

In The Name of God All Merciful All Compassionate

Iraqi High Tribunal
Second Criminal Court
Iraq – Baghdad
Reference No.: 1/ 2nd Criminal/ 2006
Date: 2007 June 24

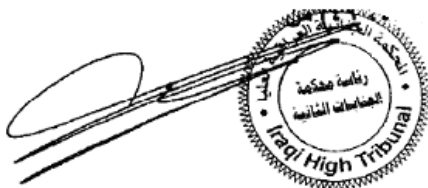
The Verdict

B. Convict Sultan Hashim Ahmad verdict for genocide as a crime against humanity:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

The evidences such as victims and witnesses' testimonies, documents and correspondences confirm that Kurdish civil inhabitants in Northern Iraq had been exposed to wide-scale massacres, due to systematic wide-scaled attacks carried by the military forces of 1st, 2nd and 5th Corps following the orders of Convict 'Ali Hasan Al-Majid. The provisioned evidences in the case confirm that Convict Sultan Hashim Ahmad issued orders to 1st Corps forces under his command, to launch a systematic wide-scaled attack against Kurdish villages, which are inhabited by civilians, using chemical and conventional weapons, in a contributory joint criminal plan with Convict 'Ali Hasan Al-Majid and others, causing a wide-scale genocide of Kurdish civil inhabitants in Northern Iraq.

Accordingly, the tribunal finds that Convict Sultan Hashim Ahmad is guilty of genocide as a crime against humanity for the period between February and September 1988. Hence, the provisioned evidences in the case are enough to charge him and identify his sentence, pursuant to Article [12/ 1st-(B)] by virtue of Articles [15/ 1st/ 2nd] and [24] of Iraqi High Tribunal Law No [10] for the year 2005. The sentence was identified by the virtue of Article [406/ 1/ (A-B-F)] and by virtue of contributory Clauses [47], [48] and [49] of Iraqi amended Penal Code No [111], for the year 1969.



Chief of Instigative Judges
(701 – 963)

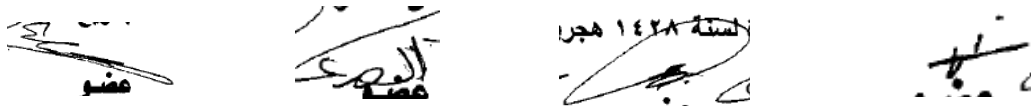
In The Name of God All Merciful All Compassionate

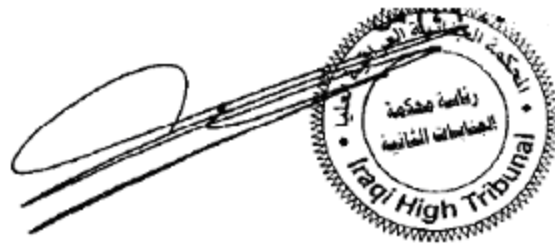
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The Verdict

The verdict had been unanimously issued, being able for cassation, publicly acknowledged on 2007 June 24.

Signatures of the tribunal's members

Four handwritten signatures in black ink, arranged horizontally. The first signature is on the left, followed by two in the middle, and one on the right. The second signature from the left includes the word 'عضو' (Member) written below it. The third signature includes the date 'السنة ١٤٢٨ هجرًا' (Year 1428 AH) written above it.

A large, stylized handwritten signature in black ink, written over a circular official seal. The seal contains the text 'المحكمة العراقية العليا' (Iraqi High Tribunal) at the top, 'رئاسة محكمة' (President of the Court) in the center, and 'القضايا الجنائية' (Criminal Cases) at the bottom. The English text 'Iraqi High Tribunal' is also visible at the bottom of the seal.

Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifa

In The Name of God All Merciful All Compassionate

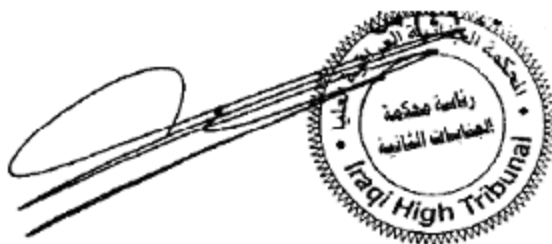
**Iraqi High Tribunal
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The Verdict

D. Convict Sultan Hashim Ahmad verdict for deporting or coercively dislocating inhabitants as a crime against humanity:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

The provisioned evidences in the case affirm that Convict Sultan Hashim Ahmad was a contributor, by attribution, in the joint criminal plan to execute Al-Anfal operations along with Convict 'Ali Hasan Al-Majid and others, through his orders issued to 1st Corps forces under his command to launch a systematic wide-scaled attack against Kurdish civil inhabitants in Northern Iraq, using chemical and conventional weapons over Kurdish villages. Convict Sultan Hashim Ahmad was aware that coercive dislocation of civil inhabitants is a natural consequence which can be logically predicted to reinforce the contributory joint criminal plan in order to execute coercive dislocation of Kurdish civil inhabitants as a result of systematic wide-scaled attacks against their villages referring to devastative weapons (chemical weapons) resulting in the complete demolition of their houses and villages. Convict Sultan Hashim Ahmad was acknowledged and aware of letters number 4008 and 3650. Accordingly, he will be responsible for dislocating Kurdish civilians, coercively, far away from their house and villages, due to his contribution in ...



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... a joint criminal plan with Convict 'Ali Hasan Al-Majid and others, as an implementation of the latter orders. Convict Sultan Hashim Ahmad confessed, during hearing sessions, that military forces, while arresting Kurdish civilians after raiding attacks over their villages, used to drive them, by military vehicles, to Northern Organization Office, where security systems dislocate them in Tupzawa, Al-Dibs, Qura Tu and Nuqrat Al-Salman camps, to live under harsh conditions of physical and mental torture, famine, bad health situations, humiliation, disdain, segregation of women and children from men, and exposing women to sexual violence and oppression inside those camps' halls.

The tribunal finds that Convict Sultan Hashim Ahmad is guilty for perpetrating coercive dislocation of inhabitants as a crime against humanity committed during Al-Anfal operations, between February and September 1988. Provisioned evidences are enough to charge him and identify his sentence, pursuant to Article [12/ 1st-(D)] by virtue of Articles [15/ 1st/ 2nd] and [24] of Iraqi High Tribunal Law No [10] for the year 2005. The sentence was identified as per Article [421/ (B)] by virtue of contributory Articles [47], [48] and [49] of Iraqi amended Penal Code No [111] for the year 1969. The verdict had been unanimously issued as being able to cassation, and was publicly acknowledged on 2007 June 24.

Signatures of the tribunal's members



The image shows four handwritten signatures in black ink. Below the signatures is a circular official seal of the Iraqi High Tribunal. The seal contains the text: 'الرئيس' (President), 'محمد هادي مهدي الخليفة' (Muhammad Hadi Mahdi Al-Khalifa), 'رئاسة محكمة الجنائيات الشامية' (President of the Shamiyah Criminal Court), and 'Iraqi High Tribunal'.

Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifa

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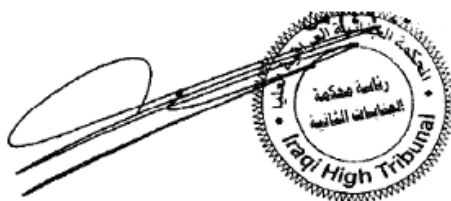
The Verdict

I. Convict Sultan Hashim Ahmad verdict for coercive harboring as a crime against humanity:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

Convict Sultan Hashim Ahmad, 1st Corps' commander, was fully aware and acknowledged of Convict 'Ali Hasan Al-Majid intentions to dislocate Kurdish civil inhabitants in Northern Iraq, far from their villages which he considered as Prohibited Zones in letters number 3650, dated on 1987 June 03, and 4008, dated on 1987 June 20. As per implementation of Convict 'Ali Hasan Al-Majid orders, Convict Sultan Hashim Ahmad ordered his forces to launch a systematic wide-scaled attack against inhabited Kurdish villages using conventional and chemical weapons via aircrafts, artilleries and rocket launchers. Those who survived were detained as Convict Sultan Hashim Ahmad ordered his soldiers to refer them, via military vehicles, to Northern Organization Office, where security systems correlated to Convict 'Ali Hasan Al-Majid, dislocated them at Tupzawa, Al-Dibs and Nuqrat Al-Salman camps where the endless harsh sufferings and cruelty as a result of physical and morale torture, humiliation, disdain, shortage in food and water supplies, services, as well as unbearable congestion in dirty halls full of detainees.

In and through those prison camps, thousands of Kurdish families disappeared, never to be seen again till now. That is what survivors and returnees from Nuqrat Al-Salman camp insured, while standing ...



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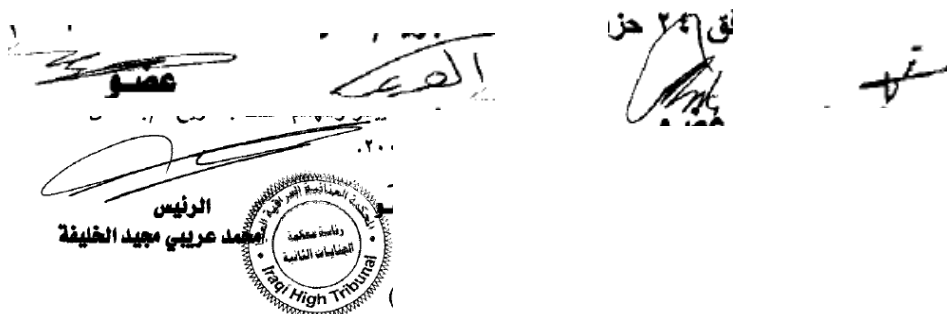
The Verdict

... in front of court, throughout hearing sessions, as well as plaintiffs who testified confirming that their children, brothers, wives and family members' fates are anonymous. Convicts 'Ali Hasan Al-Majid, Sultan Hashim Ahmad and others, are still denying information regarding the fates of thousands of civil inhabitants, who disappeared during Al-Anfal. The only sure thing is that the coercive harboring operation of Kurdish civil inhabitants was officially organized through the participation and contribution of military, civil, security and party's systems in Northern area which were commanded by Convict 'Ali Hasan Al-Majid. Despite finding numerous victims [women, children and men] in the mass graves, convicts are still denying the acknowledgment of any info regarding thousands of those whose fate is anonymous.

Convict Sultan Hashim Ahmad is responsible for coerce harboring of civil individuals through helping, assisting and contributing with other convicts in a joint criminal intent to commit the crime in order to reinforce Saddam Hussein regime and his military and security systems' criminal activity.

The evidences are enough to charge him and identify the sentence pursuant to Article [12/1st-(Y)] by virtue Article [15/1st/ 2nd] and [24] of Iraqi High Tribunal Law No [10], for the year 2005. The sentence had been identified as per Article [406/ 1/ (A-B-F)] by virtue of contributory Clauses [47], [48] and [49] of Iraqi amended Penal Code No [111], for the year 1969. The verdict had been unanimously issued as being able to cassation, and was publicly acknowledged on 2007 June 24.

Signatures of the tribunal's members



The image shows several handwritten signatures in black ink. Below the signatures is a circular official stamp of the Iraqi High Tribunal. The stamp contains the text: "القضاء العالی العراقي" (Iraqi High Tribunal) at the top, "رئاسة محكمة التعاضلات العالیة" (President of the High Tribunal) in the center, and "Iraqi High Tribunal" at the bottom. To the left of the stamp, the name "الرئيس محمد عریبی مجید الخلیفة" (President Muhammad 'Iraybi Majid Al-Khalifa) is written in Arabic.

**Chief of Investigative Judge
Muhammad 'Iraybi Majid Al-Khalifa**

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J. Convict Sultan Hashim Ahmad verdict for other inhuman acts as a crime against humanity.

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

Convict 'Ali Hasan Al-Majid stipulated letters number 3650, dated on 1987 June 03, and 4008, dated on 1987 June 20, his orders to totally destroy Kurdish villages, prohibiting villagers from harvesting their crops, plowing and farming their lands. He narrowed down their sources of profit, deprived them from their lifestyles, assaulting them in many ways, especially women who were exposed to sexual violence, over a large scale, in prison and detention camps, when he issued orders to military troops to launch a systematic large scaled attack against Kurdish villages and their Kurdish civil inhabitants in Northern Iraq.

Convict Sultan Hashim Ahmad had been aware of letters 3650 and 4008 content and helped in implementing the aforementioned letters practically, by issuing orders to forces under his command to launch systematic large scaled attacks against Kurdish villages, using conventional and chemical weapons, to eradicate both villages and inhabitants. He was aware that complete demolition of villages is normal result which can be expected while he contributed in a joint criminal plan. That is, without mentioning the many assaults which tackled civil inhabitants, especially women who were exposed to large scaled sexual violence in the camps.


الرئيس




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The Verdict

Convict Sultan Hashim Ahmad contributed, by attribution, as well as with others, in a joint criminal plan, intending to carry systematic large scaled attacks against Kurdish civil inhabitants in Northern Iraq, using chemical and conventional weapons over Kurdish villages, following orders issued to his soldiers to launch those aforementioned attacks, with his full awareness of the natural consequences possible to occur for such criminal plan which could lead to destruction of houses, villages, all means of life, and countless numbers of civilians; causing severe physical and mental damages, as well as depriving civilians from their lifestyles.

Accordingly, the court finds that **Convict Sultan Hashim Ahmad** is guilty for other inhuman actions as crime against humanity, committed during Al-Anfal Operations. The provisioned evidences in the case are sufficient to charge him as per Article [12/Firstly-(J)], Article [15/First/Second] and Article [24] of Iraqi High Tribunal Law No (10) of the year 2005. The sentence is identified as per Article [393/1/] by virtue of contributory Clauses [47], [48] and [49]. It had been decided to charge him and identify his sentence unanimously, as being able for cassation, and was publicly acknowledged on 2007 June 24.


Member Member Member Member

Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah

(963-708)

**Iraqi High Tribunal
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The Verdict

Convict Sultan Hashim Ahmad verdict for war crimes

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

The Court finds, through provisioned evidences in the case [from victims' statements and testimonies, letters and documents which indicate the use of chemical weapons], that Convict Sultan Hashim Ahmad, by attribution, contributed with others in reinforcing a joint criminal plan with a provisionary intent to carry out systematic large-scaled attacks via chemical and conventional weapons against Kurdish civil inhabitants in Northern Iraq, during Al-Anfal Operations. The Court considers Convict Sultan Hashim Ahmad fully aware, while contributing to this joint criminal plan, of the existence of armed conflicts happening between Iraqi Army Forces and Kurdish fighters (Pishmarga).

A- Convict Sultan Hashim Ahmad Verdict for premeditatedly launching attacks against civil inhabitants

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

The Court finds, through provisioned evidences in the case, proving crime's basics, elements of proof and legal requirements that Convict Sultan Hashim Ahmad contributed in planning to target Kurdish civil inhabitants in Northern Iraq, through his contribution and participation in reinforcing ...

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... the joint criminal plan, along with other convicts, including 'Ali Hasan Al-Majid, by issuing orders to First Corps forces under his command to launch systematic wide-ranged attacks, using chemical and conventional weapons, against Kurdish civil inhabitants, during Al-Anfal Operations which stretched from April to September 1988. Although Convict Sultan Hashim Ahmad has denied issuing orders of attacks, letters' (4008) and (3650) contents, which were addressed to First Corps (under his command), Second and Fifth Corps as well as Chief of Army Staff, refuted his early statements. Convict 'Ali Hasan Al-Majid, when issuing the aforementioned letter (4008), on 20 June 1987, and letter (3650), to the aforementioned Corps, he stipulated them his main orders, leaving details to Corps' Commanders and their military subordinates' wisdom as to implement orders on the field ... the wide attacks carried out over Kurdish villages and their civil inhabitants were related to the internal conflict in Northern Iraq, between the Kurdish fighters (Pishmarga) and Iraqi Army Forces ... Convict Sultan Hashim Ahmad contributed and assisted in planning to launch those attacks against Kurdish villages with no consideration whatsoever to the civil inhabitants ... His orders to his attacking forces did not include an obligation to distinguish between fighters and innocent civilians, as the chemical weapons did not make the difference as well [between a civilian and a warrior], As a consequence, thousands of innocent civil persons were murdered during the internal conflict in Northern Iraq.

The Court finds, through provisioned evidences, that Convict Sultan Hashim Ahmad contributed, by attribution, in the joint criminal plan, as he, and all other contributors to implementation, premeditatedly contributed in launching those large scaled attacks against civil inhabitants.

Accordingly, the court finds that convict 'Sultan Hashim Ahmad is guilty for premeditatedly leading attacks against Kurdish civil inhabitants in Northern Iraq, during an internal conflict, by issuing ...

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... orders to First Corps forces [which were under his command], to launch those attacks during Al Anfal Operations, from February to September 1988. The provisioned evidences are sufficient to charge him and identify the sentence, as per Articles [13/Fourth-(A)], [15/First/ Second] and [24] of Iraqi High Tribunal Law No (10), for the year 2005. The sentence was determined as per Article [406/1/(A-B-F)] by virtue of Articles [47], [48] and [49] of Iraqi Penal Code No (111) for the year 1969 ... The verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged on 2007 June 24.


Member Member Member Member

Chief of Investigative Judges
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The Verdict

B- Convict verdict for premeditatedly launching attacks against protected buildings:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

Evidences prove [through proving crime's basics, charges against Convict Sultan Hashim Ahmad, elements of proof and legal requirements which the court concluded from victims' testimonies and documents] that Convict Sultan Hashim Ahmad contributed in directing indistinct raids over Kurdish villages in Northern Iraq, without considering any building from any protective nature whether it was a mosque, school or hospital. Those raids were targeting protected buildings correlated to the internal armed conflict between Kurdish fighters (Pishmarga) and Iraqi Forces. Convict 'Ali Hasan Al-Majid issued orders to thoroughly destroy villages as part of his plan to deprive (Pishmarga) from having a base for their operations against the Army forces ... It is not acceptable to allege by military necessities to defend their stance [convict's stance] vis-à-vis the total demolition of villages and buildings including those of the protected nature. Convict 'Ali Hasan Al-Majid did not distinguish between neither civilians and fighters, nor military targets and protected buildings. Convict 'Ali Hasan Al-Majid defined civil residential targets, and issued his orders to his forces to launch a systematic large scaled attack over them [civil targets], using chemical and conventional weapons.

The court finds that Convict Sultan Hashim Ahmad contributed, by attribution, to a joint criminal plan, along with other convicts. All contributors in this joint criminal plan participated in leading premeditated raids over protected buildings. The court finds that Convict Sultan Hashim Ahmad...



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... issued orders to forces under his command, to launch premeditated raids over protected buildings, targeting them. The Court did not find any evidence proving that the aforementioned protected buildings lost their legal protective status, at any given time. Additionally, the court found that the large scaled attacks, led by military forces under Convict Sultan Hashim Ahmad command and which had contributed with him through internal armed conflict in Northern Iraq, completely devastated the protected buildings.

Accordingly, the court considers that Convict Sultan Hashim Ahmad is guilty for premeditatedly launching attacks against protected buildings as a crime of war, during Al-Anfal Operations, from February to September 1988. The provisioned evidences are sufficient to charge him and identify his sentence as per Articles [13/Fourth-(D)], [15/First/ Second], and [24] of Iraqi High Tribunal Law No (10) for the year 2005. The sentence had been identified as per Article [479/2] by virtue of Clauses [47], [48] and [49] of Iraqi amended Penal Code No (111) for the year 1969. The verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged on 2007 June 24.


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The Verdict

C- Convict Sultan Hashim Ahmad Verdict for issuing orders of dislocating civil inhabitants:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict.

The court did not find any evidence which proves that Convict Sultan Hashim Ahmad issued one or more orders to dislocate Kurdish civil inhabitants or relocate them away from their villages. Yet, the court finds that Convict Sultan Hashim Ahmad should had been aware that his issued orders to his forces pushing them to launch a systematic large scaled attack, along with the other contributed forces, over all of the Kurdish villages, will definitely lead to orders of dislocation. Convict Sultan Hashim Ahmad was aware and acknowledged of instructions issued by Convict 'Ali Hasan Al-Majid regarding the dislocation of Kurdish inhabitants, form the Kurdish villages which had been considered as Prohibited Zones, to residential compounds prepared for them against their will. Convict Sultan Hashim Ahmad was aware that his orders to his forces, targeting those villages via large scaled attacks, as well as supplying both Convict 'Ali Hasan Al-Majid and Chief of Army Staff with intelligence information, contributed basically in relocating the villagers away from their houses and villages; as it helped later executing Convict 'Ali Hasan Al-Majid orders of dislocation.

Accordingly, the court finds that Convict Sultan Hashim Ahmad contributed, by attribution, as well as participating in reinforcing the joint criminal plan, premeditating, while implementing, systematic large-scaled attacks against civil inhabitants in Northern Iraq. Through the orders he issued to his forces, using ...

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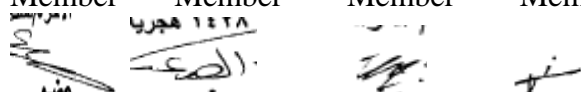
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.... chemical and conventional weapons over Kurdish Villages in Northern Iraq, fully aware that the logical consequences which can be expected for such acts [attacks] are orders of dislocation against civil inhabitants.

Accordingly, the court finds Convict Sultan Hashim Ahmad guilty for premeditating the perpetration of a crime by issuing orders of dislocation against civil inhabitants, considered a crime of war. The provisioned evidences are sufficient to charge him as per Articles [13/Fourth-(H)], [15/First/Second], and [24] of Iraqi High Tribunal Law No (10) for the year 2005. The sentence had been identified as per Article [421] by virtue of contributory Clauses [47], [48], and [49] of Iraqi amended Penal Code No (111) for the year 1969. The verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged on 2007 June 24.

Member Member Member Member



الرئيس
محمد عويبي مجيد الخليفة


Chief of Investigative Judges
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(715-963)

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The Verdict

L- Convict Sultan Hashim Ahmad Verdict for the crime of destroying or confiscating a hostile side's properties conditioned the destruction or confiscation is not considered as necessities of war:

The tribunal previously discussed in details the crimes' elements of proof correlated to Convict Sultan Hashim Ahmad from victims, plaintiffs and witnesses' testimonies, documents, correspondences, and letters, while discussing the crimes that had been charged against him, proving its basics, legal requirements and elements of proof. Hence, we do not find it necessary to tackle it again in verdict

The provisioned evidences in the case [victims and plaintiffs' testimonies, authenticated evidences as instructions and letters] show that Convict (Ali Hasan Al-Majid contributed, by attribution, as well as with others [military corps' commanders, security and party systems], in executing a joint criminal plan and participated in a joint criminal purpose and intent to eradicate Kurds in Northern Iraq, through an internal armed conflict between Pishmarga and Iraqi Army.

Convict 'Ali Hasan Al-Majid issued his orders to Military Forces under his command to destroy the hostile side's properties when pushing these sectors to execute large-scale attacks over Kurdish Villages in Northern Iraq, using Chemical and conventional weapons, without distinguishing between innocent civilians' houses and villages and those of the fighters or Pishmarga. Estimations mention more than 3000 Kurdish villages which are devastated in Northern Iraq, with no military necessities.

Convict Sultan Hashim Ahmad was aware of the two letters' (3650), on 03 Jun 1987, and (4008), on 20 Jun 1987, contents acknowledging what is requested to be done especially orders issued to 1st Corps Forces to launch systematic large scaled chemical and conventional attacks over Kurdish villages which are inhabited by citizens, to destroy them [villages] ...

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... On the other hand, he acknowledge that total destruction of villages were rational results that could have been predicted as contribution in a joint criminal plan.

The provisioned evidences in the case show that Convict Sultan Hashim Ahmad perpetrated, by attribution, and contributed in reinforcing the joint criminal plan with an intent to carry large scaled attacks over Kurdish villages in Northern Iraq through issued orders to First Corps Forces to launch these attacks, fully aware of the rationale consequences which could have been predicted logically after such joint criminal plan, acknowledging that it will lead to totally demolishing houses and villages without distinguishing between a civil and fighter's [Pishmarga] house, the latter being involved in an internal armed conflict, following Convict 'Ali Hasan Al-Majid orders.

Convict Sultan Hashim Ahmad can not allege by military necessity over totally destroying and sweeping villages.

Accordingly, the court finds that Convict Sultan Hashim Ahmad, by attribution, contributed and participated in reinforcing the joint criminal plan intended to carry a large-scaled attack over Kurdish Villages and their civil inhabitant, using chemical and conventional weapons, following orders issued to First Corps Forces.

The aforementioned attacks led to a destruction of the hostile side's property [Kurdish Villages] without distinguishing between innocent civilians' houses or fighters', surely without military necessity.

Accordingly, the court finds that Convict Sultan Hashim Ahmad is guilty for perpetrating the crime of destroying a hostile side's property with no military necessity, committed between April and September 1988. The provisioned evidences are sufficient to incriminate him and identify his sentence as per Articles [13/Fourth-(L)], [15/First/Second], and [24] of Iraqi High Tribunal Law No (10) for the year ...

Chief of Investigative Judge


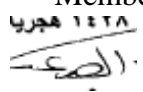


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... 2005. The sentence was identified as per Article [2/479] by virtue of contributory Clauses [47], [48], [49] of Iraqi amended Penal Code No (111) for the year (1969). The verdict was released in unanimous agreement revocable for cassation as per Article [182/(A)] of the amended Tribunal Trials Procedure Law [23] for the year 1971 and was acknowledged publicly on 2007 June 24.

Member	Member	Member	Member
			


الرئيس
محمد عريبي مجيد الخليفة


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The Verdict

(Convict Husayn Rashid Muhammad)

Date of Birth: 1940

Convict Husayn Rashid Muhammad occupied the position of 3rd Division Commander from 1982 to 1984, and then assigned as Republican Guard's Commander until 1987.

On July 1987, he occupied the position of Chief of Army Staff's Deputy for military operations until 1990, where he was a Staff Lieutenant General.

In the same year, he got promoted to Chief of Army Staff for seven months. After that, he was headlined as Presidency of the Republic consultant.

In 1995, he became bygone General Command of the Armed Forces' General Secretary until the falling of the regime in 2003. In addition, he was General Command of the Armed Forces' member.

Charges against Convict Husayn Rashid Muhammad as per the bill of indictment:

On 20 February 2007, during the 64th hearing, the court addressed the below mentioned charges to the convict:

First- Genocide:

According to Clauses [(A, B, C)] of Clause [First] of Article [11] of Iraqi High Tribunal Law No (10) for the year (2005) which stipulates:

Article-11-First: according to this code's purposes, as per Special International Agreement to prohibit genocide as a crime subdued to punishment dated 9 December 1958, approved by Iraq on 20 January 1959, genocide means the actions mentioned below ...

Chief of Investigative Judges

(719-963)



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... perpetrated to partially or totally eradicated a national, ethnic, racial, or religious community.

A - Murdering members of the group.

B - Causing a gross physical or mental damage for the group's members.

C – Subduing the group, premeditatedly, to certain living conditions aimed to partially or totally eradicate the group.

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

Second- Crimes against Humanity:

According to Clauses [(A, B, C, D, E, F, H, I, J)] of Clause [First] of Article No [12] of Iraqi High Tribunal Law No [10] for the year 2005, stipulating the follow:

Article 12-First- crimes against humanity mean for the purpose of this code, any of the below listed acts once being perpetrated in a systematic large scaled attack against a group of civil inhabitants, being aware of the attack.

A-Premeditated murder

B-Genocide

C-Enslavement

D-Relocation or coercive dislocation of inhabitants

Chief of Investigative Judges



(720-963)



In The Name of God All Merciful All Compassionate

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- E - Imprisonment or extreme deprivation from any forms of physical freedom in a way that contradicts with basic International Law.
- F – Torture.
- G - Rape, sexual slavery, forced prostitution, coercive pregnancy, or any other kind of sexual violence on that level of danger.
- H - Persecuting any specific group or given group of inhabitants for political, racial, ethnical, national, cultural, and religious purposes or correlated to gender or for any other reasons not legitimized by International Law as of any aforementioned act containing sexual violence of that level of danger.
- I – Coerce harboring of individuals
- J - Other similar inhuman activities which cause premeditatedly intensive suffering or damages in the body, as well as physical or mental health.

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

Third –War Crimes:

According to Clauses [(A, D, E, H, and L)] of Clause [Fourth] of Article [13] of Iraqi High Tribunal No 10 for the year 2005, stipulating the follow:

Article 13 – It means crimes of war for the purpose of this Code.

Chief of Investigative Judges

(721-963)



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Fourth - The other dangerous violations against codes and customs duly applicable over national armed disputes, within the fixed context of International law, specifically any of the following acts:-

- A- To premeditate attacks over civil inhabitants by attribution or against civil individuals not taking part in war acts.
- D- To premeditate attacks against buildings appropriated for religious, educational, technical, scientific, or charitable purposes, as well as against historical monuments and wounded and patients' gathering centers, conditioned not to be military targets.
- H- Looting a city or location even if it had been seized by force.
- F- Issuing orders stating to dislocate civil inhabitants for reasons correlated to conflict unless that order was issued for concerned civilians' security or other military necessities.
- L- Destroying or confiscating the hostile side's property as long as the destruction or confiscation was not a war necessity.

By virtue of Clauses [1st, 2nd, 3rd and 4th] of Article [15], issued by Iraqi High Tribunal Law No [10] for the year 2005, as well as Article [406 \ 1 \ (B)] of Iraqi amended Penal Code No [111] for the year 1969.

Documents:

The court has obtained many documents and files which had been found in the archives of the former regime. The aforementioned confirm the contribution of Convict Husayn Rashid Muhammad in perpetrating crimes imputed to him per the bill indictment. From these documents, the letter holding Ref No [(T.A.H)/349], marked as top secret ...



Chief of Investigative Judges (963 – 722)

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... and confidential, dated 27 April 1988, issued by Chief of Army Staff to 1st Corps' Commander Sultan Hashim and 5th corps' commander Ayad Khalil, including instructions to the two aforementioned corps' commanders, based on the meeting held in Kirkuk on 27 April 1988 which had been attended by Convict Husayn Rashid Muhammad, as these instructions elaborated many military issues such as using "special ammunition over foe's grouping, as long as it is possible, via air force, artillery, [tube launchers], and helicopters before the enemy launches his operations against our troops starting the operations against our troops [abortion operation] (*T.C: preemptive strikes*) as well as striking saboteurs' headquarters with the aforementioned ammunition". A copy of this letter was sent to Operations Directorate, headed by Convict Husayn Rashid Muhammad.

The letter holding Ref No [(R.A.C)\40\ 1182], marked top secret and confidential, dated 28 August 1988, issued by Chief of Army Staff, addressed to 1st and 5th corps' commands, included instructions to both of the aforementioned corps about demolishing all villages and buildings within the single village, as Chief of Army Staff chairmanship noticed the persistence of few buildings in previously bombed villages. The Army aviation had been assigned the mission as a copy of the letter was handed to Operations Directorate headed by Convict Husayn Rashid Muhammad to update the maps, at all measures, with recent topographical information, as per Armed Forces General Commander's deputy [Minister of Defense] at the time.

Letter [183], marked "Top Secret and confidential", dated 20 March 1988, issued from Chief of Army Staff – Office to 1st corps command, included military instructions concerning request for special air strikes by the appropriated entrusted committee. A copy of this letter was handed to Operations Directorate headed by Convict Husayn Rashid Muhammad.



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Summary of some convicts' testimonies against Convict Husayn Rashid Muhammad

1- Convict Sultan Hashim Ahmad testimony's summary against Convict Husayn Rashid Muhammad:

Convict Sultan Hashim Ahmad testified before chief of investigative judges that he [meaning Convict Sultan Hashim Ahmad] had been recalled in mid January 1988, to meet Chief of Army Staff that time (Nazar Al-Khazraji) and Army Staff Operational Assistant General (Husayn Rashid). He abridges for him a summary of Al Anfal 1st Operation, as it had been preplanned by 1st Corps and Operations Directorate and elaborated by the latter.

Convict Sultan Hashim testimony before Chief of Investigative Judges included that military notifications and orders were issued directly via Chief of Army Staff, as military plans were laid down or agreed upon by him [Chief of Army Staff], especially Operations directorate concerning all military operations via Mobilization and Planning directorates. General Husayn Rashid was occupying the position of Chief of Army Staff for Operations' adjutant [at the time]. Even though plans could be framed in collaboration between Operations directorate and the concerned corps, it will not be implemented unless discussed by the aforementioned directorates, as Chief of Army Staff is the one authorized to issue orders. This was the adopted procedure at the time.

2- Convict Sabir Al-Duri testimony's summary against Convict Husayn Rashid Muhammad:

Convict Sabir Al-Duri testified before Chief of Investigative Judges that "big plans correlated to big operations are preplanned by appropriate parties affiliated to ...



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... Chief of Army Staff Chairmanship, specifically Operations directorate which was headed by Chief of Army Staff for Operations' adjutant [Convict Husayn Rashid Muhammad at the time]. It [big plan] will be approved by Armed Forces General Commander as it could require sometimes major forces. Al Anfal operations were considered from the big operations".

Brief of Convict Husayn Rashid Muhammad and his proxy's defense:

1- Convict Husayn Rashid Muhammad denied all charges against him whether in investigation or prosecution processes, elaborating that the Operations directorate which he headed was correlated to Chief of Army Staff for Operations. This means that his decision was none but a consultative opinion which the latter [Chief of Army Staff] is not obliged to adopt it, as his opinion [convict] is technical limited to provisioned resources only, as 6 other directorates are affiliated to the Operations Directorate, all centralized in the Ministry of Defense in Baghdad.

2- The convict admitted that Operations directorates engender studies over suitable military reaction, concerning the threatened corps' sector, through planning for operations in a regular army or armed forces with fighting capabilities beyond local security systems [such as police or others] reach. Hence, it doesn't participate in planning against non-military targets or civilians, or contribute in stabilizing internal security.

3- The convict admitted that Operations directorate takes necessary measures based on a direct order from Chief of Army Staff as being Land Forces' commander, director of General Army Staff Directorate, and Iraqi Army's Corps' higher commander. So, in light of the report which determines the enemy, its aims, size, armament, targets, and work mission, the order will be framed. We must acknowledge that Armed Forces are abided to laws, regulations, systems, procedures, and fixed orders which determine the jurisdictions of each rank, and dare not to be trespassed ...

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الرئيس


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... by any in charge personnel or it will be considered as a trespass on another rank's jurisdictions, the thing which is not legitimized by military orders and regulations. Because that is considered as a violation for the rules and military disciplinary

4- The convict narrated before court that Operations department didn't plan for any operation instead of the concerned corps or the person in charge of the threatened sector, as no jurisdiction is granted to Chief Army of Staff for Operations' deputy to issue any order to corps because these latter are correlated to Chief of Army Staff receiving orders directly from him.

When the Chief of Army Staff ordered Operations department for an opinion statement over corps analysis, the directorate must deliver its opinion on whether human and physical resources are provisionary or not. Such resources are registered in archived registers at Operations department, as well as maps as the aforementioned department has no stores for those are usually available in Warehousing directorate which is not affiliated to Operations'.

5- The convict clarified as well that Operations department, which he led, didn't plan for all the government for orders related to urbanism, lodging for civil sector, provincial and villages' organization, and residential compounds are appropriated to the administrative authority. His department didn't handle prisoners, detainees, internees or outlaws whether they were soldiers or civilians.

6- The convict denied any responsibility attached to Operations department as for chemical weapons' usage because plans submitted to his department didn't include any sign of using chemical weapons as the aforementioned plans didn't indicate villages' destruction, inhabitants' dislocation or relocation from their residential habitats as no correspondence for Operations directorate tackled such issues.

The accused elaborated that Al-Anfal operations' military plans didn't mention civilians' detainment for any reason, as no plan in Al Anfal included exploitation of Army Engineering Effort, before or through the operations as part of an organized systematic political plan to target Kurdish people.


الرئيس



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(963 – 726)

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7- As a final conclusion, Convict Husayn Rashid Muhammad testified that he didn't commit any crime against humanity whatsoever, because Operations Directorate's role was limited to providing technical information for the Chief of Army Staff.

Furthermore, most of Convict Husayn Rashid Muhammad allegations concentrated on defending Iraqi Army role during the Iraq-Iran war, though this is not the case's subject as the court is handling crimes committed during the eight Al-Anfal operations.

Convict's Husayn Rashid Muhammad proxy pleading:

Convict's Husayn Rashid Muhammad proxy, Mr. Miqdad Sami Al-Juburi, has submitted a detailed pleading list enclosed to it many attachments which he thought are correlated to the case or considered as a part of the pleading. The aforementioned proxy has acknowledged all that had been submitted to court, from the first hearing until his pleading, as the following is a summary of Convict's Husayn Rashid Muhammad pleading:

1- Convict's Husayn Rashid Muhammad proxy showed that his client is prisoner of war [POW] according to his detention document. Hence, it is not legitimized to prosecute him, neither by Iraqi High Tribunal nor any other court, because a POW shouldn't be prosecuted.

2- The proxy appealed the legitimacy of the court and its code, despite the fact that the issue had been reviewed by First Tribunal concerning Al-Dujayl case, where the court legitimacy had been approved legally by the cassation court affiliated to First Tribunal as per followed procedures.


الرئيس



Chief of Investigative Judges

(963 – 727)

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3- The proxy tried to discredit plaintiffs and witnesses' testimonies pretending that these statements are misleading, imposed on the plaintiffs and witnesses to say, appealed their legitimacy and legal value.

4- The proxy disapproved the international experts' testimonies that had been entrusted by court, doubting their unbiased stance for holding citizenship of those countries which were the enemies of Iraq in the former regime's era.

5- He denied any relation for the Iraqi Army, especially his client, concerning crimes imputed in charges against him, as he was not aware of them. The convict [his client] had just executed governmental [military] orders which he couldn't discuss or object, because, as he proclaimed, were legitimate orders, not breaching the laws or considered as crimes. In other terms, his client was staff officer in chief of army staff, meaning that his position wasn't a command one, as he was not granted [professionally] the jurisdiction of issuing decrees or to order any military unit in the Iraqi Army, whether big or small sized, except to coordinate the directorates' flow of operations [those correlated to Operations Directorate] and refer Chief of Army Staff's orders to them [aforementioned directorates] or to pass what he receives as correspondences from these directorates.

6- His client was attending meetings as much as the situation is related to Chief of Army Staff's orders. Chief of Army Staff's adjutant, or any of his directorates, has no relation with internationally prohibited weapons, regardless of classification, especially the chemical ones.

7- The convict's proxy pointed out that the submitted case before the court (Al-Anfal) is directly related to an international dispute rather than national one. Hence, this case is beyond this court's jurisdictions.

8- The convict's proxy justified relocation and coercive dislocation of inhabitants by the estimated authorized procedures of the state in implementing procedure which can accomplish national security and be beneficial to the country as per International and National Law, as defined by the theory of (State's Existence).

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9- The convict's proxy denied as well any relation, to his client, with the crimes of rape and torture, that because Al-Anfal plans did not include other than pure military operations, targeting the Iranian army and Kurdish insurgents during Iraq-Iran war, where he admitted that his client had been informed about Al-Anfal military plans only and nothing else.

10- The Convict's Husayn Rashid Muhammad proxy had discussed documents which were submitted by prosecution, clarifying that the first document No. 349, dated 1988 April 27, is a correspondence issued by Chief of Army Staff, addressed to first and fifth corps' commander, including directions from Chief of Army Staff to the aforementioned corps, as the Operation directorate had been handed a copy for acknowledgment rather than execution. Therefore, there is no responsibility on his client, as Chief of Army Staff for Operations' deputy, and his opinion is not considered without forgetting that his directorate was not asked to implement any of the orders.

The second document, is a correspondence from Chief of Army Staff (top secret and confidential) No 1182, dated on 1988 August 28, addressed to first and the fifth corps' commanders, including the execution of General Commander of the Armed Forces' deputy's [the Minister of Defense] orders of destroying the houses which were rebuilt by insurgents within prohibited zones' villages. A copy of this correspondence had been handed to the Operations Directorate for identifying the maps because the Military-Surveying Directorate is in charge of maps related to Operations directorate.

The third document, is a correspondence from Chief of Army Staff (Top Secret and Confidential) No. 183, dated 1988 March 20, addressed to First Corps' Commander, including Chief of Army Staff's directions to the aforementioned corps. A copy had been handed to Operations directorate to identify maps in light of recent developments, and changes which occurred within new sectors' deployment. As of the fourth correspondence, from Chief of Army Staff (Top Secret and Confidential) No. 1122, dated 1988 August 21, addressed to first and the fifth corps' commanders, it was appealed as being forged.

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11- Concerning the committees which the Chief of Investigative Judges spotted within the documents, the convict's proxy have clarified that the first committee, formed in April 1987, was held before assigning his client as Chief of Army Staff's deputy for Military Operations. He was assigned for this position on end of July 1987, therefore; there is no relation between his client and this committee. Concerning the second committee, it was formed according to the secret correspondence of Chief of Army Staff, No 646, dated on 1988 March 18, in Army Staff Chairmanship, as his client was not acknowledged about it, its duties or members.

Convict Husayn Rashid Muhammad Defense Witnesses

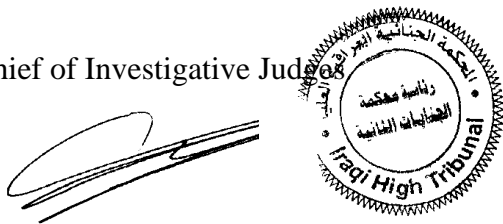
The convict was not able to bring any defense witness through both investigative and prosecution phases, despite court's respite many times.

Summary of General Prosecution's perusal and demands concerning Convict Husayn Rashid Muhammad

The General Prosecution has clarified in his final perusal in this case, that Convict Husayn Rashid Muhammad was Chief of Army Staff's deputy for Military Operations, during Al-Anfal Operations. This convict, along with Convict Sultan Hashim Ahmad who was the commander of military forces which executed Al-Anfal operations, had attended all meetings for planning Al-Anfal operations, and remained a contributor until the end. This had been proven through official documents submitted to court.

As the convict was Chief of Army Staff's deputy for Military operations; this directorate included many others, which are: planning, equipping, deployment and surveying. Hence, the convict will be considered in charge of provisioning military units, in Kurdistan Region, with prohibited weapons, adding up his contribution in meetings appropriated for Al-Anfal operations' planning, laying sown plans to destroy villages and murder the biggest possible number ...

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... of inhabitants. The General Prosecution had requested, at the end of the perusal, to carry out the death sentence against Convict Husayn Rashid Muhammad, as per article no. [406/1/(A)] of Iraqi Penal Code, which is the strictest sentence.

Summary of Convict Husayn Rashid Muhammad testimony before Chief of Investigative Judges:

Convict Husayn Rashid Muhammad clarified that his department (Operation department), plans to confront a regular army, rather than civilians, or sabotage actions. The Operation department does not plan unless based on an intelligence report, handed to Chief of Army Staff, by General Military Intelligence Directorate [GMID]. The threatened corps is requested to submit his plan to Army Staff chairmanship, on the field [practical] level. Chief of Army Staff refer it to Operation department to analyze it and frame an opinion in light of needs requested by concerned corps. Planning department, which is related to Operation department, respond back over the aforementioned issue [corps' requested needs]. If there is a capability to fulfill for the corps' needs (like deploying a division from one sector to another), the order to deploy military troops will be issued after analyzing the stance within the aforementioned sector relying on Intelligence consultancy, after referring back the analysis to Chief of Army Staff.

He also clarified that in some cases, for gaining and saving time, representatives from the planning and other directorates will be sent to the concerned corps, to analyze the need and plan in the corps' headquarter, and then referring it to Chief of Army Staff. He admitted that if orders to deploy military troops were issued, the Deployment department will execute and follow up the operation, as this directorate report then whole situation to Operation directorate, as one of its directorates. In our turn, we notify the Chief of Army Staff about it. In addition, he testified that he is a member in Armed Forces General Command due to his post as Chief of Army Staff's deputy for Military Operations, and he was attending General Command of the Armed Forces' meetings ...

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(731-963)

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... handing technical opinion, advice, and military consultation to Chief of Army Staff, as the latter does not issue an order, especially concerning military operations, unless after been handed an analysis. In other words, Convict Husayn Rashid mentioned that any order issued by Chief of Army Staff or General Commander of the Armed Forces as per jurisdictions, must be anteceded by Operation directorate's opinion.

Concerning his directorate's role in Al-Anfal operations, Convict Husayn Rashid had stated that, according to previous procedures, the first corps handed us a study about Al-Anfal operations through Chief of Army Staff, and we referred it to our aforementioned directorate, to give a technical military opinion concerning the provision of military and human resources. In addition, we presented our study and remarks to Army Staff Chairmanship, which in turn referred them to the ministry and then to General Commander of the Armed Forces for being within his jurisdictions only. Then, the approval came to execute the plan, where Convict Sultan Hashim Ahmad has received orders, and was provided by requirements from Operations Directorate, according to its concerned departments. The orders were issued to execute the first operation.

Concerning the Al-Anfal second operation, Operations Directorate had sent a representative to first corps to study the plan completely, and the operation representative, will spontaneously return back to his department before giving his military opinion. Regarding a question by Chief of Investigative Judges, Convict Husayn Rashid Muhammad answered, that "I intended by the term [special ammunitions or special strikes] chemical weapons and chemical attacks, as these are from the strategic state's weapons. Only the president, or that who's authorized by the president, has the jurisdiction of use".

In addition, he clarified that the "Iranian forces started to retreat since July 1988, and no one remained other than the armed Kurds, who were deploying in the mountains. Al-Anfal last operation was directed against them, means against the sabotage, as we call it in military terms. Convict Husayn Rashid Muhammad has admitted before Chief of Investigative Judges, that he attended the meeting on 1988 August 20, in the headquarters...

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... of the first corps, and knew about all instructions mentioned there, which were issued in light of the correspondence of Chief of Army Staff, No 1122 on 1988 August 21, but he denied the clause that indicated "concentrated special strokes", mentioned in the aforementioned letter, claiming that this clause was not discussed at all within the meeting. Concerning the destroyed Kurdish villages, the convict have clarified that if there were military necessities for such action, these actions must be carried as such orders will be issued either from Chief of Army Staff, Minister of Defense, or the higher in charge commander within the Kurdish area (Convict 'Ali Hasan Al-Majid at the time).

By a question from Chief of Investigative Judges, the convict answered that "the meaning of (saboteurs) is individuals who lift arms against state. The meaning of (collaborators) is their village's residents, relatives and families". He clarified that "this is not rightful, and against the law, but we cannot object it".

He also - the convict- admitted that he was not able to object any order issued by the Chief of Army Staff, even if it was against the law. Finally, the convict has denied that he gave an order to kill the people and destroy their villages, and to kill women and children after relocating them outside their villages. He also denied his participation in special strikes (chemical attack) over civilians in Northern area, where Al-Anfal operations were implemented, as he stated that he was not authorized to issue such orders, and his duties - as he clarified earlier- were to provide consultation and advice, and to participate in planning.

Summary of personal right attorneys' roster and their demands against Convict Husayn Rashid Muhammad

The attorneys of the personal rights have clarified in their bill of indictment about Al-Anfal victims, submitted to court, that Convict Husayn Rashid Muhammad have participated in planning and executing....

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... as being Chief of Army Staff's deputy for Operation Affairs, and had participated in General Command of the Armed Forces meeting. He also led military command's meetings in Kirkuk charged to plan Al-Anfal operations, as per documents.

The perusal included that the aforementioned convict ordered military units, including first and fifth corps, to execute Saddam Hussein order to use chemical weapons. It was mentioned in submitted correspondences and the documents that Convict Husayn Rashid Al-Tikriti was a major eminent element in framing military plans, including those pertaining to chemical weapons' usage and Al-Anfal operations' crimes, as no military meeting had been held without his effective contribution. The latter was an accredited trustable official for Convict Saddam Hussein, as his affiliation to Tikrit city along with his tribal closeness to the head of the former regime were an important caliber within the ex-regime. That is what occurred in the perusal of attorneys of the personal rights.

Moreover, the attorneys of personal rights have demanded in their aforementioned roster, the following:

- 1- The incrimination of Convict Husayn Rashid Muhammad according to Clauses [(A, B, C, D)], of Article No. [11/first] of Iraqi High Tribunal Court Law No. 10, for the year 2005, hence proven that he committed genocide, and eradicated the Kurdish nationality populace, via a systematic and organized planning, referring to all kinds of weapons, including the weapons of mass destruction [WMD], identifying the sentence as per Article No [406] of Iraqi Penal Code, by virtue of Article No [15] of Iraqi High Tribunal Law.
- 2- To incriminate him as per Clauses (A, B, D, E, F, G, H, I, J) of Article No [12/first] of Iraqi High Tribunal Law, identifying the sentence as per Iraqi Penal Code, for perpetrating crimes against humanity, against Kurdish nationality populace, through...

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

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... a systematic large scaled attack against civil inhabitants by virtue of Article No [15] of the Court's Code.

3 – To incriminate him as per Clauses [(A, B, C, D, G, H)] of Article [13/1st] and Clauses (A, B, D, E, F, M, O, Q, R, U, V, G) of Clause [2nd] of the same article, as well as Clause [(D)] of Clause [2nd] of the same article, according to Clauses [(A, D, E, F, H, J, L)] of Clause [4th] of Iraqi High Tribunal Law for committing crimes of war, identifying the sentence as per Iraqi Penal Code by virtue of Article No [15] of Iraqi High Tribunal Law.

4 – To preserve the right of compensation, for all aggrieved from Al-Anfal operations effective 10th of March 1987, before appropriated civil status courts within their [aggrieved] permanent residential district, as the compensation covers all physical and morale damages.

The Experts

The court was careful, from the beginning, to rely on international professional experts with wide expertise in their fields of specialization, who carried out their work under oath and court's supervision. The court summoned some of these experts to testify.

Stated in the testimony of expert (Snow) before court, on 28th of November 2006, that "he excavated the mass graves at Kurimi village in Dahuk Governorate where he interred (27) bodies executed by military forces. He also confirmed that most of the victims were found in a seated position, the thing that matches with victims' testimonies, those who survived the execution operations. He also confirmed that (84) were shot by fire, (10) ...



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.. in the head, (24) in the chest, (65) in pelvis area and a small amount in the limb, as victims were ordered to sit in front of execution squads." Expert Snow included that when he was in that area, he was informed by a young man named [NAME REDACTED] that his mother and young sister (Farman Taha) died in Jinzikan in (Irbil) when arrested with thousands other Anfalized woman and children, who were all dead due to harsh conditions and malnutrition. He convinced the young man to lead him to the graves, at which point the young man told him [Snow] that his mother could not breast-feed because her breast milk had dried several weeks after detention. After carrying tests on the child's corpse, it was identified that he was (7) months old, yet the skeleton development was way too retarded, as the expert noticed deficiency in bone's structure, in addition to signs of malnutrition which were apparent on the bones also. This gives us an idea regarding the intense difficulties of life for detainees, especially the children.

Then, expert (Snow) moved to (Barjina), a small village close to (Kurimi) that was subjected to chemical strikes on 25th of August 1988. Among the victims, was found an elder named [NAME REDACTED] and his grandson [NAME REDACTED] who was five years of age. They both made a mistake while running down the valley instead of escaping to the high hill. They [the villagers] guided us to the grave which we excavate to find the skeletons of the aforementioned elder and grandson. The expert witnessed several locations where bombs had exploded and took soil samples to be tested in laboratories in the United States, to make sure if Mustard and Sarin Gases were used in that area.

Witness and expert Dr. [NAME REDACTED] testimony before court, on 29th November 2006, who visited military camps in Turkey [Diyar Bakr Camp (13) thousand refugees, and Mardin with (5) thousand refugees], stated that the people he met in villages such as Balisan, Ikmala, Hibs, Barjina, all agreed that they had been subdued, during strikes, to:



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- A – Eye irritation.
- B – Problems in the respiratory system.
- C – Problems in the digestive system.
- D – Burns and irritations in the digestive system.

Besides the scars that he saw on victims' bodies which were consistent with colored skin wounds with a central darker blemish part. This part of the scars was similar to methods used by Nazis (Germans) in World War II. The Doctor added that a young girl, who had been exposed to chemical strikes, was examined "we examined the girl to find a bubble in her chest, between her little breasts ... there was also evidence of old rubbed wounds in the lower lip, another under her left eyebrow, as well as an old scar on her left cheek with a light color in the center and darker around the edges, which is a proof of Mustard Gas usage". The expert reached a conclusion that (Mustard and Sarin Gases) were both used over Kurdistan as the first was used in a larger scale.

Expert (Michael Trimble) stated that ((his work is the result of two-year effort under the supervision of Iraqi High Tribunal, assisted by experts from Australia, United States, Costa Rica and Canada. He supervised the excavation of (3) mass graves at (Ninawa 2), (Ninawa 9) and (Muthanna 2). (Ninawa 2) and (Ninawa 9) are located on slopes and small valleys which meets with a bigger one, in a sense that people traveling to the South can not see individuals and tools operating within these mass graves, due to their location on a slope. The expert added that he interred (Muthanna 2) mass grave where (114) bodies were found, all been executed. This grave only contained women ...



Chief of Investigative Judges



In The Name of God All Merciful All Compassionate

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... and children [25 women and 98 children with 90% of them under the age of 13]. The expert added that many scenarios are available concerning the execution of the victims:

- 1) Small groups were driven from the pit's slope to inside the grave, where they were shot in the back of the head with one shot from a pistol while standing.
- 2) As mentioned in the previous method yet in this case kneeling rather than standing.
- 3) Masses of victims were driven to the pit's edge, as they were shot down to the grave; all were forced to lean over before being shot.

The expert adds that the victims had a life, fears, joys and feelings. A lady had a necklace, jewelry and there was an earring and a ring. Let's move to another case, a fetus in his mother's belly (6-7) months old. The expert assures that he had never previously witnessed a grave this deep (3.5 Meters), made in such a way to be hard to find. He found personal belongings and ID cards, all submitted to court, as the latter want to clarify that testimonies of victims' relatives came identical in an un-doubtful way, as victims from Kurdish villages were driven to mass graves throughout Al Anfal operations.

The expert adds that he exhumed (64) bodies from the mass grave of (Ninawa 9) where all victims found were male executed by automatic weapons. As for the mass grave of (Muthanna 2), we exhumed (114) bodies, among which (27) were women, (2) men and (85) children, all executed in a standing position. The expert repeats that all interred victims ...



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... in mass graves at (Ninawa 2), (Ninawa 9) and (Muthanna 2) were dressed in Kurdish traditional clothes as all mass graves were prepared in an organized way and following an identical pattern.

Mass Graves

There are tens of mass graves that contain thousands of victims from Al Anfal operations, spread over various areas in Iraq. The court was handed files of (Muthanna 2), (Ninawa 2) and (Ninawa 9) mass graves, which were excavated by international experts formed of Human Scientists, Forensic doctors, Humanitarian organizations, Special administrative and technical committees and special labs appropriated for these particular circumstances, all under the supervision of Iraqi High Tribunal. In the mass grave of (Muthanna 2), (114) bodies were interred under direct supervision of Expert (Kaufman Michael Trimble), all executed by fire shots from automatic rifles. They included (85) children, (27) women and (2) adult males. The expert continues by adding that 95% of the children were below the age of (13) and all victims were still in their traditional Kurdish clothing. 50 various kinds of documents were recovered from the remains among which were (Iraqi money), ID cards and typed documents. 16 ID cards were retained. Jewelry, accessories, household products and cosmetics were found and retained from (93) corpses buried in the aforementioned mass grave, including (7) necklaces, (14) makeup kits and (14) bags of cosmetic. Victims' clothing and cultural items indicate that (Al-Muthanna 2) grave's individuals are of Kurdish origin. The expert also stated that bullets were retained from men and women corpses, of all ages, as bullets had been taken out from (21) corpses and capsules (cartridges) from 37 ...



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... victims as well as (79) bullets spread all over the place. 38 bullets and (28) capsules were stuck to the clothing of the dead and with gunshot holes in the texture. Those were more revealed in parts which covered the torso like shirts, dresses and jackets. Ropes used to handcuff the victims' were also recovered, as well as blind folds made of textures. The expert explains that from analyzing the evidences, it becomes clear that victims were driven to mass graves and killed once. In the mass grave at (Ninawa 9), (123) corpses were exhumed among which 25 women and 98 children, where 90% were below the age of (13), all executed. 145 documents were recovered from among the corpses from both (Ninawa 2 and Ninawa 9) mass graves, including a diversity of ID cards, military documents, income certificates, photos, letters and personal items. From the documents there were (63) ID cards, (10) of which were affiliated to individuals from Al-Sulaymaniyah area. The expert moves on to state that after examining the victims' costumes at (Ninawa 2 and Ninawa 9), in addition to origin, age, and social status, results for (123) cases indicated that they were of Kurdish origin and that the most obvious costume was the Kurdish pants that bounded around the waist. In the mass grave of (Kurmi) village, which was excavated by international expert (Snow), who testified to court during the 24th hearing, dated 28 November 2006, 27 out of 33 corpses were found to be executed by firing shots.

Examinations and Reports

To be more convinced, the court decided to engage field examination and inspection, to acquire the truth. Therefore, the court commission, with all members accompanied with General Prosecution's Commission, moved to Northern Area where the following sites were inspected:

1 – Nazarki Fort on the 21st of November 2006.



Chief of Investigative Judges



(963-740)