. The village consists approximately of 40 houses and it is located on Qashan River. The tombs were still earthy and on its original condition when the victims' corps were buried, where the tombs appeared to be for the victims of Al-Anfal operations.

Briefed defense report of the convict 'Ali Hasan Majid and his Attorney:

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1. The convict 'Ali Hasan Al-Majid denied all the charges directed to him whether during the investigation process or the court, claiming that his deeds or issued orders were not crimes according to his conviction due to the prevalent circumstances back then, although he acknowledged the memo No. 4008 in 1987, Jun 24, however he claimed that the orders of killing, demolishing villages, citizens relocation, and preventing the human and animal existence that were included in the mentioned memo are not crimes to deserve punishment for, as he also denied knowing about the detention camps or the ravishment, torture, indignity, death from starving, lake of medical care and cleanness that the victims were subject to; As he also denied knowing about the mass graves.
2. During investigation, the convict stated that in the beginning 1987 he was assigned as a General Commander for Kurdistan Area after the decree (106) for the year 1987 was issued, and he was granted the power to lead the security, military and state systems (the authority for the National Security Council and the Northern Affairs Committee). The convict mentioned that his task concentrates on two sides, which are the party organization and providing general security for the area and I was occupying this position till 1989, July.
3. The convict indicated that his connection with the military units was only to accommodate the families that were moved from the restricted areas for security reasons to the residential complexes provided by the state.
4. The convict stated in his testimony that by his orders, the security systems moves the citizens to the residential complexes, after that he issued orders to the military units to remove the remaining buildings form those villages; and after relocating the citizens from their villages, he issued instructions according to the memo No. 4008 in 1987, July 02 to prevent the existence of human beings or animals, and those areas were considered redistricted, etc...
I believed in these orders although they were severe, and I also issued instructions about the agriculture and irrigation.

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5. The convict denied his relation with Al-Anfal operations to exclude accommodating the families in the residential complexes "I did not take part of Al-Anfal operations"

In his testimony before this court in 2007, February 07; the convict answered... the Northern Area was facing exceptional conditions such as internal insurgence and foreign aggression, state of emergency must be declared. The Iranian enemy declared that the coming year will be decisive; therefore I reacted and declared the state of emergency in the Northern Organization Office and in Kurdistan in particulate. He added ... all the current civil and military authorities were attached to me (such as the Legislative Council, Executive Council, Governors, Corps' Commanders, Security Directors, Intelligence Directors, Intelligence Systems, Education Directors and all the state civil and military systems).

In a question from the court ... Did you actually execute the policy of the party and the dissolved Revolutionary Command Council in the area? He answered ... if I was not a good leader, the command would have discharged me.

In another question ... are you confident that your actions were planned by the Revolutionary Command and the Party? He answered ... yes, I was confident at that time according to the conditions we were facing, and I am not going to deny what I mentioned; I did not do anything without my conviction, I do not regret what I did and I did not mean to harm any human being if it was not for defending Iraq.

In another part of his testimony, the convict denied acknowledging the existence of the detention facilities in Dibs, Tupzawa and the black dog.

In a question from the court: if one of the detainees is released or dead, do you get notified? He answered ... yes, it is a must because I am the one issuing the arrest orders.

In another part of his testimony, the convict stated ... I was questioned by the commander of the 5th Corps about how to deal with the civilians, I answered him: just like in the previous operations, if a family is found you transfer them to the Security and if it is a prisoner, he will be investigated by the security systems.

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