

In the Name of God All Merciful All Compassionate

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

The Verdict

... children or women, the court has noticed, through the events and plaintiffs' testimonies, that officials in-charge of prison camps taking away the detainee's identification cards [I.D]. This is what one, who stood before court, confirmed saying "I saw a hill of I.D's" as convict 'Ali Hasan Majid asserted in court.

The attackers followed a systematic way in planning through similarity in crimes' active patterns and geographic deployment as International Expert Snow corroborated an organization, planning and similarity in all mass graves excavated at Ninawa [2 and 9] Muthanna [2]. This matching in these actions' patterns is a proof on the provision of a plan or policy to raid over the Kurds as a national ethnic community, within limited period of time [1987 – 1988], as some sources estimated Al Anfal victims to reach 182 thousands.

It had been clear, to the court, that Al Anfal Operations stretched over most of Kurdistan, within its four governorates [Kirkuk, Al-Sulaymaniyyah, Irbil and Duhuk], devastating and dislocating vast regions [more that 3000 villages], murdering, relocating and arresting tens of thousands of victims, preventing the human and animal existence as well as agronomy, and shutting down fountains via reinforced concrete. Targeting this part of civil inhabitants, which is not to be considered easy, is evidence over the partial eradication's intent of Convict 'Ali Hasan Al-Majid.

The court noticed as well that attackers didn't differentiate among their victims, neglecting facts such as gender, age, health status or pregnancy ... This is obvious through murdering women and children by toxic gases during the raids over Kurdish villages, asserted by International Expert Michael Trample, in the court, on 2006 November 20 "27 women, two elders and 85 children" found in Ninawa [2] mass grave "were exhumed" ... He added "The embryo's status ...

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... belonging to the lady on whom we carried examination ... a fetus or embryo aged 6 to 7 months. This victim [female], with her embryo, was beneath Ninawa [2] mass grave's remains. All those who survived the mass graves, when transported to the execution fields, were carried via government's vehicles, most of them were blindfolded and handcuffed, always at sunset. Hitting against the Kurds physically and targeting their properties is none but another evidence over the intent or veiled aim against this community ... As most of the plaintiffs confirmed, in their testimonies facing the court, the murderous operations and properties' oppression, elaborated through Convict 'Ali Hasan Al-Majid instructions, enclosed in Letter [4008], dated 1987 June 20, granting National Defense Regiments the authority to seize villagers' civil properties. Despite thousands of victims who were executed by fire-shots and were contained in mass graves, as well as civil executions, famine while detained in camps, and toxic gases. Hence, numerous victims are still suffering from these raids' consequences, as some stood before this court, exposing chemical weapons' scars over their bodies.

B- Convict 'Ali Hasan Majid role concerning genocide by causing severe mental or physical damages:

Causing severe mental or physical damages [genocide] require the following basics:

- 1- The perpetrator's act will cause a sever physical or morale damage in an individual or more.
- 2- The individual – individuals are affiliated to a given national, ethnic, racial or religious community.
- 3- The perpetrator intends to partially or totally eradicate the aforementioned community as for its given specs.



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4- The behavior results within a similar obvious conductible pattern, headed against this community or when the behavior, itself, creates such eradication.

We have already mentioned that the ex-regime waged a large scaled military attack over Kurdistan within an elaborated and systematic plan or policy targeting Kurds as national ethnic community ... Most of the victims mentioned the fall of thousands of dead from civilians while destroying and ruining down thousands of villages ... Then, coercive dislocation of inhabitants, driving them away to detention in Tupzawa, Nuqrat Al-Salman, Nazarki and Al-Dibs camps, or to mass graves ... This correlated severe mental or physical damages in civilians as officials in-charge of the aforementioned camps, especially Convict 'Ali Hasan Al-Majid, did not exert any effort to prevent the killing ... That's what the court concluded through correspondences between health and administrative directorates in Kirkuk Governorate with prison camps' supervisors and in-charge officials [Al-Dibs and Tupzawa] ... We recall Letter [783], dated 1988 June 12, issued by Kirkuk Health Directorate, addressed to Kirkuk Governorate, including handling Kurds' corpses available in prison camps, as being incompetent with legal conditions ... Convict 'Ali Hasan Majid, as being the ultimate ruler of Northern Region and Kirkuk Governor Convict Mundhir Nusayyif Jasim, as being in-charge of the Security Committee, didn't exert any effort to prevent murder or even granting the issue their awareness, though their headquarters were located in Kirkuk.

The court also noticed cases or rape [against Kurdish women] in Tupzawa and Nuqrat Al-Salman camps ... As protected plaintiff (.....) included in her testimony that she had been exposed to rape and watched another woman committing suicide for being raped by Shamkhi [one of Nuqrat Al-Salman Camp's officials]. Another protected plaintiff confirmed that Convict Hajjaj [Nuqrat Al-Salman Camp's commander] had forced pretty women to visit his room at night ... The detainees were exposed to a diversity of physical and psychological tortures. As it had been included ...

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... in Victim [NAME REDACTED] statement in front of court, on 2006 September 11, that she witnessed her aunt's [[NAME REDACTED]] death, and others [NAME REDACTED]. She also witnessed the death of a man called [[NAME REDACTED]] due to torture and another [NAME REDACTED]... Witness [NAME REDACTED] mentioned, in front of court on 2006 November 27... "they used to drive us to one of the rooms which is full of smashed glass, ordering us to walk backward on forward ... they tied us on a platform" ... He adds " One day, I went out of the hall to see three individuals hanged ... their sexual organs were tied to gas bottles" ... The court identified that all detainees were exposed to unbearable starvation as Victim [NAME REDACTED] revealed, in front of court on 2006 November 27 ... that they remained in Qura Tu Camp for ten days with no food or water ... all detainees confirmed that their meal was one or two loaves of bread per day. International Expert Snow opinion came identical and affirmative to victims' testimonies, as he conducted a medical exam on 7-months-old child's [NAME REDACTED] remains who died along with her mother due to malnutrition ... The aforementioned expert informed the court, on 2006 November 28 ... "The skeleton was way too retarded ... A retardation in bones development ... I noticed the severe bones' malnutrition" ... Plaintiff (victim) [NAME REDACTED] mentioned in front of court, on 2006 October 17, that his wife died at Nuqrat Al-Salman prison camp due to famine because she couldn't eat the dry loaf of bread ... Her teeth were gone and she had permanently a fever ... she delivered 20 days before dying ... Her baby's cries roared the detainees' cells ... He [the victim] took the child to the prison commander but dismissed him ... the newborn baby died of famine as well. The detainees were exposed to a diversity of torture's techniques aiming to oppress, humiliate, disdain, and harm their dignities ... As Plaintiff [NAME REDACTED] told the court on 11 October 2006 ... "The officials in charge of the prison camp ordered ... the men to bark like dogs or imitate donkeys".



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In the audio tape, pertaining to Convict 'Ali Hasan Majid, contained while being proffered n court ... "Maybe we think of accepting them as Iraqis ... as a second priority community (*T.C: second class citizens*)" ... As it occurred in the audio tape passed to court and pertaining to Convict Saddam Hussein "they earned their bad characteristics from 'Ajam (*T.C the Persians*)".

The court acknowledged, when some of the plaintiffs stood before it, the chemical gases' poisonous effects, as most of them suffer from problems in their respiratory systems, scars over the body, and psychological damages caused by these horrible prisons.

Victim [NAME REDACTED]narrated in court, on 12 September 2006 ... [NAME REDACTED]cousin died at Nuqrat Al-Salman prison camp due to famine ... The black dogs disentombed the grave and ate the corpse. When his sister [NAME REDACTED]saw the aforementioned incident, she went crazy and died after. These are few samples, chosen to reinforce facts of what the Kurds, as national ethnic community, were exposed to. Al Anfal Operations' damages are heavier than a human conscience could ever imagine. If the court wanted to tell the details of each crime, it would be in need of volumes and volumes of books. Rather, the court has chosen specific samples to prove the former regime leaders' involvement, as well as Ba'th Party, in shameful crimes. Convict 'Ali Hasan Majid was the main responsible for all committed crimes which caused big damages to community' members, due to the provision of intent, acknowledgement and will as being the highest official in Northern Zone with all state's security, military and civil systems under his command. As for crimes perpetrated in Nuqrat Al-Salman camp, he is criminally responsible through intent, acknowledgement and will as well. The convict, said in an audio tape passed to court that he is the one who sent victims to governorates along with bulldozers and shovels "I partitioned them over governorates ... shovels will be induced from there ... and Pocreins (*T.C: brand of shovels*) ". So, Convict 'Ali Hasan Majid is legally responsible over crimes committed as per Article [15 \ Second \ ...



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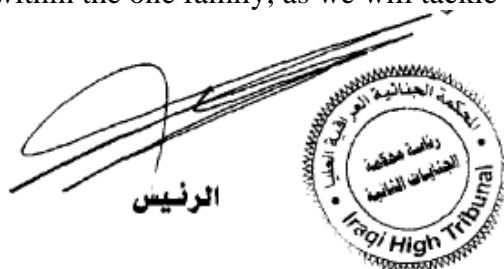
... Fourth] of this court's law No [10], for the year 2005, as being the higher commander in the Northern area, issuing detention orders, instigating such acts, and contributing with other individuals with a contributory criminal intent to perpetrate a crime, aiming to reinforce Ba'th and Security systems' criminal activity or purpose.

C- Convict 'Ali Hasan Al-Majid role in genocide by subduing the community to harsh living conditions, aimed for material eradication:

To submit the community, premeditatedly, to harsh living conditions, aimed for material eradication, considering it genocide requires the following basics:

- 1- To impose [by the perpetrator] certain living conditions on one or more individuals.
- 2- Individual – individuals must be affiliated to a specific national, ethnic, racial or religious community.
- 3- The perpetrator must intend to partially or totally eradicate the aforementioned community [included are the specs].
- 4- The imposed living conditions must intend a partial or total material eradication of the community.
- 5- The conduct must be the result of a sequential similar behavioral pattern obviously targeting the community, or to create, itself, that eradication.

Genocide's elements of proof are subduing, premeditatedly, the community to harsh living conditions, aiming to eradicate it materially, taking into consideration the sufficient period of time, the average of imposing such conditions which lack suitable medical care and hygiene, shortage in provisioned health services, famine evidence, the adopted pattern to force out inhabitants from their homes, living conditions destitute of suitable clothes, segregation within the one family, as we will tackle the adaptation of such factors in reality ...



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... proving that Convict 'Ali Hasan Majid was intending to materially eradicate the Kurds as national ethnic community. The former regime was adopting, as general policy, an economic besiegement imposed on territories under Kurdish Forces [Pishmarga] control. Hence, during 1987 – 1988, the blockade became stricter over the aforementioned territories, until banning in and out travels. Everyone within this zone was to be killed as per letter number [4008] issued by Convict 'Ali Hasan Al-Majid which prohibited agronomy as well as agricultural and industrial investment ... The military forces launched a vast attack, known as Al Anfal Operations [8], dislocating the civil Kurds to prison camps and governorates' security committees. The peak of this attack occurred in spring 1988 and lasted till autumn of the same year. Families including men, children and women were detained, from 1988 April till September of the same year, in prison camps supervised by security committees commanded by Convict 'Ali Hasan Al-Majid. The detainees suffered harsh living conditions in these prison camps lacking suitable health care as most of the plaintiffs confirmed the non-existence to such thing which encouraged the flow of ailments such as diarrhea, vomiting, and skin illnesses. This situation led to the death of hundreds as Victim [NAME REDACTED] testified in front of court, on 2006 October 17 ... "The death toll at Nuqrat Al-Salman attains sometimes the 20, on a daily basis" ... As, Victim [NAME REDACTED] testified in front of court, on 2006 October 9, describing the aforementioned prison camp, "halls were filthy, full of lice, as many ailments spread like rubella, typhoid, diarrhea, vomiting and skin disease".

The other element of proof ... is that those in charge of these camps did not provide the minimum of essential health services ... Plaintiff [NAME REDACTED] revealed, on 2006 November 27, in front of court, that one of the women at Tupzawa camp was having ...



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...her period and the soldiers were mocking her. Women were relieving nature, next to halls while guards looking at them ... Another victim said "We were extremely beaten while relieving nature, if we are one minute late in toilets". Most of the plaintiffs affirmed the unavailability of any kind of medicine or doctor, inside the camp. Victim [NAME REDACTED] mentioned to court, on 2006 October 11, "At Nuqrat Al-Salman Camp, they brought us water via tankers, which we found later on that it wasn't potable after many detainees fell ill ... Ailments included diarrhea and vomiting causing the death of many. I recall [among those who died] my son [NAME REDACTED], a woman and her two sons, as well as three of my other sons who drank from that water." All detainees, who were at Tupzawa, Nazarki, and Nuqrat-al-Salman among other camps, mentioned that the daily personal ration was one and half to two loaves of bread. The shortage in food supplies led to a hysterical famine's situation within the camps, especially at Nuqrat Al-Salman where Plaintiff [NAME REDACTED] stated in court, on 2006 October 17 ... "Usually, 6 to 7 persons died each day. During my detention at Nuqrat Al-Salman, 770 detainees died, as the gross number is 7000 detainees at this camp" ... The evidence of perpetrating such acts [expel pattern] is emphasized by civil inhabitants' dislocation to camps, carried on by the army and attackers ... entombing another part. Convict [NAME REDACTED] had confirmed, in the tapes submitted to court, more and more the evidence "The Fifth Corps' Commander asked me about a way to handle civilians. I told him to act the same as in previous operations ... Whomever you find, you send to Security if a family or to Security systems for investigation is a captive". As for suitable clothes, which is another element of evidence, detainees of Kurdish nationality and ethnicity did not get any ... Even those who died in camps were buried with no respect to Islamic legislative customs [burial and ceremonies ... As for the living ... The new born was wrapped in one piece ...



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... of sackcloth [TC: known as *guniyyah* which is a manual hard fabric used mainly for packing bags] instead of textile ... Victim [NAME REDACTED] mentioned to court, on 2006 October 10 ... "One of my relatives, Nasrin, was detained along with me. She delivered a baby there. We put her in the bathrooms, placed underneath her plant leaves, to deliver the infant on them ... Due to lack of textile or clothes ... we wrapped the baby with sackcloth which agglutinated to his skin ... We cut the umbilical cord via a piece of glass.

Detainees were exposed to another type of harm ... rape inside camps ... Victim [her name is protected], revealed to court, on 2006 October... that she had been exposed to rape by Convict Hajjaj in Nuqrat Al-Salman camp ... She mentioned that 6 other girls were also raped by convicts Hajjaj, Shawqi and Sakhr, who are guards and officials at Nuqrat Al-Salman camp. The 6 aforementioned girls were 3 from Kirkuk, 2 from Al-Sulaymaniyyah and 1 from Kuysinjaq [the court retains the girls' names for social aspects]. The convict continued "When Convict Hajjaj raped me, I graved my nails in his face, but he hit me back on my face and the scars remain ... Convict Hajjaj used to rape one girl in front of the other girls" ... The Court identified an element or harm of other type which is the segregation within one family ... Most of the victims confirmed segregating women and children from men ... Victim [NAME REDACTED], brought up to court, on 2006 August 22 ... "When we were detained at Rashkin camp, men were segregated from women. I saw my brother [NAME REDACTED] holding his wife's, [NAME REDACTED], begging her not to leave him ... One of the guards kicked him in the face, and threw him inside a car carrying men who drove him to an anonymous place" ... Plaintiff (victim) [NAME REDACTED] pointed out to court, on 2006 September 15, when he saw his daughter [NAME REDACTED] in Tupzawa Camp, crying badly, while the officials ...



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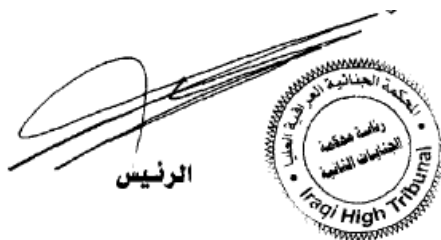
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... in charge of the camp, were segregating men and women. The plaintiff does not know anything about his wife and 5 children's fates, including [NAME REDACTED]. What victims faced ... Whether raids executed by attacking forces, using chemical weapons and permanent effects of these lethal weapons, physical and psychological torture they faced, death of hundreds from starvation at Nuqrat Al-Salman, Tupzawa, Dibs, and Nazarki camps [among others], humiliation, disdain, lack of hygiene and medical care, and segregation within one family; all of the aforementioned facts are considered elements of evidence and cogent proves on subduing this national ethnic community to harsh living conditions aiming at a physical eradication. Convict 'Ali Hasan Al-Majid is held criminally responsibility for subduing this national ethnic community to harsh living conditions intending a physical partial or total eradication, as being the ultimate ruler of the region, issuing detention and arrest orders, instigating the perpetration of these offenses, contributing with other individuals [contributory criminal intent] to commit a crime to reinforce Ba'th Party as well as his security, military and civil systems' criminal activity or purpose. Being the ultimate ruler of the Northern Zone will not immune him against criminal charges over crimes committed by individuals operating under his command [subordinates], if he had been acknowledged, or had from the reasons to be aware of his subordinates perpetration or intent to commit such acts, and he [the higher commander] did not take necessary or appropriated measures to prevent the occurrence of these activities, or did not refer the case to appropriated authorities to implement investigation and prosecution. Therefore, Convict's 'Ali Hasan Al-Majid legal charges will be derived from Article [15/First, Second and Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.



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In light of correspondences, between Presidency of the Republic and General Military Intelligence Director, dated 1987 March, including the provision of an intelligence report to Presidency, regarding Kurdish fighters' activities and the impact of air strikes against them, Convict Saddam Hussein replied by forming a committee of specialists to strike with special ammunition. The General Military Intelligence Directorate [GMID] specified targets in Balisan basin including Balisan village, Tutma, Khati and Shaykh Wasanan, and Qara Dagh basin including Takya, Balak Jar and Siwsinan. It also reviewed the probability of 3 different agents Mustard, Sarin, and Tabun. Convict Saddam Hussein approval had been granted using chemical weapons. On this background and information, the bygone Revolution Command Council met with Ba'th Party State Command to discuss the Kurds situation in Northern area, in order to draw an obvious policy or plan targeting those [Kurds] as a national ethnic community. All these circumstances had prevailed Decree [160] for the year 1987; granting Convict 'Ali Hasan Al-Majid large scaled jurisdictions, as he commanded all state's civil, military, security and party's systems. On the other hand, he had been granted the full authority to dismiss personnel as per Decree [244] for the year 1987 by virtue of Decree [160] for the year 1987. The implementation of Ba'th Party and Revolution Command Council's policy, in Northern Iraq, had been passed to the convict, especially after issuing Decree [160] for the year 1987, focusing on eradicating Kurdish villages sheltering Kurdish fighters (Pishmarga). The plan has serious consequences over immense residential concentrations. However, its implementation imposed coercive dislocation of inhabitants, far from their homes, into government compounds. This operation was headlined "Villages' Regrouping". It included the execution of Kurdish civilians, as the letter dated 1987 May 1, from Autonomous Ruling Security to Al-Sulaymaniyyah Security, answering one individuals' inquiries ...



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... about the whereabouts of their brothers and parents ... The answer came that his brother was executed for being a saboteur. As for his parents, they were also executed due to Comrade 'Ali Hasan Al-Majid orders. In another memo, from Halabja Security to Al-Sulaymaniyyah Security, holding Ref No [3329], dated 1987 May 14 ... "based on Comrade 'Ali Hasan Al-Majid request, First Corps' Commander issued an order of execution against wounded civilians, after that Party Organization, as well as Police and Security Directorates affirmed the hostility of the aforementioned wounded to the regime. It also included the devastation of Kani-Ashqani neighborhood via bulldozers. All the aforementioned are none but introductory phases to ghoulis crimes which shook humanity's conscience, carried by Convict 'Ali Hasan Al-Majid and others, framed within a contributory criminal plan targeting Kurds which started in 1987 June and lasted till 1988 November.

Based on Decree [160], Convict 'Ali Hasan Al-Majid issued instructions, enclosed in the 2 letters [3650] and [4008], dated 1987 June 3 and 1987 June 20 consecutively. These two letters are considered the pillars upon which all attacks, after 1987 April 6, were based. In other words, the attacks implemented after that Convict 'Ali Hasan Al-Majid was assigned in charge of the Northern area. Letter [4008], dated 1987 June 20, included highly important issues "All prohibited villages are considered dens for saboteurs. Therefore, an human or animal existence is totally prohibited within the area, as well as in and out travels, agricultural and industrial investments, as Corps' commands must carry out special strikes [Chemical Weapon], from time to time, to kill the biggest possible number of individuals residing this area. Whoever arrested will be detained and executed if his age range is between 15 and 70 years old [included]". The convict granted National Defense Regiments the right to seize villagers' properties. Letter [5083], dated 1987 July 22, from North Organization Office to First Corps, included Convict 'Ali Hasan Al-Majid quotation "We don't have objection on cutting off traitors' heads, but it would have been better if they were referred to Security for investigation, maybe they'll extract important info prior ...



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... to their execution". There are countless documents which confirm orders to demolish villages, carry out chemical attacks, handing families [women, children, and elders] to Security committees and detention centers in Tupzawa, Dibs, Nazarki, Qura Tu, and Al-Salamiyyah camps [among others]. All of them were exposed to harsh inhumanity, torture, humiliation, famine, and lack of appropriated hygiene and medical care. Hundreds faded away in these camps due to famine, adding up field executions without trials. All these orders were issued according to Letter [4008], dated 1987 June 20. GMID letter, dated 1987 June 10, directed to North Organization Office, informed Convict 'Ali Hasan Al-Majid that a special strike was carried out over Ziwa causing high casualties [31 murdered and 100 wounded]. Another Military Intelligence letter, dated 1987 September 8, to Convict 'Ali Hasan Al-Majid, informed the latter that a special ammunition [chemicals] attack targeted Pira Magrun, assuring that nearby villages' inhabitants were killed. Letter No [9223], on 1987 December 5, included the implementation of Convict 'Ali Hasan Al-Majid's order to execute 28 persons, including four women from Shaqlawa, as no indication of a trial had been spotted. Hence, Convict 'Ali Hasan Al-Majid admitted to the court, that executions were carried without trial, since he was authorized of doing so, by Revolution Command Council. All of the aforementioned is a proof of a plan or policy, laid down on the national level, targeting the Kurds as national ethnic community in Northern Iraq, led by bygone Ba'th Party and Revolution Council Commands. This plan or policy was preplanned and reviewed by Convict Saddam Hussein and his Command's Members, including Convict 'Ali Hasan Al-Majid. Where as the correspondences which took place between Presidential Diwan, Military Intelligence Directorate, North Organization Office and Army Chief of Staff, concerning chemical strikes [chemical weapons] prove convicts' acquaintance ...



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... Saddam Hussein and 'Ali Hasan Al-Majid. The Ba'th Party and regime's policy is marked throughout the regime's lead, Convict Saddam Hussein, statements, as he says in the submitted audio tape, within your hands "we will render them Arabs ... as Salah 'Umar Al-Ali clan ... turned to Arabism". In another passage, he lances "The Kurds earned their negative characteristics from the 'Ajam (*T.C: the Persians*) ". As for Convict 'Ali Hasan Al-Majid, in the audio tape submitted to court, he stated "Except Irbil and Al-Sulaymaniyyah governors, I do not trust any Kurd at all" to "Maybe we will accept them as second priority Iraqis (*T.C: second class citizens*) " and "Strike them chemically and eradicate them all ... They thought International community will rescue them ... Damn this International community ... And any of God's States who back them". The court realized criminal arrogance, challenge, and excessiveness with Convict 'Ali Hasan Al-Majid challenging the International community.

The disdain, vituperation, and blasphemies are clear evidences on Ba'th organization's real intent, headed by Convicts Saddam Hussein and 'Ali Hasan Al-Majid. For the submitted, the court becomes absolutely convinced that Convict 'Ali Hasan Al-Majid dully acknowledged, in details, the murder, relocation, starvation, humiliation, coercive dislocation of civil inhabitants, harsh living conditions which victims suffered from, adding up the intention [special intent] to partially or totally eradicate the Kurds due to chemical weapons' usage, coerce dislocation of civil inhabitants [women, children and elders], carry field executions without trials, driving them to detention and arrest centers or mass graves which 3 of them had been excavated at Ninawa [2 and 9] and Muthanna[9] by International Experts. All the aforementioned prove Convict 'Ali Hasan Al-Majid vicious intentions.

We deliberately elaborated legal requirements and elements of proving murder, severe damages, subduing the community to harsh living conditions aimed for partial or total eradication, while illustrating convict's role ...

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... [Ali Hasan Al-Majid] in these crimes through an intent of discrimination and eradication over a systematic pattern of perpetration, as well as a provisional plan or policy to commit genocide, military troops' performance following orders from Convict 'Ali Hasan Al-Majid using chemical and conventional weapon against Kurdish civil inhabitants, killing thousands, demolishing and burning down their houses and villages, transferring children, women and elders to prison and detention camps, driving some to mass graves after being executed. The court recognized that Al Anfal Operations veered into a new path, throughout 4th and 5th operations, when there was no excuse to dislocate inhabitants. The latter were been massacred, from the 5th operation onward Kurimi village's massacre devoured 27 executed individuals from civil inhabitants. These incidents are evidence over Convict 'Ali Hasan Al-Majid real intentions. The court noticed, also, that weapons were largely used in Kurdistan, not differentiating between civilians and fighters. They were used at specific times aiming to psychologically, physically and emotionally hurt the Kurds, when villagers gather to eat dinner at night, or throughout Ramadan. Convict 'Ali Hasan Al-Majid denied, in front of the Court, using chemical weapons or acknowledging such conduct. However, through submitted audio tapes, passed to the court, he threatened by chemical weapons many times. His allegations were an intention to scare the Kurds. Such pretends were falsified in Letter [4008], dated 1987 June 20, where he ordered corps commanders to use ammunition at all times to kill the biggest number of those within Prohibited Zones. The convict affirmed the authenticity of the letter, in addition to other letters and correspondences between Northern Organization Office, headed by Convict 'Ali Hasan Al-Majid, corps' commanders and GMID enclosing special ammunition's usage.



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Accordingly, Convict 'Ali Hasan Al-Majid had the intention to partially or totally eradicate Kurdish civilians due to their ethnicity. Most of the victims testified that they had been exposed to murder, dislocation, starvation and humiliation for being Kurds only.

Convict 'Ali Hasan Al-Majid contributed, with Convict Saddam Hussein, in carrying on their joint criminal plan, aim and intending to eradicate the Kurds in Northern Iraq which are aged between 15 and 70 years old [included]. In addition, Military Troops attacks over Kurdistan, following Saddam Hussein and 'Ali Hasan Al-Majid's orders, using all types of weapons from aircrafts, helicopters, armors, infantries, rocket launchers and chemical weapons against civil inhabitants. These villages were raided by all kinds of weapons, causing the death of thousands. Whereas survivors ran away to the mountains as another part [children, women and elders] were moved to police camps or mass graves. Convict 'Ali Hasan Al-Majid is a member in the bygone Revolutionary Command Council and Ba'th Party Command, and cousin of Convict Saddam Hussein. Al-Ba'th Party Command and the Revolutionary Command Council found that the only trustable person able to carry their policy in Northern Iraq is none but Convict 'Ali Hasan Al-Majid. It's impossible to execute such a horrible crime as genocide the government's contribution. Hence, Convict 'Ali Hasan Al-Majid is one of those who administrated and managed genocide, added up to his contributory criminal intent to perpetrate genocide, resulting in the individual responsibility, such as 'Ali Hasan Al-Majid, as for genocide committed via murder, causing severe mental or physical damages, subduing the community to harsh living conditions, aimed for eradication following the pattern of responsibilities indicated in Iraqi High Tribunal Law No [10] for the year 2005 in Article [15/ Second]. In other terms, Convict 'Ali Hasan Al-Majid conduct can be described as perpetrated it [the crime], as in individual, reinforced it, and contributed ...



Chief of Judge

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... joint criminal intent to partially or totally eradicate the Kurds in Northern Iraq through premeditation and issuing orders or perpetrating genocide as per Article [15/ Second/ (A-B)]. Convict 'Ali Hasan Al-Majid and his attorney debated over the military necessity for defense. But any court clarifies rejection to adopt genocide as mean of military defense, the reason why the court do not discuss this motive because it is not a legitimate one to conduct genocide or crimes against humanity.

For what had been represented, the Court sees that Convict 'Ali Hasan Al-Majid contributed, individually, in executing joint criminal plan with others as well as contributing in joint intention to totally or partially eradicate the Kurds in Northern Iraq, premeditatedly, through issuing orders to murder, cause severe physical or mental damages, and subdue them to harsh living conditions aiming to exterminate them all. These were the orders implemented by his subordinate leading to the death of a vital, immense majority of Kurds inhabitants in Northern Iraq, killing them, causing severe physical or mental damages and subduing people to harsh living conditions, aimed for eradication.

Accordingly, Convict 'Ali Hasan Al-Majid is guilty for genocide which had been committed between 1987 June and 1988 September, stipulated in Article [11/ First/ (A-B-C)] and Article [11/ Second/ (A)] by virtue of Article [15/ Second/ (A-B)] and Article [15/ First/ Second/ Fourth] of Iraqi High Tribunal Law No [10] for the year 2005, by virtue of Article [406/ 1, (B-F)] and by virtue of contributory Articles [47, 48 and 49] of Iraqi amended Penal Code No [111], for the year 1969, It had been decided to charge and identify the sentence accordingly, as the verdict is issued on 2007 June 24

Chief of Judge
Muhammad 'Iraybi Majid Al-Khalifah

Member
Member
Member
Member

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Crimes against Humanity

On 2007 Feb 20, the Court charged Convict 'Ali Hasan Al-Majid with committing crimes against humanity as per Article [12/ First (A, B, C, D, E, F, H, I and J)] by virtue of Article [15/ First/ Second/ Third/ Fourth] of Iraqi High Tribunal Law No [10], for the year 2005. In crimes against Humanity, it is conditioned to have a systematic large scaled attack against civil inhabitants, violating Iraqi High Tribunal Law ... Through Article [12/ Second], attack is defined as a conduct enclosing repetitive perpetration of acts contained within its [Article] 10 clauses, against any group of civil inhabitants following the state's policy. When the term "attack" is used to describe a crime against humanity, it will be different than the one used along War Codes, Attack Conceptualism or Armored Disputes ... These concepts are different and separated ... When an attack occurs either on a large scale or systematic scheme ... Because the attack is not a must to be on a large scale or systematic at a time ... Hence, Iraqi High Tribunal Law ... requires one of the two conditions [either a wide-scale or systematic] ... As the large scaled or systematic nature of an attack is basically a relative theory. Therefore, analysis will be framed if the attack is described as large scaled, systematic, or both, as it is the court's duty to interact with the individuals on whom such attack occurred, enlightened by tools, techniques, conditions and attack's outcome on the aforementioned group will be sure if the attack was indeed large scaled or systematic ... The systematic attack is that which occurred as per a policy or preplan [Special International Tribunal for Rwanda] in the case ...



Chief of Judge



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... of Karshima, dated 2001 June 01, Clause [23] conditioned that the large scaled or systematic attack target civil inhabitants, as there is no need for a complete inhabitants existence. In other terms, the targeted inhabitants must be, by majority, civilians ... Elaborating over the probability of saying that the attack was targeting civil inhabitants ... The court will consider tools and techniques used throughout the attack as well as victims' situation and casualties ... without forgetting the deployment nature of the attack.

A- The Assault:

The Court finds that the committed acts against Northern Iraq Kurds and Kurdish villages, in the period between 1987 March until 1988 September, was a series of actions using massive Military Force and mistreatment. These actions constitute an attack within the concept stipulated by Article [12/ Second - (A)] of Iraqi High Tribunal Law.

B- Wide-scale or Organized:

The Court finds that attacks carried throughout the operations known as Al Anfal, and before and during Al Anfal, were large scaled and systematic

1. Dr. Snow and others witnessed that Al Anfal Operations consisted of large scaled attacks, guided against more than three thousand villages, causing as much damages as casualties among civil inhabitants
2. According to available evidences, in the case, the executed attack, dated 1987 March until 1988 September, relied on organized plans laid down and applied by officials in the former regime.

C- The aforementioned attack, which occurred prior to 1987 end of June, was implied in an organized way via a technique which accredits a preplan.



Chief of Judge



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D- All attacks, which occurred after 1987 June, were an implementation of a stipulated policy enclosed in the instructions issued by Convict 'Ali Hasan Al-Majid according to Letter [4008], dated 1987 June 07, adopted in Al Anfal and other Security Systems' Operations.

Convict 'Ali Hasan Al-Majid role in murdering as a crime against humanity:

Crime Basics:

- 1) The perpetrator must murder one or more individuals.
- 2) The conduct must be committed as part of a systematic large scaled attack against civil inhabitants.
- 3) The perpetrator must be aware that such conduct is informed part of a systematic large scaled attack against civil inhabitants, or to intend such act as part of the attack.

The perpetrator must acknowledge, in crimes against humanity, that his conduct or act is part of systematic large scaled attack against civil inhabitants, or must intend this act as part of the aforementioned attack. These crimes must be correlated to preconceived malice and nature of committed crimes, throughout the attack, vis-à-vis attackers' resistance and the attacking forces' degree of commitment or attempt to abide to war codes' requirements. One of the main basics of murder as crime against humanity is the factual existence of the community, as well as a known policy targeting a given society, involving high political and military commands, adding up the distinguished nature of the attack and exorbitance of the schemed nature of the committed acts, without forgetting the shooting over an unspecified group of people, followed by orders of segregation and violation of war codes' requirements.

Since Convict 'Ali Hasan Al-Majid is the Supreme Leader of Northern Zone according to Decree [160] for the year 1987, as we previously brought up his Legal Responsibilities as per Article [15/ First, Second, Third and Fourth] of this court's code, where the Military Forces raided ...



Chief of Judge

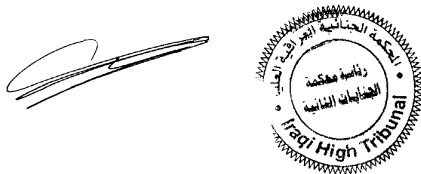
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... along with Security Systems, a large scaled attack over Kurdistan, during (1987-1988). All state's military and civil capabilities were exploited in the aforementioned attack where bombing started via aircrafts, artillery, rocket launchers, special ammunition and conventional weapons, causing the death of thousands of Kurdish civil inhabitants and injury of other thousands due to chemical and conventional weapons' usage. On the other hand, thousands faded away in camps or were driven to mass graves or field executions. Kurds, as a national ethnic community, resided Kurdistan in Northern part of Iraq, and have their own language, culture and traditions. Decree [160] for the year 1987, issued by Revolutionary Command Council, granted Convict 'Ali Hasan Al-Majid vast jurisdictions as he commanded all government's civil, military, security and party systems, freezing all codes which contradict with the aforementioned decree. Accordingly, the convict issued instructions to all military commanders in the region, as per Letter [4008] dated 1987 Jun 20, prohibiting the existence of any human or animal nature within Prohibited Zone, killing any person found there ... ect ... Decree [160] and Letter [4008] prove, with no doubt, especially from their outcomes [destruction, calamities, murder, dislocation, famine] after being carried by appropriate systems, the availability of a known policy targeting the Kurdish society. The embroilment of high political and military commanders such as convicts Saddam Hussein and 'Ali Hasan Al-Majid, Corps' Commanders, and Staff of Army Chief and his Lieutenants, is none but another element of proof in this systematic large scaled attack. The attack's distinctive nature is also another element of proof as chemical weapons were used against Kurds for the first time in Iraqi history where all humanity didn't witness a regime eradicating his own populace ...

The image shows a handwritten signature in black ink on the left. To its right is a circular official seal. The seal has a decorative border and contains text in Arabic: 'الجمهورية العراقية' at the top, 'رئاسة المحكمة' in the center, and 'القضاء الجنائي' at the bottom. Below the seal, the words 'Iraqi High Tribunal' are printed in English.

Chief of Judge

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... using chemical gases such as Al-Ba'th Regime and convicts Saddam Hussein and 'Ali Hasan Al-Majid. These weapons were used against civil inhabitants in Kurdish villages. As for the schemed perpetrated acts' exorbitance, the immense military force engaged in Al Anfal Operations, whether in the first or eighth, had exploited all available sorts of weapons in the government, including chemical weapons, as villages had been raided, in a condensed manner, killing who had been killed, injuring who had been injured, followed by an arm march to arrest who survived, from civil villagers, carrying them via military vehicles to detention camps. This pattern had been repeated all along Al Anfal Operations. Convict 'Ali Hasan Al-Majid confirmed such schemed nature in front of court, on 2007 February 07, by saying "when the 5th Corps' commander asked me how to handle Kurdish families through Al Anfal Eighth Operations ... I requested as before in previous Al Anfal Operations". On the other hand, the other criminal basic [shooting an unspecific group of people] was elaborated when officers gathered 33 men in the village of Kurimi and shot them down, murdering 27, without investigating whether they were civilians or Pishmarga fighters.

Another element of proof resides in the hope to segregate a group from the other; all victims who stood before Court testified that they witnessed or had been segregated themselves over many groups as women and children from men, young ladies from elders, young men from elders, driving young men to mass graves, shooting down or executing them.. The Court recognized that from Ninawa [2 and 9] and Muthanna [2] mass graves. Hence, the attackers did not comply with war codes' requirements, as military forces carried out their systematic large scaled attacks over Kurdistan without respecting the mere war laws' requirements ...



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... when using toxic gases, murdering thousands with this lethal weapon and wounding thousands, as victims described that day as if it was Armageddon.

The Court has noticed, from tangible and morale evidences, as well as submitted documents and victims' testimonies, that the strikes against civil inhabitants grew more aggressive as of Al Anfal Fifth Operations onward, where Kurdish civil inhabitants were exposed to massacres, and Kurimi Village's massacre is none but a sample.

So, through elements of proving murder as a crime against humanity, the attack over Kurdistan was systematic and on a large scale considering the attack's nature, immense military exploited to raid, organized murder of civil inhabitants, letter No. [4008] dated 20 June 1987] including the order to kill anyone found within Prohibited Zone ranging from 15 to 70 years old [included], and instructing corps' commanders to prepare special strikes, at all times, in order to kill the biggest possible number of residents within the aforementioned zone. Letter [12307], dated 10 June 1987, issued by the Intelligence to Northern Organization Office indicates "in the last dawn of June 05, Al-Barzani group's Branch Headquarter was air bombed with special ammunition; the strike was efficient as casualties reached 31 dead and 100 wounded. 1st Corps' Letter No [352], dated 1987 July 08, to Northern Organization Office which was headed by Convict 'Ali Hasan Al-Majid, included the execution of seven persons. Security Directorate's letter No [9223], dated 1987 December 05, contained carrying on the order of Convict 'Ali Hasan Al-Majid to execute 28 persons, among who were four women from Shaqlawa.

The above mentioned documents and letters prove the existence of intent and will, regarding Convict 'Ali Hasan Al-Majid ... Thus, he would have issued orders of murder and contributed, with others, in a joint criminal intent aimed to reinforce Ba'th Regime and its Security and Military Systems' criminal activity and purpose ...



Chief of Judge

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... as per Article [15/ First/ Second] of Iraqi High Tribunal Law No [10], for the year 2005.

Verdict of Convict 'Ali Hasan Al-Majid for premeditated murder as crime against humanity:

On 2007 February 20, the Court charged Convict 'Ali Hasan Al-Majid for premeditated murder as crime against humanity as per Article [12/First-(A)] by virtue of Article [15/First/ Second/ Third/ Fourth] of Iraqi High Tribunal Law No [10], for the year 2005; reviewing provisional evidences in the case, issuing the following verdict:

The Court has reviewed provisional evidences pertinent to the case, from documents, victims, witnesses and convicts' testimonies, experts' reports, examinations and everything correlated to the case. It noticed that military sectors and Security and Party Systems, affiliated to Convict 'Ali Hasan Al-Majid, carried a systematic large scaled attack against Kurdish civil inhabitants, between 1987 and 1988. The outcome was thousands of dead Kurdish civilians and tens of thousands dislocated into detention and prison camps. These latter were exposed to all sorts of psychological and physical torture and famine. Many were driven mass graves where they had been executed via fire-shots then buried in. All these tragedies and calamities, which affected the civil Kurds, were the result of orders issued by Convict 'Ali Hasan Al-Majid to his henchmen to attain his criminal intent as per a joint criminal plan, according to Decree [160], for the year 1987, granting Convict 'Ali Hasan Al-Majid vast jurisdictions [National security Council's jurisdiction included], assigning him for bygone Ba'th Party and the Revolutionary Command Council's policy implementation. To effectuate this plan or policy, Convict 'Ali Hasan Al-Majid issued Letters [3650] and [4008], dated 1987 June 03 and 1987 June 20 consecutively, which are considered the basics of launching a systematic large scaled attack against Kurdish civil inhabitants ...



Chief of Judge

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... in Northern Iraq. The two aforementioned letters, both issued and signed by Convict 'Ali Hasan Al-Majid, comprised highly dangerous orders such as prohibiting any human or animal's existence in the area, killing any person available within Prohibited Zone with an age range from 15 to 70 years old [included], instructing Corps' Commands to concentrate strikes with special ammunition (chemical weapons), day and night, to kill the biggest possible number of those residing the aforementioned zone, as well as preventing agronomy agricultural investment, irrigation, and food supplies, murdering any human or animal available within the area.

Consequently, Convict 'Ali Hasan Al-Majid ordered military units and other security services to carry a systematic large scaled attack against civil inhabitants in Kurdish villages in Northern Iraq. Field executions had been applied with no trial. The convict testified before Court that he issued these orders because he was authorized by Revolutionary Command Council to do so, as he claimed. As an implementation of his orders, 28 persons, including 4 women from Shaqlawa, were executed, according to Letter No. [9243], dated 1987 December 05, issued by Security Directorate. Furthermore, the Military Sectors led large scaled attacks, during Al-Anfal eight operations, using all sorts of government's available conventional and chemical weapons. Most of the victims described these attacks as being Armageddon. The raids' outcome devoured thousands of children, women and elders, whereas many other thousands were driven away, by military vehicles, to Security Committees or Northern Organization Office and then to detention and prison camps at Tupzawa, Dibs, Nazarki, Al-Salamiyyah [among others]. Women – Children and men, youngsters and others, were segregated from each other and transported, via governmental vehicles, to mass graves where execution's divisions shot them down prepared pits, burying them beneath as bulldozers inundated them with sand. All this had been confirmed by survivors ...



Chief of Judge



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...from the aforementioned mass graves, whose testimonies are documented before court. Other Kurdish civil inhabitants, who had been dislocated at Nuqrat Al-Salman or remained under detention in Dibs, Tupzawa, and Bahirka camps [among others], had been exposed to unbearable inhumane sufferings such as humiliation, disdain, torture, famine, and lack of hygiene; where hundreds died as result of starvation, especially in Nuqrat Al-Salman where black dogs gulped down their bodies, in front of their relatives' eyes.

Accordingly, the Court has been convinced that Convict 'Ali Hasan Al-Majid ordered the murder of all those found within the Prohibited Zone, as per letters [3650] and [4008], dated 03 and 20 June 1987 consecutively; as he ordered to carry on systematic large scaled attacks against Kurdish civil inhabitants in Northern Iraq. Convict 'Ali Hasan Al-Majid knows and premeditates the murder of civil inhabitants, through execution of his orders by his subordinates, aiming for a joint criminal plan as he acknowledged and intended a crime against humanity as part of a systematic large scaled raid over Kurdish civilians in Northern Iraq. This had been stated in Letter No. [1122], dated 21 August 1988, issued by Army Chief of Staff concerning Kirkuk Conference, which the convict attended, which contained the clause "there must be a total devastation of sabotage in the Northern Zone". These are irrefutable evidences proving that civil inhabitants were exposed to murder as per Convict 'Ali Hasan Al-Majid direct orders which imposed civilians' execution without trial, as well as pushing Corps' Commanders to use chemical weapons, which constitute undistinguishing weapons (WMD), against civil villagers in Northern Iraq. Plaintiffs and witnesses' testimonies, those who were exposed to conventional and chemical weapons, tackling how thousands of them had been killed, come to add another certainty of conviction.

The Court is convinced that Convict 'Ali Hasan Al-Majid contributed in carrying on a joint criminal plan, with others, with a joint intent and purpose to murder Kurdish civilians in Northern Iraq and totally or partially eradicate ...



Chief of Judge

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... them. As part of this joint intent and plan, he premeditated and ordered the murder of civil inhabitants as part of a systematic large-scaled attack against civil inhabitants in Northern Iraq. The aforementioned orders had been carried by his henchmen [subordinates] causing countless number of dead victims, by virtue of provisional charges against Convict 'Ali Hasan Al-Majid, this latter is found guilty of premeditated murder as a crime against humanity, between 1987 and 1988, as per Article [12/First-(A)] by virtue of Article [15/First/Second/Fourth] of Iraqi High Tribunal Law No [10], for the year 2005.

Member Member Member Member



Chief of Judge
Muhammad 'Iraybi Majid Al-Khalifah



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Convict 'Ali Hasan Al-Majid role in genocide as a crime against humanity:

The Court has charged Convict 'Ali Hasan Al-Majid with genocide as a crime against humanity, as per 2007 February 20 Letter, according to Article [12/ First-(B)] of this Court's Code.

The crime's elements:

1. The perpetrator must murder one or more individuals, enforcing victims to live in harsh conditions which will lead to the eradication of a part of inhabitants belonging to a given community.
2. The conduct must constitute a massacre activity against community's members [civil inhabitants] or part of this activity.
3. The conduct must be perpetrated as part of a systematic large scaled attack against civil inhabitants.
4. The perpetrator must acknowledge that the conduct is part of a systematic large scaled attack against civil inhabitants or intent this conduct as part of the aforementioned attack.

These elements and requirements must be provisioned to be able to say that Convict 'Ali Hasan Al-Majid is criminally in charge of those crimes.

The genocide proof elements as crime against humanity are; evidence of strike, evidence of causing death, evidence of handing the victims over to an armed group and ordering them to murder the victims, and evidence of murdering on a massive scale, evidence of the relative number of casualties.. evidence of the lists of victims recognized by name, evidence of the use of armed forces having a support center to the attack field, total accumulative evidences used to prove mass murder average, evidence of murder operations and evidence of crimes [by themselves as murder crimes], evidence that the suspect murdered of a large number of targeted individuals as a proof of incrimination and awareness, and evidence that the suspect intended to carry severe physical damage ...



Chief of Judge

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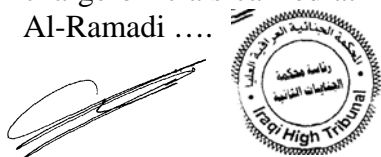
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... on numerous targeted individuals, with the reasonable acknowledgment that this murder will probably lead to death.

All these elements are provisioned in the case's file to prove genocide as crime against humanity, during 1988 and 1987. Convict 'Ali Hasan Al-Majid, as being the supreme leader of the Northern area, whose orders can not be argued but rather directly implemented, even though such practice is considered a breach of local laws as well as International Codes and Customs, whereas Convict Farhan Mutlak said in front of court, on 2007 February 15 ... "Is there anyone who could tell [the convict] I will not carry orders? Let's be logic your Excellency, chief of judges". Through tangible and morale evidences provisioned to the case, as well as victims' testimonies, documents, and files which were submitted to court in both investigatory and prosecution phases, it became convincible that Iraqi Army and Security systems carried out large scaled attacks over Kurdistan during 1988 and 1987, using all state's provisioned sorts of weapons, especially after Convict 'Ali Hasan Al-Majid had issued his famous letter titled "Handling Prohibited Zone's villages", numbered [4008] on 1987 June 20, addressed to military commanders, by which any human or animal existence had been prohibited within the aforementioned zone, but shooting was permitted with no restrictions whatsoever [murder is allowed], murdering any individual to be arrested within the area with an average age between 15 and 70 years old [included], instructing military troops to prepare special strikes [chemical weapon] to murder the biggest possible number of those residing the areas. Hence, the element of ordering to carry casualties is provisioned through Letter [4008], on 1987 June 20, which Convict 'Ali Hasan Al-Majid confessed its authenticity in both investigatory and prosecution phases.

As of the proof of handing victims over to a group ordered to murder them, this is what in charge officials carried at Tupzawa Camp where they handed them over to another group at Al-Ramadi



Chief of Judge

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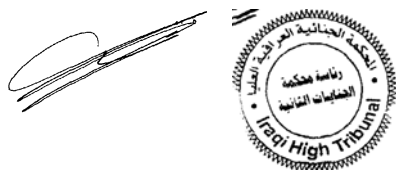
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.... The latter [group] extradited and drove them to the place appropriated for executions in a mass grave at Al-Ramadi. Plaintiff (victim) [NAME REDACTED], one of the mass grave's survivors, from Al-Ramadi, revealed "they put us in vehicles from Tupzawa toward Al-Mawsil then to Al-Ramadi. When we reached Al-Ramadi Police Station, the driver and guards were swapped. The other group drove us to an area outside Al-Ramadi, with two Land Cruisers and two shovels. The vehicles stopped and we heard screams and gun shots, as night had landed. I witnessed lines of humans shot down by the same officers who were in the Land Cruiser. I couldn't imagine people being killed that way. We tried to resist but when they sensed it, while inside the vehicle, they shot us as we were still in there. There were 2 dead bodies over me. One called [NAME REDACTED], while the other I don't remember his name. Three of my friends ran away from the vehicle. I went out of the vehicle. I made a U-turn and tried to escape. I fell down a hole full of bodies including that of [NAME REDACTED], someone I used to know. I saw another corpse. I took of my clothes and ran to a lightened side. While running, I saw heaps of soil and holes that I think were mass graves. What the victim mentioned is an element of proof over handing [camp's officials] victims to armed group and then murdering and executing them in mass graves, a proof that murder was carried on a massive scale. The court didn't reach the exact number of victims due to lack of official statistic and region's vast area, as the large scaled contained the large areas of 4 governorates [Al-Sulaymaniyyah, Irbil, Duhuk and Kirkuk). In addition, the former regime made sure not to reveal information concerning the number of victims. However, the estimated and circulated number, after gathering evidences, victims' testimonies, and case's facts, reaches the 182 thousands, though it is not accurate.



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Proving the provision of lists of victims' names, each of the plaintiffs and victims whom attended the court and their testimonies been documented, submitted a list of victims from his village. As for armed forces' usage, the court reviewed the size of used military force in the attack, through documents, and victims, witnesses and convicts' testimonies.

It's been confirmed that the state exploited all its military capabilities, in the attack, from conventional and chemical weapons, aircraft, artillery, launchers and big number of military units which convicts mentioned in their testimonies. As example, we mention the telegram issued by Presidency of the Republic – Secretary, Special Security Organization [SSO] and others, numbered [4/5/28/(SR)], on 1988 March 22, which included the following "it had been approved to attack the enemy by special ammunition of the Air Force, Army Aviation and Artillery alongside the front, prioritizing 1st Corps' front".

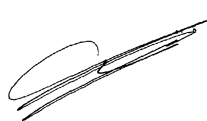
The other element is the center of support to the attack's commander which is implied by Convict 'Ali Hasan Al-Majid according to Decree [160] for the year 1987 by being the ultimate commander of the Northern area.

The other element is the accumulative evidences to prove the average mass murder is the execution of 27 civil individuals at Kurimi village by army officers. The court subdued a site examination on the place of incident. This examination had been supported by International Expert Dr. Snow report which interred the mass grave's corpses at Kurimi.

The court had been informed over the report of International Expert Dr. Trample who supervised the excavation of 3 mass graves at Muthanna [2] (114 victims), Ninawa [2] (123 victims), and Ninawa [9] (64 victims). Most of those victims were fire shot.

General Security Directorate's letter, addressed to the 45th Directorate, numbered [9223], on

....



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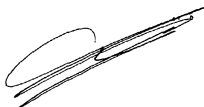
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... 1987 December 05, contained carrying on the order of Convict 'Ali Hasan Al-Majid to execute 28 persons, among who were four women from Shaqlawa.

What we mentioned above is an evidence of mass killing operations and an evidence of the killing as a crime.

The evidence that the suspect killed a big number of targeted individuals as an evidence of the intent and knowledge is the letter number (4008) on 1987 June 20, to kill any one exist in the restricted security area from age (15) to (70) (included) and the convict Farhan Mutlak's confession in front of the court on 2007 February 15 that he executed individuals carrying out the convict 'Ali Hasan Al-Majid's order, which is not but a convincing evidence that 'Ali Hasan Al-Majid was targeting the Kurdish civilians with premeditated intent and acknowledgment to achieve the criminal result.

As for the evidence that the result was aiming to cause a severe physical harm to a massive targeted individuals logically knowing that this action will lead to death. The of evidence of that is taking thousands of victims to the Security Committees or Northern Organization Office then to the detention camps in (Tupzawa , Nuqrat Al-Salman and Nazarki) and they were exposed to harsh conditions such as lack of medical care and food shortage. Most of the victims confirmed that the daily personal ration was one to two loaves of bread and hundreds of them died in those horrible prisons. The victim [NAME REDACTED] mentioned in front of the court on 2006 October 19, we arrived at Nuqrat Al-Salman prison and I saw the prison full of detainees of all ages individuals from elderly men, women and children, even we though that all Kurdistan people are in this prison. He added they used to give us little food and drink water from the faucet, then they cut the faucet water after that they brought to us water tanker with clean and dirty water. Also our share of food was two loaves of bread per day and we drank the dirty water, some died due to lack of food. We sent 3 individuals to talk to Al-Hajjaj and asking him about



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... our situation, and he said (You been brought here to die not to live). A Question from the court to the victim, do you know names of the individuals whom died in the detention camp? He answered yes, I participated in burying (20) individuals, I remember (18) individual's names and one of them from Qadir Baqir village I don't know his name. The others are ; Mala Fattah from Dujayla village (*T.C: it is a village in Sirwan sub district/Halabja county*) , Sabir Karim Bag from Qamisha village, Dhuha Isma'il from Kuysinjaq, Sufi Salih from Guma Shin, Dana Hasan Rasul from Gup Tapa, Husayn Mahmud form Gup Tapa, Sharif Sharif from Zarda, Kadrun Qadir and his wife Aminah from Haladan. I was handing over the dead individuals' identities to Hajjaj, among the detainees were blinds and madmen, and due to the bad conditions approximately (1800) detainees died in the prison. There were individuals in charge of the holes who were counting the dead continuously. This is a sample that was chosen among tens of victims whom testified in front of the court and confirmed the human suffering and the harsh conditions in the prisons and the psychological and physical harm they were exposed to.

Verdict of Convict 'Ali Hasan Al-Majid for genocide as crime against humanity:

On 2007 February 20, the Court charged Convict 'Ali Hasan Al-Majid for genocide as crime against humanity as per Article [12/First-(B)] by virtue of Article [15/First/ Second/ Third/ Fourth] of Iraqi High Tribunal Law No [10], for the year 2005; reviewing provisional evidences in the case, issuing the following verdict

During the years (1987-1988) the Kurdish civilians and the Inhabitants of the Kurdish villages in northern Iraq were subdued to a wide-scale mass murdering due to the orders of convict 'Ali Hasan Al-Majid whereas the Revolutionary Command Council (Bygone) has issued decree (160) for year 1987 by which the convict 'Ali Hasan Al-Majid became the absolute roller of the Northern area who had under his command all...



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... state's civil, military, security and Party systems. He had been assigned to carry out bygone Ba'th Party and Revolutionary Command Council's policy in Northern area. When Convict 'Ali Hasan Al-Majid took over, on 1987 April 06, he implemented his plan or policy organizing a systematic large scaled attack against Kurdish civil inhabitants as per the aforementioned decree. He included his orders in letter [3650], on 1987 June 03, and letter [4008], on 1987 June 20, killing and preventing any human, animal or agronomic existence, as well as industrial and agricultural investments, putting an end to anyone arrested within the prohibited zone whose age range is between 15 (included) and 70 years old (included), instructing military troops to prepare special attacks, day and night, to murder the biggest possible number of those residing the area, adding up the verbal orders pertaining to Convict 'Ali Hasan Al-Majid regarding the murder and execution of Kurdish civil inhabitants in Northern Iraq, where 28 individuals [from Shaqlawa] were executed according to letter number [79223], on 1987 February 15, following Convict 'Ali Hasan Al-Majid orders. Letter number [5083], on 1987 July 22, issued by Northern Organization Office to 1st Corps, included the convict's comment "We don't object cutting off traitors' heads, but it had been better if they were send to Security for investigation, prior to execution". Accordingly, military and security forces launched a systematic large scaled attack against Kurdish civil inhabitants in Northern Iraq, aiming to totally or partially eradicate them. The military troops raided over Kurdish villages' civil inhabitants using conventional and chemical weapons. Due to concentrated bombing, using these weapons, thousands of Kurdish civilian were murdered inside their villages and houses, as the majority of plaintiffs described the aforementioned attacks as Armageddon. The military units arrested whoever survived the chemical and conventional attacks and transferred them to Northern Organization Office or Security Committees.....



Chief of Judge

[TC: Iraqi High Tribunal – Second Criminal Court Chairmanship's logo]

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in the Governorates and then to the detention centers in (Tupzawa, Dibs, Nazarki, Al-Salamiyyah) and others, and some of them were sent to (Nuqrat Al-Salman) Prison, most of Plaintiffs mentioned that the attacking unites destroyed and burned their houses and villages, and blocked the water sources with concert in order to prevent the villagers from returning to their villages. The purpose of the accused ('Ali Hasan Al-Majid) was destroying the civilians physically and psychologically, and he was aware about what happened of killing, massacres, displacement and starvation of the civilians, whereas it was mentioned in the letter No. (8574) on 26 April 1988 issued from the Ministry of Defense's Diwan to the Chief of Army Staff that (1- There is no objection to strike with the special ammunition in order to create more psychological effect, 2- It is required to Resume the operations, and I think the subject is now under discussion with 'Ali Hasan Al-Majid)... It is clear that the convict ('Ali Hasan Al-Majid) is the perpetrator and commander of all the mass murder cases whether through field executions or using the undistinguishing weapons (WMD) (chemical) against the civilians to kill and eliminate them. A visible change happened to the attacks progress specially after the Fourth Al-Anfal Operation and at the start of the Fifth Al-Anfal Operation until the end of Al-Anfal closure (*T.C: Khatimat Al-Anfal*) Operations, whereas the Kurdish civilians of Northern Iraq were exposed to genocides, whereas it was mentioned in the General Military Intelligence Directorate (GMID) letter No. (11325) on 10 June 1988, addressed to the Chief of Army Staff ... Their minimum losses (58 killed) and (72 wounded) of the saboteurs and their families and the villagers as result of the special strike (chemical weapon). Also the army carried out a genocide at (Kurimi), a village related to Dahuk by executing 27 civilians by fire shooting them after collecting and deceived them that there is an amnesty decree issued by the convicted (Saddam Hussein), the inhabitants surrendered although they were civilians. The statement of one of the survivors from that slaughter was documented by the court. Other slaughters were carried out through the field executions or bombing with the chemical weapon in addition to thousands of youth were transferred from the security

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departments by governmental vehicles to the mass graves all over Iraq from the north to the south. Three of the mass graves were disinterred by the international experts and under the supervision of the court and they were (Ninawa/2 whereas (123) bodies were picked up, (98) child and (25) woman, and they all were executed), mass grave (Ninawa/9 whereas (64) bodies were picked up, they all were adults, and they were executed by shooting with automatic weapon), and mass grave (Muthanna/2 whereas (114) bodies were picked up, (27) for adult women, (2) for adult men, (85) child, and they were executed by shooting them while they were standing). And also (145) document were found with the corpses in the two mass graves (Ninawa/2 and Ninawa/9) which were personal identifications, military service certificates, salary certificates, photos, letters, and personal belongings. The international expert mentioned that as result of analyzing the age, origin and the gender it was clear that the bodies were for Kurdish origins, and the clothes were more clear because of it were the Kurdish trouser around the waist. Also it was mentioned in the voice tape showed to the court, the accused ('Ali Hasan Al-Majid) confession when he says (what shall I do with that large number of people, I distributed them to the governorates, and I sent the gravediggers and bulldozers from the Northern Zone to those areas). The above mentioned documents and orders confirms that the accused ('Ali Hasan Al-Majid) premeditated issuing orders to carry out genocide against the Kurdish civilian inhabitants in northern Iraq, and he knows and premeditates to make the genocides a part of a wide-scale systematic attack against the Kurdish civilian inhabitants of Northern Iraq according to the criminal joint plan, which he perpetrated with others intending to eradicate the Kurds totally or partially. ('Ali Hasan Al-Majid's) orders of the field executions and killing any person [from 15 (included) to 70 years old (included)], and attacking the Kurdish Villages in Northern Iraq with chemical weapons to kill the biggest number possible of the civilian inhabitants proves his intention and knowledge of the matter, also banning the agriculture in the area, preventing

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any food substance from reaching the area, destroying the houses and burning it, destroying the water wells, demolishing the schools and mosques, in addition to killing any human or animal existing in the area.

According to the above mentioned, the court finds; the accused ('Ali Hasan Al-Majid) participated personally and with others in carrying out a joint criminal plan and perpetrated intentionally with a joint aim in order to eradicate the Kurds in Kurdistan of Iraq totally or partially. And as a part of this joint intention and this joint plan he perpetrated orders to kill the civilians on large-scale in Northern Iraq (Kurdistan) as a part of wide-scale systematic attack against the civilians in Northern Iraq, and the orders were carried out by his subordinates and resulted in wide-scale killing.

Based on this, the court finds that the evidences are enough and convinced for condemnation of the Accused ('Ali Hasan Al-Majid) and he is guilty of genocide as a crime against humanity which carried out between (1987-1988) according to the Article (12/First-B) by virtue of Article (15/First/Second/Fourth) of the Iraqi High Tribunal Law No. 10 of year 2005 and by virtue of Article (406/1-B-F) of the Amended Penal Code No. 111 of year 1969.

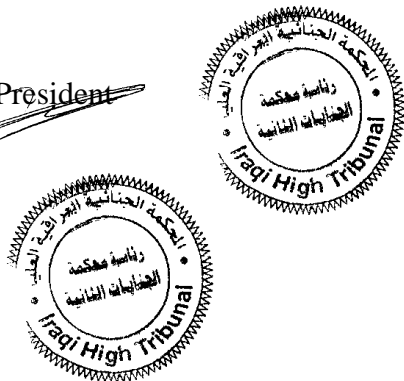
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The accused ('Ali Hasan Al-Majid's) role in the crime of coercive dislocation of the inhabitants as a crime against humanity:

On 20 February 2007, the court accused ('Ali Hasan Al-Majid) on the crime of coercive dislocation of the inhabitants as a crime against humanity according to the Article No. (12/First-D):-

The crime's bases:

- 1- The accused relocates or forcibly dislocates a person or more to another country or another place or with any other coercive action for reasons that are violating the international law.
- 2- The concerned individual or individuals exist legally in the area that they were relocated or were transferred from.
- 3- The perpetrator knows the actual conditions which prove the legality of this attack.
- 4- The perpetrator's act is a part of a systematic or large-scale attack against the civilian inhabitants.
- 5- The perpetrator knows that this act is a part of a large-scale attack against the civilian inhabitants.

These are the crime bases and the requirements which must be available so we can say that the accused ('Ali Hasan Al-Majid) is criminally responsible for this crime....the proving elements are many. For the first base, an evidence that the displacement carried out without choice, an evidence that the victims were arrested before they were displaced, an evidence on the fear atmosphere... destroying the houses of the displaced inhabitants.....An evidence that the civilians were treated as prisoners....An evidence that deny the military necessity ... and an evidence on transferring the civilians outside of the inhabited zone in contrary to the international humanitarian law...etc. Most of the proving elements we mentioned are available in the case concerning transferring the civilians from the Kurdish villages that were included


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by Al-Anfal Operations and forcibly removed from the area where they lived legally (Kurdistan Region) with regard to the fact that they are Iraqi Kurdish Citizens, Farmers, women, children and elderly.....they were living in the area for a long time...whereas the Iraqi Military Forces in (1987-1988) launched its systematic and large-scale attack on Kurdistan Region... and destroyed more than three thousand village and transferred the civilian inhabitants, men, children and women and forcibly dislocating them after arresting them contrary to...the national and international law, whereas they were arrested in (Tupzawa, Dibs, Qura Tu, Nazarki, Al-Salamiyyah) prisons, and a large number of them were transferred to (Nuqrat Al-Salman) Prison in Al-Samawah desert and the other part was taken to the mass graves.... providing that (Tupzawa, Dibs, Qura Tu, Nazarki, Al-Salamiyyah) camps are for the army and People's Army and not prepared for housing families, children and women as the accused confirmed in their testimonies. The evidence for the displacement or forcibly transference of the inhabitant civilians' against their will is clear in all the victims' testimonies before the court in the interrogation and trial stages, and it was conformed by the accused (Sultan Hashim Ahmad) who said before the investigating judge that the procedures of transferring the civilians were illegal and no body agrees to be displaced from the region he was living in for a long time. The evidence of arresting the victims before their dislocation is what was mentioned in the testimony of the victim [NAME REDACTED]....when we arrived our village we found that half of it was destroyed and the bulldozers were demolishing the other half...and an Officer called (Captain Sattar) recorded our names then they brought military vehicle type (ZIL) and transferred us to (Taqtqa) area and they detained us in the poultry farm... then separated the men from the women and the youths from the old...then they transferred us by vehicles to (Tupzawa) and divided us into three groups, the old, the young men and the young women group...after that they transferred us to (Nuqrat Al-Salman).

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The victim ([NAME REDACTED]) mentioned in her testimony before the court on 08 November 2006 that: They collected our village's inhabitants and transferred us to (Kani) Area and they divided us into two groups, a group for the men and another group for the women, they brought military vehicles (ZIL) and transferred us to (Nazarki) castle....our men were exposed to harsh conditions of torturing, assault and beating and they took the men to unknown place. They transferred the women and children to a far barrenness area called (Bahirka) and I stayed there for one year and a half. I remember that the approximate number of the detained in (Bahirka) about (100-200) thousand individual, have no buildings and the people sleep in the open....at the winter we protected only with the tents which ((Irbil)) Inhabitants bought to help and rescue us. The evidence of the existence of fear atmosphere is in the Chief of Army Staff's letter (1122) on 21 August 1988, addressed to the 1st and 5th Corps and concerning the meeting which the Chief of Army Staff and his Deputies of Operations attended in (Kirkuk), the first paragraph stated: "Defining the concentration of the population in the 5th Corps sector and treating them with the intensified special strikes (48) hours prior to the start of operations to create panic between their ranks"...in addition to the usage of chemical weapons by the attacking units at dawn and dusk. That was confirmed by most of victims and plaintiffs, especially in Ramadan month when the villagers are returning to their houses to break the fast, the military forces then were striking them with special strikes, then the military forces besieging the villages and collecting what remained of the families and transferring them to the detention camps by military vehicles, this is a clear evidence of the systematic and large-scale attack against the civilians....most of the victims described the military forces attacks against the civilians in the Kurdish Villages as the Day of Resurrection.

The evidence of destroying the houses of the dislocated inhabitants is that there are documents and evidence such as the Intelligence System of the Eastern Zone's letter Ref. (1745) on 17 August 1987, addressed to the

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