

In the Name of God All Merciful All Compassionate

Iraqi High Tribunal

2nd Criminal Court

Baghdad – Iraq

Reference: 1/(2nd Criminal) 2nd/ 2006

Date: 2007 June 24

The Verdict


... Military Intelligence Directorate containing a list of 21 demolished villages ... and Eastern Zone Intelligence System's letter No. 1863, dated on 1987 August 31, that was directed to Military Intelligence Directorate, containing a list of 9 burned down and vanished. All convicts admitted before court the aforementioned operation as well as dislocating the civil inhabitants.

The evidence that citizens were considered as detainees ... this is what all victims had confirmed ... as they had been detained and transferred by military vehicles to Northern Organization Office or Security Committees, to be investigated and segregated between men and women, youth and elders, and then put down in fenced camps under restricted security surveillance.

The evidence of un-provisioned military necessity is that the villages' devastation included those of 4 Governorates stretching from east (Al-Sulaymaniyyah) to west (Duhuk), passing by Irbil and toward south (Kirkuk) ... However, the existence of Kurdish resistance (Pishmarga) does not justify such systematic wide scaled attack against more than three thousands villages, exploiting all government's military capabilities from aircrafts, helicopters, armors, rocket launchers and special ammunitions ... All this super power was targeted against civil villagers ... it is not logical or rational to exploit such force against individuals from Pishmarga lifting light to mid ranged arms ... Hence, the court is totally convinced that there was no justification for such attack, especially when questioning the convicts ... Was it possible for Al-Anfal Operations to attain the spotted targets without using special ammunitions? ... The answer came affirmative

The evidence of relocating citizens outside the inhabited region contrary to the International Law for Humanity ... where it really happened when relocating thousands of women, children and elders to Nuqrat Al-Salman camp which is located in Al-Samawah south of Iraq. They were subdued to diverse types of...

(541 - 963)



Chief of Investigative Judges

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... oppression, physical and psychological torture, degrading the human dignity, famine, rape, lack of hygiene and health care and spread of diseases among families ... All these matters are against national and international laws for humanity ... The elements which we mentioned, correlated with provisioned facts, and physical and morale evidences prove that the attack was systematic and wide-scaled.

Convict 'Ali Hasan Al-Majid Verdict concerning coercive dislocation of inhabitants

On 2007 February 20, the court charged Convict 'Ali Hasan Al-Majid with dislocating or relocating coercively the populace as per article [12/ 1st – (E)] and by virtue of article [15/ 1st/ 2nd/ 3rd/ 4th] of Iraqi High Tribunal Law No [10] for the year 2005. Additionally, the court discussed provisioned evidences in the case and issued the following verdict:

In early April 1987, Convict 'Ali Hasan Al-Majid became in charge of Northern Organization Office. After the bygone Revolutionary Command Council Decree [160] issuance for the year 1987, which granted him wide jurisdictions, including National Security Council's jurisdictions and executing the bygone Ba'th Party and Revolutionary Command Council's policies in the Northern area , putting under his command all party, security, military and civilian government systems, in order to carry on the aforementioned policy or plan.

Convict 'Ali Hasan Al-Majid issued two letters number 3650 dated on 1987 June 3 and number 4008 dated on 1987 June 20, which included a group of matters like: (It's totally forbidden to deliver any food supplies or human resources to villages within Prohibited Zone included in Phase 2 of villages grouping ... It's not allowed for agronomy to continue on for winter and summer seasons, as well as livestock ... the military force must kill any human or animal to be found within the aforementioned area ... Those included in dislocation to compounds will be informed and held responsible if violating instruction ... instructing military troops to setup special attacks (chemical weapons) to kill the greatest number of those residing the area following such orders issued by Convict 'Ali Hasan Al-Majid ...



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Chief of Investigative Judges

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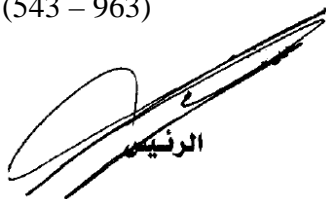
The Verdict

... according to a systematic plan studied by Ba'th regime, the military troops and security systems launched a systematic wide-scale attack against Kurdish civil inhabitants residing villages in Northern Iraq, after being informed and acknowledged of Convict 'Ali Hasan Al-Majid orders including a threat to civil inhabitants to leave their houses and area or else they will be held responsible, as military troops started attacking the villages via a diversity of weapons, including chemical weapons.

After a concentrated intense bombing over these villages, the troops went forward to carry survivors of imminent death to camps in Tupzawa, Dibs, Qura Tu, Nazarki, Al-Salamiyyah and others, by military vehicles. All convicts including 'Ali Hasan Al-Majid confessed dislocating families [children, women and elderly] to compounds prepared for such purpose, where all victims, who stood before court, confirmed that they were transported by military troops to detention and prison camps after ruining down their houses and villages with bulldozers, burning them down. Huge numbers of civil inhabitants were coercively dislocated as the number of burned down and demolished villages reached more than 3000 villages; with an estimated population of hundred thousands of inhabitants.

Those who had been transported via government and military vehicles to detention and prison camps where partially placed in Nuqrat Al-Salman. One of the victims mentioned to court that there number was somehow 7000 children, women and elders. The other part was detained in compounds or camps such as Dibs, Bahirka and others ... Through victims' testimonies and provisioned evidences in the case, Convict 'Ali Hasan Al-Majid was aware and intended a coercive dislocation of civil inhabitants as part of a systematic wide-scaled attack against civil inhabitants, as mentioned in letters 3650 and 4008, where the convict confessed, during the two stages of investigation ...

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The Presiding Judge

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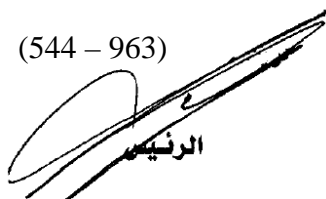
... and trial of all the aforementioned letters contents. Whereas to allege or say that coercive dislocation was implemented for the security of civilians, will not convince the court due to letters number 3650 and 4008, where civil inhabitants escaped their villages after the bombardment with non-distinction (chemical weapon) and conventional weapons. Then the military troops forcedly transported them coercively to compounds or prison or detention camps under state's authority. Hence, no evidence or presumption proves that civil inhabitants' dislocation came as of care to their safety.

The court finds that civil inhabitants in Kurdish villages are Iraqi Kurds, farmers, children, women, employees and students residing this area [Kurdistan Al-Iraq] legally, from a long time, where they were exposed to a sympathetic wide-scale attack, burning down their villages and houses, then were transported to camps after being arrested by attacking units. All those who stood before court confirmed the aforementioned adding up being exposed to all kinds of humiliation, disdain, mental and physical torture as well as a mood of terror where it was mentioned in letter 1122, dated on 1988 August 21, issued by Chief Army of Staff to 1st and 5th Corps mentioning "population concentration will be defined in 5th Corps sector, handled by intensified special strikes, 48 hours prior to attack, to create a state of fear in their ranks"

The civil inhabitants were unwillingly dislocated, as Convict Sultan Hashim Ahmad confirmed, because no one agrees on leaving his own land and farm.

The dislocation of civil inhabitants from their villages, arresting and detaining them in terrible camps where they were exposed to all kinds of oppressions, mental and physical torture, degrading the human dignity, famine and lack of hygiene and health care, all these matters are against national and international laws for humanity. The criminal intent of Convict 'Ali Hasan Al-Majid is proven following that fact that these acts were committed as per orders issued by him directly ...

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... as it is elaborated via provisioned evidences in the case like victims' testimonies, documents and official correspondences.

Accordingly, Convict 'Ali Hasan Al-Majid contributed individually and with other people, in executing joint criminal plan as well as a joint purpose to totally or partially eradicate the Kurds in Northern Iraq. As part of joint intent, he premeditated and ordered the dislocation of Kurdish civil inhabitants in Northern Iraq coercively, within a systematic large scaled attack, as these orders were executed by his subordinates causing a coerce dislocation for numerous countless civilians in Northern Iraq.

Accordingly, the court finds that evidences are enough to charge Convict 'Ali Hasan Al-Majid and he is guilty of coerce dislocation of inhabitants as a crime against humanity, committed between 1987 and 1988, as per article [2/ 1st – (D)] and Article [5/ 1st/ 2nd/ 4th] of Iraqi High Tribunal law No [10] for the year 2005.

Signatures of the tribunal members



Member



Member



Member



Member




الرئيس
محمد تريبي مجيد الخليفة
القضايا الجنائية العراقية
القضايا الجنائية العراقية
Iraqi High Tribunal

Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifa

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Convict 'Ali Hasan Al-Majid role as for the charge of unfair imprisonment or extreme deprivation from physical freedom considered as crime against humanity

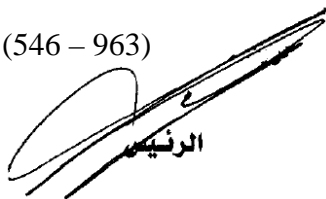
The elements of the crime:

1. If the crime's perpetrator imprisons one or more individuals or severely deprives one or more individuals from their physical freedom, in another way.
2. If the enormity of the act reaches a limit which is considered as violation of basic International Law regulations.
3. If the perpetrator knows about the factual circumstances which reveal the enormity of the act.
4. If the conduct was perpetrated as part of sympathetic wide-scale attack against civil inhabitants.
5. If the criminal is aware that the conduct is part of a systematic large scaled attack directed against civil inhabitants and to intend such conduct.

The legal requirements, for such elements of proof, proving the perpetration of imprisonment or extreme deprivation from physical freedom, as a crime, are many ... an evidence on arrests ... high average of arrest ... evidence of imprisonment ... detention ... factual detention as well as consideration of age ... evidence of consideration of the health status ... evidence on period of detention ... evidence on the possibility of declaring a release ... an evidence that detainees were searched and registered, once entered detention camp ... evidence of maltreatment and physical damages within detention period ... an evidence of detainees death ... an evidence of exposing detainees to inhuman conditions as evidence of random illegal detention.

Most of these elements were provisioned to court through evidences submitted during both investigation and prosecution ... as it had been mentioned by all victims that they had been transported to camps after a systematic large scaled attack over civil inhabitants residing Kurdish villages and then putting them in detention ... the correspondences which occurred between North Organization Office, headed by Convict 'Ali Hasan Al-Majid, and commanders ...

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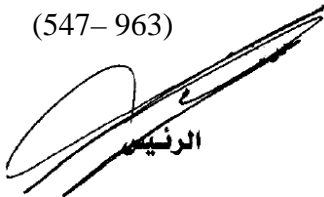
The Verdict

... of corps and security systems' in charge personnel, over how to handle families or civil inhabitants, transporting them to camps, are none but a plus evidence that Convict 'Ali Hasan Al-Majid was aware of each tiny detail regarding detention and deprivation from freedom that Kurds were expose to ...

All victims confirmed in both investigation and prosecution stages that they were transported from their villages, by military vehicles, to North Organization Office or Security Committees and then to Tupzawa, Dibs, Nazarki and Al-Salamiyyah camps, where women and children were segregated way from elders as well as youngsters and placed in Nuqrat Al-Salman camp south of Iraq or driven to mass graves. Those detainees were exposed to different kinds of oppression, where many died from famine due to harsh living and health circumstances, lack of hygiene, health care and food supplies.

Hence, the victims and plaintiffs did not mention that 'Ali Hasan Al-Majid himself detained and imprisoned any victim as no one heard him ordering his detention ... but from case's facts, provisioned morale and physical evidences, correspondences and letters and civil detainees were treated, especially letter number 4008 dated on 1987 June 20, stating that Convict 'Ali Hasan Al-Majid is the ultimate ruler in the northern area where no one is privileged to object his orders, rising him as criminally in charge of arrests and detentions, as well as deprivation from physical freedom, targeting Kurdish civilians. All these acts are against the law where Convict 'Ali Hasan Al-Majid told the court that no detainee can be released unless he says so. When asked by court if someone of the detainees died or had been released, are you informed? He responded "Absolutely, because the detention order is issued by me as well" This is an absolute evidence over detention and arrest orders are originally the will of Convict 'Ali Hasan Al-Majid.

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The proof of arresting people or high average of detainment, is included in letter number (4008) dated 1987 June 20 which included orders to prohibit human and animal existence in the region, detaining any person arrested. As of imprisonment, or real detention, it had been proved by victims who stayed for a variety of periods at Tupzawa, Nazarki, Bahirka or Nuqrat Al-Salman camps. Taking in to consideration the age of the elders is proven when segregating elders and youngsters, youngsters and children, keeping on the elders while driving the young to mass graves and executing them. As for prisoners' health, many victims confirmed the lack of medical care and doctors, in camps. Furthermore, the proof of prisoners' civil situation is revealed in the detention of thousands of children, women and elders, as some attained court, confirming that they are all civil inhabitants residing villages, especially the women and children. Detention duration varied from a camp to another since most of the victims assured that their detention period at Nuqrat Al-Salman started from April 1988 and ended in September of the same year. Detainees at (Bahiraka) Camp remained for a year and half. Additionally, the proof of decreeing a possible amnesty for detainees is accomplished when Saddam Hussein released the amnesty. Most of the detainees were searched and registered once inside the camp, as victim 'Aziz Wahab stated testified "They ordered us to hand over all belongings on us such as pocketknife and brooch, then they gathered us for interrogation. At investigation, the officer asked me about my name, address and relatives. After writing down my statement as well as others, they put us in a hall and soldered the door".



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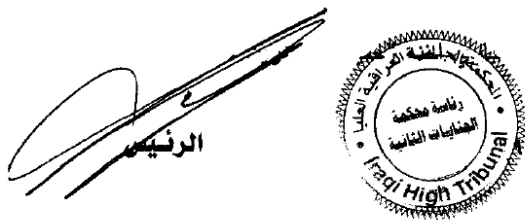
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The Verdict

The proof of committing inhuman maltreatment and physical assault by wardens causing detainees physical damages during the detention period or while investigation them, is the fact of being exposed to beaten and physical damages as it had been confirmed by Victim Yunis Haji Haji, testifying to court, on 2006 November 27, “They were forcing us to walk on smashed glass inside locked rooms”. He added, “One day, I have seen three prisoners tied to their sexual organs gas bottles”. However, the proof of death of hundreds of prisoners was assured by most of victims that describing the terrible circumstances and lack of food supplies or medical care, as Victim ([NAME REDACTED]) clarified, on 2006 October 17, before the court, “6 to 7 prisoners were dying each day, and during my detention period, (770) were dead at (Nuqrat Al-Salman) camp”. Also, we shouldn't forget what occurred in Kirkuk Health Directorate's letter number (783), dated 1988 June 12, addressed to Kirkuk governorate regarding how to handle Kurdish corpses within camps, for not satisfying legal conditions.

Being exposed to inhuman conditions is what most of the victims confirmed due to lack of hygiene and medical care, food shortage, humiliation, disdain, and famine. As of random illegal arrests, it was framed by arresting Kurdish families including children, elders, women and youngsters, without differentiating between children, woman, elder, or youngster. This had been confirmed by all victims and plaintiffs who stood before court, especially the women. All these acts were committed in camps following the order and awareness of Convict 'Ali Hasan Al-Majid as he was directly in charge of these camps within Northern Zone such as Tupzawa, Nazarki, Al-Dibs, Bahirka, and Al-Salamiyyah, for being the ultimate ruler in the area ...

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The image shows a handwritten signature in black ink on the left, with the name 'الرئيس' (The President) written below it. To the right is a circular official seal. The seal contains the text 'المحكمة العراقية العلية' (The Iraqi High Tribunal) at the top, 'رئاسة المحكمة' (President of the Court) in the center, and 'القضايا الجنائية' (Criminal Cases) at the bottom. The English text 'Iraqi High Tribunal' is written around the bottom edge of the seal.

Chief of Investigative Judges

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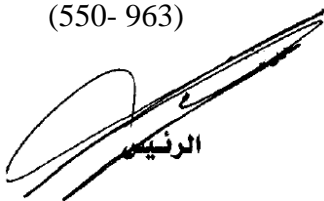
...and he confessed it before court, “No detainees are to be released unless I issue the order”. However, Convict ‘Ali Hasan Al-Majid is fully aware of Nuqrat Al-Salman camp existence as confirmed by the audio tape recording his voice which had been passed to court “Where I could put all these numbers of humans? That number? I will distribute them over governorates, and then I send excavators and bulldozers there”. This is an explicit confession that Convict 'Ali Hasan Al-Majid was fully aware of all camps whether in Northern Zone or other governorates. His contribution with others group with a joint criminal intent to perpetrate this crime aimed to reinforce regime security systems' criminal activity. The court is totally convinced that Convict 'Ali Hasan Al-Majid is responsible for the detention or severe deprivation from physical freedom for those who were detained from Kurdish villagers, as a crime against humanity, as per article [15/ second- (B, F and D)] and Article [15/ fourth] of this court's code, as being the ultimate ruler of Northern Zone for a period of three years.

Convict ‘Ali Hasan Al-Majid Verdict for imprisonment and extreme deprivation from physical freedom:

On 2007 February 20, the court charged Convict ‘Ali Hasan Al-Majid for imprisonment and extreme deprivation from physical freedom as per article [12/ First- (E)], by virtue of article [15/ First/ second/ third/ fourth] of Iraqi High Tribunal Law No [10], for the year 2005. The court discussed provisioned evidences and verdict the following:

As a result of orders issued by Convict ‘Ali Hasan Al-Majid to his subordinates [henchmen], Kurdish civil inhabitants in Northern Iraq were exposed to systematic large scaled attack as military forces raided ...

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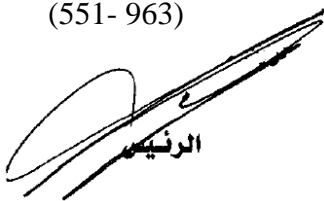
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... along with security systems over civil inhabitants, dislocating them to camps at Tupzawa, Qura Tu, Dibs, Nazarki, Al-Salamiyyah, and Nuqrat Al-Salman, after arresting and searching them, registering their names and segregating men away from women and children. The detention was random not differentiating between children, women or elders; in addition, most of the detainees were exposed to inhuman conditions with lack of hygiene and medical care, and famine causing the death of hundreds. All these acts were perpetrated against Kurdish civilians. Most of those who attained the court testified that, during the years 1987-1988, they were exposed to systematic large scaled attack, where they were carried via military vehicles to detention centers after being arrested. What those victims witnessed is based on direct orders from Convict 'Ali Hasan Al-Majid via letter number (3650), dated on 1987 June 03, and letter number (4008), dated on 1987 June 20, which both included carrying out the aforementioned attacks against Kurdish civilians. Detainees were subdued to extreme surveillance measures with no one allowed to leave as it had been approved by all victims who attained the court. The convict himself admitted that when he said "It is not permitted to move from one compound to another unless it is permitted by security systems". In another paragraph of his testimony he added "No detainee is to be released unless I issued the order, because I decreed the detention". Those victims were imprisoned via an order from Convict 'Ali Hasan Al-Majid, randomly without trials or considering their rights, violating international principles, as one of the victims mentioned that once investigation is completed with him, he had been put in hall while guards have soldered the gate. Another victim says "They put us in a room and forced us to walk on smashed glass. I have also have seen three prisoners with their sexual organs tied to gas bottles".

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Accordingly, the court finds Convict ‘Ali Hasan Al-Majid guilty for contribution, as individual, and with others in implementing a joint criminal plan, as well as contributing by joint intent and aim to totally or partially eradicate the Kurds in Northern Iraq. As per this joint intent and plan, he ordered the dislocation of Kurdish civilians residing in Northern Iraq to detention centers and compounds with no freedom to leave as part of a systematic large scaled attack against civil inhabitants in Northern Iraq. These orders were executed by his subordinates resulting in imprisoning countless civilians without trails or according to proper procedures.

Accordingly, the court had enough provisioned evidences to charge Convict ‘Ali Hasan Al-Majid for imprisonment as a crime against humanity, perpetrated between 1987 and 1988, as per article [12/ First- (E)] by virtue of article [15/ First, Second, Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.



The seal is circular with Arabic text: 'المحكمة العراقية العليا' (The Iraqi High Tribunal) and 'القضايا الجنائية' (Criminal Cases). It also contains the English text 'Iraqi High Tribunal' and 'Dawlatiyyat al-Jana'iyat'.

Chief of Investigative Judges
Muhammad ‘Iraybi Majid Al-Khalifah



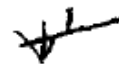
Member



Member



Member



Member

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Convict ‘Ali Hasan Al-Majid role for torture as a crime against humanity:

Elements of crime:

- 1- The perpetrator must cause extreme agony or suffering to one or more individuals
- 2- These one or more individuals must be detained by the perpetrator or under his control
- 3- This agony or suffering must not be the result of legislative sentences, enclosed or correlated to them.
- 4- The conduct must be perpetrated as part of systematic large scaled attack against civil inhabitants.
- 5- The perpetrator must acknowledge that this conduct is part of a systematic large scaled attack against civil inhabitants, or intends it to be.

Therefore, the evidences of torture as crime against humanity are many, as follows:

summary executions, beating, solitary confinement for long periods of time while blindfolded, beating all sides of bodies, hang down victims by their hands while being tied to their backs, long periods of food deprivation and hygiene as well as medical care, threatening by torture or murdering relatives, evidence of rape, evidence of obliging someone to witness the assault of his kin, and detaining while under extreme surveillance by security forces.

We have already mentioned that Iraqi army carried a systematic large scaled attack over Kurdistan between 1987- 1988, using all state's available weapons, where the units destroyed villages, dislocated civil inhabitants from those aforementioned villages via government's vehicles, transferring them to Northern Organization Office or security committees in governorate and then...

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الرئيس

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رئاسة المحكمة
القضايا الجنائية

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... to detention camps at Tupzawa, Dibs, Nazarki, Al-Salamiyyah and Qura Tu [among others], segregating women and children from men, sending some to Nuqrat Al-Salman in Al-Samarah desert in Southern Iraq, while others were driven to mass graves. The dislocation operations of inhabitants to prison camps were carried following a monotonous scheme, at all stages of the eight Al-Anfal operations. This fact is evidence over the systemization of these perpetrated acts. Moreover, Al-Anfal operations included dislocation of civil inhabitants residing more than three thousand villages, where they were detained in prison camps at Tupzawa, Dibs, Nazarki, Al-Salamiyyah and Qura Tu [among others]. Furthermore, they were exposed to all types of physical and psychological torture at those horrible camps, lacking the basics of life. Convict 'Ali Hasan Al-Majid was fully aware of these factual circumstances which prove the gravity of conduct, shown through letter number (4008) dated 1987 June 20 and other letters and correspondences between Northern Organization Office, commanded by the victim, and other security and Corps' commanders. All the previously mentioned mark Convict 'Ali Hasan Al-Majid intent and acknowledgement of such acts, as he testified to court, on 2007 February 20, "No detainee is to be released unless I say so". The evidence of summary executions is included within letter number (3229) dated 1987 December 05, issued by General Security Directorate [GSD], addressed to 45th Directorate, including the name of 28 individuals, among them 4 women from Shaqlawa, to be executed. Adding up, a number of military officers carried out executions against 27 individuals in Kurimi village. The evidence of severe beating all over the body was confirmed by some victims, as Plaintiff [NAME REDACTED] testified before court, "when going to toilets, each one was given one minute only ... if he is late, they will extremely beat him up ...". As for the evidence of long times of food deprivation, hygiene and medical care, all such acts occurred in detention camps, as it had been included in the testimony of victim ...



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... '[NAME REDACTED] while standing before court, on 2007 Oct 17 "the number of people who died at Nuqrat Al-Salman camp, as a result of starvation and lack of hygiene, reached 770 detainees.

Victim [NAME REDACTED] testified to court, on 17 October 2007, that ailment such as vomiting and diarrhea spread all over the camp ... as 6 to 10 persons were dying on daily basis, including my brother [NAME REDACTED], his wife [NAME REDACTED], and three others who are [NAME REDACTED] as for the third I don't know his name"

When we went to bury them, we saw the graves of yesterday been interred ... we have seen hands and legs [belonging to dead bodies] ... it seems that the dogs ate the corpses". He submitted a list of 35 of his relatives who were missed during the operations as their fates remain anonymous.

Most the victims mentioned in their testimonies before court that their daily share of food, during their detention at Nuqrat Al-Salman prison camp, was one or two loaves of bread, though they stayed from April to September 1988. The plaintiffs and victims mentioned that hygiene and the medical care were completely unavailable in these camps, from the date of detention till that of release.

The threatening to murder or torture a kin was used at camps ... Victim [NAME REDACTED] mentioned before court, on 8 November 2006, "I saw persons wearing military uniforms at Nazarki Fort beating our men with wood or steel covered by plastic hoses. The beat was violent as blood bleeding everywhere. They told them that this is their remedy. I witnessed 6 of the guards, 3 at each side, beating my husband [NAME REDACTED], my son [NAME REDACTED], my brother [NAME REDACTED], my son-in-law [NAME REDACTED], my brother's son [NAME REDACTED], and my brother-in-law's son [NAME REDACTED]. Then, they put them in vehicles and drove them west where no further information had been given since then. Among them were my cousins, around 27 men whose fates are still anonymous.

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The evidence on sexual violence is proven by Nuqrat Al-Salman camp's commander, Hajjaj, and his subordinates Shamkhi and Sakhr, who perpetrated sexual actions against a number of detained ladies in the aforementioned camp. Protected victim (.....) testified that she saw Convict Hajjaj forcing beautiful ladies to visit his room at night, and she had been raped also. She also witnessed one of the women committing suicide after being raped by Convict Hajjaj. Another protected victim testified seeing Hajjaj raping at the camp's yard and murdering her in front of her parents.

The evidence of forcing victims to witness assaults carried on other individuals, most of the victims and plaintiffs mentioned being exposed to beating and humiliation as a number of victims testified that Convict Hajjaj was tying detainees on columns at the camp's yard, beating them [torture], leaving them hanged for long hours.

All victims mentioned being exposed to a variety of physical and mental torture, as well as humiliation and disdain, at camps.

From the aforesaid, it becomes clear that all elements of torture as crime against humanity were realized, facing the camps' commanders where detainees were put. As we mentioned, no one of the plaintiffs mentioned that Convict 'Ali Hasan Al-Majid tortured him personally but all of them requested accusations against him, as being the ultimate ruler of Northern Area (commanding responsibilities), whereas he ordered to arrest and detain them. Therefore, it becomes clear to court that convict 'Ali Hasan Al-Majid is the one who ordered to arrest and detain them. Accordingly, he commanded committing a crime implicitly as per physical and morale provisioned evidences in the case. Hence, Convict 'Ali Hasan Al-Majid will take full criminal responsibility over the torture of Kurdish civil inhabitants as a crime against ...

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... humanity as per article no. [15/Second/(D)] of Iraqi High Tribunal Law No [10] for the year 2005, for provision of possible intent and reinforcing criminal activity and purpose of ruling regime, Ba'th party and Security Systems, which were all commanded by Convict 'Ali Hasan Al-Majid. The convict was fully aware and acknowledged of the intent to perpetrate this crime by subordinates in charge of these systems.

In addition to the aforementioned Convict 'Ali Hasan Al-Majid holds responsibility, based on the principle of higher commander responsibility, stipulated by Article No [15/Fourth] of Iraqi High Tribunal No [10], for the year 2005, where all legal requirements are provisioned to charge Convict 'Ali Hasan Al-Majid.

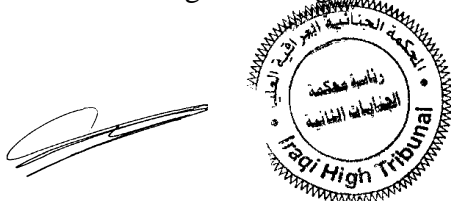
Convict 'Ali Hasan Al-Majid Verdict for torture:

On 20 February 2007, the court charged Convict 'Ali Hasan Al-Majid for torture as a crime against humanity, according to Article No [12/First-(F)], by virtue of Articles (15/First/Second/Third/Fourth) of Iraqi High Tribunal Law No [10] for the year 2005. The court discussed provisioned evidences in the case and issued the following verdict:

During 1987 and 1988, military sectors and security systems launched a systematic large scaled attack over civil inhabitants in Kurdistan Iraq where tens of thousands of children, women, and elders were dislocated, via military vehicles, to Northern Organization Office or security committees in Northern governorates where they were transferred to camps in Tupzawa, Qura Tu, Dibs, Nazarki, and Al-Salamiyyah, after segregating women and children from men, and youngsters from elders, moving some to Nuqrat Al-Salman camp in South Iraq and others to mass graves or execution [by execution squads] groups. Those who stayed in detention centers ...

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The image shows a handwritten signature in black ink on the left. To its right is a circular official seal. The seal has a double border. The outer border contains the text 'القضاء الجنائي الموحد الجديد' at the top and 'Iraqi High Tribunal' at the bottom. The inner circle contains the text 'رئاسة محكمة' at the top and 'القضاء الجنائي الثاني' at the bottom.

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... were exposed to all sorts of oppression, physical and psychological torture, as one of the victims testified to court "We were entered to a room full of smashed glass and were forced to walk, backward and forward, over it". Another revealed "I witnessed three men with their sexual organs tied to gas bottles". A third testimony came "guards were beating when they enter bathrooms". A female plaintiff mentioned that she saw guards beating her husband and son as they were both bleeding like hell. Victims and witnesses at Nazarki camp mentioned seeing guards beating detainees ghoulishly as they were bleeding. Nuqrat Al-Salman prison camp's detainees mentioned that Hajjaj, the prison commander, used to tie women and males to columns inside the camp. A plaintiff mentioned that she was exposed to rape and sexual violence at Nuqrat Al-Salman prison camp. Other females were also exposed to rape and sexual violence as one woman committed suicide due to that.

Hence, Convict 'Ali Hasan Al-Majid is criminally responsible for all these acts and crimes perpetrated in the aforementioned camps as it is clear that the Ba'th Party was a totalitarian regime, highly centralized, where detainees were exposed to torture as a systematic patten adopted by the regime, in all camps and prisons all over Iraq. Convict 'Ali Hasan Al-Majid was, prior to that date, GSD director, as all security and party systems were fully aware of the convict's techniques, aims and intentions. The detainee or arrested must be exposed to torture or humiliation, as one of the guards told a victim at Nuqrat Al-Salman "they brought you in there to die, not to live". The court, through provisioned evidences, acknowledged that the most extreme torture cases occurred in and by the security directorates trained by Convict 'Ali Hasan Al-Majid to implement torture. In addition, letter 4008, on 20 June 1987, included "to be detained who had been arrested, as security systems investigate him and ...

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... will be executed those between 15 and 70 years old [included]". Letter numbered (2083), on 22 July 1987, includes "We don't mind cutting off the traitors' heads, but it had been preferable to send them to security for investigation, hoping to extract some useful info, prior to execution". From the two above letters, it was shown that Convict 'Ali Hasan Al-Majid ordered sending victims to security directorates for investigation, totally aware of the techniques of torture and interrogation used there, adding those who died at Tupzawa and Dibs, both located near convict 'Ali Hasan Al-Majid Command's Headquarter at Kirkuk, but he didn't take any action to prevent these actions.

Convict 'Ali Hasan Al-Majid was aware of every single detail regarding detainees' affairs, even those at Nuqrat Al-Salman prison camp. The audio tape presented to court shows that detainees were distributed over governorates along with shovels and bulldozers, without forgetting the encouragement letters he issued, pushing his henchmen to torture and beat detainees, as he said in the aforementioned audio tape "I deprived them from working in Kirkuk and its neighborhoods and villages, some I imprisoned, detained or beating by stick ". The aforementioned is instigation and provocation to carry out torture in addition to physical suffering. The detainees were exposed to harsh conditions such as humiliation, disdain, famine, as well as lack of hygiene and medical care. All this prove a systematic patten to mistreat and degrade the dignity of prisoners, perpetrating ugly crimes in these camps. All those who perpetrated the crimes were fully aware of the regime's nature, as convict 'Ali Hasan Al-Majid was acquainted to circumstances within these camps and compounds as he factually contributed to the creation of such environment, including causing suffering and torture.

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Accordingly, as per article No [15/Fourth] of Iraqi High Tribunal Law No [10] for the year 2005, stipulating (supreme leader's responsibility) which should have been acknowledged as per comments over investigating detainees, hence, for all the aforementioned, Convict 'Ali Hasan Al-Majid is criminally responsible for crimes executed by his subordinates at Tupzawa, Qura Tu, Dibs, Nazarki and Al-Salamiyyah prison camps, including torture.

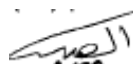
Consequently, Convict 'Ali Hasan Al-Majid is responsible for crimes perpetrated by his subordinates as he was fully aware or there were reasons for him to be acknowledged that his subordinates perpetrated such acts, or had the intent to, and he [the supreme leader] did not take necessary measures to prevent the perpetration of these acts. The convict 'Ali Hasan Al-Majid was aware of these conditions and he didn't take any procedure to prevent it.

Hence, he will be responsible as per Article No [15/First/Second/Fourth] of Iraqi High Tribunal Law (Responsibility of the supreme leader) and for the provision of evidences against him, he is found guilty for committing torture as crime against humanity, according to Article No [12/First-(F)] of Iraqi High Tribunal Law No [10] for the year 2005.

Member



Member



Member



Member



(Signature)

Chief of Investigative Judges

Muhammad 'Iraybi Majid Al-Khalifah

(560-963)

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Convict 'Ali Hasan Al-Majid's Role in coerce harboring of individuals as a crime against humanity, charged for Convict 'Ali Hasan Al-Majid:

The Crime Elements:

1) The perpetrator must:

A - Arrest, detain or abduct one or more persons.

B –Not to admit detention, arrest or abduction of one or more individuals or to give information concerning their fates or whereabouts

2)

A - When this arrest, detention, or abduction is correlated to a denial of admitting the deprivation of the aforementioned individuals from freedom or delivering information concerning their fates or whereabouts

B – This denial must come after deprivation from freedom or simultaneously with it.

3) The perpetrator must be aware:

A – That arresting of this/these person(s), detaining or abducting will be followed, as per the normal flow of the events, a denial to admit depriving freedom or delivering information concerning their fates or whereabouts.

B - This denial must come after deprivation from freedom or simultaneously with it

4) This arrest, detention or abduction must be carried by a government or political organization or via an approval or support from both of them.

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- 5 The denial to admit depriving that person or those persons from their freedom or to give information about their fates or whereabouts must be carried by a state, or political organization, or via permission or support or confirmation from them.
- 6 The perpetrator must intend to prevent a person or persons from protection guaranteed by law, for a long period of time.
- 7 The conduct must be committed as part of a systematic large scaled attack against the civil inhabitants.
- 8 The perpetrator must be aware that such conduct is part of a systematic large-scaled attack against civil inhabitants or intend it to be that way.

The juridical requirements for coercive harboring are: the perpetrator must arrest one person or more, harbor or detain them, denying to admit arrest, detainment, or harboring, or to deliver information about their fates or whereabouts. This matter must be followed by deprivation of that person or these persons' freedom, or to deliver information regarding their fates. The perpetrator must be fully aware that arresting or detaining those individuals will be followed, in advancement of normal activities, by a denial to admit their deprivation from freedom or delivering information regarding their fates or whereabouts, conditioned that the arrest will be carried by a state or political organization with authorization, support or confirmation from them. The perpetrator must intend to prevent these persons from their legal protective rights.

We previously mentioned that the Iraqi army conducted a systematic large-scale attack on Kurdish villages during (1987-1988). Through this attack, and all of Al-Anfal Operations, based on orders by Convict 'Ali Hasan Al-Majid, authenticated in official documents and audio tapes, confirming that military units transported civil inhabitants [children, women, and elders] to camps ...

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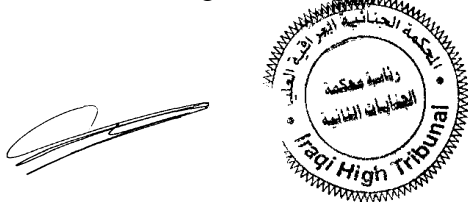
The Verdict

.... at Tupzawa, Al-Dibs, Nazarki and Al-Salamiyyah, and then to Nuqrat Al-Salman or mass graves. All plaintiffs (victims) testified that once they reached detention centers, in charge systems used to segregate women from men, as well as youngsters from elders and young women from old ones, to put them inside halls available within the camps. Some were dislocated at Nuqrat Al-Salman camp where, as victims mentioned, all were elders, children and women with the youngest aged 60 years old. This situation raises a question regarding the youngsters' fates, those who are within age of military service? Those are tens of thousands of youngsters' whose fates are anonymous.

The court reached a complete contentment that youngsters were driven to mass graves, as witness [NAME REDACTED] mentioned, in his testimony before court, on 27 November 2006, "In Irbil Security Directorate, we were around 97 detainees, then the number reached 180 after 06 September 1988, as they segregated women from men, called out our names, handcuffed and blindfolded us, and put us in vehicles. Once at the execution site ... vehicles were transporting 180 individuals at a time ... They made me sit on the pit's edge ... a man hit me on the back of my head ... I fell inside the pit ... I am the only person who survived from 180 individuals. Victim [NAME REDACTED] mentioned in his written testimony before court, on 11 September 2006 ... "I was in the prison camp, when they took (68) persons from us to an unknown side, including my brothers ([NAME REDACTED], and I don't know anything about their fate till now". Victim ([NAME REDACTED]) mentioned in her testimony registered on the date of 22 August 2006...that when she was detained at Irbil Security Directorate's prison camp, they recited in front of her eyes names ...

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The image shows a handwritten signature on the left and an official circular seal on the right. The seal contains the text "القضاء الجنائي العراقي" (Iraqi Criminal Court) at the top, "رئاسة محكمة" (President of the Court) in the center, and "القطاعات الطائفية" (Ethnic Divisions) at the bottom. The words "Iraqi High Tribunal" are written in English at the bottom of the seal.

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... of (29) persons who had been driven, in front of all detainees, by big vehicles and their whereabouts turned anonymous.

Victim [NAME REDACTED] mentioned in court, during the hearing of 22 August 2006 ... that her father ([NAME REDACTED]), mother ([NAME REDACTED]), brothers ([NAME REDACTED]), son ([NAME REDACTED]), cousin ([NAME REDACTED]), and uncle's wife ([NAME REDACTED]) and her mother ([NAME REDACTED]) disappeared after being detained by security forces.

Victim [NAME REDACTED], one of the survivors from mass graves, testified to court on 27 November 2006 ... "I remember while being at Tupzawa camp ... that soldiers were driving men, after completely undressing them, to an anonymous side. Among them was my father whose fate remains unknown".

Plaintiff [NAME REDACTED] mentioned to court on 26 September 2006 ... "I was POW in Iran during Al-Anfal operations ... I returned back to my village to find it deserted. I didn't find my family; my wife [NAME REDACTED] and sons [NAME REDACTED] and Rukhush. I asked the party organization, and many high officials, and submitted 2 petitions to Presidential Diwan... they answered back to my petition dated 10 April 1990, via an official letter from Presidential Diwan informing me that my family was lost during Al-Anfal operations... (The plaintiff submitted a copy of the aforementioned letter to court which includes the proved confession of losing his family).

Victim [NAME REDACTED] mentioned to court, on 08 November 2006... "We were dislocated at Nazarki camp, where women were segregated away from men. There were 96 men. In the second day, they brought two military vehicles with no windows and put the men in them ...

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... I saw (6) guards beating them while putting them in the aforementioned vehicles. They were driven on an anonymous side as their fates remain unknown. 26 of them were my relatives; husband ([NAME REDACTED]), son ([NAME REDACTED]), brother ([NAME REDACTED]), nephew ([NAME REDACTED]), husband's nephew ([NAME REDACTED]) and son-in-law ([NAME REDACTED]).

Victim (Plaintiff) [NAME REDACTED], a survivor from mass graves, testified to court, on 18 October 2006 ... where he said ... "We were at Tupzawa prison camp. They brought around (17) vehicles without windows, and put us in them at sunrise. The driver told us we were transferred to another prison. We reached the site appropriated for executions at sunset. Inside the vehicles were around 500 individuals, in ours 35. All of us were young, not handcuffed or tied. One of the soldiers showed at the vehicle. He picked one of us and wanted to blindfold his eyes and pass him to another soldier for execution. We attacked the soldier trying to over control him but the soldiers outside shot at us. I was hit in the waist, as a group of victims died ([NAME REDACTED] are the one I know). Those at the front car were all dead. I left the car, and ran away in the opposite way. I don't know about the fate of (500) persons. I survived by miracle. I remember shovels and pits prepared for victims. The aforementioned victims and plaintiffs' testimonies are part of what most of the plaintiffs stated, as each victim submitted a list of missing persons from his/her village, called by the Kurds "The Anfalized" indicating those whose fates are anonymous. For what had been delivered, there were orders of detention and imprisonment, as confirmed by Convict 'Ali Hasan Al-Majid facing court, "It is prohibited to release any detainee unless I order so". Hence, there was an order to arrest families and detain them. It had been prove to court through ...

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... victims testimonies, that thousands of them are still missing till now, as Convict 'Ali Hasan Al-Majid and others, refused admitting arresting these victims, as, prior to the denial, freedom's deprivation or delivering any information regarding their [victims] fates were adopted. As well, the court realized, through the case's process, that all state's capabilities had been exploited to implement Al-Anfal campaigns. This is a proof of state's systems contribution in detention, arrest, and coercive harboring operations against thousands of victims from Al-Anfal campaigns. Thus, Convict 'Ali Hasan Al-Majid is considered criminally responsible for Al-Anfal, according to Article [15/ Second/ Fourth] of Iraqi High Tribunal Law No [10] for the year 2005).

Convict 'Ali Hasan Al-Majid Verdict on Coerce Harboring

On 20 February 2007, the court charged Convict 'Ali Hasan Al-Majid for harboring individuals, according to Article [12/ First-(I)], by virtue with Articles (15/ first/ secondly/ third/ and fourth) of Iraqi High Tribunal Law No. [10], for the year 2005. It issued the following verdict:

Convict 'Ali Hasan Al-Majid issued Letter No (3650) on 03 June 1987 and Letter No (4008) on 20 June 1987, among other orders to military sectors and security systems, including the implementation of his politics or plan, within systematic large scaled attack over civil inhabitants. Via the two aforementioned letters, the military troops raided over villages in Kurdistan, burning them down and prohibiting any human or animal existence. On the other hand, convicts ('Ali Hasan Al-Majid), (Sultan Hashim Ahmad) and (Farhan Mutlak) mentioned that the military units transported civil inhabitants to appropriated places which are detention and imprisonment centers. More than (70) plaintiffs and witnesses stood before court, submitting lists of missing individuals who were detained by army and security systems, as their fates remain anonymous. Each victim submitted a list of ...

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... (30-70) persons from his village who were arrested by security systems and Iraqi forces, and still their fates are unknown. Plaintiff '[NAME REDACTED]', residing Sidar/ Al-Sulaymaniyyah Governorate, testified before the court, on 14 September 2006, that he saw military troops arresting his family consisted of his wife and seven children, as he did not turn himself down, fearing the execution. After the amnesty he managed to go to Baghdad where he faced Convict Saddam Hussein, as he said: "I said to Saddam Husayn ... Sir ... No light in my world without them ... Saddam asked me, where they were detained? I said in my village (Sidar) so he told me by word "Shut up, they were lost in Al-Anfal campaigns" ... then he said to me (go out)". What Convict Saddam Hussein said is clear evidence that the regime, through Al-Anfal campaigns, harbored thousands of victims while denying to admit and confess about their fates. By telling the aforementioned plaintiff to "shut Up and get outside", he confessed his act and denied informing the fate of those victims, facing the law and public opinion.

The Ba'th system was reputed for severity, injustice, and chicanery, wherein security and military systems arrested tens of thousands of civil inhabitants, driving them to mass graves. At the same time, the aforementioned systems played with their lives, withdrawing identity cards, and Iraqi Naturalization Certificate, as per Convict 'Ali Hasan Al-Majid confession. They also rejected registering their names for population statistics for the year 1987, as per Clause [5] of GSD letter numbered (79026), on 04 October 1987, addressed to Security Directorate at the Autonomous Ruling Zone, signed by Comrade 'Ali Hasan Al-Majid instructions.

For what had been elaborated, based on Convict 'Ali Hasan Al-Majid orders, tens of thousands of victims were exposed to coercive dislocation and detention in camps, followed by the disappearance of thousands after arrest and detention. Convict 'Ali Hasan Al-Majid was aware and acknowledged of what occurred to those ...

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...victims as he says on the audio tape, submitted to Court, dated 2007 January 23, "what I do with that huge number of humans. I distributed them over Governorates and I sent shovels and bulldozers ..." In addition, the court realized that convict 'Ali Hasan Al-Majid and others are still denying confessing the aforementioned victims' fates of these victims. Therefore, the Court reached a convincement that thousands of Kurdish victims were disappeared after being arrested prior and within Al-Anfal Operations, to be detained in camps at Tupzawa, Nazarki, Dibs, Qura Tu, Al-Salamiyyah [among others], following the orders of Convict 'Ali Hasan Al-Majid as per the two letters number (4008) and (3650). Thousands of victims were harbored in these camps, after dislocating them to anonymous places. The court believes that most of them had been executed in mass graves, and that the convict, among other contributors to the crime, deny to deliver information regarding them [victims], fearing that victims may get legal protection ... Hence, the Court found that Convict 'Ali Hasan Al-Majid contributed as individual and with others in implementing a joint criminal plan with joint intent and purpose to partially or totally eradicate the Kurds in Northern Iraq, for this attribute [being Kurdish], and as part of this joint intent, he [the accused] premeditated and ordered the harboring of individuals, coercively, within a systematic large scaled attack against civil inhabitants in Northern Iraq. This order had been carried by the convict's subordinates causing the harbor of countless numbers of civil inhabitants. Accordingly, the Court found that provisioned evidences are enough to convict him and he is guilty for coercive harboring as a crime against humanity, as per Articles [12/ First- (I)] and [15/ First/ Second/ Fourth] of Iraqi High Tribunal Law No [10] for the year 2005.



Chief of Investigative Judges



Member



Member



Member



Member

Muhammad 'Iraybi Majid Al-Khalifah

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Convict 'Ali Hasan Al-Majid role for other inhuman acts with identical nature, premeditatedly causing severe suffering or critical mental or physical damages, as a crime against humanity:

Inhuman acts which constitute a crime against humanity occur when the perpetrator causes severe physical or mental suffering, while committing an inhuman act, conditioned that he is aware of factual circumstances which prove the nature of the conduct. The latter must be part of a systematic large scaled attack against civil inhabitants or with intent to be part of it.

The term "Other inhuman acts" distinguish acts such as causing an individual gross sufferings, whether physical or mental, over the person who received the act [plaintiff], as it had been defined by International Law Committee while commenting on crimes against humanity [Clause 18] ... This classification of acts includes only the supplementary acts enclosed in previous second clause: the act must be, in fact, aimed to harm the individual physically or psychologically, or degrading the human dignity as mentioned in Clause [17].

The systematic large scaled attacks executed by Military Troops and Security Systems against Kurdistan, following Convict 'Ali Hasan Al-Majid orders as per instructions mentioned in letter number (4008) dated 1987 June 20 and others [letters] which resulted in crimes of murder, genocide, coercive dislocation on inhabitants, imprisonment, torture, and coerced harboring ... All these crimes were reviewed in details according to charges against the aforementioned convict, adding up other inhuman crimes with similar nature which Convict 'Ali Hasan Al-Majid committed [we will review them throughout the report] such as degrading human's dignity, especially the Kurdish woman, as she was exposed to harsh suffering ...



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A handwritten signature in black ink, consisting of several fluid, overlapping strokes.

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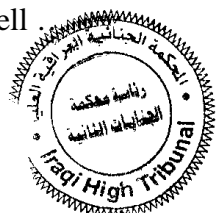
The Verdict

... affecting her, psychologically as well as physically. Plaintiff [NAME REDACTED] testified to Court, in the hearing of 2006 October 10, "one of my relatives, named [NAME REDACTED], was with me in the cell. She was delivering a child at Dibs prison camp. We took her to the toilets and put tree's leaves underneath her to put the baby. Due to a lack of textures, we covered the baby with sackcloth. It stuck to the baby's skin. As of the umbilical cord, we cut it using a piece of glass.

Plaintiff [NAME REDACTED] testified "6 girls were detained with me, one of them from (Kirkuk) named (.....), and two girls (.....,) from (Hawraman/Al-Sulaymaniyyah), another girl named (.....) from (Kuysinjaq) and two girls (.....,) from (Kirkuk). The guards and officers were raping us coercively. They molested every 14 year old girl. Those who assaulted us, the 6, were Hajjaj, Shawqi and Sakhr. The latter is a personal bodyguard for Hajjaj. Hajjaj used to have sex with one girl while forcing the other girls to see. He coercively raped me as I pricked his face with my nails. He beaten me up [on the face] for that and still the scars remain ... The court identified the scars on her face.

The Plaintiff added "one day, Officer Ja'far Al-Hillawi caught a beautiful girl who spit on his face. He tore her clothes apart, ordered to bring her family and raped her in front of them, then shot her dead. She passed away after few seconds.

Plaintiff [NAME REDACTED] testified to court, on 2006 October 11, "I was in the prison yard where beside me was a room with two beds. He put the two beds together, called after one of the pretty ladies, brought her young son and put him on the beds. Then he called her to the room and closed the room's window by a curtain. When I tried to look at him from the window, he hit me and I fell



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... on the ground, and fainted ... Then she adds ... There was a lady named [NAME REDACTED] that Hajjaj used to take her to his room permanently ... many women were exposed to rape or sexual assault, degrading their dignity. Still, they refused to stand before court and testify for social considerations.

There is harm from other type, as [NAME REDACTED] testified to court ... on 12 September 2006, saying that his cousin [NAME REDACTED] died at Nuqrat Al-Salman camp due to famine while black dogs entered the tomb and devoured the corpse. When his sister [NAME REDACTED] saw that, she lost her mind and died.

All plaintiffs who attended court mentioned that they were exposed to a systematic large-scaled attack, launched by army and security systems, as families were dislocated, after their villages had been raided by military troops, via military vehicles to detention centers and prison camps at Tupzawa, Dibs, Nazarki, Al-Salamiyyah, and others.

The officers in charge of the aforementioned camps segregated women and children from elders and youngsters, as well as young and old women. Some were moved to Nuqrat Al-Salman prison camp where they were exposed to rape by wardens. Convict 'Ali Hasan Al-Majid was aware and acknowledge about all these crimes as part of his criminal plan to segregate females from males, putting them under intensive surveillance of young male guards. Under such circumstances, incidents of sexual harassments are expected to occur against young women, since these were teenagers who know the real intentions of Convict 'Ali Hasan Al-Majid who aims top partially or totally eradicate them.

The last Article of bygone Revolutionary Command Council's Decree No (160) for the year 1987 included the suspension of legal codes which contradict with the aforementioned decree

...

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... preventing these codes from being applicable, clearly informing all contributors to these crimes that they will not be charged legally. In addition, women faced another kind of harm as some were driven with their children to mass graves. The court noticed through interring these graves at Ninawa [2], by the help of International Expert Michael Trimble, that 123 corpses were found, including 25 women and the rest are children.

For the aforementioned, the court found that the Kurdish civil inhabitants in North Iraq, specially the females, were exposed to harsh inhuman suffers, physical and psychological damages, and coercive sexual assault ... Convict 'Ali Hasan Al-Majid held legal responsibility for perpetrating the aforementioned acts as being aware of the factual conditions correlated and proving these circumstances.

Convict 'Ali Hasan Al-Majid Verdict for other inhuman acts:

On 20 July 2007, charged Convict 'Ali Hasan Al-Majid for inhuman other activities as per Article [12/First-(J)] by virtue of Article [15/First/Second/Fourth] of Iraqi High Tribunal Law No [10] for the year 2005. The court discussed all provisioned evidences in the case and verdict the following:

Convict 'Ali Hasan Al-Majid issued Letter No (4008) on 20 June 1987, among other orders and letters to military sectors and security systems to execute a systematic large-scaled attack against Kurdish Civil inhabitants' residents of Northern Iraq. Such plan or policy implementation resulted in calamities and bloodshed of civil inhabitants as well as burning down villages, using chemical weapons, dislocating families [children, women] coercively to detention centers and prison camps where they were exposed to inhuman sufferings, inside these horrible camps, segregating women and children from men, and ...

Chief of investigative Judges

(572-963)



In the Name of God All Merciful All Compassionate

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... young females from old ones. Women were exposed to humiliation, disdain, dignity's degradation, and coercive rape. Most the female plaintiffs reported sexual harassments, tackling in details the way they were sexual harassed by prisons camps' officers and guards. When elaborating Convict 'Ali Hasan Al-Majid role on inhuman acts, protected plaintiffs testified that she, along with 6 other women, was raped inside prison camps by officers and guards the thing that pushed one of the women to commit suicide.

Another plaintiff testified how officers were bringing pretty women to their rooms ... All these crimes occurred under full awareness and acknowledgement of Convict 'Ali Hasan Al-Majid as he included his criminal plan or policy, the segregation of men and women, putting them under strict surveillance of young guards. The officers in charge of these camps were fully aware of Convict 'Ali Hasan Al-Majid real intentions, as well as Ba'th regime and its security systems, aiming to partially or totally eradicate the Kurds in Northern Iraq.

Convict 'Ali Hasan Al-Majid, when he issued orders to his subordinates to segregate women from men, putting the women in camps missing the least basics to survive, as a guard told one of the victims at Nuqrat Al-Salman prison camp: "they brought you here to die not to live".

Under these circumstances, and the availability of pretty women in these camps, as well as an acknowledgment among wardens of Convict 'Ali Hasan Al-Majid intentions and purpose, it is logic to expect rape cases since all security systems were aware of decree No (160) for the year 1987, which dismissed all legal codes that contradicts the aforementioned decree. In other word, they all know that there will be no legal restrictions to charge them for such perpetrations.

Accordingly, the court finds that convict 'Ali Hasan Al-Majid contributed individually, as well as with others, in executing a joint criminal plan via a joint aim and purpose to partially or totally eradicate the civil inhabitants in North Iraq. As a result of such joint intent

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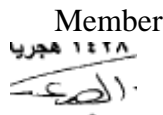
The Verdict

he ordered and premeditated the transfer of the families including children, women and elders to those prison camps as a part of a systematic large-scaled attack against Kurdish civil inhabitants residing Northern Iraq.

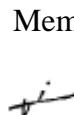
Accordingly, the court finds Convict 'Ali Hasan Al-Majid guilty for perpetrating the crime of inhuman other activities, stipulated in Iraqi High Tribunal Law No [10] for the year 2005. For enough provisioned evidences against him, the court decided to charge him according to Article No 12/First-(J)] by virtue of Article No [15/First, Second, Fourth] and Article No [24] of Iraqi High Tribunal Law No [10] for the year 2005, identifying the sentence as per Article No [393/1/(C)] of Iraqi Penal Code No [111] for the year 1969.

Member Member Member Member

10/1/2007


12/28 هجريا






با تقييد للمعيير واتهم على بتاريخ 6 / جمادى

يران / 2007


Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah



(574-963)

In the Name of Allah, the Most Merciful, the Most Compassionate

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War Crimes

On 20 February 2007, the court charged the accused 'Ali Hasan Al-Majid with war crimes according to the article (13 \ Fourth):- A, D, E, H and L.

A) The role of the accused ('Ali Hasan Al-Majid) in the war crime exploited to attack the civilians:

Elements of the crime:

- 1- When the perpetrator of the crime implements an attack.
- 2- The target of the attack must be civilians as their status, or civilians who are not directly participating in the military operations.
- 3- When the perpetrator of the crime is intentionally targeting civilians as their status, or civilians who are not directly participating in the military operations.
- 4- When the conduct of the perpetrator performed within non international armed conflict or linked with it.
- 5- The perpetrator of the crime acknowledges the factual circumstances which prove the existence of an armed conflict.

The war crime as attack against the civilians requires the availability of numbers of evidence such as a proof of the death or the injuries among the civilians, the proof that the main picture of the victims is non combatants. Also, none distinction between the combatants and civilians, a proof that the case exceeds being only an internal turbulence, a proof that the insurgent side possesses an organized armed force and an authority responsible for its actions and performing activities in a certain region and having all the methods of respecting and guaranteeing the compliance with Geneva conventions, proof that the committed action was executed in a time and geographic frame during a military conflict, a proof that the military conflict played a vital role.....



The Presiding Judge
(963 – 575)

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in the perpetrator's capability to commit the crime, and on his decision to commit the crime, and the purpose of committing it, a proof that the perpetrator knows at least some of the circumstances.

Before starting Al-Anfal operations and the wide scale attacks on Kurdistan, there were scattered unorganized attacks violated the war law and international conventions and violated specifically Geneva conventions...but during Al-Anfal the attacks, were more severe and cruel against the civilians. After the decree 160 issuance in the year 1987, the military commanders and security systems in the area became under the command of the accused ('Ali Hasan Al-Majid) as the supreme leader in the area...In the light of the above mentioned decree, he issued letter number (4008) on 20 June 1987, by which he obliged the 1st, 2nd and 5th Corps and to the security departments and Ba'th party organizations in the area to implement the instructions of that letter such as; forbidding the presence of the human and animal in the area.

There were correspondences between the accused ('Ali Hasan Al-Majid) and the military commanders such as the letter number (5008) on 22 July 1987 issued from the Northern Organization Office presided by the accused ('Ali Hasan Al-Majid) and addressed to the 1st Corps including comment of 'Ali Hasan Al-Majid (we have no objection to behead the traitors), letter number (1933) on 8 September 1987 issued from the Military Intelligence addressed to the Northern Organization Office including the results of concentrated artillery attack by special ammunition (chemical), letter of Chief of Army Staff number (349) on 27 April 1988 addressed to the 1st Corps the accused (Sultan Hashim Ahmad) and the 5th Corps the accused (Ayad Khalil Zaki) includes (we could direct strikes against the saboteurs using the special ammunitions), letter of Chief of Army Staff number (1122) on 21 August 1988 addressed to the 1st and 5th Corps in attendance of the of chief of army staff and his deputy for operations in Kirkuk, it was mentioned in the first paragraph of this letter (defining the population's concentrations in the 5th Corps sector, to be treated with intensive special attacks



The image shows a handwritten signature in black ink, which appears to be 'الرئيس' (The President). To the right of the signature is a circular official seal. The seal contains the text 'القضاء الجنائي العراقي' (Iraqi Criminal Court) at the top, 'رئاسة المحكمة' (President of the Court) in the center, and 'القضاء الجنائي' (Criminal Court) at the bottom. The English text 'Iraqi High Tribunal' is written around the bottom edge of the seal.

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The Presiding Judge

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.....48 hours prior to the start of operations to create panic among them...and the General Military Intelligence Directorate letter to the Northern Organization Office titled (Information) including the following:- (at 16:00 o'clock in the 3rd of September we directed intensive artillery strike using special ammunition (Chemical) against three headquarters for the agents of Iranian Their loss was 2 killed and 12 wounded in addition to a number of killed and injured saboteurs and from the neighboring villages' inhabitants.

The letter number (12703) on 10 June 1987 issued by the General Military Intelligence Directorate to the Northern Organization Office entitled air strike mentioned (at dusk of the 5th of June 1987, Air strikes was directed against the 1st Branch Headquarters of Barzani group using the special chemical ammunitions and the strike was effective.. their losses were 31 killed and 100 wounded.

In light of the orders issued by the accused ('Ali Hasan Al-Majid) and other military commands...the Iraqi troops attacked Kurdistan through Al-Anfal operations where all kinds of weapons were used such as aircrafts, artillery, armors, helicopters, rocket launchers and as a result of that, thousands of civilians were killed and wounded.

The victim (J[NAME REDACTED]) from (Wari) village mentioned on 30 October 2006 in front of the court that he saw 8 aircrafts soaring, 4 over (Balisan) village and shelled the village by the chemical weapons...I was outside the village...when I got closer to the village, I saw two corps related to ([NAME REDACTED])...we survived because of the wind's direction...I couldn't enter the village...there was thick smoke coming out of the bombs...I saw a tractor driven by ([NAME REDACTED]), loaded with 15 injured by the chemical weapons...he told me that he was taking them to (Shurish) hospital and he told me that the people were dead or injured...I saw the livestock dead the scene was like resurrection day...when I got more closer to the village I saw two corpses one beside the pool.



(963 – 577)

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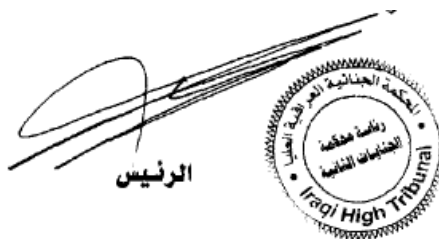
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of the mosque, he was ([NAME REDACTED]), the other was ([NAME REDACTED])...he saw a woman called ([NAME REDACTED]) with her son ([NAME REDACTED]). They were injured...I saw about (18 – 20) corpses near the water...I recognized ([NAME REDACTED]), I can't remember the rest of corpses names...I saw corpses fallen on each other...I saw children holding in their mouths nursing bottles, others holding feast candies...the number of dead and injuries was 40 whose eyes were red...their bodies were black...and because I was removing the corpses, I was infected with redness, vomiting, and eye redness...I present to the court a list of 35 people who were buried there...20 of them are my relatives.

The witness [NAME REDACTED] from Gup Tapa village said in front of the court on 4 December 2006, "I lost 25 members of my family, my mother [NAME REDACTED], my wife ([NAME REDACTED]), my sons ([NAME REDACTED]) I only have my daughter ([NAME REDACTED]) survived, I've lost my brothers ([NAME REDACTED]), his wife ([NAME REDACTED]), Latif's wife ([NAME REDACTED]) their sons ([NAME REDACTED]), and the sons of ([NAME REDACTED]) ([NAME REDACTED])". All of them also killed, and my brother-in-law ([NAME REDACTED]) also was killed...we felt danger when we noticed army movements...before sunset by half an hour, we were bombed by chemical weapons by aircrafts, the sound of the shelling was low...we asked the people to use the Kurdish belts as wet masks but they didn't follow my advice...One girl told me (you poor, you have nobody survived for you), I saw more than 70 persons of my family fallen down the floor...they were effected by chemical weapons as I saw a lady fallen down the floor then I discovered that she is my mother I wanted to kiss her but I couldn't out of fear of infection by the chemical weapon...I saw my daughter ([NAME REDACTED]) dead...I saw my brother ([NAME REDACTED]) while the liquids leaking from his mouth...



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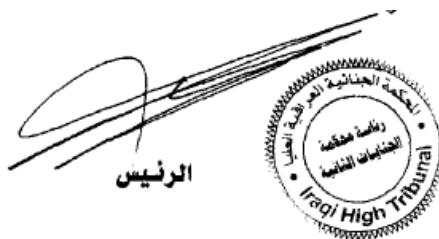
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I saw my brother ([NAME REDACTED]) still a live...I saw many children dead, I saw my father wounded, then we remove 4 corpses of children, whom they were of my sons and my nephews...

The proof that the general picture of the victims was that they were none combatants is what the abovementioned plaintiffs had mentioned, and we saw that most of the victims were women and children...in addition the military officers executed (27) persons without investigating whether if they were civilians or combatants...it was proven that all of them were civilians...the victim ([NAME REDACTED]) mentioned in his statements that all of us were Kurds...Regarding the conflict between the Iraqi Government and Pishmarga forces it is internationally known...Pishmarga forces are organized in military units having their own command, as per what was confirmed by the accused (Sultan Hashim Ahmad) in front of the court when he said "we were fighting organized, trained armed troops that had its own leadership". Therefore the situation in Northern Iraq must not be considered an internal turbulence. And regarding the Pishmarga's commitment with Geneva conventions, it was mentioned in some of the witnesses statements that they were treating the prisoners good, releasing them, offering them what they need of medicine and food and that confirmed by the victim ([NAME REDACTED]) during her testimony in front of the court.

And it is clear that these crimes were committed in a time and geographic frame during the military conflict (1987 – 1988) linked to the attack on Kurdistan in Al-Anfal operations. The proof that the convicted knew of some circumstances when he used this huge force and special ammunitions is the evidence that the defendants knew some of these circumstances.

Based on that, the court finds the accused ('Ali Hasan Al-Majid) is responsible for these attacks which aimed the civilians by different kinds of conventional and chemical weapons because the military units in that area were under the command of the accused ('Ali Hasan Al-Majid) according to decree 160 for the year 1987, therefore correspondences were conducted between the Northern Organization Office and the Corps commands..



(963 – 579)

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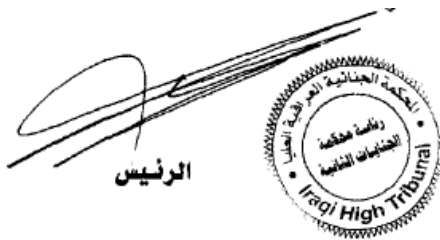
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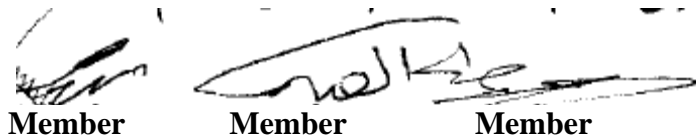
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...including orders issued by ('Ali Hasan) for the usage of special ammunitions in addition to the other orders concerning field executions...based on the abovementioned, the responsibility of the accused ('Ali Hasan Al-Majid) is proven according to article 15 \ second of the Iraqi High Tribunal number (10) for the year 2005.



The image shows a handwritten signature in black ink, followed by a circular official seal. The seal contains the text 'القضاء الجنائي العراقي العلي' (Iraqi High Tribunal) around the perimeter, and 'رئاسة محكمة الضحايا الثانية' (President of the Second Victims Court) in the center. Below the signature is the word 'الرئيس' (The President).

The Presiding Judge, Muhammad 'Uraybi Majid Al-Khalifah



The image shows three handwritten signatures in black ink, each followed by the word 'Member' printed below it.