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..... the Army Chief of Staff Office and transferred to the Commands of the 1st, 2nd and 5th Corps, that includes in paragraph 1 – A: " the 1st Corps must attack the saboteurs' headquarters and their locations, in Simaqulyat and Balisan and surround them in Qirnaqa and Pisht Ashan areas, where the area from Lower Zab (T.C: Al-Asfal) in the south to Rawanduz in the North must be secure", and paragraph 5 includes: " Coordinate with the Turkish side regarding the work in 5th Corps and about the following points:

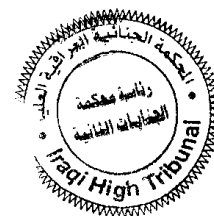
- a) What the Turkish side can provide, according to the agreements with them, and due to our next wide and huge work.
 - b) Discussing with them the possibilities of controlling the essential and important crossroads and peaks that lead to them during Anfal operation.
 - c) How to deal with saboteurs who will take refuge to them during the operations"
- The letter then continued to the end of what were mentioned in the letter, mentioning that, a copy of this letter was sent to the Operations Department.

And regarding the letter number 1122 on 1988 August 21, issued by the Office of the Chief of Army Staff and addressed to the commands of the 1st and 5th Corps, the following was mentioned:"

1. Defining the concentration of the population in the 5th Corps and treat it with intensive special attacks 48 hours prior to operation, in order to create a panic among them and prevent them from helping the saboteurs.
2. Coordinating with the Turkish side according to the cooperation protocol that was signed with them, in order to pursuit the saboteurs in the 5th Corps.
3. Emphasizing on accomplishing the operation of cutting the saboteurs from the Iranian enemy and to some extent with the Turkish side before beginning Anfal operations.
4. The present opportunity to finish the sabotage acts in the Northern Area is the only best opportunity and may not come again, whether peace with the enemy will be done or not, so there must be a complete destroying for the sabotage in the northern area and this might be completed before any tension with the Iranian enemy in condition the peace talks are hindered.

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5. All crossroads and points of connection between the saboteurs' presence areas must be controlled during the purging operations and they must not leave it during the column's advance.
6. The General Military Intelligence Directorate and the Intelligence Commissions in the Corps must follow up the reactions of the saboteurs and the effects of the operations on them during the implementation in order to strongly attack them, not allowing them to recover. The letter then continues to the end.

Also, the letter No. 4008 dated on 1987 June 20, issued by the Northern Organization Office and addressed to the Commands of the 1st, 2nd and 5th Corps mentioned the following:

"Due to the official expiration period of collecting the prohibited villages, which will end on 1987 June 21, we decided to work starting from 1987 June 22, ascending as the following:

1. All undestroyed security prohibited villages will be considered strongholds for the saboteurs of agents of Iran, off springs of treason and treachery, and their identical Iraqi traitors.
2. The animal and human existence is totally prohibited and the area considered as prohibited operational area, where shooting in it is free and not limited to any instructions, unless our headquarters issued the otherwise.
3. The traveling from the area and toward it, farming, industrial, agricultural and animal investments are prohibited and all authorized systems must seriously follow up this issue every one in his field.
4. The Corps commands carry on special attacks irregularly by artilleries, helicopters and aircrafts to kill the greatest number of who are presence within these prohibited areas and during day and night, and inform us.
5. Detaining all who are captured in the villages of this area and the security systems investigate them and execute who are between 15 and 70 years old after extracting useful information from them and let us know.
6. The authorized security systems investigate who surrendered to the government or party systems for maximum three days and if it is necessary ten days and we must be informed about these cases, also if the investigation requires more than this period they must get our approval by phone or telegram by the comrade Tahir Al-'Ani. And to the end of what were mentioned in the letter.

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most of the documents, if not all, which we tackled its contents in the above mentioned, in addition to other documents were indicated in different subjects of this verdict, were given to the Operation Department which related to the Army Chief of Staff.

This proves that the convict Husayn Rashid, who was Deputy of the Army Chief of Staff for operations, had a complete knowledge about the details of the events that were happening, through his awareness of all those documents, whereas we proved that he planned or participated in the planning of all Anfal operations and was attending all meetings and conferences that also planned and prepared for that operations.

Based on what were mentioned in his confessions in front of the investigation judge or the tribunal, it was impossible to execute any military operation unless it passed on the Operation Department of its six departments, is a proof that the convict (Husayn Rashid) knew the factual circumstances in all eight operations of Anfal.

So that, the convict (Husayn Rashid) participated in a criminal plan along with other convicts for a joint criminal intention and in order to boost the criminal activity or the criminal purpose of the former regime and its' military systems, therefore his responsibility in a premeditated murder of executing attacks against civilian inhabitants or against civilians individuals were not directly participating in the military acts, is settled as a war crime, pursuant to article 15/ 1st and 2nd of the Iraqi High Tribunal code number 10 for the year 2005.

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According to what's aforementioned, it was confirmed for the tribunal that the convict (Husayn Rashid Muhammad) is guilty for his participating in committing a premeditated murder to execute attack against civilian inhabitants or against civilian individuals were not directly participating in the military acts, is settled as a war crime, pursuant to article 13/ 4th/ A and by virtue to article 15/1st, 2nd and 24 of Iraqi High Tribunal code number 10 for the year 2005, by virtue of the article 406/ 1/ A-B-F and contributory articles 47, 48 and ...

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.....49 of the amended panel code number 111 for the year 1969 and it was decided to charge him and determine his sentence according to it, also the verdict had been unanimously issued on 2007 June 24 and publicly acknowledged.

Signatures of the tribunal's members



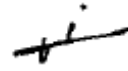
Member



Member



Member



Member

The Presiding Judge
Muhammad 'Iraybi Majid Al-Khalifah

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2. **Premeditated crime of directing attacks against building are specified for religious, educational, technical, scientific and charity purposes or against historical antiques, hospitals and places of wounded and sick individuals' assemblage, on condition that it is not military targets:**

The role of the convict Husayn Rashid in this crime:

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

During the eight operations of Anfal the military troops launced wide and intensive attacks against the Kurdish villages, using all kinds of weapons including the chemical weapons, also destroyed parts of ...

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.....these villages by bulldozers and other parts by the artillery and air bombarding or completely scorched and exploded it by explosives.

As its known, these villages did not contain houses only; also it contained schools, mosques and infirmaries which are protected buildings.

All plaintiffs (victims), who the tribunal listened to their testimonies stated that their villages were exposed to an attack by all kinds of weapons, where the plaintiff [NAME REDACTED] said before of the tribunal: "I am from Dar Barula and we were working in agriculture fields, the Emergency Forces raided and blockaded our village and then scorched it and exploded the electricity in it".

The plaintiff [NAME REDACTED] said before the tribunal: "I am from Dulawi, in 1988 our village was exposed to artillery and aircraft attacks".

The plaintiff [NAME REDACTED] said before of the tribunal: "On March 1988, the bombardment operation started against Siwsinan village by artilleries".

Also the plaintiff [NAME REDACTED] mentioned in front of the tribunal: "I am from Astil Al-Sufli (Lower Astil) village, Qara Dagh sub district in Al-Sulaymaniyyah and in April 1988, the military troops bombarded our area by aircrafts and artilleries".

And the plaintiff [NAME REDACTED] mentioned before the tribunal: "I am from Jafaran village; Qara Dagh Sub district in Al-Sulaymaniyyah in March 1986 the army bombarded our village by artilleries".

The abovementioned testimonies are evidences on the damages happened on the civilian properties and in different Kurdish villages.

The letter no. 1182 on 1988 August 28, issued by Army Chief of Staff Office, and were transmitted to the commands of the 1st and 5th Corps, includes: "The Deputy of the General Commander of the Armed Forces (Ministry of Defense) stated, during his summarization of Anfal operations that are carrying out now in your sectors, the following:

1. Removing all the villages and buildings in each village, where it was observed a missing of one or more houses in the...

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....demolished villages and the Army Aviation is to be assigned to monitor that", a copy of this letter was addressed to the operation department that was led by the convict Husayn Rashid.

The information that were stated in this paragraph of the abovementioned letter, show the complete demolition that happened to the Kurdish villages in the North of Iraq. The plaintiff [NAME REDACTED] mentioned in his testimony before the tribunal on 2006 September 13, the following: "And after that the Iraqi forces attacked the villages and seized the property and plundered every thing including the cattle, also it demolished the villages by explosives as well as the mosques and burned the (Holy) Koran".

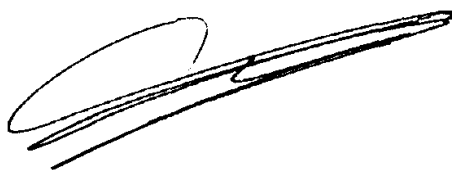
The plaintiff [NAME REDACTED] who is from Qashqa village that related to Qadir Karam sub district, said: "the Iraqi forces demolished our village that included a school, infirmary and two mosques were completely demolished by them", and this is an evidence for the religious nature or feature of the protected buildings.

The mosques, schools and infirmaries are notable and protected as it is known, so the full demolition and big damages that happened to the Kurdish villages in the North of Iraq were a definite result for the bombardment against those villages by artilleries, rocket launcher, helicopters and aircrafts and by conventional or special amammunitions (chemical), where the bombardment, whatever its kind, do not differentiate between the center for the Pishmarga or civilian individual houses, mosques, schools and infirmaries and its not reasonable that military establishments exist in the mosques, schools, infirmaries or near to it, and the convicts or the defense lawyers did not mention that the mosques, schools or infirmaries had been bombarded or demolished due to an existence of military establishments or near it.

The abovementioned letter No. 1182 dated on 1988 August 28, is an evidence on the intention to cause damages for all those protected buildings, where this letter informed the Army Aviation to demolish all villages and the houses in every village and it was not allowed to keep only one house in any demolished village, so did he allow to keep the mosques, schools and infirmaries after the complete demolition for the village

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clinics and schools, after destroying the whole village?. We clarified previously, that the military detachments were destroying and blowing up the springheads, and filling them with concrete, and exploding the electricity and water nets after destroying the whole village.

It is not acceptable to base on or put the military necessities as an excuse to target the protected buildings, and it is not reasonable to destroy all the protected buildings in thousands of Kurdish villages within the four northern governorates, for warlike necessities. That is considered as a war crime.

There is no doubt that the attacks that targeted the protected buildings were related to an armed internal conflict between the Kurdish fighters (Pishmarga) in the North of Iraq and the Iraqi military forces.

The convict (Husayn Rashid)-as he was the head of the operation department that related to the Chief of Army Staff- has presented the modernized maps, and he determined the targets.

In addition, he provided the military detachments with the equipments, and material and human resources, including chemical weapons, to attack the villages, pursuant to the order of the convict ('Ali Hasan Al-Majid), to destroy them, and the court did not find any evidence to proof that these protected buildings were lost its legal protected condition at anytime.

Pursuant to what previously mentioned, the court finds that the convict (Husayn Rashid), participated as his personal capacity in the joint criminal plan with all the other convicts who participated in this plan.

Where they intended to target, and to direct attacks against protected property, according to the international law, therefore, he is responsible for his participation in this crime according to the Article No. (15/ First and Second) of Iraqi High Tribunal Law No. 10 for the year 2005.

The conviction decree

According to the aforementioned, it was proved to the court that the convict (Husayn Rashid Muhammad) is guilty for his participation in committing a crime of directing attacks against buildings that designated for religious, educational, artistic...

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scientific, and charitable purposes, or against relics, or hospitals or the gathering spots of the wounded and patients, that are not military purposes, and considering it as a war crime, according to the article No. (13/ Fourth/D), and with reference to the article (15/First, Second), and the article No. (24) of the Iraqi High Tribunal Law No. (10) for the year 2005, and with reference to the Article (479/2), and correlated articles (47, 48, 49) of the amended penal code No. (111) for the year 1969, it was decided to convict him according to that, and to determine a punishment in accordance with it. The decree was issued by mutual agreement on 09 Jumada Al-Akhirah 1428 H, dated on 2007 June 24, and he was publicly acknowledged.

Member

Member

Member

Member

The Presiding Judge

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The statement brief of the Convict (Sabir 'Abd-al-'Aziz Al-Duri) during the investigation

On 2005 June 23, the convict (Sabir 'Abd-al-'Aziz Al-Duri) stated before the investigation judge, in presence of the General Prosecution and the attorney of the convict (Shallal Al-Rubay'i) the following:

In 1987, I was a Staff Major General, I was the head of the General Military Intelligence Directorate in the former regime, and my main title was the Director of the General Military Intelligence Directorate.

This department was consisting of five deputy directorates, which are- intelligence and military security, technical, administration, and Iran deputy directorate, which was headed by (Wafiq 'Ajil Al-Samarra'i).

And there was a section within Iran deputy directorate, called Northern section (Al-Shamal Section), and it's responsible of all the movements that are related to the political parties, and political movements, and I mean the Kurdish formations that are working within the area.

In addition to providing the intelligence information in the military operations, which is an important part in the department's duty, and these suggestions and correspondence are to be sent to the Ministry of Defense, the Chief of Army Staff, the General Command of the Armed Forces, and sometimes to the Presidency of the Republic, especially the weaponry reports.

(Saddam Hussien) was occupying the position of the General Commander of the Armed Forces. ('Adnan Khayrallah) was his deputy, and (Nazar Al-Khazraji) was the Chief of Army Staff. and all the deputies of the Chief of Army Staff, and they are: the Deputy of the Chief of Army Staff for operations, the logistics, the administration, in addition to the Director of the Military Intelligence, where I was occupying this position, there was; the director of the movements, the director of the planning, air force commander, marine commander, and the military aviation commander.

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As a question of the investigation judge: with regard to the fact that you are a member in the General Command of the Armed Forces; how was the decision taken concerning Anfal operations?

The convict answered: The major plans that are concerning major operation are prepared by special authorities in the Chief of Army Staff, specifically the operation department, which is headed by the deputy of the Chief of Army Staff for operations, and approved by the General Commander of the Armed Forces.

Anfal operations are of the major operations and officers that have knowledge with the northern areas like the convict (Sultan Hashim Ahmad), were charged with that, and our duty was to provide intelligence information, in addition to suggestions, that we depend on our secret agents to do so.

As a question by the investigation judge: with regard to the fact that you are the Director of the General Military Intelligence Directorate, have you presented suggestion to use (special ammunition) chemical weapons in the northern area?


The convict answered: concerning the signatures that were presented at the beginning of my interrogation, I admit their trueness; however I do not remember that I presented any suggestion regarding using special ammunitions in the Northern Area.

As a question by the investigation judge: Within the correspondence that presented to you, and appended by your signature, and as you admitted trueness; It is the correspondence no. 5809, on 10 March 1987, specifically in the paragraph that belongs to the issue M1/U3/S2/5809, that was addressed to the Chief of Army Staff, and its subject is -information-, a copy for the Presidency of the Republic / the secretary, in addition to other authorities.

The correspondence concerned with the possibility of using (special ammunitions), it is also talking about that the previous attacks and their limited affect because of the nature of the area, and because the size of the forces is not an appropriate target for the air force, and the department of the secretary of the Presidency of the Republic, answered you by the correspondence No. 7/C2/808/K on...

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... 1987 March 12, that you directed sudden attacks with the special ammunitions , and the possibility to execute them by any of these methods: air force, army aviation or artillery?

The convict answered: The signature that appended to the correspondence in front of me, is my signature, but I do not remember that we presented such a suggestion.

As a question of the investigation judge: according to the correspondence that sent to you by the department of the above-mentioned secretary, you replied the mentioned department with a top secret and confidential correspondence, issued by your department, and numbered (M1/U3/S2/6414) on 1987 March 18, and appended by your signature?

The convict answered: The signature is mine too, but the suggestions that stated in it, started from paragraph one, to paragraph two, with its two parts (A,B), I do not remember them, in addition to what I mentioned; the General Military Intelligence Directorate and its deputies are specialized, which means that the section that prepared the suggestion according to the available information, and it will send it to the deputy directorate, which will send it to the secretariat in the deputy directorate.

Then, the secretariat will send it the senior secretary, who will present the suggestions or the mail in general, through my personal secretary, and his role is to approve what I receive by signing the correspondence, or writing down my remarks, if I put any, to the specialized deputy directorate, to execute according to the remarks.

As a question of the investigation judge: On 1987 March 25, you presented another suggestion, as a reply to the previous correspondence, it also included using the special ammunitions in the Northern Area, and the possibility to execute the attacks or delaying them according to the information of the correspondence copy, which is appended by your signature?

The convict answered: I repeat my previous reply, that this signature is mine, with the knowledge that I was a General Director that represents the whole department, and these suggestions were the department's suggestion and as I....

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...the supreme head of the department, I approve these suggestions, and if there is any objection, I send them back for studying them, then I refer it to the higher authorities, and my signature on any correspondence, means my approval.

As a question of the investigation judge: The result of the suggestions you were presented to the Presidency of the Republic, concerning the type of the (special ammunitions), and the mechanism and the location, the presidency replied – the secretary department- that they approved that suggestion, and you notified the Chief of Army Staff with this approval by your correspondence No. 7371, which is appended by your signature, what do you say?

The convict answered: I repeat my previous reply, that the signature on this photo copy letter is mine.

As a question of the investigation judge: who issued the order of Anfal operations? The General Command of the Armed Forces, in general, or was he the General Commander of the Armed Forces?


The convict answered: Such a huge operation only done by the approval of the General Commander of the Armed Forces, unless he empowered someone else, but we- as a General Command- our authorities are limited to the meetings, and after discussions, the General Commander of the Armed Forces issues order according to his authorities.

As a question of the investigation judge: Is it a duty of the intelligence services to receive the prisoners from the armed forces?

The convict answered: yes, it is their duty to receive the military prisoners, and concerning the prisoners of women and children, the Intelligence System of the Northern Zone is responsible of these people, and their duty is to deliver them to the secretary of Northern Affairs Committee (*T.C: correction is Northern Organization Office*), that the convict (Tahir Tawfiq Al-'Ani) was in it, their direct official in charge was the convict ('Ali Hasan Al-Majid), and the Director of the Intelligence System of the Southern Zone is the convict (Farhan Mutlak...

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... Al-Juburi) and his system was responsible of receiving these families and delivering them to Northern Organization Committee (*T.C: correction is Northern Organization Office*).

As a question of the investigation judge: Considering that you were the Director of the Military Intelligence, and your duty was to prepare a report to evaluate every military operation, so how many times the chemical weapons were used in Anfal operation?

The convict replied: I cannot remember the times of attacks, but I still remember a village, that in my mind, when the Kurds went to the Turkish areas, so I worried that this attack will affect the Turkish side, and I did not know the used gas, because this is not my authority.

As a question of the investigation judge: who issued the order to attack the Kurdish areas with chemical weapons in Anfal operations, especially the attack you have mentioned?

The convict answered: The chemical weapon, or as we usually call the special weapon (*T.C: correction is special ammunition*), considered as a strategic weapon, and usually we do not use these weapons unless with an order from the General Commander of the Armed Forces or the person he empowered. Therefore, I think that this attack was approved by (Saddam Hussien), or whom he authorized with.

As a question of the investigation judge: According to the correspondence of the General Military intelligence Directorate No. (M5/U3/S2/4797) on 1988 March 07, which was addressed to the Special Security Organization, and indicating to comply with all the instructions in the chemical attacks, and appended with your signature.

In addition, the correspondence no. (M5/U3/S2/8859), on 1987 April 30, which is addressed to the Republic Presidency/ the Secretary, and its subject is -information- and appended with your signature, and talking about special attacks (using special ammunitions) in Anfal operation, and this means that chemical weapons were used from the beginning of Anfal, what do you say about that?

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The accused replied: After I reviewed the copies of the two books, I acknowledge that the signature is mine and that the books in a physical point of view are accurate and look exactly like the books that we would address official departments with, yet I repeat that we were not correlated to the Special Security authorities.

Questioned by the judge: in 1991, negotiations took place between the previous regime and the Kurds and you were attending the meeting where an inquiry into what the fate of the families that had been handed over to the Northern Organization Office would be during the Anfal Campaign, What was the answer that you gave at that time?

The accused replied: The negotiating delegation representing the government was head by ('Izzat Al-Duri), (Tariq 'Aziz), ('Ali Hasan Al-Majid), Husayn Kamil) and in some cases (Wafiq Al-Samarra'i) who at that time was the General Military Intelligence Director while I was the Iraqi Intelligence System Director and I proposed many topics for discussion among which was this subject, yet I do not exactly recall the answer.

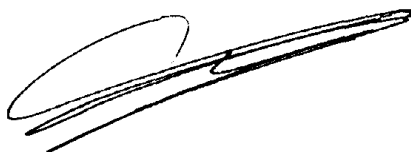
Questioned by the judge: In consensus with the propositions and books that lay before in their photocopied form, you are the one that presented information and plans with intention to use – Internationally prohibited special amammunitions – in the Northern Area

These suggestions were considered and approved for use, due to his ranking authority as the General Military Intelligence Director and a member of the General Command of the Armed Forces; therefore, you are accused of collaborating and providing plans as well as agreeing to kill civilian residents in Northern Iraq during your leadership in the General Intelligence Directorate.

The accused replied: I never provided suggestions in killing residential civilians.

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A summary of what was mentioned in testimonies against the accused (Sabir 'Abd-al-'Aziz Al-Duri) before the investigation judge.

1 – A summary of accused (Sultan Hashim Ahmad)'s testimony against the accused (Sabir 'Abd-'Aziz Al-Duri):

Mentioned in accused (Sultan Hashim Ahmad's) statement before the Investigatory Judge on the 20th of March 2005 in answering the question – Does the Military Intelligence Directorate play a role in the use of Special amammunitions or play a role in the Anfal Operations – he reported – as mentioned in pages (8171), (8172), (8173), (8177), (8178) of the Investigatory Documents. The Intelligence's job role is that of Intelligence tasks and providing information on everything that has to do with Military operations, Information on the enemy and their movement, as well as strategic reports.

This information was in the form of a report and presented to the Defense Ministry or the Chief of Army Staff. What concerns the Corps is redirected to the Corps. As for other matters of high importance, they are referred to the General Command or the Minister of Defense.

In the relocation of families and their fate, he stated that it was his responsibility, that is, the responsibility of the forces under his command to inform first and then transport the families and children present in the area by vehicles to the Intelligence System and from there to the Northern Organization Office, after which the Military units begin destroying the villages.

2 – Testimony Summary of accused (Farhan Mutlik Salih Al-Juburi) against the accused (Sabir 'Abd-al-'Aziz Al-Duri):

Stated by the aforementioned accused, before the Investigatory Judge on 14th of November 2005, on pages (8186), (8187) and (8188) of the investigation documents in regards to the question of his duties as the Director of the Intelligence Department of the Northern Zone and then of the East, which were both correlated to the General Military Intelligence Directorate?

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He stated – "We were correlated due to our work duties in the General Military Intelligence Directorate in Baghdad due to the directorate consisting of four departments, the Eastern, Western, Northern and Southern zones. We received the information from the mentioned directorate in Baghdad at which point we would send the information to according to the branches.


In the case of capturing Kurds who are for example shooting or any other acts of sabotage, they would be questioned by the director of the department accompanied by two of his men, at which point his statement is verified by the Investigatory Judge, after that it is sent to us (the commanding headquarters) where we forward the accused along with his documents to the General Military Intelligence Directorate in Baghdad, he also stated that all the security and intelligence systems were connected to the accused ('Ali Hasan Al-Majid) after issuing the decree (160) , but we kept our previous work, meaning, in the case of any orders issued by ('Ali Hasan Al-Majid), we in our turn will question him and give a copy of the results to the Military Intelligence Directorate for reviewing and verification. Later an order was issued to the Military Intelligence indicating the change in the special course of transporting the two suspects, so instead of sending them to the mentioned directorate, they were sent to the Northern Organization Office.

3 – The statement of the accused ('Ali Hasan Al-Majid) against the accused (Sabir 'Abd-al-'Aziz Al-Duri).

The mentioned accused stated before the Investigatory Judge on 23rd of June 2005, that the order of using Chemical weapons was the authority of the Armed Forces which decides when its use is necessary, the mechanism of its use. In regard to demolishing the villages and coercive dislocating of the civilian residents, he stated that it was by direct order from the General Command of the Armed Forces in the previous regime that consisted of the following: (Saddam Hussein) who was the General Commander of the Armed Forces and ('Adnan Khayrallah Tulfah) who was the Deputy of the General Commander of the Armed Forces

The Presiding Judge

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...and the accused (Nazar 'Abd-al-Karim Al-Khazraji) who was the Chief of Army Staff at that time as well as all the members of the General Command of the Armed Forces, this was a direct order issued from them to all the accused who were looking over the Anfal Operation Command.


4 – The Testimony of the Accused (Husayn Rashid) against the Accused (Sabir 'Abd-al-'Aziz Al-Duri)

The mentioned accused testified before the Investigatory Judge on 12 September 2005, as documented on pages (8092), (8093) and (8103) of the Investigation documents: I'd like to point out an important matter, the Operations Headquarters (that the accused commands) plan to face a regular army and it plans based on an intelligence report that is sent to the Office of Chief of Army Staff by the General Military Intelligence Directorate.

After the situation in that sector is reviewed including asking advice with the intelligence as the Intelligence representative is also present and may issue orders to deploy Military Units after the review has been sent to the Chief of Army Staff.

In answering about the members of the General Command of the Armed Forces, he stated, (...as well as the Military Intelligence Director who worked that position, accused (Sabir 'Abd-al-'Aziz Al-Duri), he added that if an order was to be issued in carrying out attacks, then other factions in the Armed Forces General Command would act on and execute the order).

In regards to the captives and their fate, the accused stated, (I would like to point out an important matter in regards to the captives, and that is, when any individual was captured, that was the responsibility of the Intelligence, where the captive would begin at that unit and end up to the General Military Intelligence Directorate, of which the Chief of Army Staff plays no role, yet this is of the field of the General Military Intelligence Directorate and it follows this course in all Anfal operations). In answering what he meant by the use of (Special amammunitions), he states (In



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.....Military form what (Special amammunitions) refers to is Chemical Weapons and Special Strikes refer to Chemical Strikes.

Accusations directed against the accused (Sabir 'Abd-al-'Aziz Al-Duri)

1 – Legal Term and Type of Crime:

Crime of Genocide (M/11)

Article No. (11/1st):

A) Murdering a given group's members

In accordance with article no. (15)

B) Causing severe mental and physical damage to a given group's members.

1st:

2nd (A, B, C, D, E)

C) Subdue the given group, premeditatedly, to harsh living conditions, aiming to partially or totally eradicate them.

1st:

2nd (A, B, C, D, E)

In accordance with Article (15)

Crimes against Humanity (M/12)

Article No. (12/1st):

A) Premeditated murder

In accordance with Article No (15)

B) Genocide

1st:

D) Relocate or coercively dislocate the inhabitants

2nd (A, B, C, D, E)

E) Imprisonment or extreme deprivation of any other manner of physical freedom contrary to International Law's basic regulations

In accordance with Article no. (15)

1st

2nd (A, B, C, D, E)



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H) Persecuting any given group or given community for political, racial, patriotic, ethnic, cultural, religious...etc

In accordance with Article no. (15)

1st:

2nd (A, B, C, D, E)

J) Other inhuman acts, holding identical characteristics, which premeditatedly cause severe sufferings or serious damages, affecting the body or physical or mental health.

In accordance with Article no. (15)

1st:

2nd (A, B, C, D, E)

War Crimes

Article No. (13/4th):

A) Premeditatedly targeted attacks against civil inhabitants, as per their current situation [TC: for being civil inhabitants], or against civilians directly uninvolved in war activities.

In accordance with Article no. (15)

1st:

2nd (A, B, C, D, E)

D) Premeditatedly targeted raids over buildings appropriated for religious, educational, artistic, scientific or charitable purposes, or against historical monuments, hospitals, and injured and patients' gathering centers, conditioned that all the aforementioned were not military objectives.

In accordance with Article no. (15)

1st:

2nd (A, B, C, D, E)

E) Looting any town or place even if it had been forcefully confiscated

In accordance with Article no. (15)

1st:

2nd (A, B, C, D, E)



The Presiding Judge



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For Discussion:

H) Issuing orders to dislocate civil inhabitants for reasons correlated with the dispute if not for their safety or necessary military reasons.

In accordance with Article no. (15)

1st.

2nd (A, B, C, D, E)

L) Devastate or seize hostile properties, if it was not a matter forced by the necessities of war.

In accordance with Article no. (15)

1st.

2nd (a, b, c, d, e)

2 – Location of committed crime: Kurdistan region – Villages in Al-Sulaymaniyah Governorate, Villages in (Irbil) Governorate, Villages in Dahuk Governorate as well as some villages belonging to Tuz Khurmatu (Al-Duz) belonging to both Kirkuk Governorate and Kifri.

3 – Time of crime: A systematic policy that has been in place since 1978 and escalated in 1985 and was executed in its final form in 1988 from February until September.

4 – Name of victim: General Rights (*T.C: the right of the state or the people*)

5 – Acquired Evidence: Plaintiff Statements – Witness Statements – Court recorded statements of the accused – Technical and medical reports – Findings, Inspections, Documents, Letters, Correspondences, Maps and Aerial Photos of the areas attached to the investigatory documents.

Verdict:

Due to the adequate evidence against the detained accused (Sultan Hashim Ahmad) and the following accused whose rulings have been adjourned: ('Ali Hasan Al-Majid, Saddam Hussein, Majid, Sabir 'Abd-al-'Aziz Husayn, Husayn Rashid, Tahir Tawfiq Al-Hajj Yusif and Farhan Mutlak Salih). It was decided that they be referred to the Tribunals Court



The Presiding Judge



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...Criminal Court of Iraqi High Tribunal in order to prosecute them according to the Articles (Third/18) of Iraqi High Tribunal law no. (10) dated 2005 and in reference to rules of procedures and evidences annexed to the Court Law and Articles No. (130/B), (131), (132/A-2) and (A-134) of Amended Criminal procedure law no (23) dated 1971.

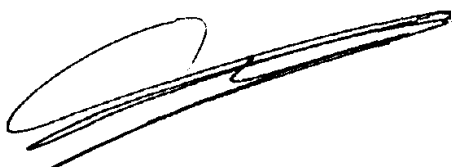
((Conviction of the defendant Sabir 'Abd-al-'Aziz Husayn))

Defendant: Sabir 'Abd-al-'Aziz Al-Duri ((Former Director of the General Military Intelligence Directorate)).
Place of crime: Kurdistan, Iraq
Date of crime: March 1987 to September 1988
Plaintiffs' names: People's right and testimony of plaintiffs

I am (Muhammad 'Iraybi Majid Al-Khalifah), The judge of the Second Criminal Court of Iraqi High Tribunal, I incriminate you (Sabir 'Abd-al-'Aziz Al-Duri) that in the period of March 1987 until September 1988, you were a member in the General Command of Armed Forces and the director of General Military Intelligence Directorate, which gathered information on all activities took place in Northern Area and submitted it to the military authorities in order to take the necessary actions and carry out military operations in the Northern Area.

After carrying out the operations, which were derived from the information submitted by this directorate, the intelligence provided the Chief of Army Staff again with information related to the operations result, its efficiency...

The Presiding Judge (802-963)



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enemies' losses.

The General Military Intelligence Directorate, which was headed by you, was assigned by the Presidency of the Republic Secretary to prepare a study regarding the capability of conducting strikes utilizing special ammunitions (Chemical weapons) in Northern Iraqi. The study was prepared indeed and it included many recommendations such as the use of chemical weapons, continuation of strikes, specifying the place and date of strikes as well as the targets which are going to be bombarded by chemical weapons. In the light of was mentioned before:

First: You intentionally contributed, before Anfal operations and during it, in killing Kurdish civilians in Northern Iraq in order to partially or completely annihilate them, causing mental and physical injures as well as forcing them to live in an environment of poor living standards.

You were fully aware of what were going to happen to civilians and Kurdish oppositions as a result of this operation, therefore, you committed a crime according the articles (A, B, C), First Clause of Article (11), these actions are a genocide according to the clause (Second/A) (In reference to Article 15/First, Second, Third, Fourth) of Iraqi High Tribunal Law No. (10) Dated 2005.

Second: You intentionally contributed with military units in conducting large-scale and methodical attack against the Kurdish civilians in Northern Iraq utilizing a variety of weapons including aircrafts, artillery and others.

As a result, civilians were killed; their villages were burnt and destroyed, also they were dislocated from their villages, arrested and transferred to the Northern Organization Office. The majority of arrested civilians were mistreated in the detention camps and they were forced to live in an environment of very poor living standards. A lot of civilians were interrogated and executed in the General Intelligence System of the General Military Intelligence Directorate.

The Presiding Judge

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a lot of civilians were missing. Their corpses were found in mass graves in Al-Hadar area in Ninawa and Al-Muthanna Governorates and other areas. The aim of this operation was to annihilate Kurdish civilians; therefore, you committed crimes against humanity according to the paragraphs (A, C, D, E, F, H, Y, and J) of Article No. (12), and in reference to the Article (15/First, Second, Third, Fourth) of Iraqi High Tribunal Law No. (10) Dated 2005.

Third: During Anfal operation, you suggested using the special ammunitions (Chemical Weapons) in Northern Iraq as well as you specified the targets, timings and quantity of chemical gases such as Sarin and Mustard. Based on your suggestion, the military units bombarded the area utilizing special ammunitions (Chemical weapons) causing the death of Kurdish civilians as well as distortion and disabilities.

You intentionally contributed in military operations that destroyed religious places, houses in addition to the confiscation of properties and forced evacuation of civilians. You were fully aware of the criminal acts committed against civilians; therefore, you committed a crime according to the Clauses (A, D, E, H and L) of Article No. (13), these acts are war crimes according to the Article 15/First, Second, Third and Fourth of Iraqi High Tribunal Law No. (10), dated 2005 and in reference to the Article No. (406)/1/B of the amended Iraqi Penal Code no. (111) dated 1969.

In view of the fact that the legal articles fall under the jurisdiction of this court, I prosecute you according to the aforementioned charges. The defendant answered: I am innocent.....

The Presiding Judge

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((A report of personal rights demanded by the plaintiffs' attorneys))

Victims:

In the 51st session, dated 26 March 2007, a report of personal rights demanded by the plaintiffs' attorneys was recited in the court and the following information was spoken publicly regarding the defendant (Sabir 'Abd-al-'Aziz Al-Duri):

The defendant (Sabir 'Abd-al-'Aziz Al-Duri) was responsible of planning and preparing for the chemical weapon's use crime, which was committed against civilians. The defendant's confessions were clear; he confirmed before the court that the documents, which were used as evidences by Attorney General, were signed by him. He only denied signing two letters. He confirmed that Iraq produced chemical weapons but the unused weapons were delivered to the UN committees after the end of First Gulf War.

Demands:

The contemporary history has not witnessed barbarian brutal crimes like the crimes committed by the defendants and their partners. According to justice and righteousness, and in order to honor hundred of thousands of victims as well as to restrain criminals, we request your respected court to severely punish the defendants as follows:

1- To convict the defendants according to the paragraphs (A, B, C and D) of Article (11/First) of Iraqi High Tribunal Law No. (10) Dated 2005 because it is proven that they committed genocide. The punishment is determined according to the article no. (406) of Penal Code and in reference to the Article (15) of Court Law.

The Presiding Judge

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A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

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2- To convict the defendants according to the Clauses (A, B, D, E, F, G, H, Y and J) of Article no. (12/First) of Iraqi High Tribunal Law and to determine punishments according to Penal Code and in reference to the Article (15) of Court Law.

3- To convict defendants according to the paragraphs (A, B, C, D, H and G) of Article (13/First), paragraphs (A, B, D, E, F, J, M, O, Q, R, U and G) of 2nd Paragraph of the same Article, Clause (D) of Paragraph (4) of the same Article, Articles (A, D, E, F, H, J and L) of Paragraph (4) of the Iraqi High Tribunal Law for committing war crimes. To determine punishment according to Penal Code and in reference to Article (15) of Court Law.

4- To reinstate of legal proceedings against the individuals, whose names listed in the case paperwork or in the attached roster, because they participated in crimes committed against Kurdish nation, and to request the judge to investigate and take legal actions against them in order to be punished.

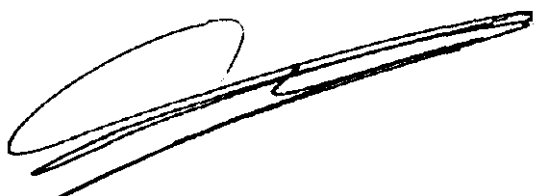
5- To confiscate all fixed and non fixed properties belong to defendants inside and outside Iraq as well as to congeal them as financial guarantee for the case.

6- To grant all victims of Anfal Operations (Since 10 March 1987) the rights to ask for compensation in Civil Courts.

The issuance of a verdict will be the beginning of the end the suffering of thousands of victims' families, who were executed and buried in mass graves as well as it is going to end the suffering of survivors from the Kurdish nation, who are impatiently waiting since long time ago to hear this fair verdict.

The Presiding Judge

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((A brief report of the claims of General Prosecution))

In the 53rd session, dated 02 April 2007, the General prosecutor recited his report in the court, requesting to severely punish all defendants, each one of them shoulder individually the responsibility of the crimes which he ordered, provoked, urged, supported or helped to perpetrate, each one of them committed genocide, crimes against humanity and war crimes in an internal conflict, violating the Articles (11, 12 and 13) of Iraqi High Tribunal Law.

The defendant (Sabir 'Abd-al-'Aziz Al-Duri) was the head of General Military Intelligence. A lot of evidences and documents were presented before the court, proving that the defendant supported Anfal Operations by reporting the operations results.


In addition, he confirmed that he signed the documents and what was written in the documents, which were sent to the Presidential Diwan and the defendant 'Ali Hasan Al-Majid regarding the use of special ammunitions (Chemical Weapons), are true; therefore, it is true that all defendants were involved in committing these crimes and we request to convict him (with other defendants) according to the Article (1) of Court Law.

First: Clause (A): Murder, according to the Article (15) of the Iraqi High Tribunal Law; punishment is determined according to the Article (406/1/A) of Iraqi Penal Code and in reference to Article (24/First) of Iraqi High Tribunal law.

Clause (B) Causing a severe physical or mental injures to a group of people; according to the Article (15) of Iraqi High Tribunal Law; the punishment is determined according o the Article (413) ...

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of Iraqi Penal Code and in reference to Article (24) of Iraqi High Tribunal Law.

Paragraph (C) To force a group of people to live in an environment of poor living standards in order to partially or completely annihilate them; according to the Article (15) of Iraqi High Tribunal Law; the punishment is determined according to the Article (406/1/A) of Iraqi Penal Code and in reference to Article (24) of Iraqi High Tribunal Law.

In addition, the defendants must be convicted according to the all clauses of Article (12) of Iraqi High Tribunal law as follows:

First: Paragraph (A): Premeditated murder; according to the Article (15) of Iraqi High Tribunal Law; punishment is determined according to the Article (406/1/A) of Iraqi Penal Code and in reference to Article (24) of Iraqi High Tribunal Law.

Paragraph (B): Genocide; according to the Article (15) of Iraqi High Tribunal Law; the punishment is determined according to the Article (406/1/A) of Iraqi Penal Code and in reference to Article (24) of Iraqi High Tribunal Law.

Paragraph (D): Relocation or coercive dislocation of civilians; according to the Article (15) of Iraqi High Tribunal Law; the punishment is determined according to the 5th Clause of Article (24) of Court Law.

Paragraph (H): Oppression of any group of residents because of political or ethnic reasons; according to the Article (15) of Iraqi High Tribunal Law; the punishment is determined according to the 5th Clause of Article (25) of Court Law.

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Paragraph (I) coercive hiding (harboring) of inhabitants pursuant to the article (15) of the Iraqi High Tribunal and specifying the punishment according to the Article (421) of the Iraqi Penal Code, according to article (24) of the Iraqi High Tribunal law according to the paragraph (4) provisions:

(A) Intentionally attacking the inhabitant civilians as their characteristic or against civilian individuals whom dose not participate directly in the war activities pursuant to the article (15) of the court law.

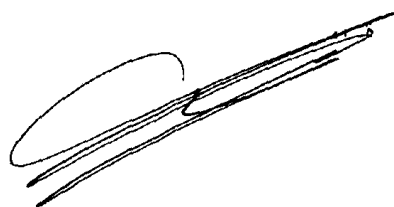
(D) Intentionally attacking the buildings for religion or education purposes pursuant to article (15) of the court law and specify the punishment according to provisions of article (2/478) of punishments law according to article (24) of the court law.

(E) Looting any town or place even if forcibly seized according to article (15) of the court law and specify the punishment according to provisions of Article (445) of the Iraqi Penal Code according to article (24) of the court law.

(F) Rape and according to article (15) of the court's law and specify the punishments according to article (24) of the court law.

Statements of the accused (Sabir 'Abd-al-'Aziz Al-Duri) in the Trial

After the court listened to the plaintiffs, witnesses and international experts' statements and reviewed all documents, reports, statements, inspections and requests, also what happened in the trial sessions.....



The Presiding Judge



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of questions and discussions among all opponents in the case.
After the General Prosecution declared the enough of what's submitted of evidences, the court decided to specify session (43) dated on 2007 February 13 , to listen to the defense of the convict (Sabir 'Abd-al-'Aziz Al-Duri) about his charges according to the transfer decision.

In the designated trial date, the convict reported his defense in written and publicly and reported the following:

First: I am accused of doing things alone or by participating with others, which is:

- 1- Genocide crimes- Article (11) of the Court's Law.
- 2- Crimes against humanity- Article (12) of the Court's Law.
- 3- War crimes- Article (13) of the Court's Law.

Second: If the court checked what the plaintiffs, witnesses and experts mentioned in their statements, and their decision, you will not find any sign that I committed any of these imputed deeds to me.

Third: What had been shown of documents and letters, by which the general prosecutor concluded the criminal participation by all types and descriptions I would like to explain the following:

1- The 1st paragraph of article (15) of the law, about the personal responsibilities in committing a crime within the court's jurisdiction as his character and penalizing him according to this law; but it was not confirmed to your court through any document or letter that I committed such action.

2- Also I don't find myself responsible according to this law's provisions or the penal code, and It was not proved that I participated personally or through any other person as it mentioned in paragraph (A) of item (2) of article (15).



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3- Its was not proved by document or letter that I issued order to execute a crime that already took place or attempted in it or urged someone to execute it, as its mentioned in paragraph (B) of item (2) of article (15) according to the law.

4- Same thing I did not assist or urge in any way to commit a crime or attempt in it and its mentioned paragraph (C) of item (2) of article (15) of the law.

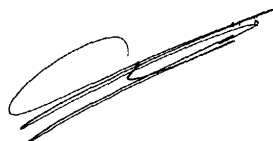
5- The court is sharing me the point that I did not provoke directly and publicly to commit genocide as paragraph (E) of item (2) describe it of article (15) of the law.

6- I do have only to focus on what's mentioned in paragraph (D) of clause (Second) of article (15) of the law, which mentioned the personal responsibility if he participated in any way with group of individuals in joint criminal intention on committing crime or attempting to commit it. This participation must be preconceived malice and to:
(A) Enhance the criminal activity or the criminal purpose for the group, if this activity or purpose includes committing a crime within the court authority.

(B) Know the intention of committing the crime for that group; I repeat with knowledge the intention of committing the crime for that group.

Fourth: After reviewing the directed charges to me and before saying my opinion about the documents and letters, which the General Prosecutor sees that I am guilty, I would like to clarify the following:

- 1-** The circumstances surrounding the issuance of these documents and letters.
- 2-** The legal position for the job that I occupied.



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First: The circumstances surrounding the issuance of these documents and letters

The convict explained that these circumstances came up through the war against Iran starting from 1980 until end of year 1988. Based on that, there should not be inquiries against him for documents and letters that were issued about him apart from the bloody battles.

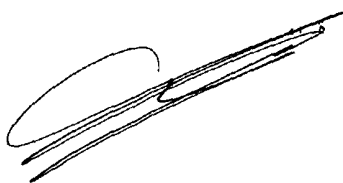
Second: The legal position for the job that I occupied:

1- It's clear that I worked as a Director of the Military Intelligence, which is one of the Iraqi Army formations.

2- The convict explained the basic mission for the intelligence as it's well-known in all world armies, which is providing the military information about the existence of enemy troops and the organized forces beside it and allied with it or supports it to help the military command to do necessary procedures on facing the enemy attack and their supporters. After carrying out the decisions which the military command orders and addressed to the army troops within the military plans that the military command puts , here it comes the military intelligence role again by providing Chief of Army Staff, results of the military operations and these are the basic duties for the intelligence.

3- From what's abovementioned, it's clear that the military intelligence has no authority to take any military decision, either carrying out fighting operation as well as issuing any orders to any military side.

4- If we review the Military Intelligence Directorate mission and the circumstances of issuing the documents and the letters that was showed in the case, therefore the justice should not trail us. The available information at the military intelligence is about the Iraqi army movements who defends its territories, but not about committing crime if it happened.



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5- The available information for us (means the intelligence), that the military command put its plans to defend Iraq and free its occupied territories from the Iranian forces and the Coalition forces or its supports inside, not putting plans as some claims to kill civilian Kurdish and residence in north of Iraq.

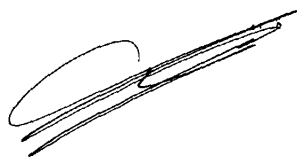
Fifth: The convict previously explained the Military Intelligence Directorate mission and its formations during Anfal operations before the investigative judge and the court sees no need to repeat it.

As the convict Sabir 'Abd-al-'Aziz Al-Duri testified before the court: that there are two basic duties for the intelligence, first provide the military troops exactly Chief of Army Staff with the available information about enemy movements in all sectors. The second duty is in case of available information at the intelligence about the operation results, therefore the intelligence duty is to provide the military commands the results.

As the convict testified an explanation for the court: every plan is prepared in the corps or any other parts depend on the information that the intelligence submits and when the intelligence provided information, it does this thing when it is needed. He testified that the intelligence mission is gathering information especially the military information about the enemies and the possible enemies even others, sometimes in case of emergency.

As the convict (Sabir 'Abd-al-'Aziz Al-Duri) testified before the court: that the intelligence worked for seven years in providing information to the corps and it has been used based on the information which was provided by the Military Intelligence. In case of updating the information, the military intelligence provides them the updated information.

As the convict (Sabir 'Abd-al-'Aziz Al-Duri) testified: the intelligence service informs the Ministry of Defense and Chief of Army Staff, also submits a copy of their reports to the Presidency of the Republic.



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As it was mentioned in his testimony before the court: The intelligence didn't have any role in the forcibly evacuation operation of the inhabitants from the villages, but it happened by the military troops according to the orders issued by the new commander ('Ali Hasan Al-Majid) to extradite the detained villagers to the Security Directorates in the North or the Northern Organization Office.

He also testified before the court that: The Secretary of the President is (Hamid Yusif Hammadi).

He testified before the court that: It is one of the intelligence duties to give the grid coordinates on the map when they need to strike with the Air Force or when the troops need to hit it with the artillery, it is the intelligence duties, so when the Intelligence representative attend in the committee, he does not affect because he already gave the information before.

He also testified who were in charge on carrying out (carrying out the strikes) are: The Air Force, the Army Aviation and the Artillery which are connected to the Ministry of Defense and the Chief of Army Staff. The Chemical Rank is connected to the Training Department of the Chief of Army Staff.

He also Testified before the court that: It was a study and he is the highest authority in the State, we are in war, he didn't ask me to carry a gun or to strike with the chemical but he asked me to make a study, and a representative officer from the Third Section attended this study.....Is there any soldier during the war can disobey a military order? And the one who issued the order has a legal authorization.

Also the convict (Sabir 'Abd-al-'Aziz Al-Duri) testified before the court that: The specialist committee convened and referred the study and its opinion, and the intelligence referred it in letter (6885) on 15 March 1987, whereas the strike goals against the enemy were indicated which known to the Chief of Army Staff by incoming information from the intelligence reports, and required information about the enemy locations, volume and concentrations.

The Presiding Judge

(814-963)



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The convict also testified that: The intelligence didn't have any role in the strikes with the special ammunition except the administrative intermediary role which commissioned with transferring the results of what was studied to the presidency and transferring the orders and instructions from the high authority, this role is just a coordination case or a connecting link.

The convict also testified before the court that: The study which the military intelligence was commissioned with and all the document showing that the studying committees are not existed at the Military Intelligence but in the Chief of Army Staff and in the Planning Directorate, and a representative of the Military Intelligence is sent to only some of the committees.

The convict (Sabir 'Abd-al-'Aziz Al-Duri) before the court mentioned that: According to the orders of the Ministry of Defense, the Chief of Army Staff in its top secret and immediate letter (15787) on 02 May 1987, demanded from the Military Intelligence to provide it with the information about the locations of the enemies' headquarters and demanded from the Air Force to carry out the order.

The court questioned the convict: You are saying in this letter that: our duty is providing the Air Force and the Air Defense with the locations of the headquarters, is that your duty?

he answered (yes of course, Excellency Chief Justice, its not reasonable to say that we will not provide you with the information because you are going to strike with the special ammunitions , we don't have relation about that, there is an order and the people are carrying out).

The convict testified before the court that: The General Military Intelligence Directorate responded in letter (9819) on 03 May 1987, to the Chief of Army Staff that the General Military Intelligence Directorate provided the Air Force and the Air Defense with the opposite headquarters which required to be treated with the conventional ammunitions and didn't provide them with the special targets of the special ammunitions , and the General Military Intelligence Directorate suggested to study the special targets by the specialist committee.

And the court questioned: Are the numbers (were mentioned in document No. 9819) mean the bracketing (grid)?

The convict answered: Yes bracketing (Grid) means the target is specified.

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(815-963)



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When the convict (Sabir 'Abd-al-'Aziz Al-Duri) was questioned by the court: Is the Military Intelligence the one which gather the information and provide the army with?

He answered: Yes.

He mentioned before the court that: (Sargalu and Bargalu) areas were targeted with the conventional ammunitions and not targeted with the special ammunitions.

The convict testified when he was questioned by the court about the period that he was working as a director of the General Military Intelligence Directorate,

The convict answered: The period was from May 1986 to March 1991.

And another question from the court: Is the Director of the (GMID) a member of the General Command of the Armed Forces? **The convict answered:** Yes, because of I was the Director of the General Military Intelligence Directorate; I was a member of the General Command of the Armed Forces.

He also testified before the court: We provide information about the entire front including the Northern Zone, but in Anfal we referred the first important report, which was referred by us, and when we get new information we refer it about the entire front including the Northern Zone.

He also testified: We write the suggestions for the Chief of Army Staff and the other authorities higher than the Chief of Army Staff, The General Command of the Armed Forces, The Republican Presidency/the Secretary, and the Ministry of Defense. This is the applied procedures of referring the report.

When the convict (Sabir 'Abd-al-'Aziz Al-Duri) was questioned by the court: It was mentioned in your testimony before the Investigative Magistrate that the large operations like Anfal Operations must be approved by the General Commander of the Armed Forces or someone he authorized, but we are considered as the members of the General Command only have authorizations to attend the meetings and after discussions the General Commander of the Armed Forces takes the decision.

The Presiding Judge

(816-963)



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The convict answered: Yes, the decision for the General Commander of the Armed Forces but it's not necessary that there is a meeting for the General Command of the Armed Forces, as I mentioned before, may be with the mail you say I agree or disagree, I remember that some of the plans were discussed at the General Command of the Armed Forces, such as Al-Faw Liberation Plan was discussed for days, but Anfal was not discussed.

The convict (Sabir 'Abd-al-'Aziz Al-Duri) testified before the court that: The Military Intelligence already referred a report about the negatives and positives of Anfal Operations, the losses happened, and the report was referred to the Presidency. And when the document (6885) dated 25 March 1987, by the General Military Intelligence Directorate was showed to him, the court asked him, is the signature at the bottom of the document belonging you?

He Answered: I don't remember, but the signature is mine, the signature can be transferred and the comment can be transferred. But when I discussed any report, I supposedly said it is right.

The convict also confessed before the court that: The margin existing at the document No. 6885 dated 25 March 1987, by the General Military Intelligence Directorate is belonging to him, the document subject is using the special ammunitions .

When he was asked by the court (Is that margin for you?)

He answered: I think these documents are correct.

The court questioned the convict (Sabir 'Abd-al-'Aziz Al-Duri):

The minister order is to provide the Air Force and the Air Defense with the locations of the agents in order to destroy them.

He answered: Yes, he provides us with non intelligence information, and we provided the Air Forces with the targets which will be bombarded with the conventional ammunitions.

And the Court questioned the convict: considering that you are a soldier, I'm you showing the Air Force Command of the Ministry of Defense letter, addressed to the General Military Intelligence Directorate

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Your secret and personal letter (M/O3/S2/10319 on 10 May 1987, contains the Iranian Agent Headquarters which were confirmed by your representative Staff Lieutenant Colonel (Walid Nayif) and were bombarded that were documented with the date and the ammunitions type. It means there was cooperation between the Military Intelligence and the Air Force, does the Military Intelligence Representative work as he desires or you are the one who sent him?

He answered: This is a routine work according to the applied system, this letter is a part of the behavior we are explaining, the Minister of Defense ordered to strike, the Chief of Army Staff ordered to provide the Air Force with the information and to strike when they obtain the information.

And now, if there is another one in my position as the Intelligence Director, is there an Intelligence Director can say I will not give you the information? If you meant the participation, yes I participated by carrying out my duty according to the right military procedures.

Also the convict (Sabir 'Abd-al-'Aziz Al-Duri) testified that:

The Intelligence is the one who gives the information, and they are dealing with. When the Minister of Defense orders to give information, we give information, because the Military Intelligence duty is giving information.

The court questioned the convict (Sabir 'Abd-al-'Aziz Al-Duri):

Is the Military Intelligence included in the specialist committee?

Does the Military Intelligence have a representative in the committee?

He answered: Yes of course, there is a representative from the Third Section and the Military Intelligence exists at all the committees because the Military intelligence responsible on the information.

The Court aimed a question to the convict (Sabir 'Abd-al-'Aziz Al-Duri): who are the parties that have related to the chemical weapon?

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(818-963)



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He answered: There are individuals to study the case; they are the planning (The Planning Directorate), there is a party for executing which are the Air Force and the Army Aviation, and there are individuals to manufacture and store which are the Military Industrialization Commission. And all information is in the documents.

According to this, the court questioned the convict: What is the role of the Military Intelligence in this operation?

He answered: The Military Intelligence role is only information, when it is asked about the number and the locations of existence, the Military Intelligence presents the information.

Also the convict (Sabir 'Abd-al-'Aziz Al-Duri) testified before the court that: Disposition of the military prisoners' fate is one of ('Ali Hasan Al-Majid) authorities. I'm repeating that we didn't receive any person in Baghdad, and I knew after I was arrested along with some of the military commanders in area such as (Sultan) that no soldier was arrested and (57) families were collected and extradited to the Intelligence System which extradited them to the Northern Organization Office, and I clarified that they were extradited to the security not to the intelligence system.

The Defense Memo Brief of the Convict (Sabir 'Abd-al-'Aziz Al-Duri)

It's publicly recited by his attorney (Firas Sabir Al-Duri)

Date of the session 07 May 2007 (the session 56)

The pleading included the following items:

- 1- The formal and objective proofs related to the charge that is brought against his client.
- 2- The proofs related to the legal items which brought according to the charges.

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- 3- The proofs related to the absence of the crimes' essentials which related to his client.
- 4- Discussing the evidences and the written document which were viewed in the suit.
- 5- The criminal responsibility of his client according to the Articles No. 35 and 40 of the Iraqi Penal Code, and the Articles (15/Fifth) and (17) of the Law No. 10 of year 2005 (The Court Law).

1- The formal and objective proofs related to the charge that is brought against his client on 20 February 2007.

What makes conflict between the charge and the Clause (B) of the Article (178) of the Criminal Procedure Law No. 23 of year 1971 which stated that (The court doesn't bind oneself on specifying the Legal description of the crime by the description mentioned in the warrant of arrest or the Summons Note or the referral decision), the meaning of this paragraph that it gives the court the authority to change the Legal description of the crime related to the convict, but does not give the court the authority to add a new crime not mentioned in the referral decision.

2- The proofs related to the legal items which brought according to the charges.

All the constitutions in the world approved that there is no crime or punishment unless there a stipulation, and the Article No. 11 of the International Declaration of the Human Rights, and the Article No. 15 of the International Law of the Civilian and Political Rights stated on (Any individual can not be convicted because of an act or refusing an act which does not considered a crime according to the national or international law at the time was done.

Also the new Iraqi Constitution stated on the same rule, whereas it was mentioned in the Paragraph (Second) of the Article No. 19 (that there is no crime unless there a statement and no punishment except on the act that the law considering it at the time.....).

The Presiding Judge



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