

Iraqi High Tribunal
Second Criminal Court
Baghdad – Iraq

Reference: 1/2nd Criminal/ 2006

Dated 2007 June 24

The Verdict

The accused (Saddam Hussein Al-Majid): Everyone enrolled after the war, especially anyone whom you see his enrolment deserves, even aging 15 years old, chop his head because he came to the traffic department, police and security after the war. Most of them came to avoid serving in the army; I know them and saying that according to my knowledge. They are giving bribes to accept their son in such jobs after the war.

One of the commanders: what I am saying, that some troops have good commanders that had the opportunity to make a good administrative re-organization.

The 14th Audio Portion: ((Conversation between the accused Saddam Hussein and 'Amir Rashid regarding the hiding of chemical weapons))

'Amir Rashid: Raw material of the chemicals in the previous activity, and based on what I believe in that we can deal with this issue and put an end to it.

The accused (Saddam Hussein): What's the financial budget?

'Amir Rashid: For example Mr. President, we had imported this much of chemical materials and produced this much of chemical ammunitions, this means that the sum of the total should be accurate, and the results should be matching which means that if this plant receives such amount of materials then it should produces such amount of weapons and ammunition. So, from his point of view if there was a mistake with this sum, then it might be that Iraq is hiding part of the material and deliberately mistaken in the sum to hide parts for any prohibited activities in the future. Actually we have long experience with them and we can manage it. But still there was a marginal 8% mistakes; they backed off after our validation? But I do not want to bother you as well as the members of the Revolutionary Command Council, I would say that we want to comfort them on their next trip or after a week or two the chemical program, we are controlling in control.....

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Very good as well as the nuclear weapon but regarding the biological, we need to discuss it with your Excellency, could handle the biological issue within two months, more or less than that. We must settle on one way or another. In my opinion if we move.....

The 15th Audio Portion: ((Speech between the accused Saddam Hussein and 'Amir Rashid and Tariq 'Aziz concerning the biological weapons)).

The accused (Saddam Hussein): I do not think, O.K what is objecting? Now before your arrival comrade Tariq said that we produced biological, which means biological weapons, so if he looked for a real thing in our previous programs. I would say that your answers in the chemical weapons are not all accurate. You introduced him numbers to be convinced and it is apparently that he is convinced in the final out come.

The 16th Audio Portion: ((Speech between the accused 'Ali Hasan Al-Majid and the accused Saddam Hussein))

The accused 'Ali Hasan Al-Majid: That is between Baghdad -Kirkuk day and night and between Baghdad -Al-Sulaymaniyyah day and night, while in the past some main roads that are located between Baghdad -Kirkuk – Al-Sulaymaniyyah were closed after 4 p.m. We have some main roads [Kirkuk (Irbil) Ninawa], in the next operations after we leave this meeting, we need your help in this case with three and four brigades in addition to the efforts of the 5th Corps when we will accomplish it with Gods will.

The accused (Saddam Hussein): But we will attack in the 2nd Corps (T.C: 2nd Corps) with 10 and attack in the 3rd (T.C: 3rd Corps) with 17 divisions that are outside the local reserve defenses not from the attacking sectors in the 1st Corps.

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and the attacking sectors in the 5th Corps and also attacking sectors in the 1st Special Corps and also the attacking sectors in the 6th Corps. On the right wing, we will send you 10 divisions.

The accused 'Ali Hasan Al-Majid: The fact is Mr. President.....

In the 35th session dated 2007 January 11 of the trial in the case numbered 1/2nd Criminal/2006, the prosecution presented an audio portions that the accused 'Ali Hasan Al-Majid talks in it according to what's following:

The 1st Audio portion:

The accused 'Ali Hasan Al-Majid is talking to Duhuk Governor"

Governor of Duhuk:

I want to inform you about Danaluk issue and the groups that Shilanzi Surik describes. Actually, the events that happened in Danaluk, of course you are aware of it, and regarding to what existed are four regiments all (Raykanis) [*T.C: National Defense Regiments (Mustashars) from the Kurdish tribe of Rikani*] and they were immoral. Short while ago, we held the security committee's meeting in this regard and we called upon the (Mustashars) and told them "you didn't resist during this period, and why you are trying to slow down", actually the area is very important and contains a large number, that is why they are collapsed, in fact till yesterday, some of them came to us and to the Ba'th Party, but we rejected them.

The accused 'Ali Hasan Al-Majid: Four Regiments

Governor of Duhuk: Four regiments formed of the (Rikanis) as well as an addition of two other regiments from outside the area to protect them, as they said that "are bombed and we don't have the weapon to retaliate", in fact they are immoral. This point was debated in the meeting for three hours with them and there was no bombing.

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One of the Commanders: from these thirteen, which one was not bombed?

'Ali Hasan Al-Majid: if they leave them, they will be dislocated. Why bombing them and run out of the ammunitions, the ammunition is very inadequate.

The governor of Duhuk: the area is so historically important to us. We know actually as well as my subordinates know about this area. So, we sent a letter to you regarding this issue.

The accused 'Ali Hasan Al-Majid: When did you write to us?

Governor of Duhuk: nearly about 10 days or 15 days.

The Accused 'Ali Hasan Al-Majid: I saw the mail yesterday and did not come to me and today I did but I did not see it. What are your suggestions?

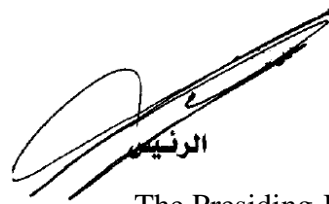

Governor of Duhuk: we suggested for example according to the army concerning some heavy weapon to be given to them for retaliation.

The accused 'Ali Hasan Al-Majid: they give these heavy weapons to the saboteurs.

Governor of Duhuk: Based on what Mr. 'Ala' said, to protect these weapons, the army will decide to forms one company, but they are as it and we didn't provide them yet.

The accused 'Ali Hasan Al-Majid: you need to give the list of the six regiments to Mr. (Tahir Al-'Ani). You and the branch secretariat bring them and tell them that today's punishment in this stage is a reduction of 25% of every regiment's personnel in the first day. If they said "We can't", their regiment will be dissolved. But this punishment is for you as you gave the saboteurs a success. The six regiments will be reduced by 25% punishment, for not retaliating against the saboteurs and their collapse in front of the saboteurs' rumors and not in front their bombs. Abu Muhammad, you write them the 25% reduction.

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Governor of Duhuk: till yesterday, a part of them came to us and I expelled them saying it is shame on you. You disgraced us.

The accused 'Ali Hasan Al-Majid: tell him that, and if he tells you that we can't, put him in prison immediately. Anyway, work on that and after one week, tell them you make a reduction of 50% and after two weeks, tell them that the regiments are disbanded. You tell them after that this is the first time (25%) of your regiment. You are scared of the saboteur's mortars. Why you should be scared of the saboteurs taking your mortars? I need you to bring me some mortars from the saboteurs.

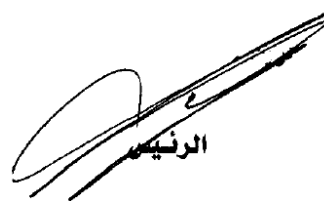
Governor of Duhuk: Their number is about 6000.

The accused 'Ali Hasan Al-Majid: these 22 (*T.C: most probably the National Defense Regiment number 22*) are Iraqis. Comrade Tahir these people because you were able to train them, but we haven't got a chance to train the others. Also, we were only able to recognize the fighters through their Mustashars. And in this meeting you meet with these fighters and replace those Mustashars with six honest Ba'th Division Party Members, and you will find out how you can liberate this place by them, because these are fighters but their Mustashars are cowards. So tell them that the punishment decision against you was because of your collapse in front of the saboteurs' propaganda. After that, if you could not bear, go ahead and every one says that he could not bear, put him in prison after meeting with in the Governor's office in the attendance of the Branch Secretariat.

Duhuk Governor: I told them that we are in a state of war, shame on you; you disgraced the tribes, are you fighters, what do they have (*T.C: the saboteurs*) they are only quarter of a quarter of your numbers

The 2nd Audio Portion:

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The accused 'Ali Hasan Al-Majid: in next summer, where will the saboteurs be after there are no villages here or there and every village is living on its own. You don't see the animals how they live. For example, the chicken is holding its eggs until it becomes big. We will not let the villages incubating the saboteurs and live inside them. We have two stages; building the complexes (*T.C: Mujamma'at ie the concentration camps*) and how to supervise them. I met with the oil products committee. I told them we need to approach in the opposite direction, today the migration is from the country side to the city in the northern area which should be beneficial from the village to the town. We are not giving the village anything in order to force them to move from the village. In the same time, when he immigrated to the town, I educate him patriotically. Therefore, why should I give him four bottles of kerosene weekly? I will give him one bottle only and let him use wood. The women are spoiled, they stopped collecting wood for heating, and we keep delivering fuel and gas during this tough time, while they fill the heaters with kerosene. How many villages are getting fuel for heating? There will be no heating by wood or else, swear to God we are looking forward for the shovels, and we will build fire places and enjoy burning wood in them. So where did the fuel go? The wood became past and we don't feel, what are we doing is a matter of destructing Iraq? We also don't give them wheat, sugar, oil and electricity. I let him stay beside me putting in his mind patriotic and national thoughts. Why should I let him stay there not knowing any thing like a deaf, I work to deprive him with the full basins for 5 years. I don't need to export your wheat 5, 20 years, we have been importing wheat, lets add another 5 years, I will prevent the areas..

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the large areas along with forbidding the existence in it from Qara Dagh and from Binin to Kifri to Diyala to Darbandi khan to Al-Sulaymaniyyah, I don't need them what are the supplies that we are getting from them?

One of the attendants: But it's dangerous.

The accused 'Ali Hasan Al-Majid: Let us be merchants and let us see how much we spend on it and how much we profit from it. Our people are all rotten here. Here is not big, tours in Qadir Karam? The precursor's of Prophet Muhammad, they are the relatives of Ja'far Al-Barzanji (*T.C: he was the Governor of Al-Sulaymaniyyah Governorate*) who is sitting in front of me, some of them are worse that the traitors. They were spoiled by the patriotic tendency and the time...etc. The citizen here needs to read God's book in order to understand this all and not to read atheism, they read God's book and then make sabotage acts. What is it; this is an introduction for praising (*T.C: this sentence is not understandable*) the sanctity of Iraq. Is there any sacred place except for Iraq?

The 3rd audio portion:

The accused 'Ali Hasan Al-Majid: I remember Jalal Al-Talibani, and I sent you a message. He sent me one of his people and said that we are ready for negotiations, there were a lot of yields and was a chance to take advantage of, but under the main condition that we should stop demolishing the villages. After that, the officer went there.

I the evening I was informed by Salah-al-Din Intelligence Directorate that wrote me a message through the Iranian Kurdistan Democratic Party "he said and I said". Then I asked him to document the letter. I gave that good answer but I know his inclination because this is not a personal issue but it is a political one. I informed Mr. President that I had received such a message and he gave a comment that made me glad. Mr. Abu 'Ali on God we depend, and some of the Corps Commanders were not serious and they asked in one of the General Command of the Armed Forces meetings that.....

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that they attended to delay for one more month, I told him: not for a day, not for a day, not for a day. I frankly spoke to them and to all the attendants; told them: brothers, this is our stage, from now you consider the slogan of the end of Relocation and not Arabization, losses and minimization. (*T.C: means that accomplishing the relocation is the fastest solution than Arabization*). The ones, who can not go with this slogan, let me know personally and I will keep it secret, as well as the ones who can not bear their responsibility.

Fourth audio clip:

The accused 'Ali Hasan Al-Majid: 300 armed individuals came and told me that they surrendered. I played the video film taken of the village and I said they owe the Arabs revenge. So that I feel strong (to punish and not to pardon them) and I would not be driven by the political seduction that a group of traitors would live and grow up in the Great Iraq. I worked faithfully and seriously in a race with myself. When the Amnesty Decree came, it nearly shocked me; but it was synchronous. This is our people, and who ever is useful, even though we did not find any one useful among them, let the best one just be useful for himself, and we will appreciate that. If you ask me now about the prominent Employees, except (Irbil) and Al-Sulaymaniyyah Governors, I absolutely do not trust any Kurd.

Fifth audio clip:

The accused 'Ali Hasan Al-Majid: Comrade Abu-'Ali the Mujamma'at (*T.C: concentration camps*) have increased in number. We thought in how to protect them, from the security aspects. Of course the camps are still, I said still I have to fence them all with fences (*T.C: barbed wires*) and prohibit entering or getting out from one or several doors. Based on that, I assigned one thousand and five hundred individuals from the army and volunteers from the security and police and one hundred and fifty volunteers. I assigned all these for fencing the Mujamma'at, but I see it now as illogical, immoral and inhumane to put an enemy in Mujamma'at, whereas they ask you for money, they do not comply



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if you put a fence, they break it, and break the law, the officers then will slaughter them. But when I provide them with means of living and they still deviate, that is intolerable and they deserve to be cut in 100 pieces or even more if they are big.

Sixth audio clip:

The accused 'Ali Hasan Al-Majid: Four Rikani regiments can not protect themselves, yet we want them to protect others, isn't it.

An attendant: yes.

The indicted 'Ali Hasan Al-Majid: good, you sentence him to (25), and you see what happens after fifteen. Tell him you won't get the (25%) back unless you proved an aptitude. If you prove it, then you'll get the (25%) back; you see that he will fight as you want him to do. Because the Mustashars loyalty is opportunist and not Iraqi patriotic; and has nothing to do with all this. So, Comrade s don't be surprised if there are some ones who belong to this group, who are opportunists. Because the ones who belong tie builders are opportunists, and this will change their doctrinal faith and they belong to the defense regiments; and change the faith of their doctrine. The notes that you stated I know them, and sometimes know even in details. The area needs such kind of strikes that make effect; but as the authorities, the army and enlightenment are absent since twenty or thirty years, they began to get used to. It is so wrong being afraid of telling the Mustashars that he has to go to jail, fearing that he will escape to the saboteur's side. I tell him go, go to your bodies, go to the saboteurs, Curse your mustache (*T.C: a dishonor curse*), nobody speak to him, let him till he goes, what made the saboteurs numerous, you don't scientifically calculate to see how the saboteurs increase in number. The saboteurs are a part of the finger, from 10 fingers.

Seventh audio clip:

The image shows a handwritten signature in black ink on the left. To the right is a circular official seal. The seal has a decorative border and contains text in Arabic: 'الحكمة الجنائية العراقية العليا' (Iraqi High Tribunal) at the top, 'رئاسة محكمة' (President of the Court) in the center, and 'القضايا الجنائية' (Criminal Cases) at the bottom. Below the seal, the text 'Iraqi High Tribunal' is written in English.

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Verdict Decision

The accused 'Ali Hasan Al-Majid: we said that the saboteurs concentrate in the dispersed villages and there are sites where some of them are provided with ammunition and information, etc. therefore, all the villages that are securely restricted we re-gather them so that the saboteurs will be isolated. We did it on two stages, the first phase begins on 21 April and ends on 21 May, and the second begins on 21 May and ends on 21 June. Whoever passes the areas will be beheaded without question according to the instructions. These instructions are still and will remain in effect. They said such and such about robbing the weapons from it, but these villages are prohibited and will remain prohibited; we are free in prohibiting the area (S)

Eighth audio clip:

The accused 'Ali Hasan Al-Majid: No, yesterday, it means that when I say a thread is not detailed information from the Islamic Movement. I asked them what they have, and they brought it to me yesterday. I signed against thirty five and I told them to hang (*T.C: execute*) them, and I want to carry on with the rest today and we will follow up on the rest.

Ninth audio clip:

The accused 'Ali Hasan Al-Majid: There is a point we want to talk about it Sir regarding Kirkuk, when I came with the Comrade (Radi) to Kirkuk, we asked for the census in which Arabs and Turkmen were forming (51%). Their existence in Kirkuk is despite the circumstances and spending on them sixty million Dinars and the details now are clearer, what happened is clear providing that the incoming Arabs to Kirkuk make, in fact, the least proportion. But regarding those who reside there, I (extracted) them all (*T.C: meaning the Kurds of Kirkuk*). We issued instructions and they were still valid, not only that, I also prohibited work in Kirkuk, its outskirts and villages on those who are not from Kirkuk; I detained some of them, collected them together and beat them, they couldn't say why because they know why.



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In the 36th hearing dated 23 January 2007 of the trial of the case No. 1/ 2nd Criminal/2006, the General Prosecutor has presented recorded audio clips, which contain:

First audio clip with the voice of the indicted (Tahir Tawfiq Yusif):

((I have a suggestion if you don't mind, Mr. Abu Hasan...I see that the National Organizational Committee discusses the subject of the situation that the Organization faces with the diligence of the National Command Member when requires the formation of any permanent committee, because there is a way for the election of the Deputy official when you expect it is not flatter, when you expect a clear and confident organizational status. Which is based on interaction and love we don't need organization...now we can say...(not clear) (T.C: the audio sound is not clear)...we don't argue with an official when you have substantiation that convince us or we can convince you...and as you said the charm of our journey and our greatness. (T.C: the audio sound is not clear), Mr. the President and your Excellency...great whatever you see of the tiny things is a natural status. When we compare our situation, thanks to God, with Europe in the World War 2 people don't believe...but the Deputy Official's mode...you know these situations...(T.C: the audio sound is not clear)...sometimes they want to assign the Comrade X as a Deputy Official...they can make it during elections...i.e. present a Deputy Official...(T.C: the audio sound is not clear)...this might not be prepared...the mode depends sometimes on the organization with the Comrade's diligence))

Second audio clip:

An attendant in the meeting: Pardon me Comrade Abu-Hasan...In fact I deduced concerning those who are Arabs and they were registered in (77) (T.C: the census of the 1977) as Arabs and now they want to become Kurds. Thus, all of us persist on the (77) registration, because this situation has to be stable to preserve their ethnicity and because the today's issue in...

'Ali Hasan Al-Majid: the Yezidis are Arabs and the Christians are Arabs....we start to teach and assure this matter...we have laws brother...tomorrow if we find someone here, we'll tell him aren't you Arab



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..?? He will say: no, I am Kurd...we say: you are a deserter from the army ...you are a deserted...take him as a target, kill him and beat him...you have your law...two or three cases...and we totally put an end to this matter.

Third audio clip, the voice of the accused ('Ali Hasan Al-Majid)

We said that on the (X) day we begin the relocation...and I recommended my soul to God...all went...on the same say they occupied Qara Dagh... as a response...on the same day I received a phone call at around (11) in the morning... Dukan Regiment Commander wants your Excellency on the phone...I said put him through what does he want...he said...we have a captain...he was detained by Jalal (T.C: Jalal Talabani the PUK leader) and he has just arrived...before...a little bit...and he said he has to see you today...I said keep him don't send him to anybody...a plane will arrive and fly him...I called the Corps Commander I told him that any helicopter is returning...has to land on in Dukan...there is someone called X pick him and put him in the Corps Airport...not clear (T.C: the audio sound is not clear) ...he came to me at lunch...I told him to stay for lunch...common stay for lunch...he recited for his story how he went till they caught him...he said they came at sunset...and yesterday in the afternoon...they told me that we want you in the leadership...and I went to the leadership ...to X location and I don't know...we arrived to the location...and two came at three by night...told me to sit...he said I sat down...they said we want to take you to see Mr. X you salute him and tell him ...('Ali Hasan Al-Majid) :To be in the whole picture...I told him (T.C: the freed Captain) continue...he said they spoke to me...I told them can I write notes on a paper so as not to forget, they said O.K ... he said after I finished they said tell us (T.C: repeat to us the notes you took which you supposed to deliver to 'Ali Hasan Al-Majid after your release) ...I told them and they brought a paper...the summary states the following: we lay the blame on the Authorities who led us to our coordination with the Iranians, because of the negotiation's discontinuance between us...this is on one hand...we have two claims: a truce or a negotiation...we have no any requests but negotiations that he knows (T.C: 'Ali Hasan Al-Majid)...if there is neither truce nor negotiation we will increase our coordination with Iran.....('Ali Hasan Al-Majid): I told him (T.C: the freed Captain) he would not answer you on this, will not going to return back to them (T.C: as a liaison) he said sir



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I am ready...if you want I will take back the answer...I told him, no I am going to take the response for them today...I saw him too hopeful...where are your relatives?? He said in Al-Tuz...what is their telephone No.?? he said this is the No...I told the operator put me through his relatives...I spoke to his mother and sister I told them your son is coming back to you after a week by God willing...he spoke to them and they cried....I said may be I will be rewarded for that...we brought a car to drive him back home...They (*T.C: the PUK letter to 'Ali*) if he approves the provisional truce...we will immediately stop the military operations...and if the army wants...we are ready to cooperate with the military against Iran to occupy any peak mountain they want...but you have to stop the relocation...I said this is good...curse your religion I caught you from where it is painful to you (*T.C: the relocation*) ...look brother...they came humiliated as dogs...not clear (*T.C: the audio sound is not clear*) ...I said here we are...no negotiations not truce and no relocation stoppage...at 7 o'clock evening...they told me the Brigadier General Walid in the Corps wants you...he told me sir...Mr. X from the Intelligence wants to talk to you while I was going out...I told him: no...I am going to the Military Divisions...I promised you to come on the basis of...and I didn't come that day...I will call you on the military phone...I will see what he got...I phoned him...he said: there are two men X and Y...the same men came to the Kurdistan-Iranian Democratic Party. They say such and such...I said what...remove the...not clear (*T.C: the audio sound is not clear*) ...my brother...I can't understand you well...I said return back to the public line: say it again so that they hear it and you write the reply properly...I went to...not clear (*T.C: the audio sound is not clear*)... and now I spoke as I wanted...I told him write down the reply...and I want it to be sent today...on the same day to the Iranian Democratic Party...tell them this is urgent to Jalal...and pass my greetings to Mr. X...tell him to send someone...and I



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know what to tell him...and write the following...I told him the reply with no back down ...and while I was in the meeting even without telling the Command or his Excellency Mr. President....Immediately.... so that they know this...such decisions are not a minor thing...they believed that the Leadership is sitting and doing nothing...I made decisions. Not clear (*T.C: the audio sound is not clear*). I told him they sent me a captain and he arrived at noon...you called me in the evening...I said: I sent someone to them...and you calling me in the evening...First no negotiation and no truce with the collaborators with Iran. Second: Regarding their increased coordination with Iran, it is not some thing new by the agents...we fought Iran in Al-Hasad Al-Akbar Battles with five hundred thousand...lets make it five hundred and twenty thousand...we will still fight them...Three: In the case they ask for coming back but as persons not as politicians, as simple persons...go ahead and open a bracket and write this phrase: (we might think in accepting them as Iraqis with a second priority (*T.C: second class citizens*) ..., and close the bracket...Four: The Kurdish nobles have to be isolated from the Kurdish agent in this way and we won't stop this...this is the reply. I wrote it to the President it is over...and I requested to circulate to you...not clear (*T.C: the audio sound is not clear*)...I forgot what I wanted to tell you...not clear...this is it...I told him this and that and replied to them and may be I replied well. He gave his good comment...I said to make it clearer this is our direction...they called me before the fourth or the fifth day...they said Jalal say...he wanted a direct contact between him and me... between him and me only. I told them he should write to me officially...I don't act secretly...I replied on the following day by night...that I went to Al-Sulaymaniyyah...at seven and a half...struck them with the special ammution. This is my answer...it was put into effect and we started the relocation...and now he wanted... between me and him. Without informing the Party...as he sent this officer (*T.C: the captive captain*) that the topic remains between the three...Jalal, Mr. X and Mr. Y...and he knows that we are those people on basis



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The Verdict

not clear (*T.C: the audio sound is not clear*)... I had summoned the Mustashars of the National Defense Regiments, and I told them: Yesterday, Jalal sent me such message and I answered him like this...and completely explained it... he never called back. (Not clear)..I told them (*T.C: his subordinates*) go and tell them do not be embarrassed of the regiments and who tells you that our village will remain, you can tell them: My brother what do you mean that your village will remain. I cannot leave you; because I will strike with chemical weapons then you will die along with your people. You must leave, so that I will strike them with chemicals... leave with what... From now my brother leave ... No.... never, not even any human, (Unclear)...tell them that they should leave because I will strike then... and I will strike them with chemicals and kill them all.... What they will say? The International (*TC: the International Community*). curse the International along with the everybody who comes for help... stop this, ... see how wicked is this pimp Jalal...what happened to his mind and requested a truce for one day... he agrees even on one day truce...(Unclear)... then he would become the savior of all Kurds, because he stops relocation... then I swear by God...even if the war stops, I swear by Quran even if the war stops and Iran withdraws from the occupied lands...and at the same day, it stops... I will never stop, because Jalal would turn at the time a patriot.... That act will turn him from an agent to a patriot.... I rather be sent abroad or will leave no Kurdish speaking in Kurdish...and stop... no March (*T.C: He will not honor the agreement of establishing the fictitious Autonomous rolling region issued in March 1974*) nor the cries from the sky or anything

The Fourth vocal phrase with the voice of the accused ('Ali Hasan Al-Majid)

We complete the relocation...then we start striking with systematic military operations...into very harsh positions...where we break into...we take from every group the third of his occupied land or its half...and if we could we take the two thirds...surround them in a place... and when I strike them with the chemical I will cause them high casualties...and I will not strike them with chemical not only one day, but (15) days, two days, ten, five and so on ...then I would come and offer amnesty for the one who lay his arm down and surrender...and I will tell them there is an amnesty. I will also type one million pamphlets in Kurdish, Surani, Bahdinian, and Arabic languages and spread it in the north... and I would never say it is from the Iraqi State. Which one of them is easier, and never let the state notice them...and I will tell them, the one who come back now, you are most welcome...and the one who

(963-294)



The Chairman

In the Name of God, Most Merciful, Most Compassionate

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does not, will be struck with another two rounds of the new fatal chemicals. I will not say: with the chemicals, because it is recorded...I would say with the new weapon that would wipe you by Gods welling...I will send and tell them... (Unclear)...see my brother this time...all the vehicles of God will not be able to hold them...I am hoping for this with Gods welling...that means I swear by God... as I see you now...but the same as I have confident in myself...(Unclear)... this time when I went there I told the specialists... I told them I need gangsters... groups from these fine-men (Professionals) in Europe... and the place that they find them in, they kill them... we must do it by Gods welling... what are these fagots... we surround them.... Only in Iran... and in Iran I point on them Mujahidin Khalq.

The Fifth vocal phrase with the voice of the accused ('Ali Hasan Al-Majid):

Since the relocation, removal, and the boarders decisions.... (Unclear)...between us and the saboteurs and others... the first compliant was addressed before the President was from Comrade, Tali' Al-Duri. Moreover, the first one I was scared of is Tali' Al-Duri... and until now the impact of Tali' still remains concerning the villages that were not removed which I requested from him...since that time. (Unclear), the senior cadre of the Party in the Military Establishment, might convince others who are in lower rank than him and resolve the Kurdish issue and kill the saboteurs...(Unclear)...they say show them on television. Those are the one who surrendered... brother; this means I will let them survive. In addition, if they showed them up on television... what would I do with them? (Another person speaks: they call them captives) and a telegram is then comes to me from this great man (The Father) (*T.C: Saddam Hussein*) mentioning to take care of the prisoners... taking care of the saboteurs families and etc from the General Command...they bring them... I told him it is easy, you just command me..., but there care would be by burying them with bulldozers... and some comes requesting names of the captives to publish them? I told them haven't you had enough with the newspapers? And with television? (Unclear)...good ...Where

(963-295)



The Chairman

In The Name of God, Most Merciful Most Gracious

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alright...where I can put them..? all those people? I tried to distribute them among the governorates...I then will send Poclains (*T.C: is a brand of Bulldozers*) and shuffles to them.

((Accused Testimonial Summaries Through out the Investigation and Trial))

((Testimony of accused Tahir Tawfiq Yusif Al-'Ani during the investigation))

The accused Tahir Tawfiq has stated before the investigative judge that in late 1986 or early 1987 he was appointed Secretary of the Northern Affairs Committee, announcing that he fulfilled his position until he was appointed Governor to (Ninawa) Governorate on September the 15th 1987, declaring that he held this position until November the 15th 1991. Before the investigative judge he denied any relation to ('Ali Hasan Al-Majid) or having been an attribute of thereof, also denying being dispatched on behalf of 'Ali Hasan Al-Majid to commit any unlawful acts.

The Investigatory Judge asked: Who is in charge of (Ninawa) Governorate?

He Replied: In view of my duties in my job as Governor of (Ninawa), I am number one administrative figure for the (Ninawa) Governorate, the geographical patch within and all matters that occur within.

He also mentioned that districts and sub districts interrelated to Al-Mawsil among which is Al-Hadar, are all within his specialty and fall into the administrative jurisdiction that he was assigned.

Before the Investigatory Judge, he denied acknowledgement or having heard of the existence of mass graves that were discovered in Al-Hadar that is interrelated to (Ninawa) Governorate, or any connection what so ever.

The Investigatory Judge stated that the fact of the graves indicates that whoever was responsible for it had government assistance in the governorate and required a long period of time and coordination with the side responsible for the arrest and burial of all those people who's numbers were between (1000-4000)



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which required means of transportation, machinery, bulldozers and means of security, as well as the fact at the site of the crime where empty cartridges were found indicate a number of individuals responsible for the killing process.

When the Accused was asked how he would explain the presence of empty cartridges at the scene of the crime and how he would explain this according to his knowledge?

He Replied I have no knowledge on this matter, I did not commit this crime, and I have no knowledge of this despite the fact that I am the governor of (Ninawa) and I was occupying the position of chief of the security committee in the governorate.

He was asked by the Investigatory Judge: in event of the occurrence of any emergency or security situation, is the governor informed?

He replied: Yes, the governor is informed in such situations.

The Investigatory Judge asked: who is responsible for the murders and dislocation in the northern area?

He replied: It is the accused 'Ali Hasan Al-Majid according to his authorities by the ruling of the Revolutionary Command Council's decree no. (160)

((Testimony of accused Tahir Tawfiq Yusif Al-'Ani during the trial))

He sated before the court when he was asked by the court, who was responsible for the Northern Affairs Committee?

He replied: The Northern Affairs Committee is a government institution and not a party post, and it is headed by Deputy Chairman of the Revolutionary Command Council ('Izzat Al-Duri) and its job was to take care of social figures and Sheikh's and occasionally request for formations of national defense regiments were submitted to the committee when there is



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a need by the army, then the matter is reviewed after the approval of the security authorities and then formations take place.

Questioned by the court: who was responsible for following up the procedures of formations of the national defense regiments?

He replied: The Secretary is responsible for following up on regiment formations since an application form exists for this purpose within the Secretariat.

With a question from the court: who are the members of the Northern Affairs Committee?

He replied: The Minister of Defense, the Minister of Interior, the Minister of Planning, the Secretary of the Northern Organization Office, the Heads of both the legislative and Executive Councils in the Kurdistan area, heads of security systems, the Security Director, the General Intelligence System Director, the General Military Intelligence Director and the Army Chief of Staff is also a member of this committee.

The Court asked the accused: when the committee signs, gathers and reaches a decision at which stage its role end, it become the Secretary's role, in other words the Secretary will follow up executing the rulings of the committee?

He replied: Yes, and added that the committee did not meet during the period in which I was the Secretary, and that the committee met five times over a period of seven years.

The Court asked the accused: What are the jurisdictional duties of the Northern Affairs Secretary?

He replied: The execution of orders that emerge from the Northern Affairs committee, and he admitted before this court that he was responsible for the formation of one of the regiments which was (Rashid Al-Sindi's) regiment.

The Court asked the accused (Tahir Tawfiq Yusif): In your role as Governor of (Ninawa), are you the foremost figure in command of Ninawa Governorate, keeping in mind this was your original statement?

He replied: Yes, I was an (open minded) Governor and I was informed of everything, anything that reached the residents, certainly reached me. My relationship with all Administrative officials was of a good nature.



The Presiding Judge



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The Court asked the accused (Tahir Tawfiq Yusif): Is Al-Hadar part of Ninawa Governorate?

He replied: Yes, Al-Hadar is a district that belongs to Ninawa Governorate that lies (80) km away from the Governorate.

The Court asked the accused (Tahir Tawfiq Yusif): In accordance to being the Governor of Ninawa and an official, this would put you in command of the Security Committee, Correct?

He replied: yes

The Court asked the accused (Tahir Tawfiq Yusif): Did Al-Mawsil municipality, belong to you?

He replied: Yes, including machinery (Bulldozers, Drillers and other machines)

The Court asked the accused (Tahir Tawfiq Yusif): You mentioned before this court that you participated in meetings held by the Northern Organization, right?

He replied: Yes, I did.

The Court asked the accused (Tahir Tawfiq Yusif): In accordance to being the Governor of Ninawa, were you a member of the Northern Organization office?

He replied: Yes, for purpose of correlation.

The Court asked the accused (Tahir Tawfiq Yusif): What do you mean ("yes, for purpose of correlation")

He replied: I am one of the members of the Northern Organization Committee and it was my duty to correlate between within Al-Mawsil branches and the Secretariat of the Northern Organization Office.

The Court asked the accused (Tahir Tawfiq Yusif): Did you attend Northern Organization Office meetings?

He replied: Yes, I attended, yet I also missed them, for every meeting I attended I missed five.

((Statement of accused Farhan Mutlak Salih Al-Juburi during the investigation))

The accused Farhan Mutlak Salih Al-Juburi stated before the court that in 1985 he was appointed the director of the Northern Zone Intelligence System that specialized in gathering Intel concerning the Iraq/Iran war and after the Northern area was divided between the Eastern Zone and Northern Zone, which specifically occurred in 1986, and it became



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the duty of the Northern Zone Intelligence System to gather Intel about Syria, Turkey and a part of Iran in addition to acts that they labeled as "Acts of Sabotage" by the Kurds.

He also stated that the Northern System had ten intelligence stations spread out in the area that gathered information in accordance to sources, and before the Presiding Investigatory judge, it emerged that both organizations were correlated to the General Military Intelligence Directorate were both System duties were to gather Intel on what was called the "Enemy" and "Suspected Enemy" which was then sent to the Genral Military Intelligence Directorate.

He Sated that correlation between the two System s and the General Military Intelligence Directorate continued until the issuance of decree no. (160) dated 1987 March 29th, from the so called the Disbanded Revolutionary Command Council and which empowered ('Ali Hasan Al-Majid) with all the authorities of the President of the Republic and obeyed all Security and Intelligence systems to report to him.

The accused Farhan Mutlak Stated before the Investigatory Judge that ((any order issued by 'Ali Hasan Al-Majid was implemented immediately as stated in the decree at the time as I remember from the General Military Intelligence Directorate that 'Ali Hasan Al-Majid is considered the ruler of both Systems, by both Systems I am referring to the Northern and Eastern Systems, and with this we were correlated to him yet still working in our previous work)) He continued on to say (in the event of carrying out any orders issued by the accused ('Ali Hasan Al-Majid) we would comply and send a copy of the response to the General Military Intelligence Directorate (GMID) for review))

The accused stated before the Investigatory Judge: after that another order was issued by the Military Intelligence Directorate changing the way of sending the accused individuals to



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the Northern Organization Office instead of the (GMID), that office was under the command of the accused ('Ali Hasan Al-Majid).

And stated that there is no one can disobey an order issued by 'Ali Hasan Al-Majid, and (the accused Farhan Mutlak) denied any role of the Two Intelligence Systems in Al-Anfal Operations, and he mentioned that Al-Anfal Operations are military operations and were carried out by the 1st, 2nd and the 5th Corps.

And stated before the Investigating Magistrate that ((our system, he means the Intelligence System of the Eastern Zone, didn't receive or extradite any Kurdish family, whereas the operations orders issued by the Chief of Army Staff stated that these families to be sent to the Northern Organization Office))

And also stated before the Investigating Magistrate that ((I saw those families driven in military convoys going towards the People's Army Commands in Kirkuk, where these families were collected there, and the Northern Organization Office was responsible for those families fate)). And he denied before the Investigating Magistrate any role of the Intelligence System which he was in charge of (Eastern System) in collecting the families and transferring them to the Northern Organization Office, and when he was asked about his response to what have been said by the accused (Sabir 'Abd-al-'Aziz Al-Duri) before the Investigating Magistrate that the Accused Farhan Mutlak was in charge of receiving the families and sending them to the Northern Organization Office, he answered ((the Accused Sabir Al-Duri statement is not true regarding my responsibility for receiving the families, and I have no relation with that matter)).

And the Accused Farhan Mutlak Salih stated before the Investigating Magistrate when he was questioned about the fates of those Kurdish Families who were transferred from their villages and disappeared during Al-Anfal Operation. **He answered:**



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((Those families were transferred by the security systems in the area, in addition to our system, there are other security systems such as the security directorates, the Intelligence, the Northern Zone Intelligence System and Security Staff of the Corps and Divisions)).

((The Statement of the Accused Farhan Mutlak Salih Al-Juburi during the trial))

The Accused Farhan Mutlak stated before the court that he was working as a Director of the Northern Zone Intelligence System from 29 March 1987 to 02 November 1987 and then a director of the Intelligence System of the Eastern Zone, and he continued occupying this position until November 1988.

The court questioned the accused Farhan Mutlak about the nature of the intelligence work? **He answered:** The intelligence work is collecting the information about the enemy and potential enemy and the friends, fearing of becoming enemies one day. **And also stated** that the (GMID) consists of five directorates, and the fifth directorate of those directorates called Iran and North Deputy Directorate and its director at that time 1987-1988 was Staff Major General (Wafiq Al-Samarra'i) and according to his position, he was considered as the Deputy of the (GMID) director, and this Deputy includes the Third Section which is the Section of the North and its director was Major General (Walid Nayif), **and he stated** that the Third Section Director is the direct responsible on the Northern and Eastern Zone Intelligence Systems, and when the information become available to me, I send it to the Third Section, and the same to the Eastern Zone Intelligence System, when information become available it send it to the Third Section, and he mentioned that the Eastern Zone Intelligence System was containing nine centers connected with the system headquarter, and those centers were spreading over different areas where the Eastern System was covering.



The President



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And the court questioned the accused: What is the duty that was imposed on the system?

And he answered: The main duty is collecting the information, and the accused mentioned that Colonel (Fadil 'Ali Sulayman) and Captain ('Abd-al-Karim Salih Juwad) worked with him in the Intelligence System.

And the court questioned the Accused: If Captain ('Abd-al-Karim Salih Juwad) is the specialist of the executions committee? **And he answered:** Definitely, because he is the only person in the Section of Kurds.

And the court questioned the Accused: If the role of the Intelligence System is the same role of the (GMID)? **And he answered:** The main duty of the Intelligence System is collection the information about the enemies and potential enemies and the friends.

And the court questioned the Accused: If the Intelligence System is working on transferring the information which comes from the (GMID) and asking if the results are true or fousls?

The Accused answered: Yes. And he clarified to the court the way of work, whereas he clarified that he was meeting the individuals who were working with Pishmarga and then writing the reports with all the details that the source informed him.

And the court questioned the Accused: Do you mention the grid coordination at the letters you are sending to the Military Intelligence? **He answered:** we mention the maps above the report we write, and we write the maps so that the responsible can drop the grind on the maps because its his guide in the operation chamber, when he drop the information on the map he knows that these locations are exist and where its position at the maps.

And the court questioned: Did you send something like that before? **He answered:** Yes.

And the court questioned: If the Accused ('Ali Hasan Al-Majid) is considered the commander of the Eastern and Northern Zone Intelligence Systems? **He answered:** The connection of the Eastern and Northern Intelligence Systems passed with two eras, the first era was before issuing the Revolutionary Command Council Decree No. (160).


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The Two Intelligence Systems were connected to the Third Section which was connected to the (GMID) Director, but in the second era which I mean that after issuing Decree No. (160) on 29 March 1987 they became (The Eastern and Northern Zone Intelligence Systems) connected to the Northern Organization Office according to decree No. 160.

And he stated before the court: according to the applied system in the army since 1968 until 1987 that the Intelligence System was conducting the interrogation with any arrested individual and transferring him to the Investigation Judge who validates his testimonies and then transfers him to the (GMID) where he would be trailed, but after issuing the decree No. 160 of year 1987, this system has changed and every arrested individual was transferred to the Northern Organization Office to carry out the field sentences against him, and by that, the applied systems in the army were disabled.

And the court questioned the Accused (Farhan Mutliq Salih): What were the orders that were issued from ('Ali Hasan Al-Majid) to you and within your specialization?

He answered: I did not receive any thing except the subject of the accused individuals and we referred them to him, and they were counted on the fingers of one hand.

And the court questioned: Considering that you are the director of the Intelligence System and you have all the information about Al-Anfal Operations, were there villages had been destroyed and eliminated?

He answered: The villages were eliminated by the army.

And the court questioned: were the inhabitants of the villages dislocated?

He answered: They were dislocated and handed over to the Security Directorates in the Northern area according to the Northern Organization Office's Instructions.

And the accused stated before the court: that the villagers of the eliminated villages were dislocated and forced to live in residential complexes.



The Presiding Judge



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As he testified that it was confirmed at the operations Orders that every division prepared a camp for the inhabitants to transfer and extradite them to Security Directorates.

The court questioned: Who are the Executions Committee's members and what are their names?

He answered: A representative from the Intelligence System, Security Officer from Kirkuk Military Hospital, a Physician Officer and a representative from Northern Organization Office. The committee members are Ibrahim Shu'ayr Jibarah a physician residing Kirkuk Military Hospital, and the representative of Eastern Zone Intelligence System Captain 'Abd-al-Karim Salih Juwad.

When the accused (Farhan Mutlaq Al-Juburi) was questioned by court: Did you carry out Convict 'Ali Hasan Al-Majid's orders concerning the execution of suspects without trial, were you convinced with such punishment or you were not, but carried out orders fearfully?

The convict answered: I didn't carry out orders because the Quadruple Committee is in charge of implementation, formed prior to my arrival.

He was asked by court: But the Military Intelligence Representative is affiliated to you, **he answered:** yes, I agree with you but let's discuss it. This committee was formed before I come and this scheme was applied before I come. When I arrived [let any of you stand in my shoes], it was impossible to directly dismiss the committee or to state that 'Ali Hasan Al-Majid orders will be denied. I mean is it logic, does any of you act in such manner? I said, I will continue with such scheme, the committee was already formed, and as you used to operate ... continue operating. The only difference is that officers bring me the report and I signed it, to refer it to Northern Organization Office. I'm facing orders which if disobeyed will cause my execution.

The convict testified in front of court that Al-Sulaymaniyyah Military Intelligence Center is one of the centers under his command (Eastern Zone System) and this center's director takes orders from him directly and is one of Al-Sulaymaniyyah Governorate Security Committee's members.

Convict Farhan Mutlik Salih testified



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when questioned: Where did the executions been carried out? **He answered:** At the Corps, specifically at Military Police Company Headquarter. I didn't witness that but what I know is they took them to the Corps.

When the court showed the document that was issued by [GMID], from Eastern Zone Intelligence System, holding Ref No[15055] on 21 October 1988, containing "there are two Kurdish families who had been arrested by Al-Tuz Military Intelligence Center and transferred to Security Directorate despite their surrender after the amnesty, **the convict testified, in front of court, that** His work was transferring information ""whatever info I receive from the source, I refer it to the Directorate".

((Testimony of Convict Sabir 'Abd-al-'Aziz Husayn Al-Duri within investigation))

Convict Sabir 'Abd-al-'Aziz Husayn testified before Chief of Investigative Judges that in 1987, as he was Staff Major General, he was assigned as GMID Director, **and testified** that the latter includes five Deputy Directorates, one of them called (Iran Deputy Directorate) headed by Staff Brigadier General Wafiq 'Ajil Al-Samarra'i, and a section known as (North Section) was attached to this Deputy.

He testified as well that, as being GMID Director, he was Armed Forces General Command's member.

The convict testified before Chief of Investigative Judges that from the basics of GMID tasks is collecting data on enemy, potential foe and friends, presenting suggestions or correspondences to Ministry of Defense and Chief of Army Staff, as well as suggestions to Armed Forces General Command, and sometimes Presidency of the Republic.

The Presiding Judge



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He testified that Eastern and Northern Zones Military Intelligence Systems, after issuing Decree No. (160) ((Bygone Revolutionary Command Council's Decree)), were directly linked to North Organization Office, headed at the time by Convict 'Ali Hasan Al-Majid. Both systems were directly getting orders from him as, in fact, the order was carried out.

When he was questioned by Chief of Investigative Judges "As being Armed Forces General Command's member, how Al-Anfal Operations' decision had been taken?"

The convict responded: The big plans correlated to big operations are prepared by appropriate parties within Chief of Army Staff, specifically at the Operation Directorate headed by Chief of Army Staff's Deputy for Operations at the time, Convict Husayn Rashid, to be approved by the Commander of Armed Forces General Command for requiring, sometimes, a huge forces deployment considering that Al-Anfal is one of the biggest operations. Hence, I believe that Al Anfal had been approved by the Commander of Armed Forces General Command.

He testified as well before Chief of Investigative Judges about GMID role in Al-Anfal Operations. Convict said "our role was delivering Intel info in addition to suggestions relied on our secret sources". **When he was questioned** "Did you, as being Intelligence Director and directorate's higher official, referred any suggestion regarding the use of special ammunition [chemical weapons] in the Northern Zone?".

The convict answered: Concerning the signatures submitted to me, at the interrogation's start, by Chief of Investigative Judges, I admit that they are true but I don't remember referring suggestions regarding the use of special ammunition in the Northern Zone. When document issued by GMID, holding No 5809 dated 10 March 1987, addressed to Chief of Army Staff, had been showed to him, he admitted his signature and pointed his deputies' including Deputy Wafiq 'Ajil Al-Samarra'i. The document contained

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... an elaboration over the possibility of using special ammunition, as well as prior strikes which had very limited effects.

When he was shown document issued by Presidency of the Republic – Secretary, holding No 808, dated 13 March 1987, containing "may your directorate study, along with experts, the possibility of directing unpredictable strikes with special ammunition, to be carried out via Air Force, Army Aviation, or artillery". **The convict testified affirmatively:** "The signature at the bottom of the document is mine, but I do not remember presenting such suggestion". The defendant admitted as well, in front of the chief judge that document No 6414, issued by his Military Intelligence Directorate on 18 March 1987, is issued by his directorate and holding his signature.

Vis-à-vis a question by Chief of Investigative Judges "You submitted another suggestion on 25 March 1987, telling that special ammunition's usage over Northern area, and the possibility of its implementation or delay as per listed articles scanned in front of you and holding your signature.

The defendant answered: ((I repeat my previous answer by confirming that the signature is mine, acknowledging that by being a general director, I represent the whole directorate, meaning these suggestions are the directorate's, reflecting it, and me as being the higher official within this directorate, I approve these suggestions. If there is any objection I reconsider the objection, analyze it and refer the issue to higher authorities. Signing on any letter means my approval on it").

When he was shown document No 7371, addressed to Chief of Army Staff, regarding notifying it about Presidency of the Republic's approval on suggestions referred by GMID, regarding type of special ammunition that must be exploited and the mechanism of raids and targets.

The defendant answered: ((I repeat my answer ...

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that the signature on the scanned document is mine)). Still, he denied in front of Chief of Investigative Judges giving any suggestions resulted to murdering civil inhabitants.

He testified in front of Chief of Investigative Judges that he doesn't remember whether Al Anfal Operations had been discussed as a large scaled military operation, in Armed Forces General Command, before being carried out, or not acknowledging that such big-sized operations can't be implemented unless approved by Commander of Armed Forces General Commander, who was Convict Saddam Hussein.

Convict Sabir 'Abd-al-'Aziz Husayn testified that Armed Forces General Command's members jurisdictions is limited to attend meetings and discuss important matters related to Armed Forces.

The convict answered when questioned by Chief of Investigative Judges about individuals' fates, those who were arrested during Al-Anfal operations: ((Our duty as Intelligence was to handle military captives. As for Al-Anfal Operations, Northern and Eastern Zones Intelligence Systems were directly responsible for arresting people. I don't remember any person relocated to Baghdad due to the fact that the aforementioned intelligence systems were correlated to Convict 'Ali Hasan Al-Majid, where they used to hand those families or individuals to Northern Affairs Committee – Secretary, where Convict Tahir Tawfiq Yusif was a member. The aforementioned committee was directly commanded by Convict 'Ali Hasan Al-Majid.

The defendant answered when questioned by Chief of Investigative Judges about the many times chemical weapons were exploited throughout Al-Anfal Operations: ((I do not remember the number of strikes, though I do remember one village which is still stuck in my memory, when the Kurds veered toward Turkish areas, as I feared such raid could have consequences on Turkish territories. However, I don't know the type of gas used as this is none of our expertise.

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When asked about who gave orders to use chemical weapons? He answered: These weapons are considered as strategic weapons. Only the armed forces commander or his deputy has the authority to issue orders of exploitation. At the time, he was (Saddam Hussein).

When he was shown the document issued by Military Intelligence Directorate, numbered 8859, dated 30 April 1988, and addressed to Presidency of the Republic- The Secretary, regarding the use of special ammunitions in Al-Anfal Operations, he answered: The signature is mine as the proven documents are the same to those we use while corresponding with higher authorities.

He testified as well, when asked by Chief of Investigative Judges about individuals' fates, those who were arrested by Army units. **He answered:** we did not inquire the officer (Director) of Eastern and Northern Zones Intelligence Systems about the fate of those detained people, as he did not provide lists of their names considering that the issue in none of our concern, acknowledging that both intelligence systems received direct orders from 'Ali Hasan Al-Majid. Therefore, Southern and Eastern Intelligence Systems Officer, 'Ali Hasan Al-Majid and other systems were responsible for those internees.

((Convict Sabir 'Abd-al-'Aziz Husayn Al-Duri Testimony at Court))

Convict Sabir 'Abd-al-'Aziz Husayn Al-Duri testified in court that Intelligence had two main duties. The first is to provide the army, in particular the Chief of Army Staff, with information concerning enemy movements in all sectors. The second is to provide the military commanders with military operations' results.

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Convict Sabir 'Abd-al-'Aziz Al-Duri testified an elaboration to court that all plans prepared by the Corps or any other parties, depend on the information gathered by Intelligence. When the Intelligence provides information, it does that when necessity calls.

He testified that Intelligence's mission is to collect information, particularly military information relevant to enemies, possible foes, and sometimes other, by precaution facing any emergencies.

In addition, Convict Sabir Al-Duri testified that Intelligence operated for seven years, supplying the Corps with information, and was invested upon due to the data base passed over by Military Intelligence. In case of upgrade, the latter supply accurate information to them.

Convict Sabir 'Abd-al-'Aziz Al-Duri testified that Intelligence System notifies Ministry of Defense and Chief of Army Staff as well as submitting a copy of intelligence reports to Presidency of the Republic.

The convict continued that the dislocation of inhabitants from villages was not carried out by Intelligence, rather by military units, as per orders issued to them by their new reference 'Ali Hasan Al-Majid, handing detained villagers to the Security directorates in the north or Northern Organization Office. Moreover, he revealed to court that Presidency of the Republic's secretary was at the time Hamid Yusif Hammadi.

The convict also testified that Intelligence's duties are to provide grid coordinate on maps when defined targets are to be stroke by Air Force or whenever troops wanted to hit with artillery. Hence, when Intelligence representative attend the committee, he do not make a difference or influence decisions for the information had been already delivered.

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He testified as well that those in charge of implementation [executing strikes] are: Air force, Army aviation and artillery. Those are affiliated to Ministry of Defense and Chief of Army Staff, whereas the chemical classification is correlated to Chief of Army Staff Training Department.

He testified to court ... (It is a study. This is the highest reference in government. And, in a state of war, I mean he did not order me to carry a mortar or use chemical weapons. He asked me to prepare a study, while an officer affiliated to the 3rd Section contributed, with them, in this study ... Does any soldier, in state of war, argue military orders while the commander has the authority to do that?)

Convict Sabir 'Abd-al-'Aziz Al-Duri testified that ... Actually, the appropriated committee held a meeting putting down a study, proposing its opinion which was lifted by Intelligence in its letter No. 6885, dated 15 March 1987, where strike's targets had been identified against enemy's gathering centers. The aforementioned targets were marked by Chief of Army Staff as per Intelligence submitted, including details over enemy's locations, size and grouping.

The convict testified that Intelligence did not take part in special ammunitions' usage, other than an administrative mediator assigned to submit study results to Presidency of the Republic as well as to pass the highest reference's orders, under his supervision, regarding the issue [special ammunitions' usage]. This role is none but coordination status and link only.

The convict testified that ... The study, which was assigned to Intelligence, as well as all other documents, is not archived in the Military Intelligence archives, rather at Chief of Army Staff and Planning Directorates Only an Intelligence representative is in the appropriated committee as only a representative is to be sent.

Convict Sabir 'Abd-al-'Aziz Al-Duri mentioned to court that, as execution to of Ministry of Defense order, Army Staff's chairmanship required, as per its secret and urgent letter No. 15787 ...

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... on 02 May 1987, the intelligence to provide information regarding enemy's headquarters whereabouts, telling Air force to carry out the mission.

The Court asked the convict: ((You say in this letter, "our duty is to provide Air Force and Air Defense with headquarters (*T.C: The concentration of the enemy*) whereabouts. You mean its your [as individual] duty. He answered: ((Of course this is our duty. I mean, you Excellency Chief of Investigative Judges, is it possible to tell them we do not provide you, you are going to strike with special ammunition so we do not want to be involved. Orders will be issued and people will implement.))

The convict testified to court that GMID responded, as per its letter No. 9819, on 03 May 1987, the Chief of Army Staff, that it [GMID] provided Air force and Air defense Commands with information about hostile headquarters, asking to be handled with conventional ammunitions, without identifying targets to be treated with special ammunitions. The GMID suggested an analysis of these targets by the specialized committee.

For the Court's question "Do these numbers (mentioned in document 9819) means "Squaring". He answered: Yes, "Squaring" means precise targets.

When Convict Sabir 'Abd-al-'Aziz Al-Duri was asked by Court "Does the Intelligence gathers information and provides it to Army? The convict answered affirmatively. He mentioned as well, in front of court, that Sargalu and Bargalu areas were targeted with conventional ammunitions, rather than special ammunitions.

The convict testified when asked by Chief of Investigative Judges judge about the period he stayed as GMID director. He answered: The period from May 1986 until 1991 March 3.

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By another court's question: Is GMID Director a member Armed Forces General Command?
The convict answered: yes, as being a GMID director, I was member in Armed Forces General Command.

He testified to court: We provide information concerning all fronts, including Northern zone. However, during Al-Anfal, we submitted the first important report. This was what we submitted, when new incidents occur we lift them from al fronts including Northern zone to appropriated authorities.

He testified as well: We write down suggestions to Chief of the Army Staff and other references higher than Chief of Army Staff, including Armed Force General Command, Presidency of the Republic's Secretary, Ministry of Defense ... These are the followed procedures while submitting a report.

When Convict Sabir 'Abd-al-'Aziz Al-Duri was asked by court: You stated in front of Chief of Investigative Judges that large scaled military operations such as Al-Anfal cannot be initiated unless approved by General Commander of Armed Forces or another directly authorized by the latter. We, as general command members, our jurisdictions are limited to attend meetings and discuss some issues while the final decision is that of the General Commander of Armed Forces.

The convict answered: Yes, the General Commander of Armed Forces has the authority to make decisions, but not necessary after a general command's meeting, maybe he gives his approval by mail and it will be submitted. I remember a number of plans which were discussed in Armed Forces General Command's meetings, such as Al-Faw Liberation operations. We discussed it for days but Al-Anfal Operations were not discussed at all.

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The convict Sabir Al-Duri testified to court: The intelligence actually lifted a report concerning the advantages and disadvantages of Al-Anfal Operations, as well as casualties. This report was submitted to the Presidency of the Republic.

When the convict was shown document No. 6885, on 25 March 1987, issued by Military Intelligence Directorate, the court asked him whether the signature on the bottom of the document is his or not? **The convict answered:** I cannot remember, though this is my signature. It might be counterfeited but me, when I discussed any report, I assumed its originality.

The convict admitted to court that the handwritten note on the original document No. 6885, dated 25 March 1987, which was issued by GMID regarding special ammunition's usage, belongs to him.

When asked by Chief of Investigative Judges: Does this handwritten note belong to you? **He answered:** yes, I assume that these documents are not counterfeited.

Via a question from court to Convict Sabir 'Abd-al-'Aziz Al-Duri ... The minister's ordered to provide Air Defense and Air Force with hostile agents' locations to be destroyed. He answered: Yes, they usually provide us with information and in return, the intelligence provides the Air force with information on the targets that are going to be bombarded using conventional weapons.

The court asked the convict: as being an officer, I want to expose Ministry of Defense – Air force Command's letter to GMID, titled "In reference to your letter No. (M)/(O)3/(S)2/10319 on 10 May 1987", regarding Iranian agents' headquarters, which had been defined by your representative Staff Lieutenant Colonel Walid Nayif and was attacked and documented by date and the type of ammunition. This illustrates that there is cooperation between the intelligence and the Air force Command. Did the Intelligence representative act on his own, although you assigned him? He answered that: these are routine tasks, as for this letter's procedures, it is part ...

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... of the chain of command that I am trying to explain. The Minister of Defense issued orders as to initiate an attack and the Army Chief of Staff gave his orders to pass information to Air Force Command; they ordered to strike when getting the information. And now, if anyone was standing in my shoes, as a Director of Intelligence, even though it is a red-tape operation, would have acted the same way. Is there any Intelligence Director, in state of war, who would object passing on information, fearing to be a contributor? I am a contributor then, and did my duty as per right military procedures.

Convict Sabir Al-Duri testified: The Intelligence is the one to give information and they act. When the Minister of Defense gives his orders to us requesting to pass on information, we have to do it because this is our job.

The Chief of Investigative Judges asked Convict Sabir 'Abd-al-'Aziz Al-Duri: Is the Intelligence considered part of the experts committee? In other words, does the Intelligence have representative in the committee? He answered: Of course, there is a representative from the 3rd Section. The intelligence contributes to all committees because we are in charge of passing on information.

The Court asked Convict Sabir 'Abd-al-'Aziz Al-Duri: Which parties are in charge of chemical weapon? He answered: There are people who analyze the case which are plan [Planning Directorate], others who execute and are Air forces and Army aviation, and thirds who produce and warehouse such as Military Industrialization Commission. This information can be found in the documents.

Commenting this saying, the court asked convict: What was Military Intelligence role in this operation? **He answered:** The intelligence role is limited to gathering, so that when being asked about enemy and its whereabouts, it can answer back.

Convict Sabir 'Abd-al-'Aziz Al-Duri testified that 'Ali Hasan Al-Majid was in charge of framing military captives' fates, as he repeated that no prisoner was handed ...

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To Baghdad and I add that, after my arrest I knew from a group of army commanders including (Sultan), that not a single soldier was captured. On the contrary, fifty seven families were transferred to the Intelligence System, who transferred them to the Northern Affairs Committee. They were handed over to the security not to the Intelligence System.

((The statement of the defendant Husayn Rashid Muhammad))

The defendant Husayn Rashid stated in front of the Judge: In 1987, I was assigned as the deputy of Chief of Army Staff for Operations Affairs. At that time, I was a Staff Lieutenant General. In September 1990, I was promoted to the Chief of Army Staff. I worked for the Operation Affairs from 1987 until September 1990.

He stated that the chief of Army Staff at that time was Nazar 'Abd-al-Karim Al-Khazraji, who had four deputies. I was one of them. The three others were, the Administrative deputy, Training deputy and Logistics' deputy.

He was asked by the Judge: With regard to the fact that you were the Deputy Chief of Army Staff for Operations Affairs, were you a member in the General Command of Armed Forces?
He answered: Yes, I was the deputy of Chief of Army Staff and I was a member in the General Command of Armed Forces.

He stated that the Department of Operations is one of four departments, which work for the Chief of Army Staff. The Operations Department follows-up and implements the orders of the Chief of Army Staff. The Chief of Army Staff orders will be implemented if they are within his area of responsibilities. The accused added in front of the investigating Judge I would like to emphasize a very important subject regarding the Department of Operations. The Department of Operations prepares plans to confront regular armies not civilians or sabotage operations, and planning is only

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based on an Intelligence report to the Chief's of Army Staff by GMID. Any threatened Corps is requested to submit a plan to Chief of Army Staff which in turn refers it to Department of Operations, in order to be revised and determine the type of support, guided by the need requested by appropriated corps, and the Directorate of Planning will be assigned to respond.

The convict stated that the Directorates affiliated to Directorate of Operations are those of Planning, Mobilization, Armament and Supple, Cadastre, Signal, and Organization.

The convict testified that if a Corps was in needs to redeploy a Division from a sector to another sector, and after analyzing the status in the given sector and taking the advice of Military Intelligence, as the latter representative is available, the order will be issued to deploy military troops. I would like to indicate that Chief of Army Staff jurisdiction is to deploy one brigade, if more than the order should be lift to Minister of Defense, as to deploy division or more, General Commander of Armed Forces must be called. Sometimes, in order to save time, the Directorate of Planning and other directorates send representatives to appropriated Corps to study the needs and plans in the headquarter and then refer them to Chief of Army Staff.

The Convict testified: The Directorate of Operations is responsible of implementing and following up the orders issued by related authorities regarding the deployment of any military unit, on behalf of any party. The Directorate of Operations, which is a subsidiary directorate, gives a detailed report to the Department of Operations. We also notify the Chief of Armed Staff.

The convict testified that Chief of Army Staff's Deputy for Operations attends Armed Forces General Command's meetings, giving technical opinion, advice and consultation to the Chief of Army Staff, who has jurisdictions to implement orders. Despite, the Chief of Army Staff doesn't issue orders related to military operations unless we submit our study, which might be approved or rejected, depending on ...

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... available status at Operations Directorate. In other words, any order issued by Chief of Army Staff or General Commander of Armed Forces, as per jurisdictions, should be prioritized by Operations Directorate.

When asked by Chief of Investigative Judges: as being Chief of Army Staff's Deputy, from 1987 until 1990, and Al-Anfal Operations occurred in 1988, tell me about Al-Anfal Operations preplans and who ordered? **He answered:** The First Corps prepared the study, following usual procedures, as the Chief of Army Staff (Nazar 'Abd-al-Karim Al-Khazraji at the time) referred the study to Operations Directorate. We, in turn, submitted the study to our aforementioned directorate in order to give our technical and military expertise regarding the availability of human and military resources. We submitted our study and comments to the Chief of Army Staff but the military operation's scale was bigger than jurisdictions granted to the Chief of Army Staff. Hence, the case was referred to Ministry of Defense, but since it was the General Commander of Armed Forces' jurisdictions who was at the time Convict Saddam Hussein it was lifted to him. The General Command of Armed Forces did not hold a meeting to discuss Al-Anfal Plan. The General Commander of Armed Forces approved the plan.

He testified that in that time headquarters was established for al-Anfal Operation. Orders were given to Convict Sultan Hashim, Sixth Corps' commander at the time, to form the aforementioned headquarters and lead the operations. Indeed, this was what happened.

The convict stated in front of Chief of Investigative Judges, as per 2nd Anfal Operation, that Operations Directorate sent a representative to the 1st Corps in order to fully study the plan. The representative of operations returns to the directorate before giving his military expertise. After the study was completed, it was submitted to Chief of Army Staff and General Commander of Armed Forces. No meeting was held ...

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