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In the Name of God, All Merciful, All Compassionate

Iraqi High Tribunal
2nd Criminal Tribunal
Baghdad- Iraq

Reference No.: 1/ 2nd Criminal/ 2006

Date: 2007 June 24

The Verdict

...The General Command of the Armed Forces or study the plan, but the approval was issued to carry out and it's actually carried out by the assigned headquarter that was leaded by the accused (Ayad Khalil Zaki).

When the investigation judge **questioned** the accused what is the meaning of using the special amammunitions or special strikes? The accused **answered** saying: According to the military terms, the special amammunitions are the chemical weapons and the special strikes are the attacks by using the chemical weapons.


In addition, the accused **added** that the chemical weapons are not allowed to be in use unless the president issued an order to use it because such weapons are considered as strategic weapons.

The investigation judge **addresses** his speech to the accused "you mentioned that Anfal operations attacked the Armed Forces and Kurdish fighters, while the witnesses reported that no Iranian troops were existed and the operations targeted villages populated with civilians". The accused **answered**, "I would like to clarify before the tribunal that the department of operations prepares its report and study regarding Anfal based on the intelligence report that was submitted by Chief of Army Staff and we gave our opinion on that in details.

The accused also **stated** that the Iranian Forces started withdrawal in July 1988 and no one left behind, but the presence in the Kurdish area was for the armed individuals around the mountains, however the last operation of Anfal started on 1988 August 28 and continued until 1988 September 6 to get rid of the sabotage.

The investigation judge **questioned** the accused "according to the letter number 1122 dated 1988 August 21 that was addressed to the 1st Corps and the 5th Corps that was referring to the conference held in the 1st Corps and was signed by you dated 1988 August 20, in which the first paragraph indicates that (defining the population concentrations in the 5th Corps Sector, and to be treated by intensive special strikes 48 hours prior to the implementation.

(320- 963)



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... to create panic among them and prevent them from collaborating with the saboteurs, and to observe their movements in the area (S). The accused **answered**, “I confess with the conference held on 1988 August 20 and with all the included instructions in the paragraph number (2) about the coordination with the Turkish side according to the Cooperation Protocol that was signed with them particularly by the Iraqi Foreign Ministry, except for clause (1) that was talking about intensive special strikes which never exist and it was not discussed at all.

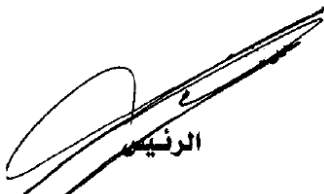
The investigation judge **questioned** the accused “who was the military, Party and security supreme leader in the Northern Zone?” the accused **answered**, “according to the decree number (160), Ali Hasan Al-Majid is the Head of the Northern Organization Office who was given all authorizes of the president of the Republic. Consequently, the military forces in the area were under his command and obeyed his orders because he was the supreme leader in the area.

The investigation judge **questioned** the accused “who issued the orders to destroy the villages, knowing that most of the villages were not border ones?” He **answered** if there are military necessities to destroy the villages, the orders will be issued by Chief of Army Staff, or Minister of Defense, or the supreme leader of the Kurdish Northern Zone (the accused ‘Ali Hasan Al-Majid).

Furthermore, the accused **stated** to the investigation judge, “after the end of the Iraq- Iran war, Minister of Defense (‘Adnan Khayrallah) ordered to destroy the rest of villages during his visit, the accused Chief of Army Staff (Nazar ‘Abd-al-Karim Al-Khazraji then ordered the 1st and 5th Corps to destroy all the villages and the houses of each village. However, the army was destroying the villages during the Anfal operations which were the Corps Commander’s authority”.

The investigation judge **questioned** the accused “you mentioned in the clause number (2) of the special plan of the last Anfal operations to use the extreme cruelty against the saboteurs and their collaborators. what you meant.....

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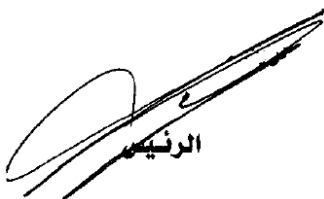
The Verdict

by the saboteurs and their collaborators, knowing that, you were playing a part in laying down this plan with the accused Nazar Al-Khazraji”? He **answered** that this order was issued by the Chief of Army Staff at that time, Nazar Al-Khazraji. In regards to the saboteurs, it means anyone who lifts arm against the state, or the collaborators who are related to the saboteur’s family, his relatives or his village. However, this matter is not right and it is against the law, but we could not object this order according to the military procedure”.

The investigation judge **questioned** the accused “were you attending all special meetings that related to discussing Anfal operations with the accused Nazar Al-Khazraji and the field commanders, whereas you gave suggestions about the military plan starting with the first Anfal operations in February until September 1988? Moreover, is there any illegal orders were issued without legal justification? He **answered** yes, I was attending and fully playing my role in giving suggestions and opinions, but I couldn’t disobey any order that was issued by the accused Nazar Al-Kazraji even if it was a violation of the law, and most of the villages were destroyed against the law?

The investigation judge **questioned** the accused “who was in charge and the first responsible for all crimes that were committed in Al-Anfal, and did you issue orders for crimes during Anfal operations (murdering, destroying villages, killing the families after being relocated)?” He **answered** “ the first responsible was the accused Saddam Hussein because he was President of the Republic and the General Commander of the Armed Forces, and he issued orders to carry out those operations. The orders were also issued by ‘Ali Hasan Al-Majid because he was a second responsible, in addition to other orders issued by the accused Chief of Army Staff Nazar Al-Khazraji about what happened in the Northern Zone, even the orders that were issued by ‘Ali Hasan Al-Majid, were put out during or after the implementation and I don’t have power to issue such orders to the authorities who carried the implementation.

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(The Statement of the accused Husayn Muhammad Rashid before the tribunal)

The tribunal questioned the accused Husayn Rashid “what was the position that you occupied during (1987- 1988)”? He **answered**, “I was the deputy of Chief of Army Staff for Operations since July 1987 until September 1990”.

The tribunal questioned the accused “From 1987 March 29 till July 1987, what was your position?” He **answered** “during 1987 March 29 until July I was assigned as Chief of Army Staff, I was the Commander of the Republican Guards Forces, while the Chief of Army Staff at that time was Lieutenant General (Nazar Al-Khazraji)”.

In another question directed to the accused, were you the only deputy of Chief of Army Staff or were there other deputies? He answered, the Chief of Army Staff had four deputies and I was one of them where I was occupying the position of Chief of Army Staff for operations from 1987 to 1988.

The tribunal questioned the accused (Husayn Rashid Muhammad) “what does the General Command of the Armed Forces mean? What are the authorities and the roles of this command? Who were the members of this command during 1987- 1988, and were you a member?” He **answered** “the General Command of the Armed Forces was formed after Iraq –Iran war and it was the middle headquarters between the Ministry of Defense and the General Commander of the Armed Forces (President of the Republic). Moreover, this command had no authorities but to discuss matters related to the war and the big operations with the General Commander of the Armed Forces in case of any war occurrence, in order to ask his opinion or his decision and he reviews the suggestions of commanders of the Naval, Air and Army Aviation Commander”.

He also **stated** before the tribunal, that the members of the Armed Command during 1987- 1988 are the General Commander of the Armed Forces, the accused (Saddam Hussein) and the Deputy of the General Commander (Minister of Defense)...
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...('Adnan Khayrallah), Chief of Army Staff (Nazar Al-Khazraji), the four deputies of Chief of Army Staff, Military Intelligence Director (Sabir 'Abd-al-'Aziz Al-Duri), Air Force Commander (Hamid Sha'ban), Aviation Commander (Al-Hakam Hasan 'Ali), Air Force Commander (Gha'ib Hassun), General Command Secretary ('Ala' Kazim Al-Janabi), and I was Deputy of Chief of Army Staff for Operations”.

The tribunal questioned the convict “what are the authorities of the General Commander of the Armed Forces that he had?”

He answered, “There are many cases are to be discussed in the general command and is to be submitted to the general commander, however the secretary combine these all cases and topics then he invites the command members for a meeting and introduces these topics in attendance of the General Command of the Armed Forces who makes the decision”.

The tribunal questioned the convict “what was your role in the meetings of the General Command of the Armed Forces?”

He answered “if there was a time to speak I did, because my position is complementing with the position of Chief of Army Staff, while he recognizes my role more than other deputies and sometimes he issues orders then he discusses with me”.

The tribunal questioned the convict “as long as the a decision was made by Chief of Army Staff or by the General Commander of the Armed Forces, is it a must to be preceded with an opinion from the Operations Department?”

He answered, “Yes it is, and if the Chief of Army Staff submits a prepared study by a Corps Commander to me, and the chief asked me about the sources I just give my opinion”.

The tribunal questioned the convict “if corps commander requests for military supplies in order to be prepared for a specific attack and he needs a plan, in this case do you discuss it with the Chief of Army staff?”

The President

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He **answered**, “The corps commander refers to the Chief of Army Staff, and the chief of Army Staff refers to the operations department before taking a decision if these supplies are available or not”.

The tribunal questioned the convict Husayn Rashid “you mentioned to the investigation judge that the operations department is related to the Chief of Army Staff and receives the orders from him, and then this department carries out these orders, that means that this department were assigned to carry out the orders after coordinating with the corps, is this true? In addition, how they could coordinate and carry out operations”?

He **answered**, “The corps reports the status while the deputy of operations holds the device. There are special directorates for planning and it has the same tasks of operations department, they follow and arrange the movements of troops then they locate that on maps and finally they discuss any study with planning department. However, the deputy of operations does not address to the corps, at the same time, the corps does not address to the deputy, and the daily status was to be sent to the operations departments”.

The tribunal questioned the convict Husayn Rashid “how many directorates are related to the operations department of the Chief of Army Staff?”

He **answered**, “Six directorates, which are (Planning, Operations, Arming and Supplying, Organizing, Communications, and Survey)”

The tribunal questioned the convict “what are the tasks of the directorate of planning?”

He **answered**, “The planning directorate has an operation room provided with maps, and this room contains all the assignment of troops, in addition to records for all the troops' arrangements around Iraq.

Moreover, the discussions were executed within this room especially when we receive a study from the Chief of Army Staff or from Corps about availability of human and physical resources”.

The tribunal questioned the convict Husayn Rashid Muhammad “If the Chief of Army Staff requests the Planning Directorate to put a military plan, does the Planning Directorate abide by the request?”

He **answered**, “The Chief of Army Staff has the power to issue orders for any unit even it was related to discussing corps' study”.

The President

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As he **reported** before the tribunal (...) “when I mention (participate) during my report, it means when the study is received by the planning directorate and it gives the opinion about the availability of sources, so this is the meaning of (participation)”.

The tribunal questioned the convict “if the military plans issued by the corps, does it go by the Chief of Army Staff then go by the planning and operations directorates”?
He **answered**, “Yes it does, and the planning directorate notes down the technical opinion, and then submits the military plans to Chief of Army Staff, which puts forward these plans to the Presidential Diwan”.

The tribunal questioned the convict “who does undertake carrying out the order that issued by the Chief of Army Staff to assign brigades or divisions to take locations”?
He **answered** “The operations”.

The convict **added** to the tribunal, “Following up the force operations means what time the operation started and where is the location to be informed with locations of the forces. After that, the status report comes and includes the brigades’ commands; however, this status is to be circulated on all the departments that belong to the Ministry of Defense and not only the operations department”.

The tribunal questioned the convict “what are the assignments of Arming and Supplies Directorate?”
He **answered**, “To be aware of the army’s requirements such as importing the required war equipment and submitting a request to the Chief of Army Staff then to the Ministry of Defense to sign contracts with the suppliers. Finally, when the equipment is received, it was put in the Supply and Ordnance Storages”.

He also **reported** before the tribunal, “The Communication Directorate provides the connections via wireless devices”.

The tribunal questioned the accused “Did you study the plan during Anfal operations that was put by the 1st Corps”? He **answered**, “Yes, we did, and then we sent the study back to the Chief of Army Staff and after three or four days he got the approval and the corps was informed with that.

the President

(326- 963)



The Verdict

The tribunal questioning the convict: Was the plan of the 1st Anfal operation organized by the 1st Corps and was handed over to you later?

He answered: the Chief of Staff handed it over and we gave our technical opinion as usual.

The tribunal questioning the convict: It is not possible to transfer any military unit from one place to another if the Operation Directorate is not aware of it? **He answered:** of course they have to be informed because they have to know the status.

The tribunal questioning the convict: Did the Chief of Staff tell you that the approval on Anfal operation was given?

He answered: a letter came to the Corps and a copy of it went to the Operation saying that the approval has been given.

The tribunal questioning the convict: Did the Operation have an opinion upon Anfal operation before the decision of the Chief of Staff and the general Commander was issued?

He answered: Definitely I mentioned that any study of Chief of Staff of the Army cannot be presented to the Ministry of Defense Office unless the Operation Directorate is sure of his sources, and it is always according to the chain of administration.

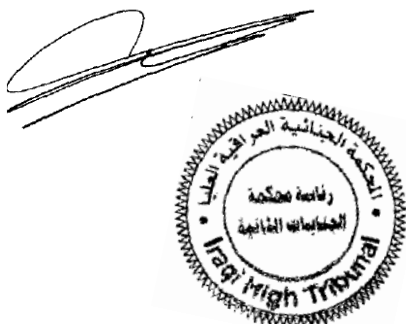
The tribunal questioning the convict: Was the study of the 1st Anfal operation and that was laid down by the 1st Corps Commander sent to the Chief of Army Staff then it was presented to the Operation Directorate where it was studied and sent back to the 1st Corps?

He answered: Yes.

The convict also stated before Tribunal: We received Anfal operation study and we gave our remarks on the Human and financial sources but afterwards, it was sent according to the chain of administration.

The tribunal questioning the convict: Did the Operation Directorate provide the assigned Headquarter with maps? **He answered:** The Administrative Officer is handed document No. (102) and leaves. The Land survey Department is interrelated to me.

The President



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The Verdict

The tribunal questioning the convict: When military units are being transferred to join the assigned Headquarter shouldn't they pass through the Operation Directorate?

He answered: Yes if the transfer is from different sectors the Operation takes control of the transfer.

The tribunal questioning the convict: Who was the Commander of the assigned Headquarter?

He answered: He is the Lieutenant General Sultan Hashim Ahmad for the 1st and 2nd Anfal operations.

The tribunal questioning the convict: You mentioned in your testimony before the Judge that you sent a representative to the 1st Corps regarding the 2nd Anfal operation at the beginning of the operation to study it completely, and it is normal that the operation representative comes back to the Directorate before giving his military opinion, so after the study on the operation was completed, it was presented to the Chief of Army Staff and to the general Commander and the order was given to execute, so it was executed in the assigned Headquarter?

He answered: This is an assigned Headquarter, and to save time, Lieutenant General Ayad Khalil Zaki asked me as well to send a representative if he has an opinion regarding if there are sources or not, and that representative was from the Planning Directorate who had the maps and documents of the sources.

The tribunal questioning the convict: There is the letter No (1182) on the 28th of August 1988, issued from the Chief of Army Staff, addressed to the 1st and 5th Corps, and its subject is directions of removing all villages and houses within them, so is the status achieved by razing houses, removing villages and deporting citizens? Where a copy of this letter was sent to you?

He answered: a copy of the letter was delivered to me to adjust and fix some of the military matters and maps.

The tribunal questioning the convict: Does the Operation Directorate know about the Divisions and their locations and positions in the Anfal operation?

He answered: Yes.

The President



The Verdict

The tribunal questioning the convict: Were you at Kirkuk Conference on the 20th of August 1988?

He answered: I usually attend all conferences with Chief of Army Staff especially the ones in Kirkuk, and I remember once that the minister of Defense was in one of them, but this date I cannot recall.

The tribunal questioning the convict: There is a document issued by Chief of Army Staff No. 349 on the 27th of April 1988, addressed to 1st and 5th Corps, and the subject is directions of Kirkuk conference that was held on the 27th of April 1988 that includes:

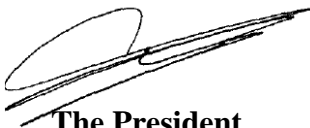
1. About the direction of the administrative work.
2. Tactics of the coming work and it explains that during a period of July we have to defend in the northern area continuing limited attacks against targets of a tactical value.
3. The execution of the 4th Anfal that pertains to (Shuwan) according to the suggested plan that was discussed in the Planning Directorate and after that the Anfal operation within the 5th corps sector will start.
4. Using the special ammunitions against the enemy's gatherings whether by air force or artillery and strike their locations with special ammunitions.

A copy of this letter was sent to the Operation Directorate, were you aware of this subject? And did you discuss these issues in Kirkuk?

He answered: We have discussed everything but the special ammunitions.

The tribunal questioning the convict: (Husayn Rashid Muhammad) you were close to the Chief of Army Staff at that time, do you deny that the army at that time did not use the special ammunitions?

He answered: there are documents signed by the Minister of Defense that say proves it, how can I deny that?



The President



The Verdict

The tribunal asks the accused: According to documents and testimonies of the ones who lodged a complaint it was clear that there were destruction villages and deportation of people?

He answered: the Accused ('Ali Hasan Al-Majid).

The tribunal asks the convict: which was the Directorate that was responsible of marking the villages? **He answered:** the marking, the map updates and sectors as comes from the Planning Directorate, when they print a map to the army they write the removed villages and towns. And the Planning Department is interrelated to the Operation Department.

The tribunal asks the convict: there is a daily status report that is sent every morning by the Commander of the Corps, to whom is it addressed to?

He answered: to the Operation Directorate.

The tribunal asks the convict: It has been mentioned before the investigation judge in your testimonies during the investigation (if there was an order whether it is legal or illegal, we had to obey it)?

He answered: Yes even if it was antitrust laws we could not complain we are soldiers.

The tribunal asks the convict: Is the order given to the Operation as well?

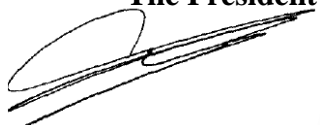
He answers: The execution is our job they just give us the status reports for example: they say destroy villages and say that they have destroyed this and this village, and then they record it with the status of the troops.

The tribunal asks the convict: did you attend all the meetings that pertain to Anfal?

He answered: yes.

The tribunal asks the convict: Does your role start from here? **He answered:** If Chief of Army Staff is not present, in this case I should be present, but this is not the point because while I was attending the meetings and an order was issued even it was antitrust laws;

The President



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The Verdict

...I could not disobey this order, however, this matter is not related to my department, but if it was, of course I would have discussed it.

The tribunal questioned the convict: what is your opinion regarding Anfal operation, did it go the way it was planned, did it achieve the goal and was it right?

He answered: I have received orders from a higher reference with more legal authority and the subject is specified regarding my department, I believe that the order I received is legal, and Anfal operations have achieved their goals by driving the Iranian army out of Iraq along with the traitors and armed rebellions.

The tribunal questioned the convict: Is it possible to execute Anfal operation without using the special ammunitions?

He answered: The army is capable of doing every thing it has flexibility and it has alternatives.

The tribunal questioned the convict: Is the Operations Directorate responsible of the army transportation considering it interrelated to Operation Department, and do you remember the orders that were issued regarding transferring troops and joined them with the 1st and 5th corps?

He answered: the Chief of Army Staff is the one who gives orders regarding moving units, I remember that moving units took place but I cannot remember any of the divisions and who joined the 1st and 5th Corps and I don't know the number, and divisions (44) and (24) were transferred according to the documents.

The tribunal questioned the convict: Did any enforcement of moving military units from other sectors to the 1st and 5th corps?

He answered: Definitely it happened.

The accused informed before the tribunal (...) Again I say, plans of Anfal Operations are available and it was studied, I did not say there were no studied plans, and the Operation Department assignments are based on the plan. However, I am not aware that the Northern Organization Office is issuing different orders and assigning duties to the troops, I am not aware of the plan or the study that includes the operations, and according to that I noted down my technical opinion.

The President



(331-963)

The Verdict

...regarding the plan, and it was issued to the Corps but there are two courses; the military and the organizing course, there might have been a confusion from another side. The accused also informed before the tribunal ... "I attend the summit as long as it pertains to operations, I might give my opinion or not, but who ever approaches of my directorates for an opinion I would give it.

The tribunal questioned the convict: What was the role that the summit played?

He answered: The summit is a is a military effort to help instruct the troops for example "I want you to be alert, the enemy is before your lines, what are your capabilities, or for example I require you to penetrate deep into enemy territory".

The tribunal questioned the convict: What is the meaning of the special strikes?

He answered: Well if he had said with special ammunition, it would have been clearer than special strikes, for they might be programmed, as in programmed strikes when the army fires (annoying fire) by hurling a round of artillery on enemy army.

The tribunal questioned the convict: Was the Directorate of Land Survey responsible of supplying the army with maps?

He answered: Yes, the army receives maps from us.

The tribunal questioned the convict: the Military Intelligence Directorate and the Chief of Army Staff are two independent departments that means, when the Military Intelligence wants to issue a correspondence, so it sends directly to the Head of Army Staff. Is that correct?

He answered: That is correct, for example: the Head of Army Staff requires that we cooperate with the corps as the accused Husayn Rashid reported that the Chief of Army Staff was issuing an order to the crops to study a plan, which means that he was coordinating between the corps and us, and this subject is related to Anfal,

The President

The image shows a handwritten signature in black ink on the left, followed by a circular official seal on the right. The seal contains the text "القضاء العالی" (The High Tribunal) in Arabic and "Iraqi High Tribunal" in English.

The Verdict

((Testimony of accused Sultan Hashim Ahmad according to the investigation))

The investigation judge questioned the convict (Sultan Hashim Ahmad)

"What was the position you occupied in the years 1987 and 1988?"

He answered: In the year 1987, I was the commander of the 6th Corps in Maysan Governorate, and in year 1988 in February, I was summoned to the Armed Forces General Command, where I met the Chief of Army Staff (Nazar 'Abd-al-Karim Al-Khazraji) back then and he told me that I was assigned for the position of Anfal Operations Commander in addition to my duties, as he informed me after that of the mission assigned to me and asked me to head to Al-Sulaymaniyyah Governorate in the north, where he put under my command three divisions: 33rd and 4th divisions, in addition to another force called: 1st Legion [*T.C: Regrouped with (Jahfal)*] Command it is a big number of division that are in Command of the National Defense regiments composed of Kurds, where a location was set for me along with a number of officers of the staff as I was informed to reorganize the forces, re-equip and train them according to the nature of the location, weather and duty, where the mission that was assigned to me was force out the saboteurs (all those who take arms against the Government that are both of our own Kurdish people and Khumayni Guards).

The area north-east Al-Sulaymaniyyah which is east of Pira Magrun that has the following villages: (Bargalu, Sargalu, Haladan, Chukhmakh) and other villages in the direction of the borders with Iran.

The investigation judge questioned the convict (Sultan Hashim Ahmad) "what was your role in the 1st Anfal operation and the other operations? Answer us in details".

He answered: I would like to make clear some of the points that may help the investigation, one of the things that I would like to point out is the Regiments of National Defense, and those Regiments were formed and named in the days of the former Government and it stayed on its name as Regiments of National Defense in the year 1980 and was (200) Regiments, each Regiment consists of (300) up to (5,000) soldiers as they were supervised by their tribal Chief , but they military commanded by the corps they were joined with, where it was divided for two sectors, Al-Sulaymaniyyah sector.

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It's called the Command of the First Light Legion which is considered on the level of the Division Command and the Command of the 5th Light Legion which considered on the level of the Division Command in (Irbil) Sector and Duhuk.

There is a matter I would like to clarify as a background of some issues which is as follows: In 1978, I was working as a regiment commander in (Pinjwin) Area and my military rank was Staff Lieutenant Colonel.

And in that time the government deported the inhabitants of the villages along the borders line at Al-Sulaymaniyyah and the areas beyond the Iranian borders and they were gathered at complexes I added that the military declarations and orders were issued directly by the Chief of Army Staff; whereas the approval of the followed military plans is issued either by the Chief of Army Staff, specifically by the Operation Department in case the plan is related to military operations through the directorates of Operation and Planning where the General Husayn Rashid is the Deputy Chief of Army Staff.

All the plans regardless if it was prepared by the interested corps or the Operation Directorate were not executed before the negotiation between the departments and an order by the Chief of Army Staff is to be issued before.

These are the procedures used that time.

The convict (Sultan Hashim Ahmad) reported before the investigation judge that all the details of these operations including Anfal were registered by reports and recorded and analyzed by the Military Movements and Planning Directorate, the Operations Directorate and the interested corps.

I would like to clarify generally the fact of Anfal Operations which was started by the end of February 1988 and ended by Anfal final operation in 23 August 1988.

Some of these operations executed as a special mission by a command that was prepared for a special mission and that was the 1st and 2nd Anfal Operations.

Other operations were executed by the 1st and 5th Corps or the 1st and 2nd Corps or by one corps such as Anfal first Operation which was called the First after they wanted to execute the 2nd operation.

I was assigned by the Chief of Army Staff and I was called immediately at the mid of January and I meet by.

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The Chief of the Army Staff and the Chief of the Army Staff Deputy the General Husayn Rashid and he gave me a summary on this operation which was prepared earlier by the 1st Corps and the Operation Department.

The Chief of the Army Staff asked me to receive the operation's file and to move immediately to Al-Sulaymaniyyah Area and to establish a command.

For this operation they put the 4th Division and the 33rd Division under my commander along with the Command of the 1st Light Legion and between 70 and 80 National Defense Regiments.

After two days I left to Al-Sulaymaniyyah as I was ordered to do.

And the Chief of the Army Staff ordered me to study the military operation's file and to give my recommendations and my notes about it.

The Chief of the Army Staff informed me that a staff officer was elected to organize headquarter for Anfal Operation and I was informed that the Chief of Army Staff deputies are supervising on the accomplishing the preparations and discussing the plan.

The 4th and the 33rd Divisions were mobilized at (Susa) Area (Surdash) intersection and the Command of the 1st Light Legion was at (Dukan) Dam, while the 4th Division was mobilized at (Mawat) Area.

A number of the National Defense Regiments were assigned under the commander of these divisions.

The mission of these forces was located (10-15) Kilometers between Southeast Al-Sulaymaniyyah and left along to (Dukan) toward the Iranian depth.

Mentioning that the center of the area and the operation was (Sargalu and Bargalu) Villages. After these sectors were brought to the area and trained for 15 days on the mountains war and increasing the physical capabilities of the fighters, we were informed that the execution of this operation must be at the 22nd or the 23rd February 1988, while the snow was covering the mountains.

I was assigned to this mission and it was the duty of the 5th Corps

The fighting lasted for 20 days before occupying the mountains' tops to reach (Sargalu and Bargalu) Villages.

Our forces reached to villages and we didn't find anyone in the area.

After that we were assigned to open the roads for the area and that was after a month when the weather became better.

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The convict reported before the investigation judge that during that period between February and March, I didn't meet any official from the Northern Organization Office and I was only receiving or delivering orders between me and the Chief of the Army Staff and his Deputy. The convict (Sultan Hashim Ahmad Al-Sayyid) also reported before the investigation judge: After I became the commander of the 1st Corps and after the execution of other Anfal Operations, the coordination between me and the Northern Organization Office was ruled by the order No. (4008) in 20 June 1987 and signed by the convict ('Ali Hasan Al-Majid) the Secretariat of the Northern Organization Office.

The value of the coordination between me and the Office was about one subject which was that after occupying the villages which are aims of the Military Sectors of the 1st Corps. The residents of this area (Operation Area) will be moved by military vehicles. Mentioning that the ones who were in charge of this were militant and they took the residents to the Military Intelligence System in Kirkuk and after the organizing with the system they were moved to the Northern Organization Office and no one of the militant knows the fate of these people after being moved there.

And I meant the females, kids and males along with there property, and I would like to mention that according to the order issued by the convict ('Ali Hasan Al-Majid) which was about dealing with the security restricted villages in case of finding any movement or appearance at that area and the military sectors are dealing with that movement directly by the fire shooting or by the gun shooting or by using the light weapon.

And the order was clear and prohibiting the presence days or nights in the security prohibited area, mentioning that the orders authorized the execution of any arrested person from 15-70 years and the execution operations were not executed by the military forces.

Mentioning that I don't have any contact with the security committees formed by 'Ali Hasan Al-Majid but sometimes a representative from the Corps is requested, so an Internal Security Staff Officer or the Corps Intelligence Officer and in case of anything related to our work.

The President

(336-963)



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They informed me to take the needed procedures.

And regarding Anfal 2nd Operation, I was not assigned for it neither the 1st Corps because this corps was assigned to (Shimiran) Battle and the mission of Anfal 2nd Operation was including (Qara Dagh).

And regarding the other Anfal Operations, all took place through the 1st Corps separately or by the support of the 2nd or the 5th Corps.

Their duties were to expulse the saboteurs and purging the area and moving the persons and families from these security prohibited areas and delivered them to the Northern Organization Office through the Intelligence System and destroying their houses without any amount paid instead.

Regarding Anfal Third Operation it was near (Qadir Karam) and ('Umar Bil) belongs to Kifri Sub District along to (Sankaw) area on the Iranian Borders.

After execution of Anfal 5th and 6th Operations at the area between (Dukan, Kuysinjaq and Chamchamal) including (Cham Rizan) Village and the treatment in these villages was the same as before because it was considered as a security prohibited according to the government orders.

Regarding Anfal Final Operation that took place at the end of August after the cease-fire and these operations were executed by the 1st and the 5th Corps and the main aim of the 1st Corps at (Qal'at Diza) Area was to spread the government authority on the last part of the area and that was for political purposes.

The mission was accomplished by destroying the houses and deporting the persons regardless the cease-fire.

By a question from the investigation judge to the convict:

Did the Air Force Command ask the command of the Corps the names of locations to be shelled?

He answered:

The Air Forces didn't ask but a support of the helicopters was requested in case the weather was good because they were attacking the mountains' views as a major target.

By a question from the investigation judge, the convict (Sultan Hashim) was asked the following:

As you occupied several positions, answer us about the methods of using the special ammunition and who was authorized for issuing the orders in using these ammunitions?

The President

(337-963)



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He answered: I occupied many positions starting from an officer up to corps commander and the Deputy of the Chief of the Army Staff/Operations, then the Defense Minister and during that long period I don't know the authorized entity for using these special ammunitions and I didn't know that there are special weapons or ammunitions until the United Nation affiliates came.

The Commands of the corps are receiving the orders from the Chief of the Army Staff and the Chief of the Army Staff is receiving his orders from the Defense Minister or the General Command of the Armored Forces,

Question by the Investigation Judge:

Is there any role for the General Military Intelligence Directorate in using the special ammunitions or any rule in Anfal Operations?

He answered:

The mission of this directorate is intelligence work and presenting information about everything related to the military operations and plans, also providing information on movements of the enemy and the land.

All these information are presenting as intelligence reports to the Defense Minister or the Chief of Army Staff.

We notice that the high importance information is to be referred to the General Command or the Defense Minister. These two persons are able to give suggestions but they are not the decision makers.

Question by the Investigation Judge:

As you are the Commander of the 1st Corps and most the operations executed under your supervision, is there any information about the fate of these families or the place they were taken to?

He answered:

My responsibility was just to pass the orders then to transport the families and the kids of this area by vehicles to the Intelligence System then to the Northern Organization Office according to the orders of 'Ali Hasan al-Majid and we don't know anything about their fates after that

The Northern Organization Office is directly responsible of dealing with these families in accordance with the privileges granted to the Office Secretary.

Question by the Investigation Judge:

Mass graves were found at Al-Sulaymaniyyah and Al-Hadar Area at Al-Mawsil which include whole babies, males and females from..

The President



(338-963)



The Verdict

The residents of Al-Sulaymaniyyah Governorate including (Sidar) Village, mentioning that these villages are included in Anfal Operations In despite of the attendance of the internal Security Staff Officer and the intelligence Officer, and these two are working under your supervision.

Is it possible that they didn't know about these mass graves, is it possible that no one arranged with them regarding the graves?

He answered:

I don't know about these graves and I never heard about it.

Mentioning that dealing with the families after delivering them to the Northern Organization Office is the responsibility of the office itself and no one of them informed me about these graves and I was hearing about it through the Kurdish broadcast and I never knew about it formally.

Question by the Investigation Judge:

What were the orders issued to you regarding eliminating the villages and who issued these orders and how many villages you took action against?

He answered:

The orders were issued directly by the Chief of the Army Staff and this thing doesn't come in contradiction with the orders issued by 'Ali Hasan Al-Majid, which means that we execute any order received from the Chief or the Army Staff or from 'Ali Hasan Al-Majid

And these orders were executed at the security prohibited areas which were including group of villages such as (Sarglu and Barglu, Haladan, Chukhmakh, and other villages)

After receiving the orders we executed and after controlling the villages and in case of the present of civilians or families they were transferred by military vehicles to the Intelligence System of the Northern Area to be delivered to the Northern Organization Office and after that the Military Sectors Eliminate the village.

The operations were assigned to my corps and under my supervision were limited between west (Sangaw and west Qadir Karam) along to Kifri Area.

This operation was shared between the 1st Corps which was under my command and the 2nd Corps, while the other operation was limited between (Cham Rizan) along to (Sad Dukan) then to (Kuysinjaq) and this operation was under the supervision of the 1st Corps and under my command, mentioning that four divisions participated in this operation.

While the final operation in September.

The President

(339-963)



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1988, which was called (Khatimat Al-Anfal) Anfal Final Operation or Closure, which took place after the cease-fire between Iraq and Iran and this operation was including (Qal'at Diza) -Balisan) to the east, which was to inspect the borders line east (Qal'at Diza) and at that operation we didn't find civilians in the villages.

While at the operations before we found civilians and we executed the order which was about transporting them by military vehicles to the Intelligence System of the Northern Zone in order to be received by the Northern Organization Office and this order was issued by the Northern Organization Office and the one who was in charge is ('Ali Hasan Al-Majid) This was issued as instruction and spread over the corps and in my order I spread it to the divisions affiliated to it.

Question by the Investigation Judge:

According to you, the orders issued for eliminating the villages and transporting the residents by military vehicles are legal or illegal?

He answered:

In case of war and when I receive a military order I don't think of it as legal or illegal because this order is issued from my higher source which I have to obey and I'm executing according to this or I'm might be executing according to the military law.

Question by the Investigation Judge:

You are convicted of destructing the Kurdish villages during Anfal Operation and conducting forced evacuation operations of civilian as well as contributing with 'Ali Hasan Al-Majid by killing the Kurdish Civilians.

((Statement of the convicted Sultan Hashim at the Tribunal))

A question from the tribunal to the convict Sultan Hashim Ahmad:

What is the General Command of the Armored Forces? And what are the issues that discussed within it? And who are its members during (1987-1988)?

The President



(340-963)



The Verdict

He replied the General Command of the Armed Forces were utilized in the Iraqi-Iranian war and routinely replaced the Supreme Defense Council taking over its responsibilities and duties among which are the duties of discussing military tactics, administrative matters, planning / transportation matters and all military responsibilities that are primarily of four kinds (Operations, Administration, Supplies, Training) and these four responsibilities cover all Military responsibilities.

When there is a time where the General Command requests a meeting in accordance to a work schedule they summon those individuals and discuss whether the training, operations, administration, supplies or anything else for that matter, with a purpose of taking suitable decisions.

The convict also stated: The members of The General Command for the following two years (1987 and 1988) are, The General Commander of the Infantry Forces, Republican President (Saddam Hussein) – Deputy of the General Commander and Defense Minister ('Adnan Khayrallah) – Chief of Army Staff (Nazar Al-Khazraji).

The assistants that attend the General Command of the Infantry Forces meeting are formed of four assistants: Administration Assistant Lieutenant Colonel ('Abd al-Sattar Al-Ma'ini), Supplies Assistant Lieutenant Colonel (Diya' Al-Din Jamal), Training Assistant (Ni'mah Faris Al-Muhayyawi) and Operations Assistant (Husayn Rashid), the Directors of Operations and Planning also attend all meetings.

The convict was questioned by the tribunal: whether he was one of the members of the Infantry Forces General Command?

He replied: Yes, I am a member of the Infantry Forces General Command.

The convict was questioned by the tribunal: does the Corps Commander of the General Command attend the meetings or does he only attend when requested to attend?

He replied: No, he is not a member and he does not attend, yet if his presence was requested, in a matter that concerned him, then he would attend and be included in the Infantry Forces General Command meetings.

The President



(963-341)

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The convict was questioned by the tribunal: what are the jurisdictions of the Chief of Army Staff?

He replied: The Chief of Army Staff is responsible for the army administration and he applies his jurisdictions on the Naval Forces too, and that all orders issued to the Naval Forces are issued by the Chief of Army Staff.

The convict was questioned by the tribunal: what are the jurisdictions of the Chief of Army Staff Assistant in regards to operational matters?

He replied: The Office of Chief of Army Staff consists of four departments: (Operations, Administrations, Supplies and Training) and I am able to say that each of the four assistants is an adviser to the Chief of Army Staff concerning matters within their department, for he hands-in his recommendations to the Chief of Army Staff.

in every Department of these departments there are directorates that comply with their directorate, which are correlated to the Chief of Army Staff who is responsible for them, so when the Chief of Army Staff requests recommendations from any of the departments or from the Assistant then the assistant passes it in to the director of the specified directorate or if the Assistant is familiar with the questionable matter he responds and returns it to the Chief of Army Staff.

Questioned by the Tribunal in regards to which Directorates are correlated with the Department of Intelligence?

He replied that the Department of Intelligence is correlated to the following departments: (Operations, Planning, Arming, Supplying, Organization, and Military Surveillance along with the Intelligence Directorate).

Questioned by the Tribunal in regards to what the Planning Departments' specialty was?

He replied: Its title explains it more specifically, any task, Military Planning or any task that requires any planning. Military Planning in Military terms is recognition of situations where there are specified tasks that are discussed by the plotter who reaches a plan meaning that the plan is the substance for recognition of the situation.

Questioned by the Tribunal in regards to the first circumstance the plan contravenes the Corps and is this is based on a request from Chief of Army Staff?

He replied: It is presented to the Chief of Army Staff who is in charge of the decision; he then transfers it to the operations requesting a report with their opinion on the matter.

The President



(963-342)

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The decision is in the hands of the Chief of Army Staff who either agrees, or not or may modify it. The decision will be issued by the Chief of Army Staff and no one else.

Questioned by the Tribunal whether the National Defense Regiments are correlated with the first Corps, of around (60 to 70) Regiments?

He replied: In this operation only (The 1st Anfal Operation) the National Defense Regiments' numbers in the country were (205) Regiments, and this estimated number includes (all) of the Northern Sector, the (Suran) Sector, the (Bahdinan Sector), and parts of (Irbil), Dahuk and Al-Mawsil. These Regiments led by Tribal leaders assign an advisor (*T.C: MUstashar*) for the Regiment. The Defense Regiments have supporters there with the first Corps, which is known as the 5th Light Legion (*T.C: Jahfal Khafif*) Command. Every Command divides the numbers among them. All these Regiments belong to the Legion Command.

The convict was questioned by the tribunal to which they would belong in battle?

He replied: In battles, they belong to the Command yet if this Command was part of the operation, they received their orders from the Corps Commander and if it was not part of the operation it received its orders from the Commander that is present amid the battle.

The convict was questioned by the tribunal if the National Defense Regiments participated in the 8th Anfal Operation? In addition, whether the National Defense Regiments were responsible for the first attack (who led before the army troops)

He replied: It was one of the chief dependencies where the National Defense Regiments were spread throughout the 3 Corps (The 2nd, 5th and 1st) in all operations and the aim of the Chief of Army Staff to rely on them, and the troops advance and occupy targets, this was the goal.

The convict was questioned by the tribunal if the Military Intelligence Directorate provided you with reports with the location of villages and residential areas and Military targets that they used in Anfal operation?

The President



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He replied: (The principle of the Intelligence Department is to provide intelligence to who requires it). Therefore, the reports are handed up to the Office of Chief of Army Staff or in the case where the reports are sent to the Chief of Army Staff transferred from the Ministry Diwan or even if the report comes directly to the Chief of Army Staff, where it is reviewed to find out what it is exactly that concerns certain Corps's which is then summarized in accordance to required Intelligence and is forwarded to the Corps's explaining what the report contained, and this is the course of work in Al-Anfal.

The convict was questioned by the tribunal: How many Corps's were present in the Northern District in the years (1987-1988)?

He replied: Three, the 1st, 2nd and 5th Corps.

The convict was questioned by the tribunal: How many Divisions were affiliated with the 1st Corps at the time of Al-Anfal?

He replied: The 1st Corps at that time had contained more than (10-11) Divisions, which I will state them commencing from the right, the (36th) Division that was responsible of Darbandi Khan, (28th) Division, (34th) Division, (27th) Division, (39th) Division, (44th) Division and the (10th) Division, however in regards to the Command of the 1st Legion, it was originally under the command of (Ayad Khalil Zaki) then handed over to Lieutenant General (Sa'd Shams-al-Din) and this Division was on the front line deep in battle against Iran.

The convict was questioned by the tribunal: Who is responsible for transferring a Division when required by your section, keeping in mind that you have stated that in an offensive situation the Corps is formed of 3 to 5 Divisions, who would have jurisdiction to order the transfer?

He replied: The Corps are controlled from The Office of Chief of Army Staff.

The accused was questioned by the tribunal: Which authority was responsible for giving the order to wipe out the villages and expel its residents?

He replied: The orders were issued from The Office of Chief of Army Staff (Diwan of the Defense Ministry) and from the Northern Organization Office.

The convict was questioned by the tribunal: Quoted in your statement before the Investigatory Judge that the plans, whether prepared by the Corps, the Operations Office, or even a joint preparation by both, will not be executed until it has been discussed by the Operations Office, correct?

The President



(963-344)

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He replied: They may discuss it among themselves being Operational Offices and then pass it on to The Office of Chief of Army Staff or The Planning Department and in some cases the file may be presented to the Operations Deputy, which he may forward in an official letter, where the Planning Department is in charge of discussions, meaning that it is the office responsible of reviewing the presented case, which is then forwarded to the Operations Deputy.

The convict was questioned by the tribunal: Are details of the Anfal operations or any for that matter illustrated in detailed reports within the Military Staff Directorate, Planning Directorate and Operations Department?

He replied: It is obvious within army regulations that there exists a morning status report and an evening status report which daily state, nothing can be accomplished in the army if it is not stated on paper.

The convict was questioned by the tribunal: Do the Status reports mention the destruction of the villages and deportation of its residents?

He replied: It is mentioned, for all activities are stated within this report, which is forwarded to the Office of Chief of Army Staff. If any activity is missing even of one day, a call is made questioning how and why the activity was not mentioned.

The convict was questioned by the tribunal: At what precise time was a Commander coordinated for the 1st Corps?

He replied: The order was issued on the 1st of April and the Corps was under the command of (Kamil Sajit) on the 2nd of April.

The convict was questioned by the tribunal: Anfal operations are formed of eight operations, Can you state to the tribunal, which operations you led and which troops participated?

He replied: I would like the following taken into account: In the 1st Anfal I was in command of my assigned station and under my command were three divisions, which are: the 33rd Division, the 4th Division and the Light Legion Command that included (60 to 70) National Defense Regiments.

As for the 3rd Anfal operation in which the 1st and 2nd corps participated within the area from (Sinjar to Kifri and Kalar), which was a sector under responsibility of the 2nd Corps. Also participating in some way or another were the Light Legion Command, the Oil Protection Command.....

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.....and the Artillery Directorate. As for the 4th Anfal operation, in which the 1st Corps led alone that also participated with the 10th Division I previously mentioned.

I also participated in the 8th Anfal operation, which the 5th Corps also took part in.

As a matter of fact, the sector was that of the 5th Corps sector, for my Corps and I were charged with assisting the 5th Corps in taking a sector of the 5th Corps's sectors and carrying out operations there, I was also charged to assist in planning and commanding its Military Units in order to expand their operational area.

The convict was questioned by the tribunal: Declared in your statement before the Investigatory Judge that you were summoned in mid January 1988 where you were met by the Chief of Army Staff (Nazar Al-Khazraji) and Chief of Army Staff Operations Assistant Lieutenant (Husayn Rashid) who briefed me on this operation, previously prepared by the 1st Corps and the Operations Agency, is this true?

He replied: when I was summoned by the Chief of Army Staff, I met with him in the presence of the Operations Assistant, the Planning Director then greeted them and took a seat, at which time the Lieutenant told me this is the situation, and you have been charged by us to take part in the Anfal operation and this file (which was in his hand) take it and read it and return to your Corps today and tell them that you have been assigned a mission.

Your group will be equipped in a day or two, you will go to Al-Sulaymaniyyah and open your headquarters, and this whole conversation was with The Army Chief of Staff.

The convict was questioned by the tribunal: Who is responsible for following up and executing orders in transferring a Corps once they have been issued by the Army Chief of Staff?

He replied: (Corps activity is the responsibility of the Operations Department) that tracks its activity, therefore (the duty of the Military Operations Directorate).

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The convict was questioned by the tribunal: Did the assigned headquarters provide you with backing?

He replied: The Headquarters assigned to the Operations Command fell under my command and once our duties were fulfilled, an order was issued that everyone was to return to their original unit.

The convict was questioned by the tribunal: Declared in your statement before the Investigatory Judge that during the 1st Anfal operation you claimed to have had no communication with this department and that you had never met with any of its affiliates, yet after assignment of Command of the 1st Corps, the coordination was the Northern Organization Office in accordance to order 4008 dated 1987 June the 20th, is this correct?

He replied: I said that in the 1st Anfal I did not meet with anyone, the reason I never met with anyone and never had any relationship with the Northern Organization Office, was because we never found anyone in the 1st Anfal to take and send off to the Northern Organization Office, this is the reason we had nothing to do with it, yet in other operations families were present, therefore we carried out our orders (among which was letter No. (4008)).

It was about sending the families that were found, to the appropriate authorities and the Northern Organization Office.

The convict was questioned by the tribunal: Did the villages that were considered a prohibited zone contain only men of the (Pishmarga) Forces or did it also contain families?

He replied: According to our Intelligence, it was inhabited, yet we had not actually witnessed the situation in detail until the Anfal operation was carried out. The operation was to begin by occupying its high grounds first and then work their way inside.

Whenever this occurred, families were seen and I saw them on more than one occasion, people, families, I mean men, woman and children, I would tell them to transfer them by car , I swear neither shackled nor captive.

The convict was questioned by the tribunal: What are the orders that were issued to the army sectors in regards to the treatment of families and their property within the prohibited villages? And did you carry out the issued orders?

The President



(963-347)

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... He answered: I had replied for two points, the first one regarding the people case; it is clear; if you find them, send them to the Northern Organization Office, that order has been issued by the Northern Organization Office.

The convict was asked by the tribunal about the order's execution.

He answered: yes, I had stated that this order was issued to the detachments and I informed the divisions that executed the order to do so, and took them to the Northern Organization Office of Kirkuk, the order was clear.

The people took whatever they could load in the vehicles, and they gave him so many vehicles that I witnessed, weird things could be happened in everywhere. Concerning the houses, an order of demolishing all the houses in the security-prohibited area was issued. The divisions gave back the document that had received by telegram from the Chief of Army Staff, No. (1182) dated on 1988 August 28 and stated that; The General Commander of the Armed Forces-Minister of Defense- ordered to (A) Demolishing all the villages and houses of each village by leaving one house or more in the previously-demolished villages, the army's air-force is assigned to control that.

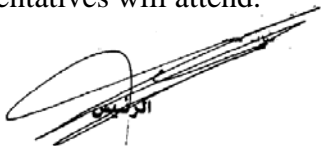
A question was raised by the tribunal to the convict: It was mentioned in your statement before the investigating magistrate that you have no connection with any member of the security committees related to the convict 'Ali Hasan Al-Majid.

However, sometimes a representative of the corps is being called and either a corps's staff officer or intelligence officer is attending, and if there is any issue regarding our task, it would be informed to me and the necessary action will be taken regarding it, is it true?

He answered: it is true, yes, sometimes if there is any issue related to our corps', a representative will go to the security committee.

A question was raised by the tribunal to the convict: about who is your corps' representative and do you know him?

He answered: that there is no permanent one and that one of the corps' internal security representatives will attend.



The President



(348-963)

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A question was raised by the tribunal to the convict: do you remember, for instance, one or two of the villages that been demolished in the Anfal operation?

He answered: for example there were many villages in (Simaqulyat) sector that been demolished by the army in the Eighth Anfal Operation, and that he mentioned its names in his statement.

A question was raised by the tribunal to the convict: It was mentioned in your statement before of the investigating magistrate that due to the bad weather and snow and rainfall; the air force was not used, but helicopters were called for support, it means that the weather was convenient?

He answered: what you said is right, but the helicopters cannot fly in the deep areas to avoid falling, it was flying over our detachments attacking the tops and it cannot reach the deep and the villages because it will be brought down if it reached there.

A question was raised by the tribunal to the convict: you said that you had received orders of moving the individuals found in the security-prohibited area by vehicles to the system, after that the vehicles started moving them to the Northern Organization Office where our relation with them will be finished there and when the cycle and the related documents is completed.

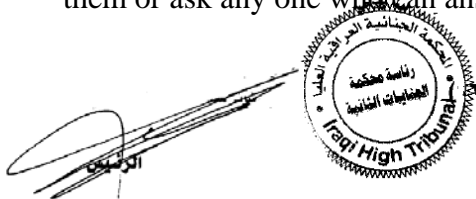
Therefore, do you mean that the army had arrested the individuals and handed them over to the Northern Organization Office; who is in its turn submitting them to the security authorities? So some individuals will be died during the investigations, some will be sent to mass graves, and others will be released, do not you think that the whole process is like a cycle starting from the army and arresting the people, and ending with the security?.

He answered: my answer concerning this point that; if I knew that those people will be treated in that way and I sent them; I will be an associate in the crime. But; I knew that they were moving them from the fight and the military operations areas to Kirkuk for saving their lives, that what I has been informed and I has not been informed about any thing else.

A question was raised by the tribunal to the convict: Was the transferring process by force or willingly?

He answered with a question, is there any one leaves his house willingly?

A question was raised by the tribunal to the convict: When you had submitted them to the Northern Organization Office, did you inquire about them and their fate? I never ask about them or ask any one who can answer me about them...



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... If I asked, and I know nothing about them, but if you ask me whether I heard in the radio any news about them? Yes, I was listening daily to the Radio of Democratic Party and Patriotic Union, and I heard much news about the mass graves, but I have no idea whether those people, buried in the mass graves, were the same who we moved to Kirkuk.

A question was raised by the tribunal to the convict: After the end of Anfal operation, had you been honored by the government at that time?

He answered: in the First Anfal Operation (One Medal of Bravery) as I am a corps commander that was assigned in a mission, if I success it, I will be honored, and if I fail it, my head will be cut. This is what I meant by the honoring, so when I said that they honored me, it would be against my efforts in accomplishing the mission assigned to me without any diligence, objection or negligence.

A question was raised by the tribunal to the convict: Did the orders of demolishing the villages and moving the people by the military vehicles, which was assigned to you, were legal in your point of view?

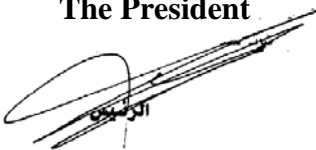
He answered: I think that you already read my answer to the investigating magistrate; I am receiving the orders from the deputy commander, the chief of army staff will inform the corps to order the division. I cannot ask him about the legality of that order especially that the country is in a war, it is a military order that to be executed.

A question was raised by the tribunal to the convict: If you were asked about your evaluation of the Anfal operation, are you satisfied about what happened in it?

He answered: For me as a soldier in that day of Anfal operation; the situation in the front was attack from two sides on the Iraqi front from (Mawat) and (Shimiran) sides, the evaluation of the Anfal operation for the soldiers was success, this is my answer, I'm a military soldiers who was assigned to a mission.

A question was raised by the tribunal to the convict: There is a correspondence numbered (349) dated on 1988 April 27 that was issued from the chief of army staff addressed to Staff Major General Sultan Hashim and Major General Ayad Khalil, its subject was ...

The President



(350-963)

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... the directions of the conference held in Kirkuk on 1988 April 27 including article (F) of using the special ammunitions on the enemy's assemblies, also about the possibility of attacking the saboteurs headquarters by special ammunitions attacks, you are saying that you have no idea about that, but that correspondence was addressed to you?

He answered: It was addressed to me, but there were copies of it that sent to the others; some were sent to the Fifth Corps, to the First Corps, to the Fifth Corps Sector, to the First Corps Sector, and to all the other concerned parties.

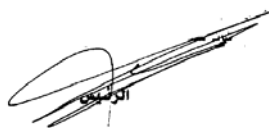
A question was raised by the tribunal to the convict: A mass grave was found later in Al-Sulaymaniyyah area in the sector that was under your command during Anfal operations, bodies' remains and skeletons of Kurdish citizens of Anfal victims were found there. The grave included too; infant' toys and house plates, but you claim that you do not know about that, how do you explain it? He answered: I have no idea about the mass grave, and if I do, I will not keep silent.

A question was raised by the tribunal to the convict: And if you know this matter, it will be under the orders assigned to you, and you had mentioned before that if you have received an order, you have to execute it; either it is legal or illegal?

He answered: that differs; there is an order to kill the infants and one to attack the enemy.

A question was raised by the tribunal to the convict: How many artillery battalions under your control? He answered: three; each division has four battalions, but the light group does not have so we provide them from the other divisions, it means two divisions and each division contains four battalions so the total will be eight battalions.

The convict Sultan Hashim also stated to the tribunal: I am the Anfal commander within five commanders associated in Anfal operation and a commander in each part of it, I do admit my responsibility since the first day of the trial, and I said that in front of your Excellency. The second point; each action I had done is documented and I do not deny any of it, but during the time limits...



The President



In the Name of God the Merciful the Compassionate

The Iraqi High Tribunal
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...that I had mentioned from date to date in Anfal operations, and all the orders issued by the chief of army staff during that time either of demolishing houses or moving people to Kirkuk, and I really do not any idea on any other orders.

((Convict statement of 'Ali Hasan Al-Majid before the tribunal))

A question was raised by the investigating magistrate to the convict: When you were nominated to be in-charge of the Northern Organization Office?

He answered: I do not remember the exact date but it was in the beginning of the year 1987. After that the decree 160 had been issued by the Revolutionary Command Council on 1987 March 29 by which I was been granted the area's command in Kurdistan that is; the command of the security and military services and the state services, which means; the authorities of the National Security Council and the Northern Affairs Committee. In addition, I was in charge of the cities; (Duhuk, Al-Sulaymaniyyah, (Irbil), Al-Mawsil and Al-Ta'mim); my headquarters was in Al-Ta'mim governorate, my duty, at that time, was the Party Organization in the area and ensuring the public security in these governorates.

I stayed in that position until April 1989, and during that time; I was controlling directly the security committees that was managing the security affairs in these governorates.

Concerning what had been happened in the Anfal operations; the military detachments were responsible, in addition to the national defense regiments that were receiving orders from the General Command of the Armed Forces.

The convict Sultan Hashim was commanding the operations in Al-Sulaymaniyyah.

My relation with these military forces was only in housing the people who were moved from the security-prohibited areas and the borderlines to the housing complexes.

In effect; the villages residents been deported and housed in the housing complexes, which been arranged for that, and the families that been settled in it were deported unwillingly by the military detachments, the national defense regiments, and the security committees according to the orders issued by me, ...

The image shows a handwritten signature in black ink on the left, and a circular official seal on the right. The seal contains Arabic text and the year 1428. The signature appears to be 'الرجولي'.

The resident

(352-963)

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... also orders and other instructions regarding demolishing the remaining of the village's houses in the area were issued by the army to the military detachments, and it was executed by them and it was became bare ground. After the deportation of the villages' residents, instructions been issued according to correspondence (4008) on 1987 June 20; that banned completely any human or animal existence there, and that area been considered a restricted one. I believed in these orders when I had issued it, in spite of its toughness.

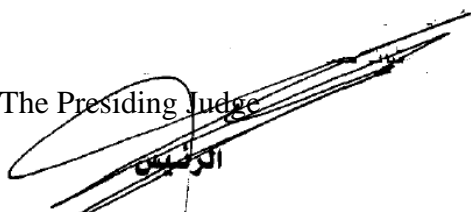
A question was raised by the investigating magistrate to the convict: Tell us when was the deportation operation of the Kurdish villages' families been started?

He answered that regarding the deportation; the states' plan had been started in 1978 and was continued, and the people were got the compensations. During the period that I was in-charge of the North Organization Office; housing complexes were constructed by the Ministry of Housing of which individuals and families were moved to by the army and National Defense Regiments through the security committees.

A question was raised by the investigating magistrate to the convict: It was mentioned in the convict Sultan Hashim's statement that after controlling the villages during the Anfal operations, the families-that were living there of men, women, and infants- were moved to the Northern Organization Office, give us details about that? **He answered:** At that time, an order was issued by the General Command of the Army Forces to hand over these families to the security committees that in its turn and for its responsibilities; had issued an order to the security committees to receive the families.

A question was raised by the investigating magistrate to the convict: Concerning the demolishing of the Kurdish villages, who was the authority that issued these orders? **He answered** that the army was responsible for demolishing the villages located outside the cities, but the ones close to the cities; it was under the responsibility of the army and the national defense regiments, and I don't know the demolished village's numbers.
(353-963)

The Presiding Judge



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Question addressed by the investigating magistrate to the accused: - according to vocal record for you during one of the meetings showed that you scattered families of women and children to different governorates then buried them in mass graves by bulldozers.

He answered: - I was saying that just for purpose of terrifying and psychological affection.

The investigating magistrate asked the accused: - you issued the order (4008) in 20 June 1987 to the 1st, 5th and 2nd Corps includes clear order to arrest anybody available in the security restricted area especially those ages between (15 – 70) what you say?

He answered: yes I issued this order not to restore the destroyed villages that they were compensated.

The investigation magistrate asked the accused: could you specify the range of the area was under your authority?


The accused answered: Based on my positions as a responsible for the Northern Organization Office my I'm responsible for five governorates Ninawa, Al-Ta'mim, Duhuk, Irbil and Al-Sulaymaniyyah in addition after execute the order concerns the security restricted Kurdish Villages I issued another order to empower the security committees in the above-mentioned governorates stating exploit the agricultural lands, the security committees was within my authority which means I was the direct In Charge to follow up these villages, my secretary in this committee Tahir Tawfiq Yusif.


Question addressed by the investigating magistrate to the accused: did you receive any instructions from the central government at that period in your authority area within Kurdistan region?

The accused answered:- according to appointment decision I was fully authorized to execute any operation in addition all the instructions issued that period were issued by me directly not by any other central side I have plenipotentiary.

Question from the investigating magistrate to the accused: - what was your plan rather than relocate the Kurdish families from the north?

He answered: our plan was gathering the families in compounds and after the 8 operations of Al-Nafal, the plan was...


الرئيس



(963 – 354)

The Presiding judge

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To destroy the villages, kill saboteurs, kill anybody resist or refuse the orders and destroy the Kurdish armed forces, according to the families we found in the region they sent compulsory by the army to deliver them to the security committees.

The investigating magistrate asked the accused: during some of your private meetings you mentioned that you were planning for confine the Kurds at limited areas to simplify attacking them by special weapons

The accused answered: I used to use these terms just for terrifying and I didn't use the chemical weapons in any area of Kurdistan region.

Question by the investigating magistrate to the accused: - through the documents we have it's indicate that you issued execution orders against some people were arrested in the restricted area, why you issued such these orders?

He answered: - I didn't issue any execution order except the order number (4008) concerning kill who was available in the limited area by the letter addressed to the 1st, 2nd and 5th Corps which was amended after that.

Question from the investigating magistrate to the accused: - according to the witness testimony ('Umar Fattah) reported that during one of the meetings and through negotiations you inquired about the destiny of the Kurdish families who disappeared after year 1988 while you were occupying position of In Charge for the Northern Organization Office, what you say beside that?

He answered: this subject wasn't mentioned in these negotiations and I'm not responsible for Anfal events.

((Testimony of the Accused 'Ali Hasan Al-Majid in the Tribunal))

Question addressed from the tribunal to the accused 'Ali Hasan Majid: - what was your last position?

He answered: member in Iraqi Revolutionary Command Council and member of State Command in Ba'th Party



(963 – 355)

The Presiding judge

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Question addressed from the tribunal to the accused: - the tribunal has received two terms the first Northern Organization Office, the second Northern Affairs Committee, what do you mean by the Northern Organization Office?

He answered: Ba'th Party Office responsible for five governorates its Al-Ta'mim, Ninawa, Duhuk, Irbil and Al-Sulaymaniyyah

The tribunal asked the accused: - what is the Northern Affairs Committee?

He answered: the Northern Affairs Committee formed in 1970 presided by the Deputy of Secretary State Command, the Deputy of President of Revolutionary Command Council who occupy this position is the director of Northern Affairs Committee the members are Interior Minister, Defense Minister and the directors of security organizations such as the Intelligence and General Security, and when I entrusted to duty the In Charge of Northern Organization Office the committee's activity has suspended but its secretariat continue working by order from the Northern Organization Office and this is the Northern Affairs Committee

Question addressed from the tribunal to the accused: - in 29 March 1987 this committed suspended and the secretariat office became connected with the Northern Organization Office.

He answered: it's suspended but not dissolved because the decision 160 grants constitutional competences to the Revolutionary Command Council, Northern Affairs Committee and the National Security Council and granted to the In Charge of Northern Organization Office.

The tribunal asked the accused: - according to the documents the secretary of Northern Affairs Committee is the accused (Tahir Tawfiq Yousif) the secretariat became practice its work with Northern Organization Office.

He answered: after this decision the secretariat connected with issued supplementary instructions stating that the secretariat office connected with the Northern Organization Office and Tahir Tawfiq Al-'Ani is the secretary.

The tribunal asked the accused: by decision 160 what are the competences entrusted to you according to the decision number 160 issued by the dissolved Revolutionary Command Council for the year 1987.

He answered: all that mentioned in the decision is within my competences and I was working through these competences when I issued.

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Order dealing with the northern area by special way according to the exceptional circumstances in this area such as the internal rebellion of mutiny and the outer danger so that I was a must to declare the emergency state.

The tribunal asked the accused: - according to the decision 160 what was the authorities connected with you?

He answered: in the north all the authorities connected to me whether they were military or civilian such as (the Legislative and Executive Council, Governors, Corps Commanders, Security Directors, Intelligence Directors, Education Directors and others military and civilian organizations) all these are competences granted from decision issued by Revolutionary Command Council.

The tribunal asked the accused: what is the meaning by this paragraph (Member of State Command the comrade 'Ali Hasan Majid representing the state command of Ba'th Party and Revolutionary Command Council through execute its policy), what is the meaning by execute its policy?

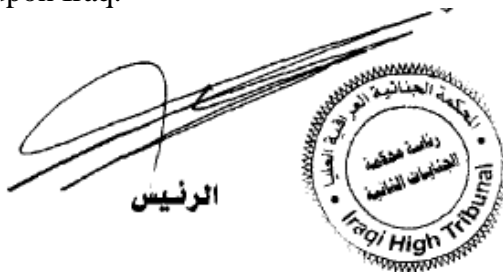
He answered: any thing decided by the council or the leadership toward execute the new or old policies, I'm the one who responsible for executing this policy

The tribunal asked the accused: did you really execute the policy of the party and Revolutionary Command Council in the region?

He answered: if I wasn't the right leader I wouldn't be in my position that time.

The tribunal asked the accused: are convinced that what you preformed was during the competences entrusted to you by Revolutionary Command Council and Ba'th Party?

He answered: I already informed the tribunal by yes I'm convinced according to the circumstances were facing Iraq that period and I'm not regretted ever on all what I did, I apologize for anybody harmed because my intention wasn't to harm anyone but to defend upon Iraq.



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The tribunal asked the accused: the Eastern and Northern Intelligence Organization was under your authority?

He answered: yes and receiving orders from me, the two organizations as any governmental department in the northern area belong to the Northern Organization Office.

The tribunal asked the accused: what was the reason of coercive relocation for the villagers?

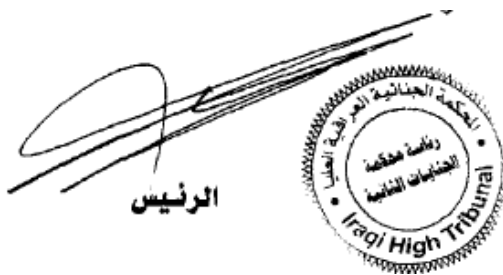
He answered: the relocation was based on two methods, it wasn't a relocation but gathering the villages which includes two directions the borderline villages and security prohibited villages, the borderline villages include all the borderline governorates such as: (Al-Mawsil, Duhuk, Irbil, Al-Sulaymaniyyah, Diyala, Wasit, Al-'Amarah and Al-Basrah), the security prohibited villages are each village becomes security prohibited by the leadership.

The tribunal asked the accused: which year the villages had been relocated on the borderline?

He answered: villages' relocation started since 1975 and continued until I came and realized that my responsibility is to end the saboteurs in the north and this is the country's policy whether it was set by Ba'th Party or by Revolutionary Command Council, I have to distinguish between who working for the country and others those working against it then relocation matter was necessary and based on this operation the government constructed compounds to start the relocation from Al-Sulaymaniyyah first before Irbil Governorate then Duhuk Governorate.

The tribunal asked the accused: as a secretary for the Northern Organization Office where you receive the orders and instructions?

He answered: all the in charges of party offices in Iraq connected to the secretariat of sate command of Ba'th Party where we receive the orders when there is an order sent from the Director of Sate Command Secretariat.



الرئيس

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The tribunal asked the accused: - national defense regiments receive the orders and instructions from the army to participate with the army in Anfal operations; did you participate in the army?

He answered: yes

The tribunal asked the accused: did the Command of the Legion [*T.C: Regrouped with (Jahfal)*] Command connect to you?

He answered: I confirm that all the employees whether they were civilians, militaries or security officers belong to the Northern Organization Office and if have any instructions I will direct it according to the functional sequence.

The tribunal asked the accused: through the plaintiffs testimonies and the documents exposed front of the tribunal what is the meaning of (Security Committees)?

He answered: in each governorate in Iraq there is a security committee consists of chief and members, the chief is the governor and members are Ba'th Party members, security director, intelligence director and police director, the committee is responsible for fighting the security activity in the governorate where its belong as well as responsible for all the security events which cause security violation, its available in each part of Iraq with subcommittees.

The tribunal asked the accused: these security committees were belonging to you also?

He answered: each employee or director represents these committees receive the orders from the official of Northern Organization Office.

(963 – 359)