

In the Name of God All Merciful All Compassionate

**The Iraqi High Tribunal
Second Criminal Court
Baghdad-Iraq
Ref.No.:1/ (2nd Criminal) / 2006
Date: 2007 June 24
The Verdict**

Verdict of Convict 'Ali Hasan Al-Majid, charged for premeditatedly leading attacks against civil inhabitants:

On 20 Feb 2007, the court charged Convict 'Ali Hasan Al-Majid for premeditatedly leading attacks against civil inhabitants as a crime of war as per Article [13/Fourth-(B)] by virtue of Articles [15/First/Second/Third/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005. The court discussed evidences and issued its verdict:

Convict 'Ali Hasan Al-Majid issued orders to conduct attacks against civil inhabitants according to the two letters No (3650), on 03 June 1987, and (4008), on 20 June 1987. The military units carried out his orders and conducted raids over civil inhabitants using conventional and chemical weapons. According to Decree (160), dated 1987, the military units were deployed in Northern Area. Despite convict's denial of issuing orders to the army, his orders and instructions had been delivered to all military commands, through two letters (3650) and (4008) directed to 1st, 2nd and 5th Corps in addition to the chief of Army Staff, it is probable that Convict 'Ali Hasan Al-Majid could have left tactical details for military commanders to make their minds upon. Hence, the attacks against civil innocent inhabitants, by military units and other subordinates, had been implemented as per convict's instructions, as mentioned in the two previous letters.

Attacks against civil inhabitants were linked to an internal conflict between Iraqi army and Kurdish fighters (Pishmarga) in Northern Iraq. Convict 'Ali Hasan Al-Majid issued orders to kill any individual found within prohibited zone, as he did not distinguish between combatants and civilians.

The court considers letter No (4008), dated 20 June 1987, as evidence on the convict's orders to carry special strikes (chemical weapons) at all times to murder the biggest ...

Chief of Investigative Judges

(581-963)



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... possible number. This is clear evidence on using chemical weapons against his own people, as it is well-known that such weapons do not distinguish between civilians and military individuals; therefore, the intention of targeting civil inhabitants in Northern Iraq will be provisioned. Convict 'Ali Hasan Al-Majid will be individually contributing [as well as contributing with others] in executing a joint criminal plan, as well as a joint criminal aim and purpose to partially or completely eradicate Kurds in Kurdistan (Northern Iraq). As part of this joint intent and plan, he intentionally contributed and issued orders to direct attacks against civil inhabitants in Northern Iraq during a national armed dispute.

Convict 'Ali Hasan Al-Majid's proxy pleaded on his behalf, stating that the use of military operations was necessary. Such plea was completely denied due to the fact that chemical weapons' usage means lack of distinguishing between civilians and fighters.

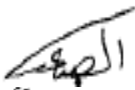
The court foresees, in these indistinct attacks, a premeditated murder of thousands of civil inhabitants, in a national armed dispute.

According to the aforementioned, the court found that evidences are sufficient to charge Convict 'Ali Hasan Al-Majid for premeditatedly leading attacks against civil inhabitants as crime of war, perpetrated between 1987-1988, as per Articles No [13/Fourth-(B)] and [15/First/Second/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Member



Member



Member



Member



Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah



In the Name of God All Merciful All Compassionate

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Convict 'Ali Hasan Al-Majid role in crime of war represented by issuing orders of dislocation civil inhabitants for reasons correlated to a dispute, as long as it is not due for concerned civilians' security or other military necessities:

Crime elements:

- 1) The perpetrator must order the dislocation of civil inhabitants.
- 2) The order should not have vindication as to provide security for concerned civilians or military necessities.
- 3) The perpetrator must be willing to engender such dislocation via issuing orders.
- 4) The conduct must be issued within a national armed dispute context and correlated with it.
- 5) The perpetrator must be aware of factual circumstances which prove the existence of armed conflict.

The requirements and elements to prove the crime of dislocating civil inhabitants, as a crime of war, are: issuing orders of dislocating civilians, as long as this/these order(s) are issued due to national armed conflict, whereas the safety of civilians or other military necessities are not taken into consideration. The perpetrator must be willing to engender such dislocation via issuing orders, as well as admitting that such dislocation occurred with no minimum choice. It is well-known that the Iraqi armed forces conducted a systematic large scaled assault over Kurdistan during the years of 1987 to 1988. All state's available resources were exploited, particularly after Revolutionary Command Council's Decree No (160), dated 1987, which granted Convict 'Ali Hasan Al-Majid wide jurisdictions, assigning him as Northern area ultimate ruler. The Decree stipulated the freeze of all codes which contradict with it. As implementation, the aforementioned convict issued instructions via letter No (4008), dated 20 June 1987, which included many issues such as prohibiting any human or animal's existence within the area, as well as instructing corps' commanders to prepare strike ...

Chief of Investigative Judges

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... [intensive] using artillery, special ammunitions and aircrafts in order to kill the largest possible number of people, within Prohibited Zone.

In reference to letter No (4151), dated 15 June 1987, issued by Revolutionary Command Council/ Northern Affairs Committee and addressed to Chief of Army Staff, titled (Your suggestion was approved and all saboteur's families were dislocated according to regulations). The letter is signed by Convict (Tahir Tawfiq), who is Northern Affairs Committee's Secretary. Moreover, Convict 'Ali Hasan Al-Majid confessed in court, on 07 February 2007, saying "I am the one in charge of dislocation or relocation into compounds ...".

Accordingly, it is clear that orders of dislocation and relocation were issued by Convict 'Ali Hasan Al-Majid. These orders are correlated to an existing conflict between Iraqi regime and Pishmarga Forces. This issue got more elaborated through official correspondences, where the word "Saboteurs" reflects Pishmarga Forces. All convicts confirmed the existence of internal armed dispute, as most of plaintiffs and victims stated that civilians were dislocated from more than 300 villages (*T.C: The correction is 3000*) distributed over four governorates (Sulaymaniyah, Duhuk, Irbil and Kirkuk).

Is it logic to claim the destruction of all those villages and dislocation of civilians for military necessities, putting them in camps at Tupzawa, Dibs, Nazarki, Bahirka and Al-Salamiyyah and then to Nuqrat Al-Salman camp or mass graves, as the majority of those victims are elders, children and women?

The second element is: the perpetrator must be willing to generate such dislocation via issuing orders. Convict 'Ali Hasan Al-Majid was the ultimate ruler of Northern Area as well as granting him National Security Council's jurisdictions to implement the government and party's policy. Hence, he was willing to issue such orders. He confirmed that by saying to court that he was in charge of all cases ...

Chief of Investigative Judges

(584-963)



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... civil inhabitants' dislocation. He knew about the factual necessity which proves the existence of armed conflict, as he stated, on 07 February 2007, that his mission was limited to two major issues: expel the Iranian enemy and eradicating sabotage, the latter term meaning Pishmarga fighters...

Accordingly, Convict 'Ali Hasan Al-Majid is criminally in charge of dislocating civil inhabitants as a crime of war as per Article No [15/Second/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005. This is due for contribution with other individuals in a joint criminal intent over perpetrating the crime, aiming to reinforce the joint criminal purpose and activity, as being the ultimate ruler of Northern area, at the time or perpetration which stretched from 1987 to 1988.

Convict 'Ali Hasan Al-Majid verdict for dislocating civil inhabitants as a crime of war:

The court discussed charges against Convict 'Ali Hasan Al-Majid, as per the bill of indictment dated 1987 Feb 20, for dislocating civil inhabitants as a crime of war as per Articles [13-Fourth-(H)] and [15/First/Second/Third/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Through provisioned evidences, the court concluded that Convict 'Ali Hasan Al-Majid contributed individually, as well as with others, in executing a joint criminal intent, and participated in a joint criminal aim and purpose to partially or totally eradicate the Kurds in Northern Iraq (Kurdistan). As part of this joint intent and plan, he issued orders premeditating the dislocation of civil inhabitants. We realize that the elements of proof in this crime are different on many levels according to those [elements of proof] which constitute the coercive dislocation as crime against humanity, though the court is not required to prove that ...

Chief of Investigative Judges

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... the dislocation of civil inhabitants was part of a systematic large scaled attack against civil inhabitants. It had been proven to court that coercive dislocation had been correlated to a national armed dispute. In addition, the crime occurs when orders of dislocation are issued but does not condition the including of dislocation or relocation of all civil inhabitants.

Convict 'Ali Hasan Al-Majid is guilty for perpetrating coercive dislocation of civil inhabitants as a crime against humanity through his orders highlighted letters No (3650) and (4008). Hence, the court had been convinced that coercive dislocation of numerous civilians occurred without being linked to their safety.

As for military necessities, as an allegation for inhabitants' dislocation, such necessities are correlated with military obligations to move civilians from areas of operation for interaction with military operations. Based on that, dislocation will be considered necessary to provide civilians with security far from military operations and expected strikes. Despite Convict 'Ali Hasan Al-Majid allegation, as well as others, that dislocating civilians came as precautionary measures for their safety, was not approved as civil inhabitants were dislocated to detention and prison camps, where they were put under firm surveillance by the Iraqi Government, for political reasons and Arabization of vast regions in Kurdistan, changing the demography of Kirkuk. All these actions are none but evidences against convicts as the military necessity and motives as well as genocide can not be justified. As example, it is prohibited to transfer a group of people, during armed conflicts, to be able to contain them in an area where they can be placed under better governmental surveillance. On other hand, mass dislocation of civilians to detention and prison camps cannot be justified as a military necessity.

According to the aforementioned, the court found that evidences are sufficient to charge Convict 'Ali Hasan Al-Majid for dislocating civil inhabitants as a crime of war, perpetrated between 1987 and 1988 ...

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... as per Articles No [13/Fourth-(H)] and [15/First/Second/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Member

Member

Member

Member

Muhammad 'Uraybi Majid Al-Khalifah



Chief of Investigative Judges
Muhammad 'Uraybi Majid Al-Khalifah

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Convict 'Ali Hasan Al-Majid role in premeditatedly directing raids over buildings appropriated for religious, educational, artistic, scientific, or charitable purposes or against historical sites, and wounded patients' gathering centers, conditioned not to be military targets:

The crime elements:

- 1) The perpetrator must induct a raid.
- 2) The raid must target one building or more, of those designated for religious, educational, artistic, scientific, and charitable purposes, or against historical sites, or wounded and patient's gathering centers which are not considered military targets
- 3) The perpetrator must premeditatedly make the raid's target one or more buildings designated for religious, educational, artistic, scientific, and charitable purposes, or against historical sites, or wounded and patient's gathering centers which are not considered military targets
- 4) The conduct must be issued within the context of national armed dispute correlated with it
- 5) The perpetrator must be aware of factual conditions which prove the existence of armed conflict

The elements of proof of a crime as that of war are: evidences that the rebellious side have an organized armed force as well as a responsible authority perpetrating acts in a specific geographic sector and respects Geneva conventions, the perpetrated act occurred in a time and geographic frames under armed dispute, damages in civil properties, destruction, religious aspect, evidence that those samples were not used by armed forces for the absence of military establishments seen in naked eyes. Evidence that perpetrated actions designate intent to engender damages or destroying those protected samples.

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We have already discussed, in details, the attack over Kurdistan using all types of weapons during (1987-1988). These attacks were initiated according to direct and indirect orders by Convict 'Ali Hasan Al-Majid. He addressed letter No (4008), dated 1987 June 20, to Corps' Commanders in Northern Iraq, prohibiting human and animal's existence, issuing orders to aforementioned commanders to prepare special strikes, day and night, to murder the biggest possible number of victims. In light of these orders and directions, the military forces attacked Kurdistan by initiating Al-Anfal Eight Operations, where more than 3000 villages were totally destroyed, including schools and mosques.

Through victims' testimonies, case's facts, and provisioned evidences, more than 3000 villages, 1000 primary and preparatory schools, and more than 2000 mosques were destroyed, as most of the villages included schools and mosques.

Plaintiff (victim) [NAME REDACTED], residing Sargalu – Al-Sulaymaniyyah Governorate, testified to court, on 2006 September 12, that: "During Al-Anfal First Operation, the Iraqi forces attacked villages, confiscated properties, and looted everything including livestock.... They demolished villages via explosives, as well as mosques and burning to ashes Qurans ..."

Plaintiff Ahmad [NAME REDACTED], resident of Qashqa Village – Qadir Karam Sub District – Al-Sulaymaniyyah Governorate, testified to court, on 2006 September 26 that: "In 1988, the Iraqi Army destroyed our village which included a school, clinic, and two mosques. They were completely down.

The evidence of damages which occurred in civil properties, meaning the evidence of devastation, all villages whose inhabitants were dislocated in Kurdistan, were demolished as per plaintiffs and victims' testimonies, as well as those of convicts 'Ali Hasan Al-Majid, Sultan Hashim Ahmad and Farhan ...

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... Mutlak Salih. Most of those villages contained schools and mosques which were also vanished. As for the evidence of not using those building for military purposes, it is not possible, under all circumstances, to exploit thousands of schools and mosques for such purposes. The evidence that such acts were perpetrated while designating the aim to cause damages as well as destruction on the protected buildings, it is spotted when attackers did not destroy civilians' properties only but rather all villages prohibiting human and animal's existence within the entering area.

Plaintiff (Victim) [NAME REDACTED], resident of Qulijan Sarhad Village, testified to court on 2006 October 09, that: "On 1988 April 05, I was a deserter. When the Army was advancing toward our village, I was monitoring the stance far away from remote location... I saw military units destroying the village and arresting children, women and men... I left the village, coming back after two weeks to find that it had been completely devastated, and wells filled up ... That, who filled up wells with concrete cement, does not target civil properties only but aim to prevent human and animal's existence in the area. The intent of causing damages is provisioned and known as these crimes were perpetrated in a national armed dispute context against organized well-trained forces (Pishmarga). Convict Sultan Hashim Ahmad stated: "We were confronting an organized well-trained military force that owned light and med ranged weapons and had higher commands. The attacks carried out against civil inhabitants and civil establishments came following the orders of Convict 'Ali Hasan Al-Majid, according to correspondences No. 3650 on 1987 June 03, and No. 4008 on 1987 June 20, as well as letters and other correspondences between Northern Organization Office, commanded by the aforementioned convict, and Corps' Commanders. His orders, regarding chemical weapons' usage against civil inhabitants, while not taking into consideration civil buildings, as Convict 'Ali Hasan Al-Majid was fully aware of the factual conditions which prove ...

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... the existence of an armed conflict. Accordingly, it is clear that all elements of a crime of war, represented by raids over protected properties, are provisioned. Convict 'Ali Hasan Al-Majid is in charge of committing these crimes, while contributing with other people, via a joint criminal intent as being the ultimate ruler of Northern Area according to Article [15/first/second/fourth] of Iraqi Tribunal Court Law, for the year 2005.

Convict 'Ali Hasan Al-Majid Verdict for premeditatedly launching a raid against protected [civil] buildings:

Based on provisioned evidences in the case, the court identified that Convict 'Ali Hasan Al-Majid contributed individually, as well as with others, in conducting a joint criminal plan, and he intentionally participated in a joint criminal act on purpose of partially or totally eradicating Kurds in Northern Iraq. As part of this joint plan and intent, he aimed and ordered to launch raids over protected [civil] buildings during an internal armed dispute. According to letters No 4008 on 1987 June 20, and No 3650 on 1987 June 03, Convict 'Ali Hasan Al-Majid ordered launching indistinct strikes [chemical] against villages located in Northern Iraq, without taking into consideration protected buildings. The victims, who stood before court, confirmed the aforementioned.

The court noticed that the military forces executed these operations according to orders by Convict 'Ali Hasan Al-Majid despite the latter denial of issuing orders to the army. Hence, letter No 4008, on 1987 June 20, addressed to First and Second Corps as well as Chief of Army Staff, included the victim's orders to military commanders, with a probability that he left them the decision over some tactical details. However, the devastation of villages and indistinct [chemical] weapons' usage, over protected buildings, had been carried out according to orders and instruction by convict 'Ali Hasan Al-Majid. The raids over protected establishments occurred simultaneously with an internal armed dispute between Iraqi Army and Kurds fighters (Pishmarga) in Northern Iraq.

Convict 'Ali Hasan Al-Majid issued his orders to completely destroy villages ...

The President



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... as part of a plan to deprive any combatant from taking those villages as headquarters against Iraqi Army. There is no excuse to justify the total destruction as a military necessity. Convict 'Ali Hasan Al-Majid did not distinguish between civilians and combatants, when he targeted civil inhabitants, and sure not between military targets and protected buildings. The court finds that these raids caused complete damages and devastation in protected buildings ... Accordingly, the court finds that evidences are sufficient to charge Convict 'Ali Hasan Al-Majid as guilty for leading raids over protected buildings as a crime of war perpetrated between 1987 and 1988, as per Article No [13/fourth-(D)] and Article [15/first/second/fourth] of Iraqi Higher Tribunal Law No (10), for the year 2005.

Member

Member

Member

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Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah



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Convict 'Ali Hasan Al-Majid role in looting as a crime of war:

The crime's elements:

1. The perpetrator must confiscate particular properties
2. The perpetrator must intend to deprive the owner from his possessions, confiscating them for his personal or private use.
3. The confiscation must occur without the approval of the owner.
4. The conduct must be issued within a national armed dispute context correlated to it.
5. The perpetrator must be aware of the factual conditions which prove the existence of armed dispute.

The proof of looting any town or place, even if it occurred coercively as a crime of war, must be provisioned through many factors to prove such crime. These are as follow: a proof that looting had been perpetrated by soldiers for personal benefit, proof that it occurred as organized properties' confiscation in a frame of systematic economic abuse of a given occupied sector, proof of stolen property's monetary value, proof that military necessity does stand for such acts [does not legitimize the act], and proof of lack of content [coercively]. During (1987-1988), the military units launched a systematic wide scaled attack over Kurdistan, including more than 3000 villages.

Convict 'Ali Hasan Al-Majid issued letter No 4008, on 1987 June 20, including Clause [7], stating the following: "Whatever national defense regiments' consultants and fighters confiscate belong to them, free of charge". As a result, many Kurdish villages were looted by National Defense Regiments and other soldiers. Plaintiff [NAME REDACTED], residing Baranki Village – Al-Sulaymaniyyah, testified to court on 2006 September 19, that: "In 1988

...

Chief of Investigative Judges

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... military forces attacked (Qalam Pasha) village as well as ours (Baranki). We were dislocated via military vehicles to (Chwar Qurna), where they confiscated all our possessions, including food and blankets. Plaintiff [NAME REDACTED] testified "The officer, whose name I still cannot remember, looted us taking away my money and personal watch". Plaintiff [NAME REDACTED] residing (Gup Tapa) Village, testified to court on 2006 October 17 that: "On 1988 May 05, the military units stormed into our village and gathered us in groups; we were around 300 persons. The soldiers looted us taking our money away". Plaintiff [NAME REDACTED], resident of Tupzawa – Qadir Karam Sub District, testified to court on 2006 September 26, that: "The army stole livestock, which was a load of 4 trucks, from me as well as my relatives".

Part of plaintiffs testified as well in court that they had been looted and robbed by soldiers from the army. Plaintiff B [NAME REDACTED], resident of Chakulat Village near Kirkuk, mentioned that: "On 1988 May 12, the Iraqi army soldiers and security forces coercively looted her money and confiscated her livestock [28 sheep, 2 goats and 3 cows]; the army confiscated also her poultry and agronomic products. Plaintiff [NAME REDACTED], residing Dar Matru Village near Kirkuk, mentioned that: "On 1988 May 20, army and intelligence personnel put their hands on my properties during Al-Anfal operations, confiscating my jewelries ... they took 200 goats, 6 cows, and one tractor.

Through aforementioned plaintiffs' testimonies, the court finds that soldiers, as well as intelligence and security personnel, coercively confiscated Kurds' properties and money as the spoils were declared as their rights, following Convict 'Ali Hasan Al-Majid orders. The looting and robbing operations were carried out through a frame of systematic economic abuse of the sector as Convict 'Ali Hasan Al-Majid aim was ...

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to destroy everything in Kurdistan. It was mentioned in letter number (1122), dated 1988 August 21, issued by Chief of Army Staff to First and Fifth Corps' Commands, as by indication to Kirkuk conference "The Northern Region must be completely destroyed". Regarding the monetary value of looted assets; Kurdish villagers don't own more than jewelries and the money on them, in addition to their livestock, poultry and agronomic products. The court noticed that all these properties well exposed to looting by army and security systems. These actions occurred during an internal armed conflict; therefore, there is no military need to add legitimacy over such acts, whereas Convict 'Ali Hasan Al-Majid was fully aware of factual conditions which impose an internal armed conflict's existence.

Convict 'Ali Hasan Al-Majid decree for looting as a crime of war:

On 2007 February 20, the court charged Convict 'Ali Hasan Al-Majid according to Article [13/fourth-(E)] and Article [15/second-(A-B)] of Iraqi High Tribunal Law No (10), for the year 2005.

Convict 'Ali Hassan Al-Majid individually contributed, as well as with others, in carrying out a joint criminal plan. He intentionally and purposely participated in partially or completely eradicates Kurds in Northern Iraq. As part of such joint criminal plan and intent, he premeditatedly incited others to loot. The court reviewed some of plaintiff's testimonies, where in both investigative and prosecution phases, they confirmed being exposed to looting and confiscation of livestock and agronomic vehicles.

The court finds that letter No (4008), dated 1987 June 20, is clarified in Article No. 7, which stipulates "Whatever national defense regiments' consultants and fighters confiscate belong to them, free of charge". The National Defense Regiments are part of the army, and by giving legitimacy to those ...

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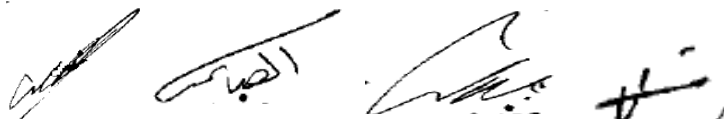
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... granting approval on such acts, have favored looting and robberies against Kurds. The accurate reading of letter (4008) shows the criminal intent of Convict 'Ali Hasan Al-Majid as the letter contained many clauses such as prohibiting human or animal's existence in Prohibited Zones, chemical weapons' usage, murdering any individual to be caught there, and prevent agronomy and industry. Inhabitants who had been exposed to such procedures, the logic sequence in actions would probably be expected to be robbery. As per taking legal measures against perpetrators of such activities, Decree (160), for the year 1987, ordered to freeze all legal codes which contradict with its articles.

Convict 'Ali Hasan Al-Majid permitted robbery, instigating and encouraging on it by granting the right, for National Defense Regiments' fighters, to confiscate Kurdish villagers' properties. This was a clear signal to military and security systems, to perpetrate these acts as they will not be legally charged for it.

Accordingly, the court finds that Convict 'Ali Hasan al-Majid is guilty for looting as a crime of war, perpetrated between June 1987 and September 1988, according to Article [13/fourth-(E)] and Article [15/First/Second/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Member Member Member Member



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Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah

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Convict 'Ali Hasan Al-Majid role in destroying and confiscating the other side's properties as a crime of war:

The crime elements:

1. The perpetrator must destroy given properties or confiscate them.
2. The properties must be confiscated by the hostile side.
3. These properties must be included in the protection from being destroyed or confiscated according to International Law for Armed Conflict.
4. The perpetrator must be aware of factual circumstances which prove the ownership of these properties.
5. The lack of military necessities calling for destroying confiscating those properties.
6. The conduct must be issued within a national armed dispute context correlated with it.
7. The perpetrator must be aware of factual conditions which prove the existence of armed dispute.

The elements of proof regarding hostile side's properties' destruction or confiscation as a crime of war are many, such as burning them down to ashes, deforming them or causing damages, looting the legitimate estate which was rendered legally, and an evidence that such properties were not used for hostile purposes.

Convict 'Ali Hasan Al-Majid issued letter No. (4008) dated 1987 June 20, which prohibited human and animal's existence within Prohibited Zone, instructing Corps' Commanders to prepare special strikes (chemical weapons) at all times to kill the largest possible number of villagers. The Chief of Army Staff issued a letter holding number (1122), dated 1988 August 2, addressed to First and Fifth Corps, including instructions to military troops to prepare special strikes [chemical weapons], at all times [day and night]. Most of the victims who stood before ...

chief of Investigative Judges

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... court, testified that their villages had been exposed to complete devastation via shovels, artillery, and aircrafts.

Plaintiff [NAME REDACTED] resident of (Sidar) village, testified to court, on 2006 September 14, that "He saw by his own eyes bulldozers and shovels destroying whole villages, after we escaped the village to the mountains.

Plaintiff [NAME REDACTED] resident of lower Balkha– Qara Dagh, testified to court, on 2006 September 25, that "We were raided by chemical weapons. We escaped to the mountains; I saw my village and neighboring villages [Balkha, Masuy, Diwana, Haji Awa, and Awa Spi all burning down.

Plaintiff [NAME REDACTED], resident of 'Azaban – Al-Sulmaniyyah, testified to court, on 2006 September 11, that "In 1987, the Republic Guard Brigade attacked our village with tanks. They were accompanied by bulldozers and LORIE trucks. They demolished our village, as the operation took from morning till 18:00 hours [sunset time]. Then he added "Our village wasn't prohibited, there was no reason to launch such attack other than being Kurdish)

Kurdish villages' civil inhabitants in Northern Iraqi were residing their hometowns from a long time. They were mostly farmers who built these villages and their homes to shelter them from cold winter. The military units attacked their villages, destroying and burning them down, with no military necessities whatsoever. More than 3000 villages, including schools, clinics, mosques, houses, fountains, and electricity stations were burned down.

Convict 'Ali Hasan Al-Majid was fully aware of factual conditions which prove the existence of internal armed dispute, as he mentioned in his testimony "We were facing internal and external danger" ...

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Convict 'Ali Hasan Al-Majid confessed giving orders to destroy Kurdish villages in Northern Iraq, according to a previously designated policy or plan by Iraqi regime. Accordingly, Convict 'Ali Hasan Al-Majid contributed individually, as well as with others, in executing a joint criminal plan, participating in joint criminal aim or purpose to partially or completely eradicate Kurds in Kurdistan (Northern Iraq). As part of this joint intent, the convict intended and ordered the destruction of hostile side's properties without a military necessity.

Convict 'Ali Hasan Al-Majid Verdict for destroying hostile side's properties as a crime of war:

On 2007 February 20, the court charged Convict 'Ali Hasan Al-Majid for destroying hostile side's properties as a crime of war, according to Article [13/Fourth-(I)] 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 in the case and issued the following verdict:

The court finds that Convict 'Ali Hasan Al-Majid individually contributed, as well as with others, in executing a joint criminal plan. He premeditatedly participated in a joint criminal aim or purpose to partially or completely eradicate Kurds in Kurdistan (Northern Iraq). As part of this criminal intent and plan, he intended and ordered to destroy hostile side's properties with no military necessities whatsoever.

The court finds that Convict 'Ali Hasan Al-Majid issued orders for indistinct demolition of villages, including fighter's houses (those who were involved in the internal conflict) and civil inhabitants'. Letter number (1122), dated 1988 August 21, issued by Chief of Army Staff to First and Fifth Corps, mentioned an identification of residential compounds, within 5th Corps' sector, to be treated with special strikes [Chemical weapons]. In addition, letter number (4008) ...

Chief of Investigative Judges

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... dated 1987 June 20, including instructions to military troops to prepare special strikes [chemicals], at all time [night and day]. Many victims, who stood before court, testified that their villages were destroyed and burned down by air strikes, shovels, or chemical weapons. Even animals were exhausted due to this strike.

Convict 'Ali Hasan Al-Majid confessed many times to court that he ordered the destruction of villages fearing to contain or insure shelter to Pishmarga fighters. In addition, Convict 'Ali Hasan Al-Majid issued his orders to use indistinct [chemical] weapons against civil targets, according to letter (4008) dated 1987 June 20; therefore, the condition of premeditated murder is provision through the aforementioned.

Targeting villages claiming that they provide shelter for Kurdish fighters, does not justify eradication, or total demolition of villages, as military necessities. If we assume that war efforts imposed a security belt, all along Iraqi borders [a presumption far from being true], such condition will not also justify the implementation of murders, massacres, large scaled properties' devastation without differentiation.

Many targeted villages were few kilometers close to governorates and 100 km away from Iraqi-Iranian borders. This means that Convict 'Ali Hasan Al-Majid and others ordered to destroy those villages, accomplishing their criminal objectives rather than for military necessities. Any justification or motive, regarding military necessity, does not rely on scientific or rationale basics because destroying more than 3000 villages in 4 governorates [Kirkuk, Al-Sulmaniyyah, Irbil, and Duhuk] cannot be justified under any circumstances.

Accordingly, the court finds that provisioned evidences are sufficient to charge Convict 'Ali Hasan Al-Majid, as guilty for destroying hostile side's properties as a crime of war, without favor of military necessity as in war crimes. The crime was perpetrated ...

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... between 1987 and 1988 as per Article [13/Fourth-(I)] and Article [15/First/Second/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Member Member Member Member



(963-601)



Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah

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Convict Sultan Hashim Ahmad

The background:

Born in 1945, he occupied the following positions:
1988-1993 Commander of the several Corpses
1993-1995 Deputy of the Chief of Army Staff
1995 Chief of Army Staff
1995-2003 Minister of Defense

Charges against Convict Sultan Hashim Ahmad as per bill of indictment

The Genocide:

Article 11/first:

- A. Killing the group's individuals
- B. Causing physical and mental damages for the group's individuals
- C. Subduing a group of individuals premeditatedly to harsh living conditions aiming to partially or completely eradicate them.

By virtue of Article [15/First/Second/Third/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Crimes against humanity:

Article 12/first:

- A. The premeditated murder
- B. Genocide

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- C. Enslavement
- D. Relocation or coerce dislocation of inhabitants
- E. Imprisonment or extreme deprivation of any sort of physical freedom which contradicts the basic rules of International Law.
- F. Torturing
- G. Oppressing any specific group or community for political, racial, ethnical, national, cultural, religious, gender or any other reasons which are not permitted by International Law, as if any of the aforementioned are correlated to a form of sexual violence, on that level of seriousness.
- H. Coerce harboring of individuals
- I. Other inhuman actions with similar aspect which premeditatedly cause severe sufferance, or serious physical or mental damages by virtue of Article [15/First/Second/Third/Fourth] of Iraqi High Tribunal Law No (10), for the year 2005.

Crimes of War:

Article [13/Fourth]

- A. Attacks against civil inhabitants, by attribution, or against civil individuals, who are directly uninvolved in war activities.
- B. To premeditated raids over buildings appropriated for religious, educational, artistic, scientific or charitable purposes, or historical monuments, hospitals, and wounded and patients' gathering centers, conditioned not to be military targets.

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- C. looting any town or place, even if it had been coercively occupied
- D. Issuing orders of dislocating civil inhabitants for reasons related to conflict, as long as it is not due to safety or urgent military purposes.
- E. Devastating or confiscating hostile side's properties as long as both are not imposed by war.

By virtue of Article [15/First/ Second/ Third/ Fourth] of Iraqi High Tribunal Law No (10), for the year 2005

Article /15:

First: The perpetrator who commits a crime within the court's jurisdiction, is responsible for it, by attribution, and exposed to prosecution as per the law's codes.

Second: The person is considered as per this and Penal laws' codes, if the perpetrator carried the following:

- A. Committed a crime by attribution, contribution, or via another person regardless if the latter was criminally charged or not.
- B. Issuing an order to commit a crime which already occurred, instigated, incited or tried to commit it.
- C. Giving assistance, provocation or help, in any way, to facilitate the perpetration or instigation of it, including the provision of useful tools [crime tools].
- D. Contributing, in any other way, with a group of people, to a joint criminal intent, to intentionally commit or attempt committing a crime.

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- 1- Enhancing the criminal activity or intention of a given group, providing both are enclosed in a perpetrated crime within the court's jurisdictions.
- 2- With the knowledge of the group's intention to commit the crime

H. Direct and public inciting for perpetrating a crime as for genocide

I. Instigating the perpetration of crime through commencing execution of an act with intent to commit it. However, if the crime did not occur for reasons that the perpetrator has nothing to do with, this is to be considered as an exonerated reason from punishment if the perpetrator spends effort to prevent the occurrence of crime or its completion. He is not to be charged for instigation as per this law if he [perpetrator] totally abandoned, willingly, his criminal plan.

Third: The official attribution of the convict will not be considered as reason of exoneration from punishment or a toll to lighten the sentence, whether the convict was a statesman, commander or member in Revolutionary Command Council, minister or prime minister in the Cabinet, or member in the Ba'th Party, as he can not take allegations in immunity to get away from charges over crimes mentioned in Articles (11), (12), (13) and (14) of this Code.

Fourth: The higher commander will not be discharged from criminal responsibility over crimes perpetrated by his subordinates, if the higher commander has been aware, or had reason to be acknowledged that his henchmen will commit, or where about to commit such acts, and he did not take necessary suitable measures to prevent such incidents or did not refer the case to appropriated authorities for investigation and prosecution.

Summary of victims (plaintiffs) and witnesses' testimonies:

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Although Al-Anfal campaigns actually started in 1988, however the planning and organizing of it started in 1987, especially after bygone Revolutionary Command Council issued Decree No [160], for the year 1987 and letter No (4008), dated 20 June 1987. The majority of victims and plaintiffs did not complain directly against Convict Sultan Hashim Ahmad, though all of them complained against all those to be proved involved in these perpetrated crimes ... we enclose below samples of accusations and victims and plaintiffs' demands:

It is mentioned in the testimony of Plaintiff (victim) [NAME REDACTED] "In 1988, I was in (Sidar) village with my family consisted of 7 persons [my mother [NAME REDACTED], and siblings [NAME REDACTED]. Our village was affiliated to Bingird Sub District. In the 2nd month of 1988, our village was bombarded...the military units were controlling the village, as 1st Al-Anfal campaigns broke in (Jafayati) valley. The confrontation started between Pishmarga and government forces ... the government's forces took over the region and approached our village. At midnight, I heard the screams of kids and women, and at dawn, I escaped the village. The government's forces were tracing us from behind while striking; one of the villagers informed me that all inhabitants who remained in the village were dislocated via military cars. When detainees, along with my mother, came back from Nuqrat Al-Salman returned back, I asked them about my mother and family members, they told me that the Iraqi forces segregated them at (Tupzawa) prison camp; [NAME REDACTED] told me that women were segregated away from men. They were among detainees at (Nuqrat Al-Salman), as some of the identity cards found at Al-Hadar belong to my brothers ([NAME REDACTED]). When I checked with the court, they showed me six identity cards for my family members, including that of my father which was with my mother ... and my mother's as well ... along with my sister's [NAME REDACTED] who's still alive, and second sister ([NAME REDACTED]) who was detained with my mother, in addition to the identity cards of ...

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[NAME REDACTED]). All those calamities hit us down because we are Kurds. I take legal actions against former president Saddam Hussein, 'Ali Hasan Al-Majid and all those who participated in Al-Anfal campaigns.

Plaintiff [NAME REDACTED], from (Sargalu), testified to court: "On 13 September 2006, our village was consisted of 500 families, all engaged in agronomy ... bombing was continuous in 1988 exploiting artillery, launcher mortars and helicopters, killing villagers on a daily basis. At night, two helicopters soared over the village; the result of the bombard was 8 dead who were [NAME REDACTED]. Another day, the aircrafts raided over our village prior to Al-Anfal campaigns killing 3 who were [NAME REDACTED] Then Al-Anfal Campaigns started on February of the same year, the forces advanced from 4 axis targeting us. They launched strikes over villages using chemical weapons, artillery, launcher mortars, and aircrafts and lasted for 20 days. Most of the inhabitants escaped to Iran ... it was cold, rainy and we were starving... the forces reached the village and destroyed it, along with its mosque and other villages'. They also burnt the Quran (holy book).

The aircrafts distributed pamphlets deceiving inhabitants to return [back from Iran] claiming an amnesty. Many families did, including 8 of my relatives. After they surrendered, they were put in military vehicles to Chuwar Qurna then Irbil. They were imprisoned; as news about them turned anonymous ... [NAME REDACTED] told me that he saw my relatives at Nuqrat Al-Salman prison camp. They are [NAME REDACTED], his wife [my cousin] [NAME REDACTED]and kids. They told us that both kids died of famine in Nuqrat Al-Salman.

And the victim ([NAME REDACTED]), who is a resident of (Maluma) village, started in his testimony in the court that: "On 13 September 2006, my family members were 9, they were my father, mother

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... and brothers [NAME REDACTED], sister [NAME REDACTED] and my grandmother [NAME REDACTED]. I went with my two sisters [Awaz and Barzan], and grandmother to my uncle's house in Al-Sulaymaniyyah. Couple of days later, we heard that our village was ruined down by the army, via Aircrafts and artillery's bombing. The citizens ran to the Iranian borders. Among them were my father and mother, and later they were struck by chemical weapons as livestock were exhausted. We knew about an amnesty, so I returned back to my village. All those inhabitants who returned were arrested by the army, including my mother and father, my uncle ([NAME REDACTED]), my grand mother ([NAME REDACTED]), my brothers and ([NAME REDACTED]) who were dislocated to (Irbil). Sardar went to visit them in Irbil but could not find them. We didn't receive any news from them for 6 months, until my grand mother [NAME REDACTED] returned to describe their suffering in prison, the segregation of men from women, children from elders, as youngsters remained at Tupzawa Camp whereas women, children and elders were relocated in another prison. I still ignore the fate of my mother, father or brothers ([NAME REDACTED]), all detained. In 2004, I was summoned to Al-Sulaymaniyyah Court where they showed me some IDs. I recognized those of my brother and father. When I have inquired, they told me that the IDs were found in a mass grave at Al-Mawsil. Hence, I demand accusation against Convicts Saddam Hussein and Ali Hasan Al-Majid and all those inside the cage [cage of conviction]. Victim [NAME REDACTED] resident of Sargalu, testified his authenticated statement, delivered to court on 2006, September 13, "The First Anfal Operation broke on 1988 February 18, where I was one of the Pishmarga fighters. The Iraqi army used all kind of weapons including chemical ones. As we were retreating from the region, I saw a herd of sheep (2000-3000) all exhausted ... And the Shepard was laying dead as well ... holding his stick. The 1st Anfal operations occurred following orders by Saddam, while being supervised by 'Ali Hasan Al-Majid ... and

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on the 22nd of March 1988, aircrafts bombarded the area with chemical weapons. And they are Iraqi fighter jets ...some of the missiles that the fighter jets launched did not explode... after that I felt pain in my body but I stayed conscious ...I saw that the heads of people, who were with me, without bodies...and I saw chopped legs and arms, including [NAME REDACTED] and Doctors ([NAME REDACTED] and they are all dead, and I saw injured people [NAME REDACTED] Doctor ([NAME REDACTED]) ([NAME REDACTED]) and he is one of the citizens of (Galala), ('[NAME REDACTED]) are brothers from (Shadala) village. Then I left to Iran where I entered the hospital because I was unconscious.

Plaintiff ([NAME REDACTED]) of (Baranki) village says: "The army forces attacked our village with chemical weapons, where we left the village and headed to the mountains; I saw (3) dead people ([NAME REDACTED]), we then moved to (Guma Zil) village where I saw (8) citizen gatherings in the following villages: Qaranmi, Qumri Khan, Chalawa, Sargalu, Bargalu, Qalam Pasha, Sidar, Sikanyan and Dulabi, and then we went to (Shanakhasi) village, where we were struck by chemical weapons, and because we were too scared we went to the Iranian City (Sardashat), the aircrafts dropped pamphlets regarding the amnesty of (Saddam Hussein). The pamphlets stated that will be compensated and plot of lands will be granted to us...when we returned back to the village we found the army...we were then detained and transferred in military vehicles type (Zil), they confiscated what we had with us including blankets, pillows and food. We were taken to the Security Directorate in (Irbil)...where we stayed one day without food...after that we were transferred to another camp between Al-Mawsil and (Irbil). Where men and women were separated, I saw in the hall a number of (Yashmagh) (*T.C: means head cover*) stained with blood... I had my wife with me ([NAME REDACTED]) and my daughter ([NAME REDACTED]). My cousin ([NAME REDACTED])old me that my wife gave birth to a boy in the hall but then the boy passed away immediately after birth; I named him ([NAME REDACTED]), I want to take legal actions against (Saddam Hussein) and ('Ali Hasan Al-Majid), and every one who participated in the operations.



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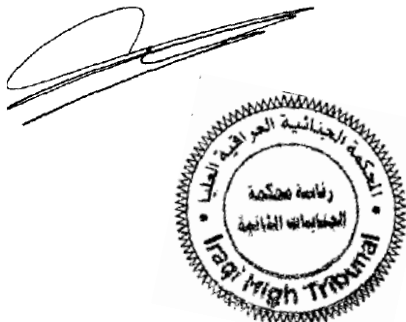
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Second: The Documents:

The court reviewed documents and official letters and the correspondences regarding Al-Anfal... We list a number of documents, official letters, correspondences and speeches.

1. The Revolutionary Command Council decree (160), on 1987, by which the Army Commanders of the northern area became under the command of ('Ali Hasan Al-Majid).
2. Letter No.: (3650) dated 3rd of June 1987, issued by the Northern Organization Office (accused 'Ali Hasan Al-Majid) that is directed to the command of the 1st, 2nd and 5th Corps, Ba'th Party Branches Command, security Directors of the Autonomous Region, the Directorates of GMID and Intelligence System, by which the economical sanctions was imposed on the Northern area, where the supplies of food and medicine to the Kurdish villages were prohibited in addition to agriculture, gas, human beings and animals were all prohibited from entering the area as well.
3. Letter No.: (4008) dated 20th of June 1987 directed to the Military Commanders, includes...human beings and animal are prohibited from entering the area... And requesting the Corps Commanders to carry on special strikes (using chemical weapons).
4. Letter No.: (1122) dated 21st of August 1988 directed to the 1st and 5th Corps regarding the meeting that was attended by Chief of Army Staff and his deputy for operations in Kirkuk. The First paragraph of this letter includes the following: "defining the concentrations of the population in the sector of the 5th corps and attack them using intensive special strikes 48 hours prior to starting the operation in order to create panic among them ...with taking cautious not to attack any of the villages neighboring to Turkey). The paragraph (4) of the letter states that the recent chance...



The image shows a handwritten signature in black ink above a circular official seal. The seal contains the text 'القضاء الجنائي العراقية العليا' (Iraqi High Tribunal) in Arabic and 'Iraqi High Tribunal' in English. In the center of the seal, it says 'رفاعة رشيدية' (Rafaa Rashid) and 'القضايا الجنائية' (Criminal Cases).

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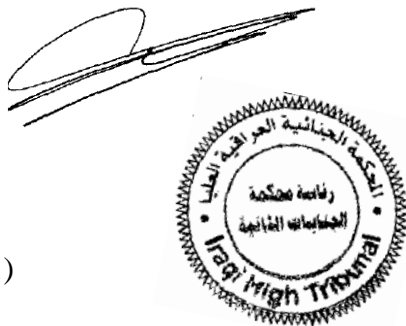
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...to eradicate the sabotage in Northern areas is the best chance and it might not come again in the future.

5. Letter No.: (5083) dated 22nd of July 1987 directed to the 1st corps from Northern Organization Office that includes the comments of Saddam Hussein: "We have no problem in chopping the traitors' heads... but it would have been better if they were taken to the security directorates to be interrogated, maybe they have some information we can benefit from it before their execution)
6. Letter No.: (349) dated 27th of April 1988 issued by the Chief of Army Staff and directed to the First Corps (Sultan Hashim Ahmad) and the 5th Corps (Ayad Khalil). The paragraph (F) of 2nd Clause includes the following:-
Using the special ammunition (Chemicals) against the enemy's gatherings as long as it is possible whether by air force or Artillery / Multiple rocket launcher /helicopters / before they start their operations against our troops (preemptive stricks) and it is also suggested to use the special ammunitions against the saboteurs' headquarters).
7. Letter No.: (1182) dated 28th August 1988 issued from Chief of Army Staff directed to the command of 1st and 5th corps...its subject is (directions of Deputy General Commander of the Armed Forces / Minister of Defense...(destroying all the villages eliminating all houses within any village).
8. and Letter No.: (2057) dated 5th of April 1988 and that includes orders for granting medals of bravery to (Sultan Hashim and Ayad khalil) for their role in Al-Anfal 1st and 2nd.

The accused ('Ali Hasan Al-Majid) mentioned before the court on the 7th of February 2007, that Lieutenant general (Sultan Hashim Ahmad) is the Commander of 1st corps and he was in charge of sectors of in the governorates of...



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...(Al-Sulaymaniyyah) and [Al-Ta'mim (Kirkuk)], and all government's Military and civilian systems in the Northern Area, are related to me and I do not deny it.

As accused (Farhan Mutlak) mentioned in his testimony in the court during the court's sessions, that Oil Protection Forces Command is one of the 1st corps' formations that is under the command of accused (Sultan Hashim Ahmad) and they receive direct orders from the corps' commander.

8. A letter from Oil Protection Forces Command (Top secret) No.: (295) dated 12th of April 1988 directed to Al-Ta'mim Security Directorate with a list of (151) individuals who turned themselves in to the military troops, attached to the letter.
9. And the letter from Oil Protection Forces Command (Top secret) No.: (323) dated 4th of April 1988 directed to Al-Ta'mim Security Directorate that mentions sending (39) individuals of whom turned themselves in, to military troops.
10. A letter from Oil Protection Forces Command No.: (287) dated 11th of April 1988 Which states sending (139) individuals to (Chamchamal) security.
11. A letter from Oil Protection Forces Command No.: (284) dated 10th of April 1988 which states sending (30) individuals to (Chamchamal) security.
12. A letter from Oil Protection Forces Command No.: (304) dated 12th of April 1988 directed to Al-Ta'mim Security Directorate that includes Name roster of (155) individual who turned themselves in to the military troops.
13. A letter from Oil Protection Forces Command that states sending (312) individuals to Al-Ta'mim Security Directorate.
14. A letter from Oil Protection Forces Command No.: (338) dated 15th of April 1988 states that (69) individuals were sent to Al-Ta'mim Security Directorate.

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15. A letter from Oil Protection Forces Command No.: (361) dated 11th of April 1988 states that (47) individuals were sent to Al-Ta'mim Security Directorate.
16. A letter from Oil Protection Forces Command No.: (302) dated 12th of April 1988 states that (56) women, (104) children and (4) men, and all were taken to Al-Ta'mim Security Directorate.
17. A letter from Oil Protection Forces Command No.: (304) dated 16th of April 1988 states that (89) individuals were sent to Al-Ta'mim Security Directorate.
18. A letter from Oil Protection Forces Command No.: (337) dated 15th of April 1988 states that (69) women, (100) children and (10) men who were sent to Al-Ta'mim Security Directorate.
19. A letter from Oil Protection Forces Command No.: (339) dated 15th of April 1988 states that (33) individuals were sent to Al-Ta'mim Security Directorate.
20. The sum of the aforementioned individuals in the letters are (1397), they were sent to the Security Directorates and detainment camps where they disappeared and until this day their destiny is still unknown.

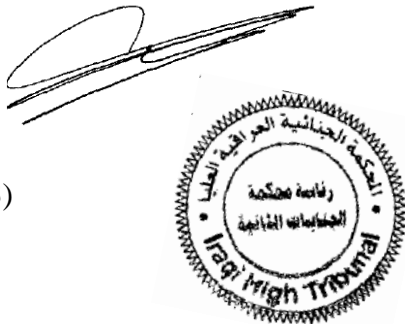
((Examinations and Reports))

Court decide to gather more evidences by carry out a site examination to make the truth clearer, so the court's jury with all its members accompanied with the General Prosecution jury moved to the northern area and started their examinations on the following locations:-

1. Nazarki Castle Dated 21/ 11/ 2006

It is a two floor structure which is built out of Bricks and concrete, has a rectangular shape and a big square... each floor consists of big halls, ground floor has (26) halls and (53) rooms, and the 2nd floor consists of (19) halls and (36) rooms...

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...The court recognized the existence of (6) surveillance towers on the building, and in the mean time , poor Kurdish families reside in the castle...this castle was used as a detention camp for the Kurdish families who were brought from their villages during Al-Anfal campaign.

2. Bahirka area

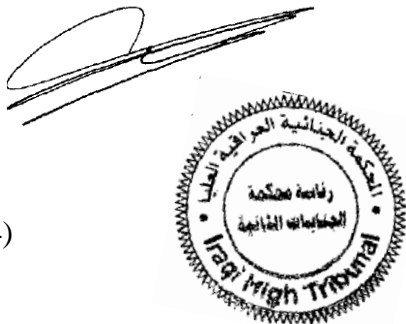
On the 22nd of November 2006, the court carried out a survey on Bahirka area, it turned out to be a residential alley as the piazzas look like they were newly built...and it is (15 km) far from the center of Irbil Governorate and is located in a level land area with no buildings and far from the mountains...The previous regime used it as a detention location for the Kurdish families who were brought from their villages by force during Al-Anfal campaign.

Examination report of the following villages (Balak Jar, Takya, Siwsinan, Shursh Compound) dated 23rd of November 2006:

When the jury of the court arrived to Siwsinan village, they recognized a mass grave on the eastern side of the main road fenced with a round blockade where graves were arranged...the court had noticed the inscribing on the graves...as it also noticed that the names on the graves are similar to what the witnesses mentioned in their testimonies in some of the court sessions...it turned out that the victims who lay in those graves are the victims of Al-Anfal chemical strikes.

Then the court moved to Takya and Balak Jar villages...they noticed that the area is surrounded by mountains facing mount Qara Dagh. Takya village is located on the summit of mountain where the number of its houses varies (20-25)... Balak Jar r village is located in Qara Dagh valley that contains approximately 12 to 20 houses.

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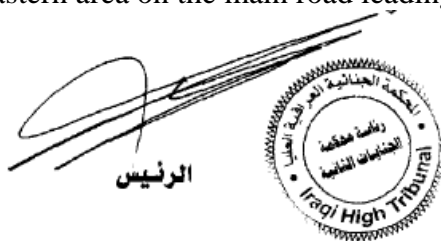
The court has noticed rocket launcher implanted in the earth away from the village by (500) m as the court noticed another rocket launcher appears on the earth, its length is about (2) meter and it is located (1000) meter away from the village.

Then the court visited Shurish complex...when the committee arrived to the complex in 23 November 2006, they noticed that it is a huge compound located on the main road that linking Al-Sulaymaniyyah with Chamchamal...then the committee surveyed the area.

Then the court moved to Barjini village, which is located 27 kilometers far away from Duhuk (27). It is located in a mountainous area surrounded by mountain chains from four sides, 50 kilometers far away from the Iraqi Turkish borders ...the court noticed that all houses and mosque were totally destroyed as well as the court took a look on the mass grave which includes corpse of (Hasan Salih) and his grandson (Dijwar), who was mentioned by the international expert (Snow) as well as the plaintiffs. In addition, the court saw remains of bombs include solid yellow material. These materials were tested, and the results indicate that they are residues of chemicals.

The court surveyed the (Shaykh Wasanan), (Balisan) and (Wari) villages...the committee noticed remains of cluster and chemical bombs found between (Biraw and Kani Bard) villages, a sample was taken of these remains by the expert engineer of chemical weapons, who was accompanied by the court during this visit, kinds of these remains were discovered by the abovementioned expert.

The committee moved to (Wari) village and its graveyard. The village is located in the eastern area on the main road leading to (Balisan)...the village consists of 40 houses...


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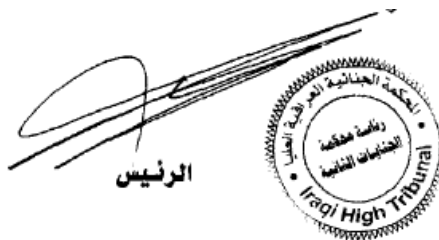
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It is located 2 kilometers faraway from the village. It is situated on (Qashan) River...the corps were still covered with dirt. It was found out that the graves related to Al-Anfal operations victims.

Experts' reports:

The court, from the beginning, relied on qualified international experts executing their work under supervision of the court...as well as the court recalled some of these experts to testify in the court.

The expert (Snow) stated in the court on 28 November 2006 that he opened the mass grave in (Kurimi) village in (Duhuk) where he picked up 27 corpses that were executed by the Iraqi troops. He confirmed that all the victims were at sitting position which conforming to the testimony of the survivors, as the victim ([NAME REDACTED] who survived has said. The expert (Snow) stated that 84 killed by shooting, 10 shooting in the head, 24 shooting in the chest, 65 shooting in the pelvis and few victims were shot by other limbs when the victims were commanded to set in front of execution squads. The expert (Snow) stated that when he was in the area, he was informed by a young man called ([NAME REDACTED])that his mother and young sister died in (Jaznikan)/Irbil during detention with thousands of women and children because of the harsh conditions and undernourishment. He convinced the young man to guide him to the grave where he told us that his mothers was not able to breast feed his daughter after few weeks in detention. The baby was tested and the results indicated that she was seven months old but suffers from very serious deformation in skeleton as well as the malnutrition. The bones tests showed the severe undernourishment she suffered from. This gives us an idea about the severe living standards existed in the detention camps, especially for babies.



(963 – 616)

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Then the expert (Snow) moved to a small village called (Barjina) close to (Kurimi) village, which exposed to chemical bombardment in 25 August 1988. An old man called (Hasan Salah Hasan) and his grandson (Dishwar Hamid Hasan), who was 5 years old, were killed because they mistakenly escaped through the valley instead of climbing the hill. We dug in the grave and found a skeleton of the old man with his grandson still wearing clothes ...the expert also noticed many gaps occurred as a result of bombs then he took samples of the soil and sent to the United States of America. The laboratory examination shows that mustard and Sarin gases were in this area...

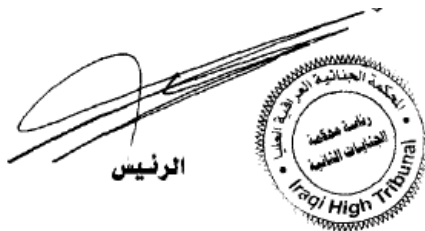
The expert doctor (Asfandyar Ahmad Shukri) testified in the court in 29 November 2006 that he visited the refugees' camp in Turkey (Diyar Bakr), which included 13 thousands refugees and (Mardin) refugees' camp, which included 5000 refugees.

The expert doctor said that all people he met from (Balisan, Ikmala, Hibas and Barjina) Villages confirmed that they were infected with:

- A- Eye irritation
- B- Difficulties in respiratory system
- C- Difficulties in digestive system
- D- Burns and irritation in digestive system

In addition to the scares, which were seen on the victims' bodies [which were identical with marks of colored injuries of the skin with the center less dark - this part of the injury was identical to the type the Nazis (Germans) used in the 2nd World War].

The physician added that one of the girls who was exposed to the chemical explosion was examined, and commented that they examined the girl and found swelling in her chest and in between her small breasts....there was also a trace of cirrhosis of healed wound in her lower lip.



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an injury under the left eyebrow, a healed injury on the left cheek, whereas the light color was in the middle while the dark color was around the injury which is the morphological shape of using mustard gas. Therefore, the expert reached a conclusion that (Sarin and mustard gas) were used in Kurdistan. Furthermore, the use of mustard gas was in a wide range.

The expert Michael Trample stated that his work was a result of two years of efforts under the supervision of the Iraqi High Tribunal, together with the aid of experts from the United States, Australia, Costa Rica, and Canada. He added that he supervised the digging of three mass graves (Ninawa/2) (Ninawa/9) (Muthanna/2). The expert stated that the two graves (Ninawa/2) (Ninawa/9) located in a talus and small valleys that intersect with a big valley in such a manner that the persons who are walking towards the south can't see the people and equipments working in the graves. The expert added that he excavated the mass grave (Muthanna/2). 123 victims (who were executed) were lifted. Moreover, this grave contained children and women only. There were 25 adult women, 98 children, and 90% of these children were under 13 years of age. The expert added that there were different scenarios for executing the victims:

- 1- Small groups were pushed towards the talus of the hole inside the grave and then were shot in the head from the back by one pistol bullet, while they were standing.
- 2- By the same aforementioned style, the victims were kneeling down and shot from the back.
- 3- Groups of the victims were pushed toward the grave's edge and were shot. They then fell down into the grave or were forced to bow where the shooting took place.

The expert added that these victims had a life, fears, happiness and feelings....a woman had a necklace and some jewelry - there was a ring and finger ring.



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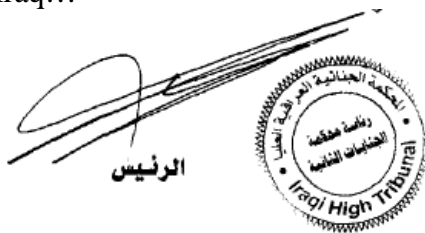
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Another case involved a (6-7) month old embryo in his mother's uterus. The expert then added that in his experience he never saw a grave in this depth (3, 5 meters) and done by this way, to avoid being discovered. He also stated that he found personal belongings and identity cards that were given to the court. Additionally, the tribunal's commission would like to clarify that the statement of the victim's relatives were in no doubt identical, and the victims were the inhabitants of the Kurdish villages who were coerced to the mass grave during the Anfal operations.

The expert further stated that he lifted 64 individuals from the mass grave (Ninawa/9) who were all adult males executed by automatic weapons. In regards to the (Muthanna/2) mass grave, the expert added that 114 individuals were lifted. Among them were 27 adult women, 2 adult men, and 85 children. The expert added that all the victims were executed while they were standing. Furthermore, the expert stated that most of the victims who were lifted from the mass grave in (Ninawa/2), (Ninawa/9) and (Muthanna/2) were wearing the Kurdish traditional cloth. The expert noted that all the mass graves were prepared in the same style and organization.

The mass graves:

They are huge mass graves that include men, women and children whom they were victims of the Al-Anfal operation. They were detained in the huge prison camps (Tupzawa, Dibs, Nazarki Castle) or other prison camps run by the security departments in Kurdistan Governorates and Al-Salamiyyah prison camp in Ninawa Governorate...big efforts were spent to discover these mass graves, many international expert and humanitarian organizations contributed in the searching process for these mass graves in different parts of Iraq...



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The Iraqi High Tribunal received 4 bookbinders; the first is about the mass grave in Al-Muthanna, the second about the mass grave in Ninawa and the third about the mass grave in Kurimi village, which included 27 corpses, and was opened by the international expert (Snow), who testified in the court in the 24th session, on 28 November 2006.

Concerning the mass grave Muthanna 2, the international expert (Kaufman Trample) said "we pull out 114 corpses during 9 days; all of them were executed or shot by automatic gun at standing position, 85 children, 27 women and 2 adult males. The expert said that 95 % of the children were below 13 years old and all the victims were wearing Kurdish traditional cloths. The expert added that 50 documents were found between the remains, most of the documents were Iraqi currency others were 16 ID's 6 ID's were in good condition in addition to handwritten document...the expert stated that the clothes were related to 73 females and 26 males...from the type of females costumes, we concluded that 28 female were adults, 12 females were minor (13 – 17)...28 children (3 – 7) years old and 5 infants.

From the type of males' clothes, we concluded that they were 4 adults, 13 minors, 27 children and 1 infant.

From the personal belongings we found between the remains in the graves cosmetics, accessories, jewelries and house holds, we regain stuff for 93 victims such as 7 necklaces, 14 cosmetics cans and 14 perfume bags... The clothes and educational items in total for the victims indicate that the people in the (Al-Muthanna/2) grave were of Kurdish ethnicity ...the expert said that we extracted bullets that were with the males and the females from all ages (extracted from the remains), also extracted bullets from 71 corpses...



(963 – 620)