

In the Name of God All Merciful All Compassionate

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

The Verdict

... jointly, a direct reason in causing those criminal consequences, acknowledging the intention to commit crimes by the former regime.


The court determined the abovementioned convict's responsibility through the legal requirements of the crime, and the elements of proof, relying on evidence enclosed in the case's file, both in investigation and trial, as follows:

The legal requirements to prove the crime's first basic, and the range of its match with the convict's action, occur when the perpetrator murders or causes the death of one or more people, as part of an attack.

This requirement's elements of proof are observed by the provision of evidence of premeditated murder by the convict. Such evidence is provided through dozens of correspondences and letters which were issued by the General Military Intelligence Directorate [GMID], headed by the convict, apart from being a member in the General Command of the Armed Forces, including all armed forces categories, land and air troops. The correspondence and letters instructed them to attack villages populated with civil inhabitants, identifying the [villages] and their geographic locations according to preserved maps within the directorate, and marking the attacks outcome on maps, considering the villages as liberalized. One of the documents, Ref No [M]1/(SATTS U)3/(S)2, dated 1987 March 17, headlined "Information", stipulated in its Clause [2], the following: "It was ascribed by Chief of Army Staff's correspondence [slip 2], that our directorate provided the air force and air defense commands with the whereabouts of Iranian agents ..." In Clause [6], of the same document, the following was mentioned: "The air force command replied in its correspondence [slip 6] with names and targets that had been hit in addition to the classification of ammunition used for each target." It was clarified there were 17 required targets, though only 10 targets were hit with conventional weapons. However, they indicated in their correspondence [slip 4] that all targets had been hit..." On the other hand, the document numbered...

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... [(U/S R)/707], dated 1987 May 12, signed by Staff Lieutenant Colonel - Director of the Third Directorate in GMID, included the following:

To/ GMID

Subject/ Handling Iran's agents' headquarters

In reference to your secret and confidential letter, holding Ref No [(M)1/(U)3/(S)2/10319], dated 1987 March 10, we enclose below the names and bracketing of Iranian agent locations which had been identified by your representative, Staff Lieutenant Colonel (Walid), and had been attacked [documented with the dates]. The type of ammunition used for each target is also included.

Targets hit with conventional ammunitions:

(A) Hawara Barza 1283, on 1987 May 04 to-(W) - 865605, and 1987 May 07. These targets included 16 villages as per the document appended by escaped convict's, Air vice Marshal Hasan Khidir Al-Hajj Ahmad, Aero-Deployment' director at the time, as well as document [(SU) 3/ (S) 3/1598], dated 1987 July 30. The latter included the following:

To/ GMID (U) 3

Subject/ removing villages

Attached is a list of 14 villages vanished within our system's sector...

Through reviewing the gathered documents, which we quoted the above-mentioned document from, as an example rather than exclusive, the court finds that the attack was systematic and large scaled including dozens of populated villages. As a consequence of the aforementioned attack, the violent actions, which vary in nature and gravity, increased as crimes perpetrated. The documents also prove the former regime's civil and military authorities' direct involvement, as well as, the known fixed policy of targeting Kurdish nationality. Nothing is more significance than the issuance of Decree (160), on 1987 March 29, by State Command of the Ba'th Party, and Revolutionary Command Council, granting Convict ('Ali Hasan Al-Majid) – with his vicious tendency - the same authorities of Convict (Saddam Hussein), over the Kurdistan area.

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He was assigned to execute the Party and Revolutionary Command Council's policy, placing under his command all government civil, military, security and party systems, in addition to being given the jurisdiction of unlimited expenditure per Decree No (244) of the same year, exploiting huge amounts of money. Decree No (4008), dated 1987 June 20, issued by Convict ('Ali Hasan Al-Majid), stipulated the following:

- 2- All villages, which are still a den for saboteurs, Iranian agents, sons of Treason and Treachery, and those alike, are to be considered prohibited zones.
- 3- The human and animal existence will be totally prohibited, as shooting fire will be unrestricted on any instructions.
- 4- Traveling in and out is banned as well as agronomy, agricultural or industrial investments, or livestock.
- 5- The corps will prepare special attacks, from time to time, by artillery, aircrafts, and helicopters, to kill as many of those residing in the prohibited zone, at all times [day or night].
- 6- Anyone arrested within the prohibited zone will be detained and investigated by security systems and then executed if his age range is between 15 and 70 year [included], after taking information from him.

The other legal requirement to prove of the second basic of the crime is when the attack is systematic and large scaled against civil inhabitants. This is achieved by the victim's civil condition of being in mass graves, such as (Ninawa 2), (Ninawa 9), and (Al-Muthanna 9), in addition to other mass graves spread out across the Kurdistan region, which had been explored and excavated by knowledgeable experts, supervised by the court in its decree adopted on 2006 November 08. International ...

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... Experts confirmed before the court, on 2006 November 28, 29, and 30, that the corpses within the graves belonged to Kurdish national's, from civil inhabitants who had been identified with personal IDs, and national Kurdish costume worn by women, children, and men, without forgetting what the victims' (plaintiffs) testified before the court. The victim (plaintiff) stated the following:

Plaintiff/ [NAME REDACTED]

Date of birth: born in 1953 Profession: Gainer Place of residence: Sikanyan Village.

He testified, under oath, the following:

I have two brothers and two sisters living in (Sikanyan) village. They are [NAME REDACTED] and his wife [NAME REDACTED], and I had six kids ([NAME REDACTED]). My brother ([NAME REDACTED]) has two kids, and a wife ([NAME REDACTED]) who was pregnant. My widow sister ([NAME REDACTED]) has four children, all residing in the (Sikanyan) village. The Iraqi forces surrounded them so they escaped toward the Iranian-Iraqi border. After 20 days or almost one month, two people returned back from Iran to (Al-Sulaymaniyyah). I went to meet them asking about my family. They told me that, as per an amnesty decree issued by the Iraqi government, they got back to the country but were arrested in (Suni and Shini) - Iraqi villages. So, I went to the (Aghjalar) area, where a person confirmed to me their detainment and dislocation at (Chuwar Qurna). Hence, I went back to Raniya inquiring about their fate but knew that they were sent to (Irbil). After six months, elders came back from (Nuqrat Al-Salman) camp, including my uncle ([NAME REDACTED]) and his wife. They mentioned that they stayed in Irbil for one month, then were transferred to (Tupzawa) in (Kirkuk), where men had been segregated away from women, children and elders, so all news concerning them faded away. In 2004-2005, I was summoned by the investigation court in Al-Sulaymaniyyah, where they showed me six IDs belonging to ([NAME REDACTED]), his wife and four children. I recognized them and knew they were my family's...

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... They told me that they found them in the (Al-Hadar graveyard). I demanded Saddam Hussein, 'Ali Hasan Al-Majid and their henchmen, as well as those who participated and contributed, to be held accountable for their actions.

Plaintiff: [NAME REDACTED]

Date of birth: 1950

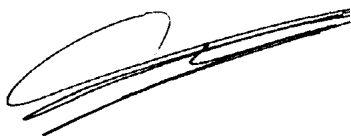
Profession: Farmer

Place of residence: 'Azaban Village.

He testified, under oath, the following:

In 1987, the Republican Guard's brigade launched an attack over our village, supported by tanks. They were equipped with bulldozers and Lorries military trucks. Our village was destroyed. The raids lasted from the morning until six in the evening. Our village was not within the prohibited zone and it was half an hour [by car] from Al-Sulaymaniyyah Governorate. The only reason behind the attack was because we are Kurdish. On 1987 September 08, 20 security squads, affiliated with the security forces, raided (Shar Bajir) village. I was with my brothers [NAME REDACTED] in the village, and we were arrested by security forces and emergency. Our village had been looted, confiscating the livestock, via cars, transporting them to Al-Sulaymaniyyah Governorate. We had been handed to Al-Sulaymaniyyah Emergency. When we got into custody, 16 people from 'Arbat – Al-Sulaymaniyyah were there. We stayed in the aforementioned prison for three months, where we had been exposed to harsh tortured, and then a committee from Baghdad came to interrogate us for three days, just because we were Kurds. They indicated that the names they will read are going to be released. The number of internees was (126). They only took (58) people saying that it was the president's noble deed. My brothers [NAME REDACTED] remained there, as I ignore their fate till now. As for me, I had been released later on. For that, I demand accusation against 'Ali, alias ('Ali Lut Masi), 'Uthman and Nawzad. I ignore their family names,, and Major (Taha), (Saddam Hussein) and ('Ali Hasan Al-Majid).

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Plaintiff / [NAME REDACTED]

**Age: born in 1961 Profession: housewife Place of residence: Al-Sulaymaniyyah
She testified, under oath, the following:**

I resides Gul Bakh – Qadir Karam sub district. In the fourth month of 1988, the army made an airdrop on (Imam Zanur) mountain, raiding our village with artillery, as the forces destroyed and burned down the village. We stayed there for three days, despite the army's existence, until the evening when we escaped toward (Qadir Karam). The army arrested the men. Our relatives moved us to (Haft Taghar) village, but my brothers were arrested, along with my husband ([NAME REDACTED]), cousins, and other relatives. All detainees' fates are anonymous, as we never saw them back again. I demand accusation against (Saddam), (Ali Hasan Al-Majid) and their henchmen.

(Protected) Plaintiff, which name is coded No (1)

She testified, under oath, the following:

In 1988, my family left to (Mila Sur) village, then to Qura Tu camp. I stayed with my mother and villagers in (Kutal) mountain. One day, the military troops invaded our village accompanied with the tanks, and bulldozers. They burned down and destroyed the houses as, in the same day; the village was exposed to artillery strikes, causing martyrdom to [NAME REDACTED]. After the bombing, we returned to our village, where the military troops arrested and dislocated us to (Nawjul) area and then Tikrit, where we had been put in a hall for 5 days. After, we had been moved to (Nuqrat Al-Salman) camp, for seven months, where ailments [such as typhoid, measles, diarrhea, and face suppuration] spread all over. The halls were dirty, and people were dying due to that, including my mother's cousin [NAME REDACTED]

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... [NAME REDACTED]), and her sons who died in the same night, along with others that I cannot remember. There was a person called (Hajjaj), an officer in the prison, who was torturing us whenever he wanted, as he was torturing ([NAME REDACTED]) people in the prison. Then they transferred us to (Al-Samawah), then ('Arbat) area, where we had been released. Until nowadays, I still ignore my family's fate. I demand accusation against (Saddam Hussein), ('Ali Hasan Al-Majid) and the rest of the convicts.

Plaintiff / [NAME REDACTED]

**Age: born in 1967 profession: employee place of residence: Duhuk/
Kara bay subdivision
He testified, under oath, the following:**

I resides (Kurimi) village. On 1988 August 25, we received information stating that the government will attack our village, so we escaped, along with our families, to the caves, and then toward the borders. There was zero chance to survive, because the army surrounded all main roads, so we returned back to the caves. On 1988 August 28, at 5 dawn, we knew that the army is encircling us from all sides, so we surrendered [to the army]. They took us to our village, at a distance of 100 meters, and transferred us in two groups; one containing men, and another constituted of elders, women and children. They dislocated us at (Mangish). We were almost (33) men in that group, so they drove us toward the lower part of the village, 200 meters far from our place, and there were two officers. They ordered us to stand up, and sit down, and then issued orders to soldiers to shoot us. I was in the middle of the raw, and after the shooting, I fell beneath the corpses. They received another order to shoot each one of us with one solemn bullet. The bullet hit my shoulder. As the soldiers left, I sneezed out from the corpses to sees my clothes perforated with many shots; none of them hit my body. I witnessed each of ([NAME REDACTED]), surviving the execution also. We all took refugee in the caves. The next day ...

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... national defense regiments moved us to Party Division's headquarter at (Mangish) where we heard about an amnesty. I saw families turning themselves over, with other families, to brigade's headquarter at (Batova). There, the aforementioned families had been segregated, as they took the four of us to Nazarki Fort in Duhuk. The situation was very bad regarding food and drink. We were moved by vehicles to (Bahirka), which was stretching over a desert area, where I saw my mother and father. Many children died in that place due to famine and ailment. In (1991), we returned to our village to find it destroyed, with no mosque standing. I submit to court a list of Anfalized names as I demand accusation against (Saddam Hussein), ('Ali Hasan Al-Majid) and everyone who participated in this crime, as well as against officers who carried the shooting on us.

• **Plaintiff "Protected" which had been given code No (2)**

He testified, under oath, the following:

I'm a resident of (Khidir Rayhan), which is affiliated to (Qadir Karam). On April (1988), military troops launched an attack against us via two axis. Loudspeakers were announcing an amnesty, so we decided to turn ourselves over to (Qadir Karam) police station. They bought military trucks ZIL and moved us to Chamchamal police station after blindfolding and handcuffing us. We stayed one night then moved us by buses to (Tupzawa) for two days. The detainees were between (500-1000) individuals. In the morning, they brought around (10 to 12) buses, put us in as the aforementioned buses veered to a sandy road. The whole area was sandy as we heard shovels operating and shot guns. We stopped in a desolated area; one of the guards took a detainee from the bus and blindfolded his eyes. He was lifting a Kalashnikov. The prisoners attacked the guard. Meanwhile, other guards showed and started shooting from outside the car. I saw...

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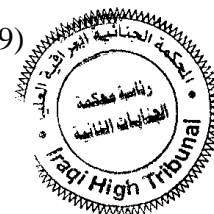
...my friends falling dead hit by bullets. I remember some of their names ('[NAME REDACTED]). Those were in the bus with me. I survived execution though I don't remember how. I reached the city and knocked houses' doors. They served me food and drink. Finally, I reached Kirkuk. I demand accusation against (Saddam Hussein), ('Ali Hasan Al-Majid) and all those who participated in the crime.

Concerning the other legal requirement in order to prove the third basic of the crime is that the perpetrator must be acknowledged that the conduct is part of a systematic large scaled attack against civil inhabitants or intend it to be. This is proved by the perpetrator's affiliation to forces which took part in the operations against victims as it was mentioned by convict's testimony, either in investigation or prosecution. "The basic task of GMID is to submit suggestions and refer correspondences which will be addresses to Ministry of Defense and Chief Army of Staff as well as submitting suggestions to General Command of Armed Forces and sometimes Presidency of the Republic. The role of GMID in Anfal operations was to provide intelligence information and suggestions relied on from our sources [Northern and Eastern military intelligence systems]". Another legal requirement to prove Convict (Sabir 'Abd-al-'Aziz Al-Duri) acknowledgement and purpose is that the followed conduct in Anfal operations was part of a systematic large scaled attack against civil inhabitants confirmed by permanent contacts between the perpetrator and the forces which carried the attack. The evidences obtained following the provision of that evidence are many including document number [(M)1/(U)3/(S)2/19880], dated 1987 September 08, marked as secret, confidential, and urgent, issued to North Organizing Office [which was commanded by Convict 'Ali Hasan Al-Majid], titled "Information", with a copy to Presidency of the Republic [secretary], General Command of Armed Forces, Ministry of Defense Diwan, Chief Army of Staff, as well as...

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... document numbered [(M)1/(U)3/(S)2/12703], dated 1987 June 10, marked as secret, confidential, and urgent, issued to Northern Organization Office, titled "Air Strike", with a copy to Presidency of the Republic [secretary], General Command of Armed Forces[General Secretary Office], Ministry of Defense Diwan, Chief Army of Staff, and Revolutionary Command Council – Northern Affairs Committee. Also we mention document numbered [(M)5/(U)3/(S)2/11325], dated 1988 June 10, marked as secret and confidential, issued to Army Chief of Staff, titled "5th Anfal operation", with a copy to Presidency of the Republic [secretary], Ministry of Defense Diwan, Northern Organization Office's Command, General Command of Armed Forces[General Secretary Office], and 5th Corps Command's Operation Headquarter. Another document is that holding Ref No [(M)1/(U)3/(S)2/10319], on 1987 March 10, marked as secret, urgent and confidential, addressed to Air Force and Air Defense Commands, titled "Headquarters of Iran's Agents", with a copy to Ministry of Defense Diwan and Chief of Army Staff. A third document is that holding Ref No [(M)1/(U)3/(S)2/10662], on 1987 May 14, marked as top secret and confidential, issued to Special Security System Director, titled "Special Ammunition", and document No [(M)1/(U)3/(S)2/11144], dated 1987 March 20, marked as secret and personal, issued to Army Chief of Staff, acknowledging that all documents are signed by Convict (Sabir 'Abd-al-'Aziz Al-Duri), who confessed those signatures' originality, both in investigation and prosecution. In addition, all the aforementioned documents contained suggestions and instructions directed to military establishments correlated to the regime which launched systematic large scaled attacks against civil inhabitants in villages after identifying the time and geographic location by GMID, headed at the time by the convict, as his statement included "I, as a General Director, represent the whole directorate, and these suggestions are those of the directorate, and I, as the highest in charge personnel in the directorate, approve these suggestions and...

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...if there was any objection, I take it into consideration, study it and then refer the issue to higher references, as my signature on any document means my approval".

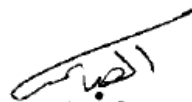
Even though the convict was the higher in charge personnel in GMID, as well as a member of Armed Force General Command, adding up his party's position and distinctive status as one of the eminent symbols of Ba'th regime, he did not exert any remarkable effort, as he did not prove to court that, with what he owns as power and information, he acted as to prevent or punish the crimes' perpetrators in Anfal operations. He did not forbid them from executing the crimes or asked president (Saddam Hussein) to refer them for investigation and prosecution, as this implies that the convict's intent was premeditated on contribution in implementing a joint criminal plan with other convicts taking over its criminal results, willingly and fully aware.

Accordingly, it had been proven to court that Convict (Sabir 'Abd-al-'Aziz Husayn Al-Duri) is guilty for committing murder considered as a crime against humanity as per article [12/First/(A)] by virtue of article [15/First-Second] of Iraqi High Tribunal Law number (10) for the year 2005, identifying the sentence as per article [406/1-(A-B-F)] by virtue of Clauses [47], [48] and [49] of Iraqi amended Penal Code No (111) for the year 1969, which was amended according to article (24) of Iraqi High Tribunal law for the year 2005 and was unanimously acknowledged on 2007 June 24.

Member



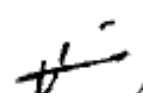
Member



Member



Member



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Muhammad 'Iraybi Majid Al-Khalifah**



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Convict (Sabir 'Abd-al-'Aziz Al-Duri) Bill of Indictment as for war crime for raiding civilians

On 2007 February 20, the court charged Convict (Sabir 'Abd-al-'Aziz Al-Duri) for war crime represented by attacking civilians relying on article [13/fourth/(A)] by virtue of article [15/first-second] of Iraqi High Tribunal Law number (10) for the year 2005.

The Crime's Elements

- 1- The crime perpetrator must direct an attack.
- 2- The target of the attack must be civil residents, by attribution, or civil individuals not directly involved in war operations.
- 3- The crime perpetrator must intend to make the attack's target civil residents or civil individuals not directly involved in war operations
- 4- The conduct must be applied within an armed dispute of national trait or correlated to it.
- 5- The perpetrator of the crime must acknowledge the factual circumstances that prove the existence of armed conflict.

After examining the lawsuit file and the correlated evidences, the tribunal found that convict (Sabir 'Abd-al-'Aziz Al-Duri) participated with other suspects in a joint criminal intent to perpetrate actions considered as severe violations for international codes and customs duly applicable on national Armed conflicts, including the convict and other suspects premeditation, following a joint criminal plan, targeting attacks against civil citizens, by attribution, or against individuals not directly involved in ...

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...war operations, in a purpose to reinforce the former regime's criminal actions or purpose against civil residents from Kurdish nationality in war operations titled Anfal, with the convict's acknowledgment of Ba'th regime's intent to perpetrate this crime.

The court identified aforementioned convict's responsibility through legal requirements of crime's basics as well as its elements of proof, relying on evidences provisioned in the case's file, both through investigation and prosecution, as follow:

The legal requirements needed to prove the crime basics and how much it corresponds with the perpetrator's act to be able to prosecute him are: **First**, the crime perpetrator must carry an attack; the purpose of the attack must be civil residents or civil individuals not directly involved in war operations. The elements of proof [pertaining to the two requirements] are the evidence that the victims' general view indicates that they are not military individuals. As for proving that casualties [both dead and wounded] was limited to civil inhabitants, this had been confirmed via facts and proofs submitted to court, as it was mentioned in victims' (plaintiffs) testimonies, including victim:

Plaintiff [NAME REDACTED]

Date of birth: 1965 Profession: Gainer Address: Al-Sulaymaniyyah

He testified, under oath, the following:

In 1987, I was residing (Sikanyan) village, in Shaykh Bakh, and one day, at 08:00 nighttime, 500-600 bombs stroke our village. The attack came from (Siwa), as the sound of the bombs was low and smelly. Citizens started escaping to hills. Another region, located between (Sikanyan) and (Sargalu), was also bombed. We came back the next morning to inquire what happened. The city was whitish so we knew that it had been bombed by chemical weapons. Even oak trees turned white in color.

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- Plaintiff / [NAME REDACTED]
- Date of birth: 1965 Profession: laborer Address: Al-Sulaymaniyyah

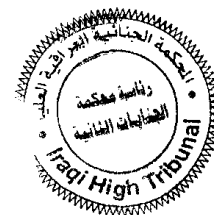
Under oath statement; he stated:

I'm a resident of (Sargalu) village, which was consisting of five hundred families, busy with farming and the attack was continued on the village by artillery, aircrafts, and launchers. On one day, at night, two aircraft flew over our village and killed eight residents. In 1988, before Anfal operations, one day the aircrafts killed three individuals, they were: ([NAME REDACTED]) and his two children [NAME REDACTED] and in that while Anfal operations started in February of the same year. The military forces gathered in the area where the army gathered in Al-Sulmaniyyah and headed toward (Dukan) from four directions and attacked for twenty days, the villagers couldn't stay in their villages and headed toward Iran, with them was my relatives and my brother ([NAME REDACTED]), his wife [NAME REDACTED]) and his children. The Iraqi forces destroyed the villages and captured the properties and looted everything. Then the families returned from Iran and from them eight families of my relatives and after they were released they returned to (Suni) village, got arrested and transported to (Chuwar Qarna) by (Eva) vehicles, then to (Irbil) where they put them in jail. Regarding me, I stayed in (Al-Sulaymaniyyah) and in one day, a detainee told me that he saw my relatives in the same detention for six months, then they moves some of them to (Nuqrat Al-Salman), then my cousin ([NAME REDACTED]) and her husband returned to (Al-Sulmaniyyah) after the release, they told me that their child ([NAME REDACTED]) died in (Nuqrat Al-Salman) from hunger, then his body was transferred outside the hall, buried in a little hole, the detainees were observing the burial form the window and seeing a dog trying dig out the corpse from the tomb.

The Presiding Judge



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...I get a complaint against (Saddam Hussein), ('Ali Hasan Al-Majid) and against everyone inside the cage.

Plaintiff / [NAME REDACTED]

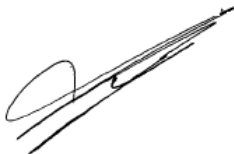
Year of Birth / 1949

Occupation: Farmer

Residency: Sidar Village, Bingird Sub District

After taking an oath, he reported the following:

My village is (Sidar), in 1988, the Iraqi regime attacked suddenly our village from two sides, the first side was from (Qara Sard) village toward (Dulamazala), and the second side was from (Bingird Dukan) toward (Dari Sandiran), then the battles between the Iraqi Military Forces and the Pishmarga Forces began. However, my village was not prohibited but it was shelled severely while the children and women were weeping, after that, the military forces entered the village, whereas many people were trying to runaway, for me I escaped from the village and my son [NAME REDACTED] followed me while he left his mother and brothers behind him. As well as, we hid ourselves in a cave over mountains because of the severe shelling. Additionally, I watched by binocular the military forces when they gathered the women and children by force in the mosque square, then they transferred them by the military vehicles. In addition, before my eyes there were bulldozers destroyed the village and I watched trucks moved my family while I was faraway 1 km from them, after that, I left to Iran in (Bana) village and the Imam of that village's mosque accommodated me for six months. Then, after the amnesty was issued, I surrendered to Dukan Organization of the Ba'th Party, at that time; I visited my mother when she came back from (Nuqrat Al-Salman) and I asked her about my family member's fates who are eight individuals (my wife '[NAME REDACTED]' and my sons ([NAME REDACTED]). Moreover, my mother told me that when we were moved from (Sidar) to (Raniya), we stayed...



Presiding Judge



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... (10) Days, then they moved us to the prison in (Irbil) and we stayed there (40) days, then to (Tupzawa) in Kirkuk, and they separated men away from women. After that, they sent us to (Nuqrat Al-Salman) where (10) individuals were dying daily because of starving and they were buried in the sand while the dogs were excavating and eating the bodies. However, my mother met my children while they returned to (Tupzawa) but the security and soldiers there prevented them to see each other, then my mother and my uncle were released and I know nothing about my family's fate until now. At that time, I was a military and I met (Saddam Hussein), then I asked him for releasing my family then he said, "Quiet, don't talk about that, they were missing in action during Al-Anfal operations and get out of here".

I was a soldier in the army and I stayed until the 1990 War, and then I returned to (Pira Magrun) compound. On the other hand, the civil status IDs were presented by Al-Sulaymaniyyah Investigation Court that told me the court found these IDs in a mass grave in Al-Hadar, since I found out that are related to my wife ([NAME REDACTED]) and my son ([NAME REDACTED]). In accordance with the aforementioned I have a complaint against (Saddam Hussein), ('Ali Hasan Al-Majid) and against everyone inside the cage, and this is my statement.

Plaintiff / [NAME REDACTED]

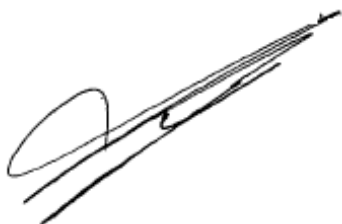
Year of Birth: 1960

Occupation: Retired

Residency: Al-Sulaymaniyyah Governorate

After taking an oath, he reported the following:

At the end of December in 1987, an extend attack started with using all kinds of weapons, and that stayed until 1988 March 16. We arrived (Shanakhsi) village dated 1988 March 20 where we found it destroyed and no one is there, but at the early morning in 1988 March 22, the aircrafts were flit over the areas of (Mawat, Qaywan, Dashti, Akri, Bardi Qashan,) and shelled those areas by chemical weapons. At the same day in the afternoon



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...the aircrafts invaded our areas, and shelled the surrounded areas by the chemical weapons, and then the aircrafts moved toward the other side that our forces headquarter is located. While I tried to reach that location, I saw dead bodies of children, women and old men were dead because of the chemical attack, in addition to corpses were scattered and I didn't know their names. Additionally, when I arrived to Pishmarga Headquarter, burning started showing on my body, my eyes turned red and after one hour I vomited, after two months, my friends told me that I was in (Al-Imam Al-Khomeini) Hospital in (Asfahan) where (90) individuals were at that hospital, in addition, they told me that (20) individuals of them died. However, I left the hospital at the end of 1988, and the doctors there told me that a part of my lung was damaged because of chemical weapons effects. In accordance with the aforementioned, I complain against (Saddam Hussein), ('Ali Hasan) and against everyone contributed in Anfal Operations.

Plaintiff / [NAME REDACTED]

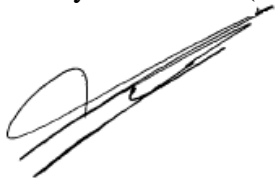
Year of Birth: 1951

Occupation: Farmer

Residency: Pira Magrun

After taking an oath, he reported the following:

In 1988, and one day the military forces attacked (Qalam Pasha) Village and the attack endured for three days, while we residing in (Qirnaqa) village, we escaped to the mountains fearing of the shelling, however, our village was bombed by chemical weapons and I have saw three dead individuals are ([NAME REDACTED]). Then we went to (Guma Zal) village, and when they arrived there, we found that the inhabitants of eight villages arrived there which are (Qirnaqa, Sargalu, Bargalu, Qalam Basha, Sidar, Dula Bi, Sikanyan, Umar Qawm and Chalawa), then we moved toward (Shanakhsi) village where we were attacked by the chemical weapons by the Iraqi Aircrafts. After that, we moved toward (Sadasht) village and we stayed there for (12) days, and after...



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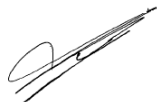
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... The amnesty was issued, we moved toward (Suni) village, at the same time, the Iraqi Army was existing there and their treatment was inhuman, because they were beating people and picking them up by military vehicles Type (ZIL). In addition to, confiscating our belongings, then they took us to (Chuwar Qurna) Division, after that to (Irbil) and finally to the security department where we stayed there for one day with no food, then they took us to a camp is located between (Musil) and (Irbil), and there they separated men away from women. As well as, in the camp I have seen many headscarves drenched with blood, while my wife ([NAME REDACTED]) and my son ([NAME REDACTED]). However, my cousin ([NAME REDACTED]) asked me about my wife's and my son's fates who was born in the prison, but he died and buried by someone in one of the graveyards. In accordance with that, I complain against (Saddam Hussein), ('Ali Hasan Al-Majid) and against everyone contributed with them.

*** Plaintiff: (protected), and she has the code number (4)
After taking an oath, he reported the following:**

I am from (Mahmud Pariza) Village, and we are farmers and we were not affiliated to any party. In April of the 1988, we were informed that the army would come to our village; therefore, we escaped from our village toward the near level lands, while we left our children in (Mahmud Pariza) village and (Zarda) village along with the villagers there. After we returned to our villages, we found that the houses were destroyed and our children were disappeared. After that, the army moved us by the military vehicles type (ZIL) where our children were taken to the brigade headquarters in (Chamchamal). Moreover, they moved us to (Tupzawa) and after four days, they separated men from women, at that time, my daughter ([NAME REDACTED]) died because of a severe disease, in addition to my brother's son ([NAME REDACTED]) who died too. Furthermore, we stayed in the halls for six months, then we were moved to ('Arbat) area, after that to (Chamchamal) where we were released, as for my husband who became insane and semi paralyzed for the reason that he was detained in (Nuqrat Al-Salman). However, I lost my daughter when we were in (Dibs) prison, in addition to, my son ([NAME REDACTED]) who was separated in the prison of...



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... (Dibs) camp, and then to mass graves. My other son ([NAME REDACTED]) was detained while grazing the sheep with my brother ([NAME REDACTED]) and brother-in-law ([NAME REDACTED]). Their fates are still anonymous. I demand accusation against (Saddam Hussein), ('Ali Hasan Al-Majid), his lieutenants, and all those proved as contributors in Al Anfal operations.

Another legal requirement is to prove that the crime perpetrator did not differentiate between civilians and fighters; this requirement was proven via documents, which were submitted to court by the General Prosecution Commission. These documents are as follow:

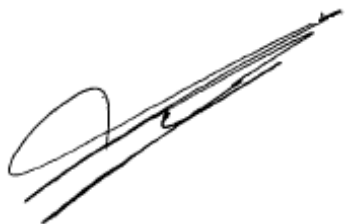
1- Document number [(M)5/ (U) 3/ (S)2/ 11325], dated 1988 June 10, marked as secret and confidential, issued to Chief of Army Staff, titled "5th Al-Anfal Operation" number (5), which included: On 1988 May 24, our troops started carrying out Fifth Anfal Operation by striking and destroying sabotage groups' headquarters and bases, within 5th Corps Sector [borders area next to 24th and 23rd Infantry Divisions, in the latitude of villages outskirts at (Qal'at Diza) basin]. Clause (5) included "the casualties of sabotage groups counted, until 1988 June 08, was as follows [it is the minimum casualties]:

(A) (58) dead, (72) wounded from saboteurs, their families and villagers due to special strike Clause (7) of the same document mentioned:

(B) (42) dead and a number of wounded due to our troops activities.

This document was signed by Convict (Sabir 'Abd-al-'Aziz Al-Duri) who confessed its originality.

2- Document number [(M)1/ (U) 3/ (S)2/703], dated 1988 June 10, marked as secret, confidential and urgent, issued to Northern Organization Office, titled "Air Strike"



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As Clause (2) mentioned the following, "the aforementioned air strike was very effective (especially on communists saboteurs' headquarter)], since the casualties of Al-Barzani group and communists saboteurs who existed within the aforementioned area, reached 31 dead including northern sector in charge personnel [for communist saboteurs], as well as 100 different injuries". Moreover; the document was signed by convict (Sabir 'Abd-al-'Aziz Al-Duri) as he admitted that.

3- The document numbered [(M)5/ (U) 3/ (S)2/9540], dated 1988 May 12, marked as secret and confidential, issued to Chief of the Army Staff, titled " Anfal operation outcome". In reference to our confidential and secret letter numbered (0982), dated 1988 April 8, regarding Anfal operation. (4), the following is the outcome of Anfal operation which started 1988 February 26 until 1988 May 10:

1- Casualties of sabotage group:

It concentrated on casualties within Iran's agents henchmen [without the other sabotage groups], whereas the operations were executed within Al-Sulmaniyyah governorate borders in which agents are highly operating. The total of saboteurs' casualties was estimated at 1200 between dead and wounded (including casualties resulted from special strikes), added to it (1150) saboteurs between returnee to the national side, arrested or surrendered to troops, consequently they lost around (2350) saboteur. The document is signed by Convict (Sabir 'Abd-al-Aziz Al-Duri) as he admitted this.

4- As it has been mentioned in telegram, marked as secret and confidential, holding originator's number [(U) 3/ (S)2/4122], dated 1988 March 1, issued by Eastern Intelligence System, directed to Intelligence Directorate (Section 3) "most of saboteurs' families in Dari Chafti (X.M), near Kani Tu, kindly be acknowledge about the result of our aircrafts striking over Iran agents' main headquarters, using special ammunition, as...



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... 100 to 120 were injured, between dead and wounded from saboteurs and inhabitants that reside in these places". Another legal requirement for proofing the crime basics is that the conduct be issued in national armed conflict context or correlated to it. The verification element for this requirement is an existence of an evidence of an armed conflict expanded between the government authorities and the organized groups. The rebellious side should have an armed organized force and a responsible authority vis-à-vis their acts committed in a particular place or time within a military conflict context. By this definition, the case is not just an internal quarrel, but it approved before the court, from submitted evidences and witnesses' testimonies that the armed conflict between regime's authorities and armed organizations in Kurdistan region (1987-1988) highly exceeded the case of considering it as internal quarrel. The rebellious side has organized armed force, armed militia named Pishmarga, which received orders from its commands. Additionally; the government of Ba'th regime recognized the rebellions as warriors with command. As example, Clause (4) of document numbered [(M)5/ (U) 3/ (S)2/9540], dated 1988 May 12, marked as secret, urgent and confidential, addressed to Chief of the Army Staff, titled "the results of Anfal operation" included the following "the pressure on sabotages groups most probably will lead to an approach between those commands". After Anfal operation, near the end of 1988 May, a representative from the sabotage group met with Iran agents, Al-Barzani clan, Kurdistan Socialist Party, Democratic Republic Party, and Kurdish Socialist Party. A representative on behalf of the Communist Party attended the meeting and agreed on following the clauses known as (Kurdistan Front) already announced on 1987 July, as they discussed in the meeting, the possibility of centralizing their offices [financial, information, military], in order to face the situation in



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... in the present circumstances and possibilities of the next phase. Opinions were submitted, during the meeting, stating the uselessness of facing our troops and to withdraw in these operations, adopting sabotage acts in small cells. The document was signed by Convict (Sabir 'Abd-al-'Aziz Al-Duri) who admitted its originality before court.

Another legal requirement is when the crime perpetrator knows of the factual circumstances which approve the existence of armed conflict. The element of proof of such evidence is elaborated through what had been submitted to court, from documents and other evidences as well as victims' testimonies which are enough evidences to confirm such legal requirement. Convict (Sabir 'Abd-al-'Aziz Al-Duri) premeditatedly caused, through a joint criminal plan, the launch of attacks against civil inhabitants, by attribution, or against civil individuals who are not directly involved in war operations through the Anfal.

Accordingly, the court confirmed that Convict (Sabir 'Abd-al-'Aziz Al-Duri) is guilty for premeditated murder as a crime of war according to article [13 \ fourth \ (A)] by virtue of article [15 \ first – second] of Iraqi High Tribunal Law numbered 10 for the year 2005, as the sentence had been identified as per article [406 \ 1 – (A – B – W)] from the Iraqi amended Penal Code number 111 for the year 1969 according to article 24 of Iraqi High Tribunal Law number 10 for the year 2005.

Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah

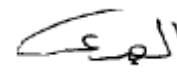

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المحكمة الجنائية العراقية العليا
رئاسة المحكمة
القضايا الجنائية
Iraqi High Tribunal


Member


Member


Member


Member

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Convict (Sabir 'Abd-al-'Aziz Al-Duri) verdict for war crimes represented in destroying the enemy's properties or confiscating them:


The court already charged Convict (Sabir 'Abd-al-'Aziz Al-Duri), on 20 February 2007, for committing many crimes such as war crimes represented by destroying the enemy's properties or confiscating them as per Article [13 \ fourth – (L)] by virtue of Article [15 \ first – second] of Iraqi High Tribunal Law number 10 for the year 2005.


After inspecting the case's file and provisioned evidences, the court found that Convict (Sabir 'Abd-al-'Aziz Al-Duri) participated, with others convicts, in a joint criminal intent to perpetrate acts which are considered as severe violations of international codes and customs duly applicable over national armed disputes including war crimes represented in destroying the hostile side's properties, stipulated in Article [13 \ fourth – (L)] of the aforementioned code, aiming to reinforce the former regime's criminal activity and purpose, being aware of the convict's intent to perpetrate this crime on behalf of the Ba'th regime.

The court has been able to define the responsibility of the convict through legal requirements of the crime's basics as well as its elements of proof, relying on evidences provisioned in the case's file, in both investigation and prosecution.

Elements of the crime

- 1- When the perpetrator destroys particular properties or confiscates them
- 2- The aforementioned properties must be owned by a hostile side.
- 3- These properties must be included in the protection against destruction or confiscation as per International Law for armed conflicts. .


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القضايا الجنائية
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- 4- The perpetrator must be aware of the factual circumstances of the crime which prove the attribution of such properties.
- 5- There should not be a military necessity to destroy the properties or confiscate them
- 6- The conduct must be issued within a national armed dispute or must be correlated to it.
- 7- The perpetrator must be aware of the factual circumstances of the crime which prove the existence of an armed conflict.

The protection in view of International customs and codes is not confined on people but stretch over to include properties as long as these properties are far from being military targets. Hence, no allegation justifies being destroyed or confiscated as long as they [properties] preserve their attribution. Yes, they lose protection if their nature, location, or purpose of use showed to contribute effectively to the military output, provisioned that the partial or total destruction, confiscation or annul of their roles became a must imposed by war necessities then these properties turn to be legitimate military targets.

As doubt is removed by evidence, when there are doubts over a given building, whether protected or not, the advantage goes to the first presumption [Kurditch and Cherkiz-appeal verdict, International Tribunal on 17 December 2004, Article 53].

Destroying or confiscating the properties occur as a result of attack meaning any action accompanied by hostile military operations during armed conflicts as well as when this attack lead to destruction or confiscation of properties on condition that the attack is premeditated, as it is the role of the court to prove that the convict, while committing his action, was expressing his intention directly to destroy those properties or confiscate them.



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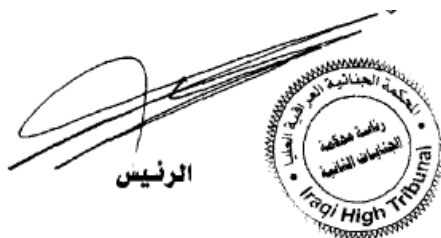
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But if it was possible to recognize the properties obviously as religious or educational establishments which were not used for military purposes, during military operations occurrence, hence their destruction or confiscation by hostile armed forces is considered as premeditated conditioned that the aforementioned establishments are not located at the vicinity of military targets.

The legal requirements to prove crime's elements and its accordance as well as the convict's action, they are:

First: the convict [perpetrator] must destroy or confiscate particular properties. The elements or proof are an evidence of lighting fire in the properties, deforming the properties, or cause damages. All is provided via submitted evidences to court as it occurred in Clause [4] of document number (1122), on 21 August 1988, marked as secret, urgent and confidential, issued to 1st and 5th corps' commanders, titled "Instructions" including "the present chance to destroy sabotage in Northern region is convenient and will not be available in the future whether we reached peace with the enemy or not there must be a massive destruction of sabotage in Northern region..." A copy of the document was sent to GMID which was headed by Convict (Sabir 'Abd-al-'Aziz Al-Duri), and signed by fugitive Convict (Nazar 'Abd-al-Karim Al-Khazraji), Chief of Army Staff at that time. Document holding Ref No [(T A C) \ 40 \ 1182], on 28 August 1988, marked as top secret and confidential, issued to 1st and 5th corps' commands, titled "Instructions", including " General Commander of Armed Forces' deputy, Minister of Defense has mentioned briefly by the plans of Anfal operations which are carried within your sectors:



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1- Elimination of all villages and houses within one village since it had been noticed that one or more house was left [from previous cleansing operations] in each village. Army aviation will be entrusted to observe that. A copy was send to General Command of Armed Forces Secretary which the convict was one of its members. The document is signed by Convict (Nazar 'Abd-al-Karim Al-Khazraji), Chief of Army Staff at the time. The court has noticed that the date of the two documents is 28 August 1988, confirming with no place for doubts, that Anfal operations varied on after the cease-fire between Iraq and Iran according to Resolution (589) issued by U.N. Security Council, dated 8 August 1988, contrary to what convicts had claimed. Telegram number (11365), on 28 June 1988, sent from Northern Intelligence System to GMID [(U) 3] including the following:

- Kuysinjaq at (07:00) on 21 June: An arranged force under the command of the second forces consisted of a tanks and armors company, and a commandos company of the 1st Corps locations, the 6th arranged company and the fighters from the following regiments (*T.C National Defense Regiments*) (regiment 90, regiment 43, regiment 62, regiment 85, regiment 135, regiment 162, regiment 215, regiment 241 and regiment 138 National defense) in addition to a group of Muhammad Sadiq Shuwani fighters (new formation) with a task to destroy and eliminate the Kurdish villages (0) 1 (0) Kani Lila (5769) (0) 2 (0) Amurkand (5347) (0) 3 (0) Si Girdkan (5069) (0) 4 (0) Sikani (4669) (0) 5 (0) Shaytan Rahman (4466) (0) 6 (0) Qasir (4569) (0) 7 (0) Aw Mal (4168) (0) 8 (0) Barda Sisi (4428) (0) 9 (0) Mirga (4478) (0) 10 (0) Banilkar (4376) (0), the abovementioned forces burn two villages Barda Sisi and Mirga and other scattered houses in Shalkha valley and capturing vehicle land cruiser type Toyota with 2 motorbikes.


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.....Another legal requirement to prove elements of the crime is that those properties must be included with protection from destroying or seizing according to the international pact concerning the armed conflict. The elements of proving this requirement is that there must be a proof that these properties weren't used in aggressive purposes.

The collected evidences in the prosecution file which satisfied the Tribunal when it reviewed them, it found that the seized and destroyed properties by the accused in cooperation with others weren't definitely used for any aggressive purposes (from its nature and locations) and vacant from any (Pishmarga) fighters and its people didn't participate in any direct or indirect military activity. Therefore, these properties considered as properties that must be included with protection according to the international pact relates to the armed conflict, that was proved after the court listened to the testimonies of many plaintiffs, some of them:

Plaintiff / [NAME REDACTED]

Date of Birth: 1961

Profession: Housewife

Address: Al-Sulaymaniyyah

He gave his statement after being sworn:

I belong to (Gul Bakh) village related to (Qadir Karam) Sub-District, in April 1988 Iraqi army were dropped on (Imam Zanur) mountain then shelled our village by artillery and destroyed the village. We stayed in the village though the army stayed there till the evening. we stayed in the village then escaped to (Qadir Karam) where the Iraqi army captured the men, our relatives transferred us to (Haft Taghar) village, my brothers with my husband ([NAME REDACTED] as well as others of my relatives were detained to unknown destiny, I complain against (Saddam Hussein), ('Ali Hasan Al-Majid) and who supported them.

- **Plaintiff (protected) given the sign number (4)**



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She testified under oath by the following:

I'm living in (Sartika) village at beginning of autumn 1988, we left the village after the shelling by mortars and aircrafts then we directed to Irbil where we stayed 8 – 10 days, my husband returned to the village he found it totally destroyed by the bulldozers, he told us that we lost everything, our farms damaged, the inhabitants of (Kuri) village told us that after 3 days my husband ([NAME REDACTED]) was arrested in the village by the army, , since that time I didn't get any information about his destiny, I complain against (Saddam Hussein), ('Ali Hasan Al-Majid) and their supporters.

Plaintiff / [NAME REDACTED]

Date of Birth: 1922

Profession: farmer

Address: Dar Barula village

He testified under oath by the following:

I belong to (Dar Barula) people worked as farmers, at harvest time 1987, we went to the Ba'th Party Organization to get harvest permission, in the morning of 03 September 1987 the emergency forces broke into our village then we were surrounded by these forces which burnt the village and exploded the electricity station in the village while we were outside the houses, then they gathered the livestock and took it, after that we were led to the emergency center in Al-Sulaymaniyyah then to the security directorate then returned us to the emergency center where we stayed detained for 4 months and subjected to many investigations, one night they took 9 of the detainees [NAME REDACTED] I don't know their full names as well as 2 persons from (Kalar) inhabitants; I don't know their names taken to behind the jail wall to shoot them there, we were informed by some of the guards that those two persons were captured in the security prohibited region and according to the decision issued by ('Ali Hasan Al-Majid)


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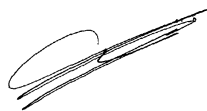
... they executed them after that I was released. I complain against Saddam Hussein and 'Ali Hasan Al-Majid and this is my testimony.

Plaintiff / [NAME REDACTED]

Age: born in 1965 **Profession:** Self-employee **Place of Residence:** Al-Sulaymaniyyah

She stated the following after taking the legal oath:

I am a resident of Sargalu village and the families were 500 families and they were working in agriculture, while the bombing on the village was continuing through artilleries, aircrafts and launchers. One day evening, two aircrafts flew over the village and killed eight people from our village. In year 1988 before starting Anfal operations, the aircrafts killed three individuals and they are ([NAME REDACTED]), in the meantime, Anfal campaign started in February and in the same year a huge military was built up in the area. The army concentrated at (Al-Sulaymaniyyah) toward (Dukan) in four directions, then the attack started and forces went forward and attacked the villages by chemical weapons. The attack continued for 20 days and the village inhabitants couldn't stay in their villages, so they went to Iran and my relatives were with them, also my brother [NAME REDACTED] and his wife [NAME REDACTED] as well as his kids were with them. The Iraqi forces destroyed the villages and seized the property, also looted everything. Then the families came back from Iran with eight other families of my relatives after issuing amnesty decision, they came back to (Suni) village and were captured and transferred by vehicles type IVA to (Chuwar Qarna) village then to Irbil where they put them in jail. I stayed in Al-Sulaymaniyyah. One day one, some of the detained individuals told me that he saw my relatives in the same detention camp for six months, after that they transferred some of them to Nuqrat Al-Salman. My cousin [NAME REDACTED] and her husband came back to Al-Sulaymaniyyah after they were released and they told me that their child [NAME REDACTED] died in ...



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... (Nuqrat Al-Salman detention camp) because of starvation. His dead body was transferred outside the detention camp and buried in a small hole. The detained individuals were watching the place where he was buried through the window. They saw a dog taking out the child's body from the grave. Therefore, I complain against Saddam Hussein and 'Ali Hasan Al-Majid and all convicts in the cage.

Plaintiff / [NAME REDACTED]

Born: 1963 **Profession:** House Wife **Place of Residence:** Chamchamal /Shurish/Al-Sulaymaniyyah

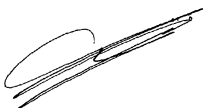
She stated the following after taking the legal oath:

I am a resident of (Qashqa) village, which belongs to (Qadir Karam) Sub District in Al-Sulaymaniyyah District. In the spring of 1988, the Army Forces bombed our village several times, and due to this bombing many residents of our village died such as ([NAME REDACTED]) and we women, children and aged, escaped from our village to (Qadir Karam) Sub District. And about the village youth, who are 105 individuals, they couldn't escape and I saw the army destroying our village. After the general amnesty was issued, the elderly went to the place where the youth were hiding and handed them over to the government authorities. The authorities transferred them via buses, and took them to unknown destination. And among them were 5 of my brothers ([NAME REDACTED]) also my stepson ([NAME REDACTED]) and some of my relatives. I complain against (Saddam Hussein) and (NAME REDACTED) and their henchmen.

The Plaintiff / ([NAME REDACTED])

Born: 1955 **Profession:** Self-employee
Place of residence: Zandan Village/ Sangaw / Chamchamal County / Al-Sulaymaniyyah

He stated the following after taking the legal oath:



(890-963)

The Presiding Judge

In the Name of God the Merciful the Compassionate

The Iraqi High Tribunal
Second Criminal Court
Baghdad-Iraq

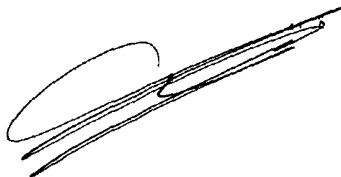
Ref.No.:1/ 2nd Criminal / 2006
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I came back to Iraq on 24 Aug 1988, after my captivity by the Iranian forces. After I came back to Sulaymaniyyah, my uncle ([NAME REDACTED]) informed me that those areas became uninhabited and the military forces waged attacks on it and demolished their houses, arrested its inhabitants and imprisoned them in (Tupzawa). When I reached my village, I found it completely destroyed and didn't find my family. I inquired the Ba'th Party and District Administrator of (Chamchamal) District and submitted 3 petitions to the Presidential Diwan and they replied as per the official letter that my family disappeared during Anfal Operations in the year 1988. And I demand to file a complaint against (Saddam Hussein) and his aides.

- **Plaintiff / [NAME REDACTED]**
Age: Born in 1936 Profession: Laborer
Residence: Takya Kaka Mad/ Aghjalar Sub District/ Chamchamal

I am a resident of Chughlija Village belonging to Chamchamal. In the fifth month of the year 1988, the Iraqi forces attacked our village from three sides and the army burnt down the villages (Qasruk, Kujina and Chughlija) and after 3 days the troops attacked Chughlija village and demolished it by using bulldozers. They arrested the inhabitants and transferred them to (Taq Taq) and then they attacked (Bayusha) Valley. I went to hiding in a shelter there along with my wife, who gave birth the day before. They found us in the shelter and I was scared of being killed along with my family by the army. After that, they returned us to our village (Chughlija) and the village was destroyed. Then they carried us away with military shovels to (Kirukhapa) and later transferred us to a location in (Taq Taq) and we remained there for one night and after that they transferred us to (Tupzawa) and stayed there for 3 days. After that, they transferred us to (Nuqrat Al-Salman) prison and our condition there was bad. My wife died due to hunger and I went with my brother [NAME REDACTED] to.....



(891-963)

The Presiding Judge

In the Name of God the Merciful the Compassionate

The Iraqi High Tribunal
Second Criminal Court
Baghdad-Iraq

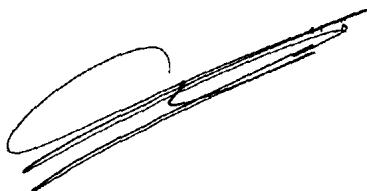
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... (Hajjaj), they hit us with cables and my child died due to starvation, his age was (20-25) days after that I was released. I complain against Saddam and 'Ali Hasan Al-Majid and rest of the convicts in the cage, also against (Hajjaj).

The other legal requirements to proof the elements of the crime and the extent of matching with the convict's acts and his participation in committing the crime by joining the other suspects, is that there is no military necessity to destroy the property or size it. The Elements of proofing this requirement is that war operations did not make destroying those properties or seizing them a necessity.

After listening to victims' testimonies and what had been submitted to the court, from documents by General Persecution Committee, after inspection and examination carried by court, acknowledging experts with expertise, according to its decision, on 2006 November 08. Hence, the court moved to the incident's site, where it framed a convincement that what convicts perpetrated by attacking hundreds of villages in different areas of Kurdistan, in North of Iraq, between 1987-1988, using numerous sorts of weapons and military classifications, destroying or confiscating properties in a way which contributes to the military activity insuring their partial or total annul of effectiveness as military target. It's only assured from the evidences the destruction of those properties, erasing them from existence as per scorched earth policy according to a joint criminal plan preplanned and in which contributed the convict and others. Among those evidences, the following documents through which, also, the court will be more certain about Sabir 'Abd-al-'Aziz Al-Duri awareness of factual circumstances as the forces, of the state to which he belongs, are participating in war operations against organized fighting forces inside the country. The convict ...



(892-963)

The Presiding Judge

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... for the crime premeditated the destruction and confiscation of those properties, as their ownerships go back to the hostile side. All these are none but legal requirements to prove the criminal conduct of the perpetrator.

1. The document holding Ref No [(U)3/(S)3/ 1346], dated 1987 June 1,
Secret and Confidential

To: General Military Intelligence Directorate [(U) 3]

Subject: Removing Villages

We enclose in this letter 3 rosters of villages that had been demolished within our system's sector and are 38 villages, dated on June 16 until June 30.

Kindly be acknowledged.

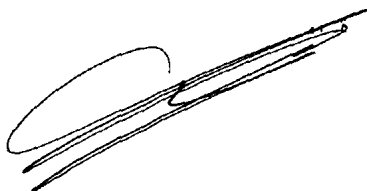
Attachments: 3 Rosters

The document was signed by fugitive convict Khalid Muhammad 'Abbas, director of Eastern Intelligence System.

2. Secret and Confidential, Originator Time: 2340, Issuing Date: 1987 May 23

To: The Intelligence [(U) 3]

Originator Ref No [(U)3/(S)3/ 9206,]Qadir Karam, Laylan, Qal'at Shirwana, Halabja, Pinjwin 100000/1. Below is enclosed the demolished villages' status for May 23. (1) On May 17 an organized force from 79th and 46th National Defense Regiments, accompanied by Military Engineering, went to demolish Qara Chiwar (8493) and to explode and remove concrete buildings, mosque and school within the mentioned village. The forces came back, after accomplishing mission, with no losses. (2) An organized force of the abovementioned two regiments with military engineering went to demolish 'Alyawa village (8696) and destroy the concrete buildings of the village's mosque.



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... The forces returned after accomplishing the mission with no losses. The following villages had been demolished:

Sulaymana (6928) Miramar (7028) Ashkawtan (7326) Huzkawama (7426) and their inhabitants had been deported to Zarayan complex.

(4) The two villages Ghulam Kawa (4255) and Biya Rash (4249) had been demolished, as their inhabitants escaped before the military invasion and took refuge in Sayyid Mahmud village and Pibaz sub district (4452).

(5) The two villages Biwla (6932) and Barkh (7131).

(6) The village of Daskara (5807) had been demolished.

Kindly be acknowledged

The document was signed by fugitive convict Khalid Muhammad 'Abbas, who was the director of Eastern Intelligence System.

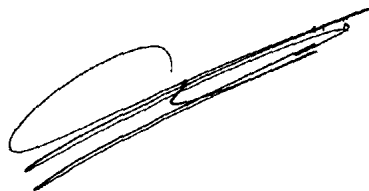
3. Secret and urgent, Originator's Time: 2120 hours, Date: June 4

To: The Intelligence [(U) 3]

Originator Ref No [(U) 3/ (S) 3/ 9922], Qal'at Shirwana, Halabja 1/ 100000, the dislocated and demolished villages' situation, within our system's sector, on June 1,

(1) At 10:00 hours, on May 31, the following villages had been demolished by tanks after settling in a safe place, as well as two Artilleries Batteries by the virtue of an air observation post. Kani Chalka (2748) Guma Zard (2750) Haji Qazi (2450) Upper Dumilan (2652) Middle Dumilan (2751) lower Dumilan (2650), all the aforementioned villages' inhabitants are estimated around 300 families, most of them joined the saboteurs'. At 16:00 hours of the same day, the forces came back without any accident.

(2) At 10:00 hours on June 1, the following villages had been demolished following the same aforementioned pattern: Dahanag Gawra (2855) Kani Zard (2457) Bawa (2453) Darakaran (2457) Zarin (2053) ...



Chief of Investigative Judges

In the Name of God All Merciful All Compassionate

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... Zarda Mahmud Qadir (2353), Tilaku Al-Sughra (small Tilkah) (2855) Faraj Waysa (1556), as the number of the abovementioned villages' families is estimated to be 96; most of them joined the saboteurs'. At 15:00 hours of the same day, the forces came back without any accident. (3) The following villages were demolished by Division 27 and its inhabitants had been dislocated to Zarayn residential compound without any accident. Chuwarta (5322), Kulus (7825). Kindly be acknowledged.

The document was signed by fugitive convict Khalid Muhammad 'Abbas, who was the director of Eastern Intelligence System.

4. The Document number [(U) 3/ (S) 3/ 2384], dated 1987 July 2,
Secret and Confidential

To: General Military Intelligence Directorate [(U) 3]

Subject: Demolishing Villages

We enclose one roster related to villages that were demolished, located within our system's sector, from 1987 July 15 until 1987 July 31, as they are nine villages. Kindly be acknowledged.

Attachments: One roster

The document was signed by Convict Farhan Mutlak Al-Juburi, who confessed the document's originality.

5. Document number [(M) 1/ (U) 3/ (S) 2/ 5940], dated 1987 March 11,

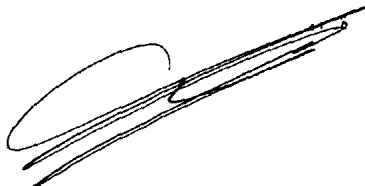
Top Secret and Confidential

To: Eastern Intelligence System

Subject: Demolishing Villages

Maps: Qadir Karam 1/ 100000

All villages affiliated to Qadir Karam sub district, which had been organized according to the attachment, must be demolished. Kindly be acknowledged and follow up the stages of dislocation, one by one and the reactions, then inform us.



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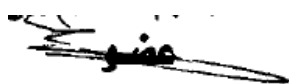
Attached: One roster

The document was signed by GMID deputy.

To instruct using chemical weapons (special munitions) via a suggestion from the convict as provisioned documents, submitted to court, indicate targeting areas populated with civilians, destroying their properties or confiscating them, without following precautionary measures to avoid civil inhabitants as well as their protected properties, pursuant to International Codes and Customs adopted in armed disputes, all the aforementioned is fair evidence to acknowledge the required criminal intent.

Accordingly, it had been proved to court that Convict Sabir 'Abd-al-'Aziz Husayn Al-Duri is guilty for committing war crime, which is presented in demolishing or seizing the enemy's properties, pursuant to article [13/ 4th – (SATTs L)] by virtue of article [15/ 1st – 2nd] of Iraqi High Tribunal Code number 10 for the year 2005, identifying the sentence pursuant to article [487/ 3] by virtue of contributory clauses [47], [48] and [49] of Iraqi amended Penal Code number 111 for the year 1969, by virtue of article [24] of Iraqi High Tribunal Code number 10 for the year 2005, unanimously acknowledged on 2007 June 24.

Signatures of the tribunal's members



Member



Member



Member



Member



**Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah**

In the Name of God All Merciful All Compassionate

Iraqi High Tribunal
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"The convict Farhan Mutlak Salih Al-Juburi"

The convict was born in 1947 and held the following responsibilities:

1. The Northern Intelligence System Director, from 1985 until 1987 November 02.

The charges against the convict according to indictment bill:

The tribunal, with its wide assessment authority, is non applicable to legal stipulation which the investigative judge relied, in the referral note. The tribunal can change the legal description and attribute other traits for convicts' actions. In the 46th hearing, dated 2007 February 20, the tribunal incriminated the convict with the following charges:

First: Genocide: article [11/ 1st]

- A. Murdering individuals from the group
- B. Causing severe mental or physical damage in group's individuals
- C. Subdue the group under harsh living conditions, aiming to totally or partially eradicate the group as per article [15/ 1st, 2nd, 3rd and 4th], of Iraqi High Tribunal Law number 10 for the year 2005.

Second: Crimes against humanity: article [12/ 1st]

- A. Premeditated murder
- B. Genocide
- C. Enslavement
- D. Relocation or coercive dislocation of inhabitants



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- E. Imprisonment or severe deprivation from physical freedom in a way which violates International Law basic regulations.
 - F. Torture
 - H. Oppressing any group or specific group of inhabitants for political, racial, national, ethnic, cultural, or religious purposes, gender or other reasons which are not legitimized by International Law, and that according to any specified act correlated with sexual violence on that level of danger.
 - Y. Coerce harboring of individuals
 - J. Other inhuman activities, with identical context which premeditatedly cause severe suffers or minimum danger tackling mental or physical health, or the body.
- By virtue of article [15/ 1st, 2nd, 3rd and 4th] of Iraqi High Tribunal Law number 10 for the year 2005.

Third: war crimes: article [13/ 4th]

- A. Premeditate attacks against civil inhabitants, by attribution, or against civil individuals who are not directly involved in war operations.
- D. Premeditate raids over buildings appropriated for religious, educational, technical, and scientific or charity purposes, against historical monuments, hospitals and wounded and patients' gathering centers, conditioned not to be military targets.
- E. Loot any village or place, even if it was coercively seized.
- H. Issuing commands to dislocate civil inhabitants for reasons that are related to dispute, unless this is for the security of the meant civilian or to urgent military reasons.



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L. Demolishing or seizing the hostile side's properties unless the act was a war necessity by virtue of article [15/ 1st, 2nd, 3rd and 4th], of Iraqi High Tribunal Law number 10 for the year 2005.

Also, the murder using poison or explosives as stipulated in article [406/1-(B)] of Iraqi amended Penal Code number 111 for the year 1969.

"Summary of Plaintiff's Testimonies"

The former government, after issuing Revolutionary Command Council's Decree [160], for the year 1987, put a special policy and tried to impose it in Northern area, where the planning for such policy took place at Army Staff of Chief Office according to commands issued by higher authorities, to implement large scaled military operations as mentioned in convict Sultan Hashim Ahmad testimony.

Indeed, the Iraqi Army launched a systematic large scaled attack, within 8 stages, starting with the first Al Anfal operation and ending with the Closure (Eighth Al Anfal Operation). These operations included where these operations included wide areas of Kirkuk, Al-Sulaymaniyyah, Irbil and Duhuk Governorates. The army troops used all available weapons at that time to strike Kurdish villages such as Aircrafts, Helicopters, Heavy Artilleries, Multiple Rocket Launchers, Conventional Munitions and Special Munitions as it was confirmed to the tribunal through documents submitted and attached to the case's file. The tribunal listened to more than seventy five plaintiffs' (victims) testimonies, as most of them described the military operations led by former regime's military forces at the time, against their villages as well as mentioning the weapons that were used against them. In other words, they clarified to the court how these troops raided over ...

حكمة كيف قاموا بتلك القطعات بقصف
الرئيس



Chief of Investigative Judges

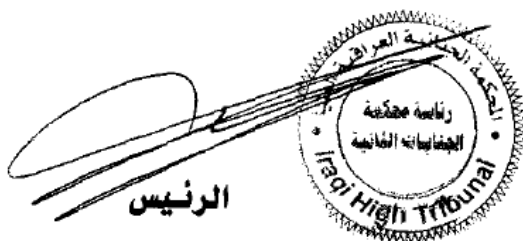
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... villages, demolished them and dislocating their inhabitants including elders, women and children. The plaintiffs demanded accusation against convicts Saddam Hussein, 'Ali Hasan Al-Majid and all those who participated in Anfal operations as they claimed compensations for the damages which occurred.

Their complaint against Convict Saddam Hussein was done because he was the Iraqi President at the time and Revolutionary Command Council higher commander, the one which issued Decree 160 for the year 1987, according to which the regime started adopting a special policy in Northern Iraq. On the other side, he was the Armed Forces General Commander, who issued all important military orders such as commencing Anfal campaigns and using chemical weapons against civilian inhabitants of the Kurdish villages.

The reason that plaintiffs demanded accusation against convict 'Ali Hasan Al-Majid was because he was the ultimate ruler in Northern Area, as confirmed in Decree 160, for the year 1987. The orders he issued for military, civil, security, party, and intelligence's systems were the main reason behind the crimes perpetrated such as genocide, crimes against humanity and the war crimes throughout Anfal operations. This is proved in letter number 4008, on 1988 June 20, which included direct orders from him, without forgetting that he was the higher in charge personnel regarding (Tupzawa, Dibs Nazarki Fort, Al-Salamiyyah) camps where men, women and children of Kurdish origin were detained as a national, ethnic or racial community, dislocating them in prison camps under harsh living conditions. Many elders, women or children died in detention due to those circumstances as well as harboring too many after murdering and burying them in mass graves, explored later on, which included hundreds of Kurdish victims' corpses. They demanded accusation and legal procedures against any one proved to be involved in Anfal campaigns.



Chief of Investigative Judges