

In the Name of God the Merciful the Compassionate

The Iraqi High Tribunal
Second Criminal Court
Baghdad-Iraq

Ref.No.:1/ J Second/ 2006
Date: 2007 June 24

Verdict Decision

And the accused stated in front of the Court... I declared that, this letter (4008) dated on 20 June 1987 issued by me, I confirmed on its contents and I believe in all what I issued, I am still till these moments believe in all what I did... however this according to the dominant circumstances during this period... and if the war repeated again with the same circumstances, I will do what I did before.

The Argument from the attorney of the accused ('Ali Hasan Al-Majid):

1. The attorney of the accused is insisting in his declaration that his client did not have the intention to commit the crime of genocide he was accused of... since the special purpose was not proved.
2. The attorney insisted that his client was not aware about the detention of the civilians and that was conducted by the security organizations.
3. The attorney also insisted that his client was not aware of the usage of the chemical weapons in Al-Anfal campaigns... and all the accusations that were directed to his client during his speech appearances in the tapes are only a kind of a psychological war.
4. The attorney of the accused pleaded that his client was not involved in what occurred in the mass graves ... pointing out that the experts who presented in the court on 28th, 29th and 30 June 2006 did not define a date for the victims' death.

Summary of the defend witnesses' testimonies for the accused ('Ali Hasan Al-Majid):

The accused could not introduce any defend witness during the investigation and trial, although the court gave him chances many times.

The evidences and proofs available against the accused ('Ali Hasan Al-Majid):

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The evidences and proofs available in the case against the accused ('Ali Hasan Al-Majid) about the crimes affiliated to him according to the accusation paper which addressed by the court on 20 February 2006, as follows:

1. The accused ('Ali Hasan Al-Majid) was a member in the disbanded Revolutionary Command Council, State Command of the Ba'th Party, and the Northern Organization Office's Official for the period of (1987-1989), he was given wide authorities according to the decree No. 160 for the year 1987 and he was commanding all the state civil, military, security and party organizations... and he had the president's authorities according to the other defendant's statements.
2. The official documents which prove the accused ('Ali Hasan Al-Majid's) knowledge about what happened in the northern region of crimes that considered as (genocide crime, crimes against humanity and war crimes).
 - A. The decree of the disbanded Revolutionary Command Council No. (160) on 29 March 1987 which gave the accused ('Ali Hasan Al-Majid) wide authorities and authorized him to implement its policies in the northern region, which means implementing the policy of the Party and the Revolutionary Command Council.
 - B. The letters No. (2008) dated on 20 June 1987 and No. (3650) dated on 03 June 1987 which were issued by the Northern Organization Office and signed by the accused ('Ali Hasan Al-Majid) as he confirmed its contents during the periods of investigation and trial and its title (dealing with the prohibited zone villages), including several subjects, such as prohibiting the existence of the humans or animals in the region and banning in and out travel, also the agricultural and , industrial investment, free shooting with no restriction, and murdering any detainee between the age of 15 years (included) to 70 years (included), in addition to his orders to the Corpses commands to prepare special attacks from time to....

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time with the artillery, helicopters and air crafts to kill the largest possible numbers of those who are presenting within these prohibited areas, during all times day and night... and he gave the permission to the National Defense Regiments to take over all the properties belonged to the villager civilians.

- C. The disbanded Revolutionary Command Council's decree no. (244) dated on 02 April 1987, which includes authorizing the accused ('Ali Hasan Al-Majid) implementing the decree no. (160) for the year 1987
- D. The General Security Directorate's letter no. (9223), which was addressed to the 45th directorate and included implementing the order of the accused ('Ali Hasan Al-Majid) to execute (28) persons including 4 women of (Shaqlaw) residents for participating in the riot events.
- E. The letter no. (5083) dated on 22 July 1987, from the Northern Organization Office to the 1st Corps that included the comment of the accused ('Ali Hasan Al-Majid) (We have no objection for beheading the traitors... but it is better to send them first to the security and interrogate them, they may find with them more useful information before their execution).
- F. The General Military Intelligence Directorate's letter no. (12307) dated on 10 June 1987, which was addressed to the Northern Organization Office and titled as Air Strike: (1. in the dusk of the day 05 June 1987, a special ammunition attack was carried on against the 1st branch headquarter for Al-Barzani group in Ziwa... 2. The attack was effective, their casualties were (31) dead and (100) injured)
- G. The 1st Corps's letter no. (352) dated on 08 July 1987, addressed to the Northern Organization Office, titled as (Executing Criminals); which included executing 7 persons.

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- H. The General Military Intelligence Directorate's letter no. (19330), dated on 08 September 1987, addressed to the Northern Organization Office, included information regarding the results of an artillery attack (by using the special ammunitions).
- I. The telegram issued by Irbil Security Directorate and addressed to all the involved departments (2. Comrade 'Ali Hasan Al-Majid has ordered to destroy all their houses and dislocate them to the residential compounds and will never be compensated...)
- J. Irbil Security Directorate's letter dated on 23 June 1987, which addressed to all the directorates of the departments...and included (according to the Northern Organization Office's instructions... all plowing or planting winter crops within the prohibited villages are prohibited).
3. The audio tape presented in the session No. (36), dated on 23 January 2007 with the voice of ('Ali Hasan Al-Majid); in which he said [...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]. The accused is describing how to transport the victims to the other governorates and sending the gravedigger and shuffles from the northern region to the other governorates for burying the victims in the mass graves.
In another part of the audio tape, the accused ('Ali Hasan Al-Majid) says [we may be thinking about accepting them as Iraqi individuals...with 2nd priority (*T.C: second class citizens*)]... and in another part he said (...They said...Jalal said... I need a direct channel between me and him...I went to Al-Sulaymaniyyah on 7:30 and I bombarded them with the special ammunitions, this is my reply...done and starting the relocation...)
In another part he said (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...).

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And in another part he said (I will tell them there is an amnesty...I will print a million pamphlet and spread them in the north...and I will not mention that it is from the state of Iraq)...in another part he said... (I will tell them with the new weapon which will eradicate you, God willing) then he said (all God's vehicles are not enough to carry them...) then he said (I told the specialists, I need gangs...the good ones in Europe to kill them wherever they catch them)

4. The legal responsibility for the accused ('Ali Hasan Al-Majid): according to the accusation paper addressed to him, his legal responsibility will be in compliance with the verdicts of article (15/ 1st, 2nd, 3rd, 4th) of the Iraqi High Second Criminal Court law no (10) for the year 2005, in which the article (15/1st) stipulates that: every individual is criminally responsible in his personal peculiarity and will be subject to punishment for committing any of the crimes that are under the Tribunal's jurisdiction authority.

And the article (15/2nd) stipulates that: every individual is criminally responsible in his personal peculiarity for committing a crime based on the following responsibilities:

- A. If he committed a crime in his personal peculiarity.
 - B. Ordered to commit a crime through another person
 - C. Providing support or provoking to commit any crime.
 - D. Contributing by any means with a group of people in a joint criminal intention for committing a crime or commencing it...as it is deliberated and actually provided.
5. And the article (15/3rd) stipulates that: there is no official immunity or immunity based on official peculiarity for the accused who committed crimes under the Tribunal's jurisdiction authority.

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And the article (15/4th) considers; the supreme leader or the persons who are occupying leadership or command positions as criminality responsible as per the leader theory for the criminal acts which are committed by their subordinates under particular circumstances.

And the article (15/2nd and 4th) confirmed on the definite theories about the responsibility of committing crimes, when the accused is criminality responsible for the crimes he was accused of according to the article (15/2nd) through:

- A. Committing a crime as personal peculiarity and directly.
- B. Issuing an order, or tempting, or prompting for trying to commit a crime.
- C. Providing support- provoking- or helping with any means to facilitate committing or commencing a crime, including providing the means of committing the crime.
- D. Contributing by any means with a group of people in a joint criminal intention for committing a crime or commencing it, and must be deliberate and its purpose based on enhancing the criminal activity for a group, if this activity or purpose lead to a crime that is under the Tribunal's jurisdiction authority. The accused will be considered also responsible for the crime, according to the leadership responsibility theory that is stipulated in the article (15/4th) for the actions committed by his subordinates under particular circumstances.

Thus the accused ('Ali Hasan Al-Majid) as he was considered during the event (1987-1988) as a (supreme leader) for the northern region...according to the decree (160) for the year 1987, in which he was given wide authorities and became in charge of all the military, civil, security and party organizations in the northern region, a horrid crimes were committed by orders issued from him to his subordinates...

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and his participation in committing those crimes with the aforementioned individuals in a joint criminal intention since he was the supreme leader in the region, this responsibility is stipulated in the article (15/2nd/4th) of the Tribunal's law...according to it the accused will be responsible for the crimes committed by the individuals working under his command especially if he was aware of it, or there were reasons indicating that his subordinates had committed such actions or were going to commit it and the leader did not take the necessarily procedures to prevent such actions...Thus the military units in the northern region would not implement actions such as the ones took place in Al-Anfal campaigns without the order or the knowledge of the accused ('Ali Hasan Al-Majid)...The documents and the evidence that were presented in the trail sessions confirm his knowledge of what happened in the northern region, such as the letter no. (4008) dated on 20 June 1987; also the letters and correspondences that were sent between the Northern Organization Office which was under his command and the military commands related to using the chemical gases, summary executions, destroying village, coercive dislocation of residents, along with the audio tapes which presented during the trail sessions, in which the defendant mentioned that he used the chemical weapons or he threatened using them...also his acknowledgement of all the contents of the letter (4008) during the investigation and trail... It was also proved to the tribunal the correctness of the aforementioned documents during the interrogation and trail periods by the confessions of the defendants or the reports of the forensic evidence's experts.

It was also mentioned in the letter no (5083) dated on 22 July 1987, sent from the Northern Organization Office to 1st Corps that included the comment of the accused ('Ali Hasan Al-Majid (We have no objection for beheading the traitors... but it is better to send them first to the security and interrogate them, they may find with them more useful information before their execution).

And the General Military Intelligence Directorate's letter no (12307) dated on 10 June 1987, addressed to the Northern Organization Office, titled as air strike (in the dusk of the day...

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05 June 1987, a special ammunition attack was carried on against the 1st branch headquarter for Al-Barzani group in Ziwa... The attack was effective, their casualties were (31) dead and (100) injured).

And the General Security Directorate's letter no (9223) dated on 05 December 1987, addressed to the 45th Directorate, which included implementing the accused ('Ali Hasan Al-Majid's) order to execute (28) persons among them were 4 women of (Shaqlawa) residents.

The accused also confessed several times to the tribunal that all the military, security, civil and party organizations were under his command, he also confessed that he ordered the security organizations to dislocate the residents to the residential compounds...he confessed in front of the court that he gave instructions to the military units to destroy what was left of the villages...during the session he was asked by the tribunal: are you convinced that what you have done was a plan laid down for you by the Party and the Revolutionary Command Council? The accused answered, I am convinced (during this time) according to the circumstance we were living in...and I will not back off on it...I did not do any thing out of my conviction and I am not regretting what I have done.

He said in another part of his statement...the commander of the 5th Corp asked me about how to deal with the civilians... I told him...like the previous operations, everyone you will find must be sent to the security, if it is a family but if it is a captive, the security organization will investigate him... in the audio tape presented in the court the accused said ((alright...where I can put them..? all those people? I try to distribute them among the governorates))

In another part the accused said (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...)

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It is clear from the aforementioned that there are several evidences and facts proves that the accused ('Ali Hasan Al-Majid) issued orders to commit acts considered as genocide crime, crimes against humanity and war crimes, as he was the supreme leader for the region...and responsible for the actions of his subordinates.

((Genocide))

The Iraqi High Tribunal's law does not provide any idea whether the definition of the group, that was the target of the criminal intention of the accused, must be defined according to the objectivity or non objectivity criteria, or according to a text, consists of mixed criteria; thus different International Tribunal Court had found that the definition of whether the group comes under any protection, must be evaluated based on each single case referring to the objective terms for specific social or historical context and through a personal view for the criminals (the verdict of the International Tribunal Court in Rwanda on 15 May 2003, clause no.317) according to it, the protected group will be defined according to individual cases by using the objectivity or non objectivity criteria. Genocide is considered as it is aiming the sedentary groups; the sedentary groups objectively known as those groups which the individuals are affiliated to, regardless to their personal interests, such as the groups that are permanent by its nature, and the individual is affiliated to it by birth, and not the voluntary enlisted such as the religious group... (Yilizitish...The verdict of the International Tribunal Court for former Yugoslavia on 14 December 1999), the ethnic group is generally known as a group that its members are sharing the same language or culture (the verdict of the International Tribunal Court in Rwanda on 12 September 1998) with its above description, meaning that an act of the listed actions must be committed against nation or ethnic or race or religious group because of nationality or ethnicity or religion or the race of the group...

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and the action must be committed against the group as a whole, not against the individual (the International Tribunal Court in Rwanda on 16 May 2003. clause no. 410). Subduing the ethnic group to a political program that practically fuse the political and ethnic identity will not annul the intention of the genocide which drive (a specific accused); on the contrary the definition for the individuals as enemies of the country by connecting them with the political opposition only because of their ethnicity, will emphasize that their affiliation to an ethnic group was the only reason for targeting them (Nahimana, Barayaghinis, Nighayzi), the International Tribunal Court in Rwanda on 03 December 2003, clause no. 969) in which the two phrases (totally and partially) are referring to the scale of annihilation compared to the actual devastation of the group, so it is obvious that any action committed intending to annihilate part of the group with its peculiarity will be considered as a genocide action (the 1st verdict of the International Tribunal Court for former Yugoslavia dated on September 2004, clause no. 700) also the International Tribunals always considered the intention to annihilate the group even if it was partially as annihilation to a special part of the group against isolated individual of it. The International Tribunals had agreed upon in (the International Law Committee Declaration) that the purpose must be annihilating the group with its particularity, which is considered as a separate and distinguished entity and not only annihilating some individuals because of their affiliation to a specific group, and if the intended annihilation did not need to be directed to each individual of the targeted group, then the tribunal considered that the annihilating intention must aim at least an important part of the group (Baghilibashmiya, verdict of the International Tribunal Court for Rwanda 07 June 2001). The Kurds are considered as a national and ethnic group living in the northern region of Iraq and their region named as (Kurdistan Region), as the Kurds share a language, culture and history and the Kurdish language considered as an official language in Kurdistan region since 1970, right after signing the peace agreement between the Kurdish movement and the Iraqi government back then, and it became the official language in Iraq beside the Arabic language according to the valid permanent constitution for the year 2005, also the Iraqi temporary constitution on the year...

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1970 ratified that the Kurdish nationality is occupying the second rank after the Arab in Iraq. The Kurds were targeted for their ethnicity. The Kurds in northern Iraq were exposed to attacks by murder and cruel harm (chemical attacks) along with being subdued to live in a deadly living conditions that aimed at annihilating the Kurdish group in northern Iraq (coercive dislocation of the inhabitants, destroying the ability to continue living, inability to return to their villages and homes, taking them to detention centers besides of exposing to a very grievous conditions and executing the civilians in order to reduce the crowds in the detention centers to create conditions leading to annihilating the Kurdish group).

A – The role of the accused ('Ali Hasan Al-Majid) in killing Kurds as genocide: Crime Elements:

The murder as genocide requires providing the following bases:

- 1 – The crime perpetrator should kill an individual or more.
- 2 – These murdered individual or individuals should belong to a particular national, ethnic or religious group.
- 3 – The crime perpetrator should have an intention to annihilate partially or wholly this national, ethnic or religious group because of this nationality.
- 4 – This behavior should be translated into an effective act against this group or leading to annihilation for this group.

To provide the base of murder in the genocide crime, it's necessary to provide the elements of the premeditated murder that was performed in preconceived malice with aiming of several victims. Consequently, a criminal behavior must exist, done by the perpetrator or the partner. This act or behavior is represented in murder act or being a cause for it. Additionally, there will be a criminal result that is represented in murdering the victims.

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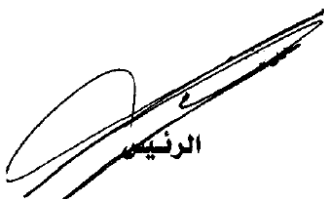
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There is a causative connection between the act and the result (death) and by providing these elements; the tangible base is formed for the murder crime. Additionally, the objective base for this premeditated murder crime should be provided representing in the criminal intention of the perpetrator, and that also requires providing an element of the perpetrator's intention to partially or totally annihilate a national, ethnic and religious group for this reason, considering that the criminal intention is the will to achieve the criminal result through a behavior that is in the framework of identical and clear behavior directed against this group. In the International crimes generally, the circumstance of premeditate intention is considered through the joint preparation and previous planning to commit the crime and also through providing the element of calmness of mind. In the second base of the premeditated murder as genocide the intention of the perpetrator and his criminal behavior must be directed in achieving the premeditated murder's result as genocide with an intention of partially or totally annihilating a national, ethnic or religious group as it is. The proof elements against the accused '**Ali Hasan Al-Majid** for committing a murder crime as genocide is many. These elements include the wide-range authorities that were granted to him by the virtue of the decree (160) for the year 1987 to achieve the targets of the State Command of the toppled Ba'th Party and Revolutionary Command Council considering putting his as the absolute roller in the northern area.

The decree obliged all military, civil and security government entities especially the vested authorities of the National Security Council, Northern Affairs Committee to bind with the accused and also binding the Executive Council of the Autonomous reign, Governorates' Governors, and administrative units' heads relating to the Ministry of Local Rolling besides of the intelligence entities, internal security forces and also the people's army commands.

In the fourth clause, the decree obliged the area military commands with the accused orders whereas he was representing the State Command for the toppled Ba'th Party and Revolutionary Command Council in performing its policies in whole northern area as Kurdistan Autonomous reign. Implementing decree number (160) for the year 1987, the accused ('Ali Hasan Al-Majid) issued his famous letter numbered.....

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(4008) on 1987 June 20 that was addressed to the command of 1st, 2nd and 5th Corps under the subject of "dealing with the security restricted villages" including a group of instructions and orders like banning the human and animals in the area which is considered as forbidden operation area and the shooting in it is unrestricted and free. The travel to and from it is banned as well as the cultivation, investment of agricultural, industrial or animal. All the involved entities have to follow this object seriously according to the authority of each entity. There's an order according to the clause (Fourth) of the letter of the Corps commands in order to prepare special attacks between time to time using the artillery, helicopters and aircrafts to kill the largest possible number of those who exist within these restricted areas day and night. In the fifth clause of the letter, the accused ('**Ali Hasan Al-Majid**) decided to detain those individuals who are arrested for their existence in these villages and to be investigated by the security authorities along with applying the execution sentence for everyone whose age is in between 15 (included) to 70 = years old (included) after extracting useful information from them. The accused ('**Ali Hasan Al-Majid**) disseminated the contents of his letter to the Legislative Council Presidency, Executive Council, Intelligence Service, Army Chief of Staff along with the governors (security committee chiefs) besides of Diyala, Salah-al-Din, Al-Sulaymaniyyah, Irbil, and Duhuk Governorate Ba'th Party Branch Secretariats. Moreover, he disseminated his orders to the General Military Intelligence Directorate, General Security Directorate, Autonomy Zone Security Directorate, Northern Zone Intelligence System, and Eastern Zone Intelligence System along with the security directors of Ninawa, Al-Ta'mim, Diyala, Salah-al-Din, Al-Sulaymaniyyah, Irbil, and Duhuk Governorates. He ordered them all to execute what's mentioned in the letter according to the authority of each entity with knowing that the area boundaries of executing the decree (160) for the year 1987 and the letter (4008) of the year 1987 June 20 was in the northern area whose most inhabitants are Kurdish and this is a national and ethnic group. The most important elements to proof the murder as genocide is:
The existence of the group members in a particular place, the attackers surrounded them and prevented them from escaping from the area, using the weapon in the attack, issuing orders for killing and organizing the murder, in addition to the issuance of verbal phrases and words from the accused.....

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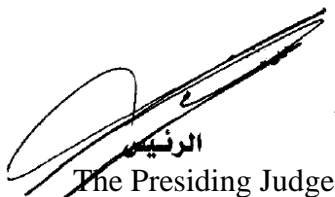
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to his subordinates as proof of the intention to kill It is also evidence that the members of the group are sharing legal or sexual ties or exchanging the rights and duties among the group, existence of a united language and official classification of the group based on its personal identification. There are other elements, include the destruction of the electricity and water net, usage of violence against the victims, illegal detainment for the men and coercive dislocation for the women and children out of the region. There were also the bad words that were pronounced by the accused as humiliation, or curse, or discrimination against the group. Also the participation of the accused in separating individuals from the group away from other individuals of the same group, besides of separating the men away from the women and separating the men who are in the military service age away from the others. The other evidence as elements to proof the murder as genocide also include, repeating and harmonization and systemization of the attack style, and the victims were transferred by government vehicles and harmonization in the type of the weapons used , using identical methods in the investigation, the existence of places and holes that were previously prepared for execution, and the existence of a policy that was put in place on the national level, the murdering individuals of the group regardless of their positions as civilians or fighters.....there was also the similarity in the style of the acts along with targeting the group's possessions, and spreading the body injury. All those elements match with the committed acts before and during Al-Anfal operations by the accused '**Ali Hasan Al-Majid** and other military leaders and the security entities that were under his command in the northern area, and we will study all these elements. The Kurds are a national and ethnic group living in Kurdistan area for many thousands of years in the northern Iraq and the Iraqi temporary constitution in 1970 had endorse them as second nationality in Iraq, Al-Anfal operations were targeting the Kurds in northern Iraq. These (8) (Anfal) operations with all the different weapons of aircrafts, tanks, artilleries, helicopters, rocket launchers, armors and infantry, besides of the civil efforts of the state and a group of special ammunitions, the capabilities of all the security and administrative entities that were all under the authority of the accused '**Ali Hasan Al-Majid** to carry out attacks against the Kurds considering them a national and ethnic group..... Through out the victim's statements and the official documents..... The tribunal has noticed

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the way of besieging the Kurdish area by the military units and using all kind of weapons carrying out direct orders from the accused '**Ali Hasan Al-Majid**' as the supreme leader to the military leaders and the security and party entities. The tribunal also noticed that the attacking troops prevented any individual from the national or the ethnic group from escaping. That was shown in the plaintiff's statements (victim), [NAME REDACTED], the survivor of Kurimi massacre where he said, "they tried escaping to Turkey but they were not able to cross the borders since the Iraqi forces were controlling the boarder strip, and did not allow them to cross, they then surrendered to the troops that executed the men after separating them away from the women and children where 27 persons from Kurimi village were executed and whom were excavated by the international expert (Snow). The tribunal committee conducted field detection in the accident's location on 2006 November 21. That claim was supported by the letter (1076) on 1988 August 16 that was issued by the Army Chief of Staff and addressed to the 1st, 2nd and 5th corps that pertaining to banning the Kurdish families from fleeing to Turkey. Additionally, the evidence of issuing killing orders systemizing it by the accused 'Ali Hasan Al-Majid is his issuance of the letter number (4008) on 1987 June 20 which included banning of human or animal existence along with killing every individual from 15 years old (included) to 70 years old (included) besides of giving instructions to the corps leaders to prepare special attacks using the artilleries, aircrafts to kill the largest possible number. In fact the chemical weapons had been used and thousands of children, women and old ages were also killed. The plaintiff, [NAME REDACTED]– from village of Warti relating to Balisan in Al-Sulaymaniyyah, said before the Tribunal on 2006 October 20 that on 1988 May 18 at 17:30, four aircrafts bombed us using the chemical weapons. [NAME REDACTED]and his mother [NAME REDACTED]were killed...he resumed saying, "the animals were perished as if it's the last day of the world, then I watched two dead bodies near the mosque and the other was in the street. These bodies were for [NAME REDACTED] and [NAME REDACTED]". Also, I watched a woman called, [NAME REDACTED]



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and her son, [NAME REDACTED] while they were injured by the chemical weapons. He added saying, "then I entered the village and watched around 18 – 20 dead bodies near the water well including the following dead, [NAME REDACTED]) and her daughters, [NAME REDACTED] besides of others I cannot remember..... Additionally, I watched these bodies were laid over each other, I watched the dead children while they were still holding feeding bottles and other still hold the feast candies as that day was the eve of the feast holly Ed"..... He also added, "The account of the dead and wounded was around 40 individuals holding marks of the injuries and suffocation. When we tried to transport the dead and wounded, the army prevented us from doing that and we left them near the water well in that night. After that, one of the Mustashars (T.C: National Defense Regiment advisors) interfered in the matter and gave us a permission to bury the dead whereas around 35 individuals were buried, 20 of them were my relatives who were all killed by chemical weapons". The investigation committee of the tribunal carried out a discovery mission to the accident place on 2006 November 21.

The plaintiff, [NAME REDACTED]- from the village Siwsinan related to Qara Dagh / Al-Sulaymaniyyah - gave her statement before the tribunal on 2006 September 20.... She said that on March 22, the aircrafts bombed the villages and we entered the shelters. We went out after a while and I watched 14 dead bodies including 7 ones of [NAME REDACTED] family and the rest of the bodies were for my daughter, [NAME REDACTED] and her five sons and other two dead bodies of the wife [NAME REDACTED] and his son [NAME REDACTED].... then, I took a night lamb to make sure and I watched the dead and wounded, the 41 wounded were transported to Shursh Hospital.... she added saying, "the account of the martyred people was 81 individuals including 70 individuals that were killed by chemical weapons". The tribunal carried out a field discovery on the grave that the victims were buried in.

The witness, [NAME REDACTED] says before the tribunal on 2006 December 04 – He is an inhabitant in the village of Gup Tapa. He resumed saying, "our villages was bombed" on 1988 May 3. Around 25 individuals were killed from my family including my mother, [NAME REDACTED] and my wife, [NAME REDACTED]. The victims also include my sons.....



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the victims also include my sons [NAME REDACTED]. The only survivor in my family was my daughter, [NAME REDACTED], my brother [NAME REDACTED] and his wife [NAME REDACTED] and their children ([NAME REDACTED]), and my brother Umid and his wife [NAME REDACTED] and their children ([NAME REDACTED]) were also killed, also my sister's children and her husband ([NAME REDACTED]) were killed... He also added, "I watched around 70 individuals of my family members in a square area of 500 meters while they were fallen on the ground". The important elements to prove the murder as genocide include also the letter numbered 9223 on 1987 December 05 that was issued by the general security to Directorate-45 including implementing the order of the accused, 'Ali Hasan Al-Majid to execute 28 individuals including four women of Shaqlawa inhabitants.

The other element to prove the special intention of the accused, 'Ali Hasan Al-Majid was a the letters or verbal phrases that were encouraging the killing of the Kurds as a national and ethnic group whereas the accused, 'Ali Hasan Al-Majid says in the audio tape that was presented before the tribunal on 2007 January 23, (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...) In another audio portion, (I told the specialists, I need gangs... the good ones in Europe to kill them wherever they catch them). The troops actually carried out attacks killing thousands of Kurds using chemical and conventional weapons based on orders or encouraging letters from the accused, 'Ali Hasan Al-Majid while the others were transported to the detention camps and some of them to the mass graves where they were executed by shooting. This was confirmed by the survivors from these mass graves along with the reports of the international experts who excavated three of these graves. Regarding the responsibility of the accused, 'Ali Hasan Al-Majid of murder crimes in the detention camps within the northern area such as (Tup Zawa, Dibis, Nazarki, Al-Salamiyyah and others), it is a direct responsibility pertaining to the knowledge, intention and the will, because he was the absolute leader in the northern area. In regards to his responsibility of Nuqrat Al-Saman detention camp....

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because he had knowledge of all details of what happened to the victims when he confessed of transporting them to the governorates along with transporting the gravediggers from his area to the other governorates....whereas he says in the audio tape presented before the tribunal. [...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], It was found by the tribunal that there's an official classification for the national and ethnic group that was done by the officials whereas it was mentioned in the statements of the plaintiffs (victims) that identity investigation was conducted for each detainee and then, they were classified into men group, women and children group and then classifying the men into young and old people.

The decision of the toppled Revolutionary Command Council numbered (160) for the year 1987 is an evidence that there was a strategy and prepared policy by the regime to target the Kurds as a national and ethnic group and the letter numbered 4008 on 1987 June 20 is another evidence on planned strategy by the regime that was carried out by the politicians and military leaders represented by the accused ('Ali Hasan Al-Majid) as he was a member in the Revolutionary Command Council and also a member in the Ba'th Party Leadership, in addition to representing the president of the state in the northern area along with the military leaders such as the chief of army staff, his deputies and the Corpses Commanders. The flee of the Kurds to Turkey and Iran and creating humanitarian crisis back then, is just another evidence among the proof elements of this crime where it's mentioned in the report presented by the expert physician, Isfandiyar Ahmad Shukri about the Kurdish refuge camps in which he watches closely humanitarian suffering.

The change in the population status of the prohibited villages and other areas is another proof and the policy of changing the demographic status for wide areas in Kurdistan especially Kirkuk city is a proof of the premeditated real intention against the Kurds. It's mentioned in the audio tape for the accused ('Ali Hasan Al-Majid) regarding his assault on the Kurds saying, "the Arab newcomers to Kirkuk city are....."

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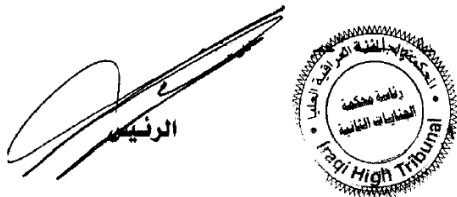
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..... actually less, but existing people there, (meaning Kurds), I extracted them, I banned them from working in Kirkuk, its outskirts and villages. I arrested some, detained some others, and tortured them).

The former regime also prevented the humanity organizations from entering Kurdistan to be find out the circumstances of the victims, this was confirmed by the physician, [NAME REDACTED] whereas it's mentioned in his statement before the tribunal that the Iraqi authorities prevented him with his team from entering Iraq in 1988 as a fact finding team from the Human Rights Organization. The attacker troop's acts of destroying the electricity and water nets is another element of proofs of this crime, whereas the military troops destroyed Dar Barula Electricity Station along with closing the water springs using concretes. Maximum cruelty and violance were used against the inhabitants of the Kurdistan villages whereas the animal and human existence was prohibited in the restricted areas. The shooting is free (killing is allowed) in these areas and this is what's mentioned in the letter (4008) on 1987 June 20 issued by the accused ('Ali Hasan Al-Majid). Many Kurdish civilians are still suffering from injuries, pains for being injured by the chemical weapons and some of them died after Al-Anfal operations as a result of being affected by these weapons. The contempt and abuse phrases that were meant to humiliate and curse against this national and ethnic group is an essential element to proof the discrimination intention of the accused, in addition to what the convict Saddam Hussein said in the audio tape presented before the tribunal, [the Kurds learned their bad habits from the 'Ajam (*T.C: the Persians*)] and what the accused 'Ali Hasan Al-Majid said in the audio tape presented before the tribunal on 2007 January 23 saying regarding the Kurds , [We may accept them as Iraqis but as second priority (*T.C: second class citizens*)], and in another audio tape, he says "I don't trust Kurds except the governor of Al-Sulaymaniyyah and Irbil" besides of the assault and contempt phrases that were pronounced by the official guards in the detention camps (Tup Zawa and Nuqrat Al-Salman) and others or even abuse phrases that were said by the execution teams...

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The image shows a handwritten signature in black ink on the left, which appears to be 'الرئيس' (The President). To the right of the signature is a circular official seal. The seal contains Arabic text: 'المحكمة العراقية العليا' (The Iraqi High Tribunal) around the top edge, 'رئاسة المحكمة' (President of the Court) in the center, and 'القضايا الجنائية' (Criminal Cases) around the bottom edge. Below the Arabic text, the words 'Iraqi High Tribunal' are written in English.

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.....against their victims while implementing the execution in the mass graves and that's what the mass graves survivors confirmed, that is a proof of the existence of the discrimination intention in the accused 'Ali Hasan Al-Majid against the Kurds as a national or ethnic group.

The accused ('Ali Hasan Al-Majid) was conducting a clear systematic method to target the Kurds as a national and ethnic group as mentioned in the letter numbered (5083) on 1987 July 22 whereas he says, "No objection to behead the traitors...but after taking information from them". This means that any arrested person in the security restricted area will be executed by shooting in all cases. This is a clear plan for genocide; moreover the evidence for the repetition along with the harmonization and systemization of the attacks is in dividing the Anfal Operations into eight phases, besides of following the same style and system in all phases concerning the attack and usage of chemical weapons, village demolition, coercive dislocation of the population, prohibiting the human and animal presence in the area, death from starvation in the detention camps, the similarity in digging the mass graves and the means of execution along with the timing and places. Whereas the accused 'Ali Hasan Al-Majid said in front of the tribunal on 2007 February 07 that when the 5th Corps Commander asked him on how he could deal with the civilians...he advised him to deal with them like the previous operations, anyone is found, they must be sent to the security if they are a family...but if he is a captive, he will be investigated by the security entities. The style of the investigation was distinguished during the implementation of Al-Anfal operations and this is what the accused, Farhan Mutlak emphasized before the tribunal and in several sessions, he said, "before starting Al-Anfal operations, the applied style in the investigation was recording the statements of the suspects and then transferring him to the General Military Intelligence Directorate, but after starting the operations, the suspect's statement was recorded and the Northern Organization Office was informed to get a permission for summary execution". The real intention for the regime that was represented by the head of the regime, convicted Saddam Hussein in achieving his policy was honoring all those who committed the most dangerous crimes in the current age, through granting a bravery medal to each of Hashim Sultan and Ayad Zaki for their distinguished roles in Al-Anfal operations as they were considered.

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the Corps Commanders. The attackers designated specific places to execute some of the victims and that's what was mentioned by the accused, Farhan Mutlak before the tribunal, where he said that the executions were carried out in the Corps shooting field. Another proof is the mass graves where the victims were executed by shooting from the execution teams, whereas that tribunal noticed throughout the statements of the survivors including the plaintiffs ([NAME REDACTED]), they all emphasized that when they were transferred to the prepared places for their executions, they saw the gravediggers in the place and the holes were ready and then they were pushed towards these holes where the execution teams were shooting them dead. The gravediggers and shuffles then covered these holes with dirt. All these crimes and killings were committed as a result of a plan or designed general policy on the national level that targets the Kurds as a national or ethnic group. This is shown in the decision of the toppled Revolutionary Command Council numbered 160 for the year 1987 that includes an implementation of the policies of government and the Ba'th Party. The accused, 'Ali Hasan Al-Majid carried out an implementation for his policy and issued a letter numbered (3650) on 1987 June 03 and the letter numbered (4008) on 1987 June 20 along with putting all the civilian, military and party government entities in the northern area under his command to achieve the target. The tribunal also noticed that the troops and the security entities that attacked Kurdistan and started killing and detaining, did not distinguish between the victims either being civilians or fighters (Pishmarga). That's actually what happened when they executed around 27 individuals (men) in Kurimi village after they were separated from the women without being sure if they are all civilians or fighters. A meeting was held in Kirkuk and was attended by the Chief of Army Staff and his deputy for operations dated 1988 August 21. This meeting produced the following, (The concentration of the population in the 5th Corps sector will be designated and dealt with by fierce special attacks 24 hours prior to the attack start in order to create panic among them). This is a proof that the attackers were targeting all the population either they were civilians or fighters.

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