

In The Name of God All Merciful All Compassionate

**Iraqi High Tribunal
Second Criminal Court
Baghdad – Iraq
Ref. No.: 1/ C Second/ 2006
Dated: 2007 June 24**

The Verdict

... Iraqi army launching an intensive, large-scaled attack on the Northern area where thousands were killed and more than 200,000 Kurds took refuge in neighboring countries, pushing them to negotiate a cease fire with the regime to avoid eradication. Their request had been rejected as glances from (Algeria Accord) had appeared. An area, stretching along the joint borders with Iran with a width of (5 to 10) miles, had been completely cleansed from its inhabitants [as villages had been destroyed] who had been relocated by force to residential compounds in the suburbs, and put under security forces' surveillance. The total number of dislocated inhabitants reached 150,000 Kurds in 1978, as some were moved to other governorates like Al-Barzani clan, far from being an exclusive example, which had been relocated to Southern Iraq where they remained until 1981.

Facing such incidents, the Kurds learned the rules of bitter politics and forces equilibrium in a ruthless region. Only the mountains, which ensure their escape and refuge, became their true friend who never abandon his fellow, as the tyranny, which the regime will exploit against them, will render their previous struggles with many governments none but "childish games". The confrontations were technically different then what they used to be. The tools of aggression, provided by the regime and used against them (Kurds) for eradication, were one in a million. The death toll augmented permanently, as, in the late seventies and early eighties, this devastating machine went on devouring huge numbers rather than few individuals as it became clear that this war do not renounce any taboo. Even the geographic borders formed another hostile reason, as murder and relocation continued nonchalantly at a time when talking about a Kurdish identity, whatever the explanations were, considered as act of separation in the eyes of the regime. All that and Al Anfal Operations were not officially launched yet.



The President



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((Al Anfal Signification))

"Al Anfal" is the 8th Sura [TC: Chapter from the Holy Koran]. Its instructions were mentioned in the first verse of the aforementioned Sura where God almighty told the greatest prophet [in the name of God all merciful all compassionate] "They ask you about Al Anfal, Say Al-Anfal for God and the Prophet. Therefore, fear God, reconcile your own, and obey God and His Prophet if you were true believers".

Al-Anfal: plural of "Nafal" pronounced as written, is the excess of things and designated to mention spoils of war. War means to invade the enemies and achieving triumph, eradicating them from their roots. Once the aforementioned is achieved, then spoils must be taken away from the foes of religion in a Jihad battle.

The choice of "Al Anfal", as a headline for the previous regime's bloody campaigns against the Kurdish community, was not by fondness of Koran's terms, as well as its verses and instructions. That regime, which was as far as it could be from religious principles, was searching for a religious umbrella to veil its crimes.

This appellation, "Al Anfal", had been used by the previous regime for Military Operations targeting Northern Iraqi territories in 1988. Yet, prior to this year, the aforementioned regime had a special agenda in the Northern area through relocation and demolishing the villages sympathizing with both Patriotic Union of Kurdistan Party and Kurdistan Democratic Party. These limited operations went on until 1987, although Al Anfal Operations did not start until 1988 February, with the 1st Al Anfal operation and ended ...



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... with the eighth (Al Anfal Closure) on 1988 September 06, i.e. after the Iraq-Iran cease fire.

Al-Anfal Operation Scope:

In 1987, convict 'Ali Hasan Al-Majid was assigned in-charge of the North Organization Office, granted Ba'th Party State Command and Revolutionary Command Council's jurisdictions to apply their policies all over the aforementioned area, including Kurdistan autonomous ruling area, aiming to protect both security and regime, as well as guaranteeing stability and implement autonomous ruling law in the area, as per Article No [160] on 1987 March 29. The aforementioned convict had been also granted, via the same Article, a jurisdiction for all Military, Security and Civil state systems, especially those directly related to National Security Council and Northern Affairs Committee in order to achieve aimed targets. The Article stipulated the correlation between Executive Council of Kurdistan for Autonomous Ruling, Governorate governors, Administrative units heads affiliated to Local Ruling Ministry, Intelligence Systems, Internal Security Forces, Military Intelligence, and People's Army Commands, as well as all military commands within this zone, forcing them to abide by Convict 'Ali Hasan Al-Majid instructions and decrees, in accordance with the mentioned Article.

On 1987 June 20, Convict 'Ali Hasan Al-Majid issued a letter, numbered 4008, addressed to the 1st, 2nd and 5th Corps' commands, drawing the lines of how to deal vis-à-vis security restricted villages. Article [3] of the aforementioned letter stated travel ban, in and out of the villages ...



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... prohibiting agronomic, industrial and livestock cattle's investment, starting 1987 June 22 and on. In such areas shooting is not restricted by any regulations as corps' commands lay down special strikes, from time to time, using artillery, helicopters and aircrafts to kill the largest possible number of those residing in, at all times (night or day). Those arrested were investigated by Security systems, executing any person whose age fall between 15 [included] and 70 [included] years old, after extracting information from him.

Al Anfal Operations' plan – as it had been identified from some convicts' testimonies, after investigation, according to the statements of some of the accused during investigations – was prepared at Army Staff headquarter. This plan is not related to the Iraq-Iran war, rather targeting, from the beginning, the Northern area including Al-Sulaymaniyyah, Irbil, Dahuk and some other areas hundred kilometers away from Iraq-Iran borders, as well as some Kurdish regions closer to Baghdad than to the Northern area, like Tuz, Khurmatu, Sulayman Bag Sub-District, and Kifri region.

Al Anfal Operations were formed of eight operations breaking on 1988 February and ending September of the same year as we mentioned and as following:

The first Anfal Operations were breaking on 1988 February and ending mid March of the same year. This operation enclosed the area where Patriotic Union of Kurdistan Party is located in Sargalu, Barkgalu, Haladan and Yakh Samar...



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... Sidar, Maluma, Balak Jar). This region had been bombed by various weapons, after being totally seized. Houses were looted and devastated as per Convict 'Ali Hasan Al-Majid orders. Individuals, who had been arrested in the aforementioned regions, were directly handed to Northern Organization Office's commander who dealt with them in person. Years after the incident, many fates remain anonymous (Anfalized).

Second Al Anfal Operation

This operation broke on 1988 March 22-23 (nighttime), enclosing Qara Dagh and neighboring villages like Siw Sinan, Balak Jar, Takya, Jafaran, Qara Dagh, Mila Sur, Chicha Qala, Astil Saru, Hafawan, Kushk, Umar Qala, Sangaw, Shikh Tawil, Takya, and Timar. These villages were bombed by venomous chemical gases, launched from aircrafts, artillery and rocket launchers. Many inhabitants fell dead while others managed to escape through rock-strewn mountains. After seizing the whole region, destroying all signs of life (burning down the villages), Reinforced concrete had been placed in water springs while turning trees to ashes.

Third Al Anfal Operation

It broke on 1988 April 07 and ended on 1988 April 20. It concentrated on Garmiyan and neighboring villages like Taza Shar, Kula Ju, Haydara Sur, 'Alyawa, Di Rasha, Siw Sinan, and Kani Quydar, as well as Chamchamal and Qadir Karam. These villages witnessed the same fate carried on in the previous Anfal Operations, where ...

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... the military forces intervened eradicating villages, burning down buildings, and putting an end to all signals of life, aiming to take control, especially after detaining civilians (women, men and children) and conducting them to Northern Organization Office to be treated as per previous directions.

Fourth Al Anfal Operation

After that the previous raids, carried by military forces over Kurdish villages, accomplished convicts' intended policy vis-à-vis the area and the Kurdish people, other forces were sent, within a large new campaign which stretched over 10 days, starting 1988 May 3, including Al-Zab Al-Asfal (Lower Zab) river's basin, and the villages situated at the vicinity of 'Askar, like (Gup Tapa, Haydar Bag, Chami Rizan, Kalisa, Kani Bi, Qizlu, Kani Hanjir, and Guma Shin). The region had been raided by chemical weapons, using aircrafts. The death toll reached around 1680 dead women, children and men. Many villages were totally eradicated, crops burned down, and destroying any sign of life.

Fifth, Sixth and Seventh Al Anfal Operations

The same sequence carried on in Northern Kurdish areas, including Irbil and Al-Sulaymaniyyah governorates, in addition to Kirkuk and other villages affiliated to Sulayman Bag Neighborhood and Kifri, Tuz, and Khurmatu counties. The situation remained the same until 1988 Aug, even after the Iraq-Iran war, because Al Anfal operations' target was not concerned, at all, by the aforementioned war. These operations included many villages like Akuyan, Balisan, Barjina, Faqyan, Khlayfan, Rawanduz, Sisar, and Sharista), as well as Salah-al-Din Resort ...

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... where chemical weapons were used on a large scale. The operations carried on, over passing Irbil and Al-Sulaymaniyyah Governorates' borders, right toward Dahuk Governorate and its villages, after 1998 August 20.

Eighth Al Anfal Operation (Khatimat Al-Anfal) (T.C: The Closure)

This operation is distinguished from the previous on many levels. It started on 1988 August 22-23 and carried on till 1988 September 06, meaning after the ceasefire between Iraq and Iran. No armed presence or conflict remained within the area but rather a concentration on civil inhabitants only. It involved Dahuk, near the Turkish Borders, as well as nearby villages, close to the governorate center. Chemical weapons were used side by side with conventional ones. Probably the major characteristic of this operation is the implementation of genocides on contained villages, such as Kurmi where 33 men were executed, and only 6 survived. Another village's men genocide occurred in the very next village, few meters away, without a reason, investigation or trial. As for detained women and children, they were first confined at Nazarki Fort – Dahuk governorate, and then transferred to Al-Mawsil. Other villages witnessed these criminal acts, throughout the operation, like Nafuka, Bamarni, Bawirki, Bisfiki, Birjina, Jamsiba, Ikmala, Jizi, Gund Kusa, Gund Kani, Hinsi, Kurmi and Ramila).

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Al Anfal Operations' Consequences:

According to the policy, adopted by the previous regime vis-à-vis the Northern area, many consequences resulted from the eight Al Anfal operations. Below are the most important:

Prohibiting any human or animal presence, within prohibited zones and villages, starting 1987 June 20. Taking into consideration that most of Northern Iraq is agronomic, such attitude had resulted in banning crops harvest and trees' fruits cultivation (almond, walnut and all sort of fruits which are recognized in this area). This strategy aimed at Kurdish populace's starvation, rendering him a consumption-people, after being a productive one. The application of such order led to a waste in national resources, exposing the Kurdish people to harsh economic and living conditions, if not extreme and lethal.

After that Convict 'Ali Hasan Al-Majid became in charge of the Northern Organization Office, as the report previously detailed, he issued emancipated orders to all Military troops (1st, 2nd and 5th Corps) and Security Authorities to deal with prohibited zones' inhabitants, as he used to call it, in a way which contradicts with basic human rights. Those are the orders which allowed gun-fire, without any directions, day and night, meaning that death was massive without ...

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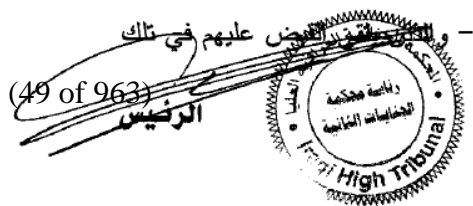
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...limitations. In addition, the aforementioned convict issued an order, along with the previous one, including that if any person from the inhabitants of the security prohibited area was arrested, aged between 15 years old (included) and 70 years old (included), he will be directly executed, after being investigated by designated security authorities, getting out information that might be useful for the government. All this had been implemented without juridical investigation or trial procedure. This means, moreover, that killing the Kurdish people was randomly carried, hitting on any person available within the boundaries of the previously indicated area, which Convict 'Ali Hasan Al-Majid considered as prohibited for security reasons, even if such presence happened by mistake or coincidence, and even if these areas are way too far from the Iraq-Iran borders, way too far from the Iran-Iraq battlefield. Indeed, the convicts used this as an expedient to vindicate their bloody political diversion against the Kurdish population. The correspondence's text, issued by Convict 'Ali Hasan Al-Majid to the aforementioned military troops' commands, clearly orders them to prepare special strikes, from time to time, day or nighttime, as well as artillery, anti-aircrafts, and helicopters' raids, to eradicate the biggest possible number of those still residing the area.

3. Such policy, adopted by the former regime, led to the coercive relocation of civil inhabitants from areas included in Al Anfal Operations, from their residences in Kurdish rural areas, where they were born and had lived, housing them in compounds, under the surveillance of a different security forces, against their will, exposing them to ...



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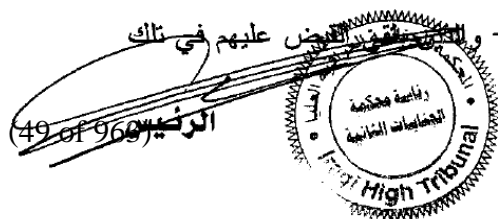
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.... inhuman living conditions. First, he prevented any person, forcefully residing these compounds, to leave or move to another, even if conditional, as well as forbidding them from going to the city or any other place, to visit a brother for example, or relative, or any other reason. These compounds were lacking the basic requirements of life which match with the humanity of an individual. In a compound, which the court had been informed about while moving to Kurdistan, the rooms were very narrow, barely fitting for two persons though a whole family was forced to live in. The court had been told about another camp, Bahirka, in Irbil governorate. This one was none but a barren, faraway land, close to Irbil though pretty far from the city's suburbs. In that place the deported Kurds were placed without being provided with any supplies to protect them from the winter's cold or summer's heat. Irbil citizens used to supply these latter with tents and food, secretly, far away from the tyrant eyes of the security authority which was surveying the whole camp. Examples, upon what have been mentioned, are numerous.

4. These military operations did not only caused the relocation of civil inhabitants far from their villages and hometowns, but ended in a total devastation of these areas, burning down and looting whatever available, as well as confiscating the livestock pertaining to the aforementioned inhabitants.

5. As for individuals, men, women and children, who had been arrested in those ...



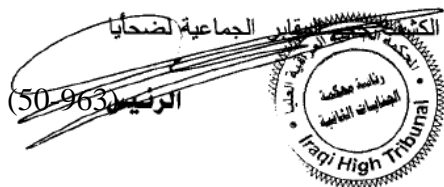
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.... villages, they were carried by the military forces, via military trucks and sometimes civil buses, straight to Northern Organization Office's headquarter, and headed by Convict 'Ali Hasan Al-Majid, where they were handled. Those are individuals arrested by the aforementioned office as per the convict's directions. But, how were they handled? Detainees were gathered in a certain place where men were separated from women and children. The latter were moved to Tupzawa, Al-Dibs [in Kirkuk], Nazarki Fort [in Duhuk governorate], or Bahirka [in Irbil governorate] concentration camps. Men, on the other side, were dislocated to places such as Nuqrat Al-Salman detention camp in Al-Muthanna governorate. All were exposed to torture suffering from harsh living circumstances (hunger and thirst), as each person was given one or two breads maximum per day, drinking water from unhygienic containers with no healthy precautions whatsoever. In addition, those administrating those camps prevent the children from milk consumption. Due to such inhuman handling, tens of children, women and men faced death. Some corpses were buried in graves outside, but near the prison as it happened at Nuqrat Al-Salman camp, while others were transported outside the camp to be buried in mass graves which remain anonymous. The best proof is the latest excavation, implemented by the deputized Al-Samawah court, revealing mass graves pertaining to victims ...



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... at Nuqrat Al-Salman camp. This discovery had been archived via CDs (Compact Discs) which had been displayed in one of the public trial sessions.

6. As per orders issued by Northern Organization Office, headed by Convict 'Ali Hasan Al-Majid, concerning the raiding over prohibited zones with special strikes (meaning chemical weapons), most of the aforementioned areas had witnessed such operations, bombed by chemical weapons from artilleries, helicopters, fighter aircrafts, rocket launchers and missiles. Witness [NAME REDACTED] mentioned, before the investigative judge, that the area which had been included in the 1st Al Anfal Operation was bombed by rocket launchers holding toxic gases rockets. As well, he told the court about the simple precautionary method adopted by the Kurds; a thick textile dabbled in water and placed on the face. The same thing happened in villages included within the 2nd Al Anfal Operation which also witnessed toxic gases' bombardment via aircrafts, artilleries and rocket launchers, killing an immense number of civil inhabitants while another group escaped to the rough mountainous passage. Another identical incident occurred in the 4th Al Anfal Campaign where villages had been raided by widely concentrated chemical weapons via aircrafts killing around 1680 Kurds (men, women and children). Chemical weapons were vastly used against civil inhabitants in the 5th, 6th and 7th operations, as well as Al-Anfal Closure...

وفي حادثة الأنفال أيضاً (الأنفال 51 of 963)
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...8th Al Anfal).

7. We have previously mentioned that Kurdish citizens, who had been arrested after completion of military operations and complete seizure of their villages, were dislocated via Army Forces' military vehicles, and sometimes civil buses, to North Organization Office who handled them and passed them over to different security authorities.

These sides used to distribute them over specific camps, as per the area of detainment. Some had been dislocated to Tupzawa camp, others to Al-Dibs in Kirkuk where North Organization Office is located or Nazarki camp in Duhuk, Nuqrat Al-Salman camp in Al-Muthanna, Bahirka camp in Irbil, Shursh compound in Al-Sulaymaniyyah

Through torture and ghoulish treatment (exposure to famine and thirst, deprivation of health care, cutting down medicaments or milk for newborns carried by their mothers) lead to the death of hundreds of detainees. Many skeletons and remains, as well as identification cards, pertaining to the aforementioned detainees, were found in Al-Hadar mass grave, located at Al-Hadar area in Ninawa Governorate. As for the Kurdish detainees, who were mainly dislocated to Nuqrat Al-Salman Camp in Al-Muthanna Governorate, their status was not all better than ...

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...those detained in Tupzawa, Al-Dibas, Nazarki and Bahirka camps. Captives of Nuqrat Al-Salman Camp were exposed to different types of torture, especially by the camp's commander (Hajjaj), or that's what they used to call him, who was executing merciless torture, without differentiating between a man and a woman ... an old and a young. He and his guards used to rape women without any conscience or moral restriction. Hundreds have died due to these manners of torment, inhuman behavior, starvation and thirst, as well as premeditated murder. All had been buried in mass graves many of which had been discovered later on. The investigative court, assisted by international experts, was able, as per forensic evidences and procedures regulations, enclosed within Iraqi High Tribunal, to open the aforementioned mass graves and disinter skeletons and apply laboratory tests on them, as to emphasize, through investigation and tests, that these corpses which had been disinterred from mass graves in Al-Hadar and Al-Muthanna pertain to Kurds whose fate was anonymous (Anfalized).

8. We have already shown that Al Anfal Closure (8th Al Anfal) is distinguished from other operations by many characteristics such as its concentration on civilians rather than others, especially after implementing a ceasefire between Iran and Iraq, meaning no dispute is left in the area. The second characteristic is the inclusion of Duhuk governorate located at the vicinity of Turkish borders as well as many regions nearby the governorate center witnessing massive chemical weapons usage against civil inhabitants. However, the most important ...

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... characteristic which distinguish the 8th operation is the occurrence of mass executions against men residing the villages which Iraqi Armed Forces invaded.

Among these villages is Kurmi where 33 men were executed few meters away from the city itself, without a trial or investigation. 4 men managed to survive these acts and their testimonies had been documented throughout the investigation and trial. Not that only, many plaintiffs and witnesses, who survived executions or mass graves, mentioned that military and security authorities used to take detainees from different camps, previously mentioned, straight to the desert via closed vehicle (no windows), to an anonymous site, blindfolded, where they were pulled over in rows and shot by people wearing the olive-colored military suit. At the moment of shooting, they all dropped dead in that previously prepared big pit (mass grave). A second, third group will be brought consecutively until the whole pit is filled up with executed corpses. In the end, soldiers used shovels to hide them, 6 feet underground. Through testimonies of plaintiffs and witnesses who managed to escape, it had been acknowledged that this desert could probably be Al-Ramadi Desert. Some survivors expressed interest in showing the court these mass graves' site, if they will be asked to, and they did.

9. Above all, the military forces couldn't get enough from controlling villages and demolishing, burning down and looting buildings, as well as arresting...

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... civil inhabitants, from men, women or children, dislocating them to North Organization Office and then to the aforementioned terrifying prison camps.

10. What happened after Al Anfal Operations?

On 1991 March, negotiations took place between previous regime's high officials, headed by Convict 'Ali Hasan Majid, and the Kurdish Front. Among the discussed affairs are the Kurdish detainees all along the eight Al-Anfal Operations. After a long quarrel tackling these subjects, Witness [NAME REDACTED] asked Convict 'Ali Hasan Majid about more than 180,000 Kurdish citizens, and the latter nervously responded – according to the aforementioned witness allegations – that those detainees do not exceed the 100,000 only!!!

Transferred Convicts:

Chief of Investigative Judges in the Iraqi High Tribunal transferred via decree No [2], dated 2006 April 02, to the Second Criminal Court the following convicts: Detainee Sultan Hashim Ahmad and Adjourned 'Ali Hasan Al-Majid, Saddam Husayn Al-Majid, Sabir 'Abd-al-'Aziz, Husayn Rashid Muhammad, Tahir Tawfiq Al-Haj Yusif and Farhan Mutlak Salih, to proceed with their trial by a none brief litigation as per Article [18 \ Third] of Iraqi High Tribunal Law No [10] for year 2005, and Principle [32/First] of Evidences and Procedures Collection Law attached to this court's code...

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... and Articles [130/(B)], [131], [132/(A)-2], and [134/(A)] of the Iraqi amended Penal Trials Procedure Law No [23] for the year 1971, as per the following detail, as mentioned in the transfer's decree:

Convict Sultan Hashim Ahmad: He occupied the position of First Al-Anfal Operations' Commander, and then 1st Corps' Commander where he had been directly in-charge of implementing Al-Anfal operations including the devastation of villages, buildings and worship sites, burning them down and dislocating their civil inhabitants, contrary to the law, confiscating all possessions and delivering them to North Organization Office's headquarter. Charges against him include:

Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A), C, and 5] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L)] by virtue of Article [15] of the court's law.

Convict 'Ali Hasan Al-Majid: He is one of Convict Saddam Hussein Al-Majid's relatives, was in-charge of North Organization Office during Al-Anfal operations, and is considered as the man behind issuing direct orders, to Military Forces, to murder, prevent plantation, and carry executions as per Decree No [4008], dated 1987 Jun 20. Charges against him include:

Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

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Crimes against Humanity: as per Article [12/First – Clauses (A), C and 5] by virtue of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L)] by virtue of Article [15] of the court's law.

Convict Saddam Hussein Al-Majid: Head of the bygone Revolutionary Command Council and former Armed Forces' General Commander, he issued Decree [160] for the year 1987, granting Convict 'Ali Hasan Al-Majid full authorities of the president, Party commander, and Armed Forces General commander to execute command's objectives in the Northern Area. The latter issued orders to carry on Al-Anfal operations, as per the aforementioned granted authority, especially the order to use "special ammunition" [meaning chemical weapons] which can not be used unless after an order from the president himself, as it had been mentioned on the voice record. Charges against him are:

Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A), C, and 5] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L) by virtue of Article [15] of the court's law.



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Convict Sabir 'Abd-al-'Aziz Husayn: He occupied the post of Military Intelligence General Director and Armed Forces General Command's member. Charges against him are:
Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A), C, and 5] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L) by virtue of Article [15] of the court's law.

5- Convict Husayn Rashid Muhammad: He used to occupy the post of Army Chief of Staff's Deputy for operations during Al-Anfal Operations, as well as a member in the bygone Revolutionary Command Council. Charges against him are:

Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L) by virtue of Article [15] of the court's law.

6- Convict Tahir Tawfiq Al-Haj Yusif: He used to occupy the post of North Affairs Committee's Secretary and then governor of Ninawa Governorate. Charges against him are:



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Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A), C, and 5] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L) by virtue of Article [15] of the court's law.

7- Convict Farhan Mutlak Al-Juburi: He used to occupy the post of North Zone Intelligence System Director and then Eastern Zone Intelligence System Director which headquartered at Kirkuk. Charges against him are:

Genocide: as per Article [11/First – Clauses (A) and C] by virtue of Article [15] of the court's law.

Crimes against Humanity: as per Article [12/First – Clauses (A), C and 5] by virtue of Article [15] of the court's law.

War Crimes: as per Article [13/Fourth – Clauses (A), (D), and (L) by virtue of Article [15] of the court's law.

Accusing the convicts on behalf of the court:

We've already explained a detail in the previous article stating that Mr. Chief Investigative Justice had transferred 7 convicts to this court, as follow:

Sultan Hashim Ahmad

'Ali Hasan Al-Majid

Saddam Hussein Al-Majid

Sabir 'Abd-al-'Aziz Husayn

Husayn Rashid Muhammad



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6. Tahir Tawfiq Al-Haj Yusif

7. Farhan Mutlak Al-Juburi

to prosecute them as per articles mentioned in the referral decision.

Via trials' result, after listening to the plaintiffs' testimonies, prosecution and defense witnesses, and reviewing the huge number of documents, files, compact discs (CD's) and audio tapes, and by acknowledging that the court is not bound to charges by which the Chief of Investigative Judges transferred the convicts, the same court, on 2007 February 20, directed to each convict a charge paper, excluding Convict Saddam Husayn Al-Majid who had been executed as per First Criminal Court's verdict in Al-Dujayl case, approved to be irrevocable by cassation court. The charge paper, pertaining to the six other convicts, included the following:

Convict Sultan Hashim Ahmad: he was assigned, on 1988 Dec, Commander of Al Anfal Operations which had been headlined Al-Anfal First Operation. On March of the same year, he took command of the 1st Corps which implemented the other Al Anfal Operations. Accordingly, he had been accused of the following charges:

First charge: as per Articles [(A), (B) and C] of Clause [First] of Article [11] consisting the genocide which is stipulated in Clause [Second/ (A)] by virtue of Article [15/ First, Second, Third and Forth) of Iraqi High Tribunal Law No [10] for the year 2005. That is due for giving orders to Military Troops, under his command in Al-Anfal Operations (First, Third, Forth and Eighth), to use all kinds of...

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...conventional weapons via aircrafts and artillery to kill Kurdish civilians in Iraqi Kurdistan region, causing physical and mental damages, oppressing them and subjugating them to harsh living circumstances such as shortage in food, medical and fuel supplies, killing their livestock cattle, burning to ashes their agronomic crops. All in all, he was implementing the plan prepared by Army Staff General and his deputy for operations, Convict Husayn Rashid Muhammad, which represents the Armed Forces' General Command adopted Policy to totally or partially eradicate Kurdish people in Northern Iraq.

Second charge: as per Articles [(A, B, C, D, E, F, H, Y, and J)] of Clause [First] of Article [12] consisting crimes against humanity, by virtue of Article [15/ First, Second, Third and Forth] of Iraqi High Tribunal Law No [10] for the year 2005. That is due for giving orders to Military Troops, under his command in Al-Anfal Operations (First, Third, Forth and Eighth), to launch a large scaled, systematic raid against Kurdish inhabitants in Northern Iraq referring back to all kinds of conventional weapons, via aircrafts and artillery. As a result, civilians were killed; their villages were burnt down and devastated, as well as their coercive deportation and relocation away from their villages, carrying on the orders from the Northern Organization Office's official Convict 'Ali Hasan Al-Majid. This assault carried on by arresting Kurdish civilians, detaining them to be transferred to Tupzawa and Al-Dibs camps, by Military Intelligence Systems, where they had been inhumanly treated. These actions resulted in the death of many...

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...and disappearance of others. Many corpses were found, later on, in mass graves at Al-Hadar, Al-Muthanna, and other diversified places all over Iraq, as another immense number remain anonymous. All in all, they aimed to eradicate the Kurdish inhabitants.

Third charge: as per Articles [(A and B)] of Clause [Third], and Articles [(A, D, E and H)] of Clause [Forth] of Article [13] consisting war crimes, by virtue of Article [15/ First, Second, Third and Forth] of Iraqi High Tribunal Law No [10] for the year 2005, and Article [406/ 1/ (B)] of the amended Iraqi Penal Code No [111] for the year 1969. This is due for using chemical weapons against opposing Kurdish parties which were fighting under the names "Patriotic Union of Kurdistan ", "Kurdistan Democratic Party", "Kurdistan Communist Party" and others. These weapons targeted civil inhabitants who did not participate in the confrontations, causing their death, deformation or becoming disabled. The Military Troops wrecked religious buildings, looted and confiscated citizens' properties, as well as relocating them far from their villages without any logic reason. The convict has been fully aware and acknowledged of such acts.

2) Convict 'Ali Hasan Al-Majid: He occupied the post of member in the bygone Revolutionary Command Council , as well as in-charge of Northern Organization Office following Decree No [160], dated 1987 March 29, within the period ...

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...of 1987 March until 1988 September. This is the decree which assigned him as a Ba'th Party State Command and Revolutionary Command Council 's representative, executing their policies in the Northern Zone and Autonomous Ruling Region of Kurdistan. In addition, such decree gave the convict full authority imposing on state's Military, Civil and Security Systems to abide by his orders, especially due to the jurisdictions usually provided to National Security Council and Northern Affairs Committee. Kurdistan Autonomous Ruling Region's Executive Council, as well as Governorates governors, Administrative Units' in-charge which are affiliated to Ministry of Local Administration, Intelligence Systems, Internal Security Forces, Military Intelligence and People's Army Commands, all over Northern region, were placed under the convict's authority. All the aforementioned systems will abide by orders and directions as per implementing bygone Ba'th Party State and Revolutionary Council Commands' policy, as well as the latter Decree No [244], dated 1987 Feb 20, granting the convict the authority to suspend or dismiss whenever it is considered beneficial for carrying on Northern Affairs Committee missions and impose Revolutionary Command Council's Decree No [160], dated 1987 Mar 29. Accordingly, he had been accused of the following charges:

First charge: as per Articles [(A, B and C)] of Clause [First] of Article [11] consisting genocide crime and stipulated in Clause [Second/ (A)] by virtue of Article [15/ First, Second

...

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...Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. This due for, within the period before Al Anfal, on 1987 June, as well as within Al Anfal campaigns in 1988, the aforementioned convict issued orders to military troops and security, intelligence and military intelligence systems, as well as bygone Ba'th Party organizations to murder Kurds in northern Iraq, causing physical and mental damages by using all types of war weapons like aircrafts and artilleries, oppressing them and imposing harsh living conditions (shortage of food, medicine and fuel supplies, killing their livestock and burning their agronomic crops) aiming to partially or completely eradicate them.

Second Charge: as per Articles [(A, B, C, D, E, F, H, Y and J)] of Clause [First] of Article [12] consisting crimes against humanity, by virtue of Article [15/First, Second, Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. This is due for, within the period before Al Anfal, on 1987 June, as well as through Al Anfal operations in 1988, the aforementioned convict issued orders to military troops and security, intelligence and military intelligence systems, as well as bygone Ba'th Party organizations to wage large scaled and systematic attack against Kurdish inhabitants...



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...in Northern Iraq using all types of weapons like aircrafts and artilleries. These perpetrations caused the death of many civilians, burning down and destroying their villages, dislocating and departing them, coercively, away from their hometowns, as well as detaining them in Tupzawa, Al-Dibs and Nuqrat Al-Salman camps. Moreover, the convict directly supervised, from his location in the Northern Organization Office – Kirkuk, the interrogation and torture of detainees and their execution after. Many captives were exposed to inhuman conducts leading to the death of many, burying them in mass graves. Some of these mass graves had been located at Al-Hadar – Ninawa Governorate, Al-Muthanna Governorate, and many other places all over Iraq. However, the fate of many other Kurds remains anonymous.

Third Charge: as per Articles [(A and B)] of Clause [Third] and Articles [(A, D, E, H and L)] of Clause [Fourth] of Article [13] consisting war crimes, by virtue of Article [15/ First, Second, Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005 and Article [406/1/(B)] of the amended Iraqi Penal Code No [111] for the year 1969. This is due for, the period before Al Anfal, on 1987 June, and through the operations...

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...in 1988, the aforementioned convict issued orders and directions to military troops and security, intelligence and military intelligence systems as well as bygone Ba'th Party organizations to use chemical weapons in northern Iraq against opposition troops which were fighting under different appellations like Patriotic Union of Kurdistan, Kurdistan Democratic Party, Kurdistan Communist Party and others. The attack which was carried using chemical weapons, targeted the civilians who did not participate in the confrontations, leading to killing, deforming, handicapping, or assaulting their dignities, as well as attacking religious sites, destroying them, looting and seizing properties and dislocating inhabitants far from their homes and villages without any logic reason.

3) Convict Sabir 'Abd-al-'Aziz Husayn:

He was occupying the position of a member in the Armed Forces General Command and General Military Intelligence Directorate's (GMID) director between 1987 March and 1988 September. The directorate's duties were to supply military references with gathered intelligence information concerning all the happenings in the Northern area, to analyze it and take suitable measurements, waging military attacks against the aforementioned area, based on these information. After carrying out raids, GMID reports back to Army Chief of Staff the military operations' outcome and efficiency as well as strikes effect, enemy casualties and others, in case of emergency. On the other side, it had been assigned...

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...to study the possibility of directing strikes with special ammunition [chemicals], against Northern Iraq, following orders issued by the Presidential Secretary. Thus study had been laid down and many suggestions presented, including the usage of [Special ammunition – Chemicals] and tracking down strikes' execution, précising the time and target, as well as the objectives to attain from raiding chemical weapons.

First Charge: as per Article [(A, B and C)] of Clause [First] of Article [11] consisting which is stipulated in Clause [Second/(A)], by virtue of Article (15/First, Second, Third and Fourth) of Iraqi High Tribunal Law No [10] for the year 2005. This is due for the aforementioned convict has premeditatedly participated, in the period before and during Al-Anfal operations, in the murder of Kurdish citizens in Northern Iraq aiming to partially or completely eradicate them, causing physical or mental damages, exposing them to harsh living conditions. He was fully aware and acknowledged of what will afflict the Kurdish civilians and opposition as a result of such military operations.

Second Charge: as per Articles [(A, C, D, E, F, H, Y and J)] of Clause [First] of Article [12] consisting crimes against humanity by virtue of Article [15/First, Second, Third and Fourth] of Iraqi High Tribunal ...

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... Law No [10] for the year 2005. This convict premeditatedly participated in a large scaled, systematic raid against Kurdish civil inhabitants in Northern Iraq, along the military troops, by using all types of weapons like aircrafts, artilleries and others leading to the murder of civil inhabitants, demolishing and burning down their villages, coercively dislocating and deporting them far from their hometowns, as well as civilians, moving them to Northern Organization Office. Many were exposed to inhuman conducts within the detention camps, lacking the basic human requirements. Others were executed inside Military Intelligence system [affiliated to GMID] premises, after being investigated, while another number completely disappeared to discover, later on, their corpses in mass graves at Al-Hadar area in Ninawa, Al-Muthanna Governorate, and a variety of other places. All in all, these acts aimed at the eradication of Kurdish citizens.

Third Charge: as per Article [(A and B)] of Clause [Third] and Articles [(A, D, E, H and L) of Clause [Fourth] of Article [13], consisting war crimes, by virtue of Article [15/First, Second, Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005, and Article [406/1/(B)] of Iraqi amended Penal Code No [111] for the year 1969. The aforementioned convict suggested, during the application of Al Anfal operations, the use of special ammunition [Chemicals] in Northern Area, précising ...

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... the targets, their timing and required quantity of chemical substances (Mustard and Sarin gas). The military troops attacked the area using special ammunition [Chemicals] based on the previously identified suggestion, causing the death of Kurdish citizens, deforming or handicapping them. Additionally, the convict premeditatedly contributed in the military attacks against religious sites, burning down houses, looting personal possessions, deporting civil inhabitants without any reason, acknowledging that he was fully aware of these criminal acts committed against civilians.

4) The Accused Husayn Rashid Muhammad:

In 1987, the convict was occupying the position of the chief of the Army Staff's Deputy for Operations and a member in the Armed Forces' General Command. He participated in setting down, along with the Chief of Army Staff, the vital military plans for attacking villages in Northern Iraq, to be later known as Al Anfal operations. He attended all meetings held for that purpose including conferences in Kirkuk, where the plan has been ratified, as well as assigning Convict **Sultan Hashim Ahmad** for the command of these operations. He supplied military troops with everything needed (weapons and finance) to properly carry on these operations, as he was in charge of carrying on the attack and expand it, as well as following up with Armed Forces' General Commander's orders and those of Chief of Army Staff, throughout the operations. Upon that, he had been charged of the following:

First Charge: as per Article [(A, B and C)] of Clause [First] of Article [11], consisting genocide, as per Clause ...

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[Second/(A)] by virtue of Article [15/First, Second, Third, Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. The convict participated deliberately, before and during Al-Anfal operation, in killing Kurdish civilian residents in Northern Iraq, inflicting physical damages by using all kinds of weapons while attacking villages, subduing them to harsh living conditions from lack of food, medicinal and fuel supplies, aiming to partially or completely eradicate them.

Second Charge: as per Articles [(A, B, C, D, E, F, H, Y, J) of Clause [First] of Article [12], consisting crimes against humanity, by virtue of Article [15/First, Second, Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. This is due for Convict Husayn Rashid Muhammad deliberately participated in carrying on a systematic wide-ranged attack against Kurdish inhabitants in Northern Iraq, causing the death of civil inhabitants, burning down and demolishing their villages, dislocating them out from their areas, exposing civilians to detention, arresting and inhuman conducts which also resulted in the death of numbers of them, hidden and buried in mass graves at Al-Hadar in Ninawa Governorate, Al-Muthanna Governorate, and other graves. All these aimed at the eradication of the Kurdish populace. The convict was fully aware of the military plans, their follow-ups and execution, as well as their consequences ...



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Third Charge: as per Article [(A, D, E, H, L) of Clause [Fourth] of Article [13], consisting war crimes, by virtue of Article [15/First, Second, Third and Fourth) of Iraqi High Tribunal Law No [10] for the year 2005 and Article [406/1/(B)] of the amended Iraqi Penal code No [111] for the year 1969. The convict participated in using chemical weapons against Kurdish opposition in Northern Iraq, targeting civil inhabitants' lives, those who didn't participate in the confrontations, killing, handicapping, deforming and assaulting their dignities, as well as raiding on religious sites, looting civil properties and dislocating many far away from their villages, without a reason.

5) The convict Tahir Tawfiq Yusif:

The convict was occupying the position of Northern Affairs Committee's secretary, after bygone Revolutionary Command Council 's Decree No [674], dated 1986 August 19, and Northern Organizing Office's member, to be assigned, later on 1987 September 19, as a governor for Ninawa Governorate, between 1987 March and 1988 September. In conformity with Decree No [160] for the year 1987, the convict was in charge of the security committee within the aforementioned governorate, directly affiliated to Northern Organizing Office's official, Convict 'Ali Hasan Al-Majid. He attended all meetings which prepared and planned for Al-Anfal operations in Northern Iraq. These operations resulted in a high death toll, burning down Kurdish civil inhabitants' villages, demolishing their possessions, as well as detaining them...



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...executing a large number, burying them in mass graves, among which some were found in Al-Hadar at Ninawa Governorate. Accordingly, he had been charged as follow:

First Charge: as per Article [(A, B, C)] of Clause [First] of Article [11], consisting genocide, as laid down in Clause [Second/(A)] by virtue of Article [15/First, Second, Third and Fourth) of Iraqi High Tribunal Law No [10] for the year 2005. That is due for he deliberately participated, fully aware and acknowledged, in setting down and offering special suggestions concerning the attack over Kurdish villages in Northern Iraq, later to be known by Al-Anfal operations. These operations which had been carried on by military troops, witnessed the usage of all types of war weapons, exposing Kurdish civil inhabitants to death, detention, and relocation , as well as subduing them to harsh living conditions, aiming to partially or completely eradicate them.

Second Charge: as per Articles [(A, B, C, D, E, F, H, Y, J)] of Clause [First] of Article [12], consisting crimes against humanity, by virtue of Article ([15/First, Second, Third and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. Convict Tahir Tawfiq Yusif, between 1987 March...



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... and 1988 September, deliberately participated in carrying on a systematic wide-ranged attack using a variety of weapons against Kurdish residents in Northern Iraq, causing the death of civil inhabitants, burning down and destroying their villages, coercively dislocating them out far from their areas and detaining them. He submitted many suggestions concerning the execution of a group of detained Kurds. The execution had been carried as he was a member of Northern Organization Office. All the persons who had been detained before or through Al Anfal operations were handed to the aforementioned office to handle them. Such comportment led to the execution and disappearance of many whose corpses were found later on, in mass graves at Al-Hadar in Ninawa Governorate where the convict was a governor and in charge of the security committee. He was fully aware and acknowledged.

Third Charge: as per Articles [(A, B)] of Clause [Third] and Articles (A, D, E, H, L) of Clause [Fourth] of Article [3], consisting war crimes, by virtue of Article (15/First, Second, Third and Fourth) of Iraqi High Tribunal Law No [10] for the year 2005 and Article (406/1/(B)) of the Iraqi amended Penal Code No [111] for the year 1969. That is, and during the mentioned military operations, chemical weapons have been used in attacks targeting...



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...Kurdish inhabitants and opposition, causing the death, deformation, or handicapping of many civilians, as well as assaulting their dignities. The convict was fully aware and acknowledged of such criminal acts against Kurdish civil inhabitants.

6) The convict Farhan Mutlak Salih:

In 1987, the convict was The Northern Zone Intelligence System Director affiliated to GMID. His responsibilities were to supply GMID with reports and information concerning the Northern area, as well as identifying targets.

In the Al Anfal Operation's period, Convict Farhan Mutlak was directly linked to Northern Organization Office, headed by Convict 'Ali Hasan Al-Majid following Revolutionary Command Council 's Decree No [160] for the year 1987. He was in charge of supplying concerned parties with detailed information regarding the aforementioned area. Based on these information, adding up the given reports by Eastern Intelligence System, raids were designated over Kurdish villages, known as Al Anfal operations, as well as detaining another number within Eastern Intelligence System's premises, under his supervision, until handing them over to Northern Organization Office, immediately after being investigated. However, many were executed inside these concentration camps. Accordingly, three charges had been directed against him, as follow:

First Charge: as per Article [(A, B, C) of Clause [First] of Article [11], consisting genocide, as stipulated in Clause [Second/(A)] by virtue of Article [15/First, Second, Third and Fourth] of...



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... Iraqi High Tribunal Law No [10] for the year 2005. This convict premeditatedly contributed, before and within Al Anfal operations, murdering Kurdish civil inhabitants in Northern Iraq, after being raided by military troops, using a diversity of weapons, aiming to partially or totally eradicate them. This caused a high death toll as well as a demolition of possessions, burning down villages and killing livestock cattle. **Second Charge:** as per Articles [(A, B, C, D, E, F, H, Y, J)] of Clause [First] of Article [12], consisting crimes against humanity, by virtue of Article [15/ First, Second, Third and Fourth) of Iraqi High Tribunal Law No [10] for the year 2005. Convict Farhan Mutlak premeditatedly contributed in implementing a systematic, large scaled attack, using military troops and an open diversity of weapons, aircrafts and artilleries, leading to the death of Kurdish inhabitants, demolishing and burning down their villages, coercively dislocating and deporting them, detaining citizens and handing them over to Military Intelligence systems which in turn transferred them to the Northern Organization Office. These detainees were subdued to inhuman conducts in detention camps, lacking the minimal basic human needs, ending in the death of too many, disappearance of others, to be found ...



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... in mass graves at Al-Hadar, Al-Muthanna governorate, and other places. All in all, the aim was to eradicate Kurdish inhabitants.

Third Charge: as per Articles [(A, B)] of Clause [Third], and Articles [(A, D, F, H, L)] of Clause [Fourth], consisting war crimes, by virtue of Article [15/ First, Second, Third, and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005, and Article [406/ 1/ (B)] of the Iraqi amended Penal Code No [111] for the year 1969. This is due for the convict premeditatedly contributed in Al Anfal operations using chemical weapons against Kurdish opposition forces, hitting on non participant civil inhabitants, putting an end to their lives, deforming or handicapping them. On the other hand, he contributed in destroying religious sites and others, as well as villages, dislocating the inhabitants without a reason. He had been fully aware and acknowledged of the criminal acts against Kurdish citizens.

The court asked all convicts, individually, whether they consider themselves guilty or innocent. They all responded, each one at a time that they are innocent.

Legal Articles' Stipulates Included in Accusatory Documents against Convicts:



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We had already mentioned that the Chief Investigative Judge already referred, via a referral decision, the six convicts over to this Court for prosecution as per Articles [11, 12, and 13] of Iraqi High Tribunal Law No [10] for the year 2005 by virtue of Article [15] of it. On the other hand, the court charged convicts as per Articles [11, 12, 13] of the same code, by virtue of Articles [15] and [406] of Iraqi amended Penal Code for the year 1969.

To render the report more useful, and to clearly identify these articles' contents, we enclose it below, fully illustrated:

First – Genocide:

Article – 11 – First: for the purpose of this law, as per special international convention to prohibit genocide, dated on 1948 Dec 9, approved by Iraq on 1959 Jan 20, genocide means below enclosed acts which are perpetrated to partially or completely eradicate a group due to their origins, ethnicity, race, or religion.

- A- Killing individuals from a given group
- B- Causing sever physical or mental damages for a given group's members
- C- Premeditatedly subdue a given group to harsh living conditions as an intention to partially or completely eradicate them.
- D- Imposing measures to prevent reproduction within a given group.



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E- Coercively dislocating children from a given group to another
Second – The following acts necessitates a penalty:

- A- Genocide
- B- Conspiracy for committing Genocide
- C- Direct and public stimulation for committing Genocide
- D- Attempts for committing genocide

Second- Crimes against Humanity:

Article -12- : Crimes against humanity means, for legal purposes, any of the below enlisted acts, if perpetrated on a large scale, systematic scope targeting any group of the civil inhabitants, while being fully aware of such implementations.

- A- Premeditated Murder
- B- Eradication
- C- Enslavement
- D- Relocation or coercive relocation of inhabitants
- E – Imprisonment or harsh prevention from physical freedom, in a way that contradicts with the International Law.
- F- Torture



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- G- Raping, sexual enslavement, forced prostitution, compulsory pregnancy or any other form of sexual violence on that level of seriousness
- H- Persecuting any given group or specific inhabitants for political, racial, ethnic, patriotic, cultural, religious, related to gender, or any other reasons not legalized by International Law, correlated with any sexual violence on that level of seriousness.
- Y- Coercive concealing of people
- J- Other identical inhuman acts, which premeditatedly cause sufferings and extreme physical and mental damages.

Second: For the purpose of applying Clause [first] of this article, the following enclosed terms means the following, as it had been defined:

- A- Guided attack against any group of civil inhabitants means a behavioral pattern which includes repetitive perpetration of the acts stipulated in Clause [First] of this article, against any group of civil inhabitants, as to implement the policy of a given state or organization which requires the application of such attacks, or to support the scheme of such policy.



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