

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

Prosecution witnesses' Testimonies

The court listened to witnesses' testimonies, as they confirmed what occurred in plaintiffs' testimonies, emphasizing that the Iraqi military troops carried out a systematic wide-scale attack, by campaigns known as Anfal campaigns, targeting the villages resided by thousands of civilians. The army started bombarding the villages, through artilleries, aircrafts and helicopters. Also, the witnesses stated that the villages in which they were residing had been bombed by chemical weapons leading to thousands of villages' civil inhabitants wounded and dead. The army dislocated their families in prison camps, such as Tupzawa, Dibis, Al-Salamiyyah, and Nuqrat Al-Salman, wherein they suffered from torture, humiliation, food shortage, bad conditions and lack of medical care. A lot of them died in the detentions, the witness ([NAME REDACTED]) who is a doctor working with Pishmarga Forces, mentioned what he saw about the injury of many locals by chemical weapons, as he treated them himself in villages such as Balak Jar and Siwsinan and also Balkha, Takyra and Balak Jar which belongs to the region of Qara Dagh.

((Documents))

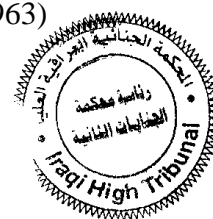
A large number of documents and files were provided to court, left by the former regime in the archives, proving that convict Mutlak Salih Al-Juburi, while participating with the other convicts, committed crimes against the Kurds, in Anfal Campaigns. Here, it is a must to elaborate with the documents which incriminate Convict Farhan Mutlak Salih.

The court reviewed the document, which was issued by Eastern Zone's Intelligence, number 384 on 1987 November 02, which includes a special list of destroyed villages within the sector ...

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... of Eastern System, between 15 October 1987 and 01 November 1987, and which includes nine villages, as this document is signed by Convict Farhan Mutlak Salih.

Also the court reviewed the telegram which was issued by Eastern Zone's Intelligence System of the, number 4122 dated 01 March 1988, which includes information on military operations accomplished in Anfal Campaigns.

Another telegram was issued by Eastern Zone's Intelligence System, number 13613 dated 06 August 1988, regarding special attacks conducted on Balisan area murdering a lot of inhabitants from (Saboteurs) families.

The court reviewed Eastern Zone's Intelligence System-Third Section report to the Director [of the section]:

1. The Comrade in charge of Northern Organization Office had approved the on field people's will against those whose names are enlisted below as per the approvals next to each name
2. A suggestion to carry the sentence against them on field, on Monday 01 August 1988

Also, the court reviewed Eastern Zone's Intelligence System's letter, number 1289, on 15 August 1988, regarding the sentence:

At 10:00 hours, on 01 August 1988, the criminals, who are the subjects of your secret and confidential letter No 2927, dated 20 June 1988, and two secret and urgent letters No 1596 or 1733 dated 18 or 21 July 1988, were executed by shooting till death.

This document is signed by Staff Brigadier General and Director of Eastern Zone's Intelligence System, Convict Farhan Mutlak Salih Al-Juburi. It is worth mentioning that the aforementioned documents definitely prove that...

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... there is a change followed in the army's policy, after issuing Decree 160, dated 1987, as that is what Convict Farhan Mutlak and Convict Sabir 'Abd-al-'Aziz Al-Duri confirmed. They stated before the court that the standard procedures followed in the army at that time, when any individual was arrested, was to investigate him by Intelligence Military Units and then send his investigation procs-verbal to the judge. After being sure of his legal stance, the internee will be handed to GMID and referred to appropriate courts. After issuing Decree 160 for the year 1987, these two documents as well as others are examples rather than exclusivity imposed a direct handling of internees on the spot as well as issuing sentences. In other words, the legal codes and customs adopted in military were annulled as suspects were punished on the spot [Execution] without giving them the right to have a fair trial.

The court reviewed the telegram; issued from Al-Tuz Intelligence Center to Eastern Intelligence System, number 1334, regarding demolishing (17) villages. The court reviewed as well the letter issued by Eastern Zone's Intelligence System, number 15055, dated 21 November 1988, which included:

1. Our center in Al-Tuz informed us about the detention of two families that took refuge in the area [Al-Tuz District] which is considered part of the prohibited zone, during the amnesty of Kurds.
2. The two families were sent from our center in Al-Tuz, to Al-Tuz Security adjutancy Directorate. This document is signed by Staff Colonel and Director of Eastern Intelligence System, who is none but Convict Farhan Mutlak Al-Juburi

This document is very important, because it provides evidences about the strong ties between Military Intelligence Systems in the Eastern Region, and its subsidiary Security Directorates. That was done in order to implement the governmental policy ...

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... at the time, represented by partially or totally eradicate the Kurds. Although families left prohibited zones which the regime forbid to be inhabited, and moved to villages not included in the ban, despite the declaration of amnesty, families were detained and sent to security directorates in order to be investigated and then to disappear like other thousands of families.

And also, the court reviewed the document issued by Eastern Zone Intelligence Center (*T.C: correction is Eastern Zone Intelligence System*), which enclosed a list of 18 destructed villages' names, outcome and changes, as well as dates of destruction. This document proves the policy which was followed by the former regime in Northern Area, on one side focusing on the demolishment of Kurdish villages, even if the date of the document is prior to the date of assigning convict Farhan Mutlak Al-Juburi as director of Eastern Zone System. Proof, the convict mentioned before court that during his chairmanship the same rules and regulations were adopted to handle such affairs.

Also the court reviewed document issued by Eastern Zone Intelligence System, number 1289, on 05 August 1988, to Northern Organization Office Command, regarding the execution of people at 10:00 hours, on 01 August 1988; the execution to be carried by shooting till death

...

The convict (Farhan) testified before court that Eastern Zone Intelligence System is one of the parties that carry field execution orders which will be executed by appropriate sides.

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((Experts' Reports))

The investigation court asked assistance from Iraqi High Tribunal to be supplied by a number of international experts, who have wide experiences in their fields. The latter accomplished their work under oath, supervised by court which summoned a number of them for testimony. Expert (Klayd Kulins Snow), testified before court, on 28 November 2006, that (he excavated mass graves at Kurimi village in Duhuk Governorate, and interred (27) corpses, who were executed by Army Forces. He also confirmed that all victims were in the position of sitting, which is identical to survivors' testimonies [from the execution operation] continuing that (84) gunshot injury, (10) in the head, (24) in the upper part of the chest, and (65) in the pelvis, were diagnosed. The minimal injuries occurred in the limbs, as victims were ordered to sit in front of the execution squads.

Then, Expert (Snow) moved to a small village called (Barjini) close to (Kurimi) village, which had been exposed to chemical strikes, back on 25 August 1988. An old man called [NAME REDACTED] and his grandson [NAME REDACTED], who was 5 years old, were killed due to a mistake they committed by escaping toward the valley bottom instead of climbing the hill. "We were guided to the grave, dug and opened it, to find an old man's skeleton and his grandson, with the clothes still on ... The expert also noticed many holes in texture of the Kurdish costumes caused by bombs' shrapnel". He took samples of soil and sent it to laboratories in the United States of America. The results showed Mustard and Sarin gases usage in this area...

The expert doctor (Isfandyar Ahmad Shukri) had testified before court, on 29 November 2006, that he visited the refugees' camp in Turkey (Diyar Bakir), which consists of 13 thousands refugees and (Mardin) refugees' camp, which included 5000 refugees...

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The expert doctor said that all people he met are from (Balisan, Ikmala, Hibas and Barjini) Villages. They all confirmed being exposed to the following symptoms during the strikes:

- A- Eye Irritation
- B- Difficulties in Respiratory System
- C- Difficulties in Digestive System
- D- Burns and Irritations in Digestive System

That is in addition to his personal observations of infected bodies. As a conclusion, the expert (Doctor) concluded that large quantities of Mustard and Sarin gases were widely used in Kurdistan of Iraq.

The court also listened to Expert Michael Tremble, **and he testified** in court that he supervised the excavation of (3) mass graves, which are (Ninawa 2), (Ninawa 9) and (Muthanna 2), and he mentioned that when he explored the mass grave (Ninawa 2), 123 corpses were interred, all of them were executed. That mass grave included only children and women, wherein it was (25) women, and (98) children, and that 90% of the children were under (13) years old. The expert added that (64) individuals were interred from the mass graves of (Ninawa 9), where all victims were adults, executed by automatic weapon. Regarding the mass graves (Muthanna 2), the expert said that (114) persons were interred from it, including 27 adult women, (2) adult men and (85) children. He added that all victims were executed in the position of standing, and that also the interred victims from the mass graves (Ninawa 2), (Ninawa 9) and (Muthanna 2) were...

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...wearing the traditional Kurdish costume. Finally, he realized that all mass graves were prepared and organized in an orderly way.

((Convicts testimonies against Convict Farhan Mutlak Al-Juburi))

1. Convict (Saddam Hussein Al-Majid):

Convict (Saddam Hussein) refused to answer any question, and when the court registered the statement of the convicts, the convict Saddam Hussein was already executed after being incriminated for Al-Dujayl Massacre. The court wasn't capable to write down his testimony in such case.

2. Convict ('Ali Hasan Al-Majid):

Convict 'Ali Hasan Al-Majid did not mention any information in the court concerning Convict Farhan Mutlak.

And when the court asked him whether Eastern and Northern Zones' Intelligence Systems were commanded by him or by the GMID?

He answered: - These systems were under my authority, and they received orders from me, and the Intelligence Military Directorate has nothing to do with that. These two intelligence systems are considered as any other governmental departments in the Northern area, which are commanded by the North Organization Office.

The court asked Convict 'Ali Hasan Al-Majid: - Regarding the transfer of civilians, which party was responsible for transferring them to North Organization Office?

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He answered: in the beginning, the military was handing villagers over to GMID as they, in turn, passed them to security committees.

Convict ('Ali Hasan Al-Majid) testified to court (...) if the military found any person who did not join the saboteurs' cells but didn't leave to the camps as well, they will arrest him. The [Security] System receives him from the military and sends him to North Organization Office. The Intelligence System became part of the security committee.

3- Convict (Husayn Rashid Muhammad Al-Tikriti):

Convict (Husayn Rashid) did not mention anything about Convict Farhan Mutlak Salih Al-Juburi during the investigation, as well as prosecution, not referring to any information correlated to the latter.

4- Convict (Sabir 'Abd-al-'Aziz Al-Duri):

The testimony of Convict (Sabir 'Abd-al-'Aziz) before the investigative judge is (we received orders to notify Northern and Eastern Zone's Intelligence Systems to be affiliated to Convict 'Ali Hasan Al-Majid. Indeed, we followed the orders as the aforementioned systems became directly affiliated to the convict receiving orders from him).

Also, Convict Sabir 'Abd-al-'Aziz testified to court (Regarding Anfal campaigns, Northern and Eastern Zones' Intelligence Systems were directly in charge of those villages' families in areas included within Anfal as they were handing the aforementioned families and individuals to Northern Affair Committee's Secretary).

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Convict Sabir 'Abd-al-'Aziz Al-Duri also testified before investigative judge: (Farhan Mutlak Salih Al-Juburi was Northern Zone's Intelligence System director, as his system was in charge of receiving those families and handing them over to Northern Affairs Committee).

A question from court to Convict Sabir 'Abd-al-'Aziz: what was the role of Northern and Eastern Zones' Intelligence Systems during Anfal campaigns and who was in charge of the Eastern System?

He answered back: They had been separated from Intelligence and correlated to North Organization Office, according to Decree (160), dated on 29 March 1987. (Farhan Mutlak) was in charge of the Eastern System.

5- Convict (Sultan Hashim Ahmad):

Convict Sultan Hashim Ahmad testified before investigative judge, when being asked about families' fates, those dislocated from villages to Northern Organization Office that "my responsibility, concerning the issue, as well as that of units under my command, was limited to passing orders first, and then transfer families and children available within the area, by vehicles, to Intelligence System, to be moved from there to North Organization Office, according to orders issued by Convict 'Ali Hasan Al-Majid

When he was asked by investigative judge about the party in charge of those referrals [moving civil inhabitants],

He answered: They were under the military forces' responsibility, in coordination with Military Intelligence System and Northern Organization Office which was headed by 'Ali Hasan Al-Majid. The latter was directly responsible in handling those families.

He mentioned in court, as well: the procedures, which were followed before I was assigned as 1st Corps' commander, were to hand the families from the army to Intelligence System, which in turn send them to Northern Organization Office...

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...The procedures had been changed as families were first transferred to Northern Organization Office and then to Security Systems.

6- Convict (Tahir Yusif Al-'Ani) testimony:

Convict Tahir Tawfiq Al-'Ani did not mention, while testifying before investigative judge, any information related to Convict Farhan Mutlak Al-Juburi, as well as before court's commission.

((Convict Farhan Mutlak Salih Al-Juburi testimony during investigation))

The convict testified before court that he was working as director of Northern Zone's Intelligence System and his duty was to collect information on Syria, Turkey and part of Iran, besides operations which they called sabotage acts, carried out by Kurds.

"My headquarters was an authoritarian one, as I command ten intelligence centers located in different areas. The duties of those centers were to collect information according to their sources. I remained in this position as director of Northern System till 01 November 1987, when I became director of the Eastern Zone's Intelligence System. We were directly correlated to GMID. After Decree No 160, for the year 1987, was issued, the two aforementioned intelligence systems became commanded by Northern Organization Office as ('Ali Hasan Al-Majid) became commander of both systems. As a result, GMID issued an order to change the special procedure from referring suspects to the aforementioned directorate [GMID] to directly handing them to North Organization Office".

He gave his testimony, while standing before investigative judge, that... "No one dared to refuse an order issued by 'Ali Hasan Al-Majid.

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He denied, before the aforementioned judge, any responsibility as to dislocate or hand Kurdish families, stating "Our organization did not transfer or refer any Kurdish family; acknowledging that Chief of Army Staff's deployment orders stipulated handing families over to Northern Organization Office". He personally, rather than officially, added "I saw those families driven in military vehicles to people's army in Kirkuk, where they had been grouped as Northern Organization Office as the one in charge of defining their fates".

((Convict (Farhan Mutlak Al-Juburi) testimony during prosecution))

Convict Farhan Mutlak denied all crimes charged against him, in both investigation and prosecution phases', claiming that the System, to which he had been affiliated, was not involved in Anfal campaigns. He said that he was doing his job at that time, commanded by 'Ali Hasan Al-Majid as no one dares to refuse the latter orders...

The convict testified in court that the main task of Intelligence System, as it is in any international military intelligence all over the world, was to collect information about enemies or possible enemies and even friends, as precautions to any emergency, as well as results of military operations and strikes launched by armed against enemy's sectors...

He also testified that intelligence commissions, including Intelligence Systems, submit information to GMID which inspect main information as well as other sources...

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The convict testified before court that the destruction of villages and dislocation of residents were the responsibility of military troops, and Party and Administrative systems in governorates, districts and sub districts, while the intelligence did not get involved, from near or far, in demolishing villages and dislocating residents.

It is worth mentioning that the convict denied all charges, in details, requesting from court's commission to restore justice.

Convict (Farhan Mutlak Al-Juburi) and his proxy Miqdad Sami Al-Juburi Summary of Defense

My client (Farhan Mutlak Al-Juburi), who is standing before this court, is wondering why the investigative judge referred him to prosecution as he ignores what did he commit, in his life, to be incriminated upon, especially the claims of perpetrating crimes as per Articles [11], [12] and [13] according to Articles [15] and [406/1/(B)] of Iraqi Penal Code. He was well known for his ethics, as he explained the mechanism of intelligence operations, gathering information for GMID solemnly.

He elaborated a comparison between International Tribunal Law basic codes and Iraqi High Tribunal Law, asking the court to rely, while tackling Articles [11], [12], [13], on Article No [17], Clause No [2] of International Tribunal Law basic codes, while stipulating Article [40] of Iraqi Penal Code.

He disclaimed charges induced in the bill of indictment, through the following:

According to Decree No 160, dated 29 March 1987, all personnel working in military, party, administrative and security systems are commanded by Convict ('Ali Hasan Al-Majid), as Intelligence Systems became...

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.. correlated to Office [Northern Organization Office]. The convict has nothing to do with the series of correspondences, submitted to GMID, concerning eliminated villages. While the evidence relies in Northern Organization Office letter No (4008). The convict indicates many letters not holding his signature, as his professional rank will not allow him to be aware of Kirkuk operations, especially that dislocated individuals do not pass by his system, rather to security directorates. He presented the secret letter numbered 1/1/1131, dated on 10 May 1987, which is enclosed in the case's file under number [004587], regarding eliminated villages, where the date of convict's affiliation to the Eastern System. The latter does not have any relation with village's elimination according to the above-mentioned letter. He said: "the General Prosecutor presented (20) documents addressed to Oil Protection Command – Intelligence Department, as well as security directorates of Al-Sulaymaniyyah, Chamchamal and Al-Ta'mim. He mentioned the numbers and dates of the letters which confirm that I have nothing to do in turning over Kurdish residents". Letter number (2422), dated on 05 December 1988, enclosed to which was a list of 50 Kurdish names handed over to security directorates in governorates, districts and sub districts following Convict ('Ali Hasan Al-Majid) instructions, confirm that those aforementioned were not referred to the system. He adds to that, the two defense witnesses' testimonies, asking court to dismiss Witness (Walid Nayif) testimony, as he negated the Intelligence acknowledgement as he [the witness] did not receive any letter from the convict. He said: "The letter number (4008), dated on 20 June 1987, stated a specific deadline of maximum two days, until 22 June 1987, however the convict joined the Eastern System (6) months after the above mentioned date". He said: "there are 70 witnesses who did not mention any correlation to Eastern System or convict with Anfal Campaigns. Moreover, no one of the Intelligence System's officers or affiliates was awarded". "Intelligence System did not investigate detainees as the general prosecutor id include his allegations any evidence of such claim; the General Prosecutor mentioned letter number (1289), dated on 25 August 1988; the detainees, who had been arrested, had...

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...committed illegal actions not related to Anfal, as the followed procedures within the system were to conduct investigation, in such a case, and refer the arrested to System's headquarter and then Intelligence directorate. After Decree number (160), such laws and decisions were dismissed, concerning anyone arrested, as the Intelligence System received letter number [(M)1/(U)3/21389], dated 04 October 1987, stipulating:

"The segregation operation is the investigative judge's responsibility, deciding whom to be sent to Northern Organization Office and whom to send to GMID".

He said: "the convict was not assigned yet when a committee had been formed including representatives from Intelligence System, Northern Organization Office, Kirkuk military hospital security officer, and a doctor officer, to implement orders issued by Northern Organization Office General Secretary".

He wonder whether individual cases, interacted with Anfal, are taken into consideration as letter number (17183), dated on 25 October 1989, mentioned the annul of pervious instructions issued on behalf of Revolutionary Command Council's deputy, returning back to pervious procedures.

He mentioned (Walid Nayif) testimony saying that he had faced similar problems while dealing with convicts who had been incriminated by North Organization Office, as he called ('Abd-al-Rahman 'Aziz), Northern Affairs Committee's Secretary, inquiring this state and had been replied back by "execute before being executed". He added that the number of those referred to North System reached (18) convicts, which is the same number of convicts referred to the Eastern System during Anfal Campaigns.

He said: "the General Prosecution mentioned that executions were carried inside Intelligence System. Well, this is not true, because the Intelligence System was like a small house as the Quartet Committee was in charge of handing and referring them to Corps' Military Police Company, to be executed.

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He says, as well: "Regarding the convicts' attorneys with the personal right that claimed disseminating leaflets among Kurdish citizens, this is untrue as they lack evidence in their allegations. Such task is the duty of Political Guidance Directorate and the system has no aircrafts as its personnel are counted on the fingers of one hand.

He also says: "The convict's attorneys with the personal right claimed that the convict participated in planning chemical strikes as such issue is far from targeting the convict, due to the fact that such issue is from the specialty of appropriated directorates, adding up the lack or evidence over such allegations".

He additionally says: "No republican decree was issued to honor the convict and this is concrete evidence to dismiss charges against him and the system's affiliates".

He adds: "Nothing was proved, from submitted evidences before court, that the convict arrested inhabitants, handed and referred them, or had personally or ordered others, or assisted them, or offered help in eradicating and demolishing villages because such operations occurred before his arrival. No evidences had been found to prove his perpetration of any of the stipulated criminal acts. Accordingly, the defense plead innocence for his client as from charges attributed to him, requesting to be released as per article [182/(B)] of Iraqi Tribunal Trials Procedure Penal. In case of incrimination, we plead the court to commute the sentence as per Clause [5] of Article [15] of this court code because the convict is a military personnel who is subdued to obey military orders, with no right to object.

Convict (Farhan Mutlak Salih Al-Juburi) Defense Witnesses' Summary of testimonies:

1- The Witness / [NAME REDACTED]

Born: 1945 **Occupation:** Farmer

Residing: Al-Mawsil, Al-Qayyarah Sub District, 'Ajbah Village

He testified, under oath, the following:

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"My testimony regarding Convict (Farhan Mutlak Al-Juburi), we are from a Kurdish village, populated 70 years ago. We live with the family of (Farhan Mutlak Al-Juburi) and our Shaykh [tribal leader] [NAME REDACTED] died. We have good relation with the family of ([NAME REDACTED]). They attend our condolences and ceremonies as we attend back theirs'. And one time, the government decided to dislocate us. (Farhan) and Shaykh Al-Jubur intervene for Al-Mawsil governor and guaranteed us. Hence, the latter issued his orders not to dislocate us".

And when the court questioned the witness, do you have information about the role of (Farhan) in Anfal Operations?

He answered, "Sir, I see him once per year as I am a military person in (Al-Basrah) and he is an official in the north. I even don't know his rank at that time".

2- Witness ((Protected)), coded with number (3), testified, under oath, the following:

"I worked as personal driver for (Farhan Mutlak Al-Juburi), during his work as director of Eastern and Northern Zones Intelligence Systems. I would like to clarify before court that I did not accompany him in any execution, dislocation or Anfal Operation's case. His duty was not a military one, whereas the corps contains intelligence in addition to Party within the area. He works inside the directorate. In my opinion, he didn't commit any criminal act and I am responsible of my words, because I am under oath. I am pretty sure because I am his personal driver, always with him, as he never went our walking, always using the car. Sometimes, he even takes a tour in the city and goes back home.

3- Witness (Protected), coded with number (4), testified, under oath, the following:

"I was his personal escort during his work as director of the system, where I was with him in Northern System, in 1986. Then, I was transferred along with him to Eastern System, in the year 1987. At that time, the Eastern System consisted of more or less (20) privates and (7) officers, occupying a normal house with no...

اصبح من الملاحقين المختارين للمنظومة
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رئاسة محكمة
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... heavy weapons or tanks, rather (Kalashnikov) assault rifles. The system's work, as known, was to gather information. I didn't witness any Kurd or family who had been detained. (Farhan Mutlak) was a just person who did not discriminate between (Zayd and 'Ubayd). There was a prison in the directorate made of one room where soldiers who got absent or violate the laws were punished. I used to accompany him throughout the city and I did not know about prison camps or execution cases unless through my follow up of the court. The convict is from my tribe but not a cousin.

Convict (Farhan Mutlak Salih) Role in Genocide:

From the authentic documents in the case and testimony of convict (Farhan Mutlak Salih), as well as other convicts, the convict (Farhan) was director of Northern Intelligence System and then transferred to be director of the Eastern Intelligence System, effective from 02 November 1987. He occupied this position after September of the year 1988, which is the framed time within the case's context. There is no clear evidence against convict (Farhan Mutlak Salih), before 02 November 1987, despite being, prior to the aforementioned date, director of North Intelligence System. However, his duties in both positions were limited to survey over hostile and Kurdish villagers' activities, those who were coercively dislocated from their villages, and to provide sufficient information about targeted villages while supervising intelligence centers affiliated to him which provide him with information. He used to provide detailed information and reports on targeted villages, enemy's positions, number of forces, type of weapons, and results of chemical and conventional weapons' attacks over villages and Kurdish fighters (Pishmarga) identifying the points of strength and weakness. Probably, the North Intelligence System, which was headed by the convict, had no significant activities before the 8th Anfal Operation, within the convict's responsibility context. Convict (Farhan Mutlak Salih), when was assigned director of Eastern Intelligence System, he was...

العامّة قاتمة (9) قرى تمت ازلتها من
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...in charge of sending Kurdish villagers to North Organization Office, supervising interrogations, executing detainees and notifying the convict ('Ali Hasan Al-Majid) about all details. Wherein, convicts (Sabir 'Abd-al-'Aziz), (Husayn Rashid) and (Sultan Hashim Ahmad) confirmed that Convict (Farhan Mutlak Salih) was in charge of transferring families including children, women and elders from their villages to the North Organization Office. In addition, the convict (Farhan Mutlak Salih) was also in charge of 9 intelligence centers which are (Al-Sulaymaniyyah, Chamchamal, Halabja, Darbandi Khan, Kalar, Tuz and Kuysinjaq)... In these areas, part of Anfal Operations took place, as convict (Farhan Mutlak Salih) was receiving information from intelligence officers existing in corps and forwarding the information to General Military Intelligence Directorate (The Convict Sabir 'Abd-al-'Aziz Al-Duri). But, after ('Ali Hasan Al-Majid) took responsibility of North Organization Office, he used to forward this information directly to ('Ali Hasan Al-Majid) sending copies to General Military Intelligence Directorate. For the purpose of specifying legal responsibility of convict (Farhan Mutlak Salih), it does not make a difference whether orders were referred to ('Ali Hasan Al-Majid) or General Military Intelligence Directorate when the goal is to accomplish one same objective. The tribunal did not find documents or evidences that confirm the forwarding of information regarding Kurdish fighters and civil inhabitants, to the General Military Intelligence Directorate, on behalf of convict (Farhan Mutlak Salih), when he was director of North Intelligence System. On the other hand, the provisioned evidences in the case show the involvement of convict (Farhan Mutlak Salih) in crimes committed from 02 Nov 1987 till the end of Anfal Operation in September 1988. Whereas, convict (Farhan Mutlak Salih) presented intelligence information and details of attacks via chemical and conventional weapons against Kurdish villages within the area he was in charge of before ultimate authorities, where it was mentioned in letter number (384), dated 02 November 1987, issued by convict (Farhan Mutlak Salih), to General Military Intelligence Directorate, a roster of (9) villages that had been demolished...

العامة قاتمة (9) قرى تمت ازالتها من
الرئيس



(918-963)

Chief of Investigative Judges

In the Name of God All Merciful All Compassionate

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... from 1987 October 15 until 1987 October 31, and in the telegram No (4122), on 1988 March 01, which included information on locating Iranians in (Sargalu), and the possession of saboteurs (Pishmarga) of clothes and safety medications against chemical weapons. It was also mentioned in the aforementioned telegram, the number of fighters (Pishmarga) and villagers' victims due to special strikes.

The correspondence No1289, dated on 1988 August 05, which was issued by Eastern Zone Intelligence System, addressed to North Organization Office, included carrying field execution against (criminals), without trial. The convict (Farhan Mutlak Salih) confessed before court that these executions were performed according to convict ('Ali Hasan Al-Majid) orders without any trial.

Convict (Farhan Mutlak Salih) bill of indictment conviction or responsibility:

According to provisioned evidences in the case, the court is discussing whether convict (Farhan Mutlak Salih) has a criminal intention (personal intent) to partially or completely eradicate Kurdish nationals due to their nationality or ethnicity, as being Kurds.

The court finds that there are no direct evidences for criminal intentions (personal intent) against convict (Farhan Mutlak Salih) to incriminate him for genocide, as the intention will be concluded according to many factors including the nature and range of committed crimes, and the testimony of the convict concerning targeted mass actions. Through the aforementioned factors, the court finds that evidences are not enough to proof the intention of genocide. Moreover, though the convict (Farhan Mutlak Salih) was director of Eastern Zone Intelligence System, there is no evidence him attending highly classified meetings of Ba'th Party or General Command of Armed Forces, or statements and quotations which identify his intention of genocide.

The role of convict (Farhan Mutlak Salih) was limited to gather information and submit it to convict (Sabir 'Abd-a-l-'Aziz Al-Duri) through...

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... GMID, convict ('Ali Hasan Al-Majid), and others. There is no evidence that convict (Farhan Mutlak Salih) participated in the decision making. The court finds that the convict is not required to prove that he had no intention; rather it is the court's duty to determine if there are enough evidences to prove that (Farhan Mutlak Salih) had the personal intention.

Accordingly, the court finds that there are no enough evidences to prove the personal intention of convict (Farhan Mutlak Salih).

Therefore, there are other sorts of responsibility concerning genocide which do not require the provision of (personal intention), specifically help and encouragement, as per article [15/second-(C)]. The article [15/second-(C)] emphasizes on helping or encouragement, or any other method to help committing a crime, as a theory of criminal responsibility, making the convict legally responsible for the crime, as assistant or encourager, if he helped, while being fully aware, in committing the crime, as his assistance and encouragement were found to have major influence on the crime's perpetration.

The acts of convict (Farhan Mutlak Salih), contributed mainly in committing genocide, by helping in targeting and providing information after launching attacks, which facilitate and helped the continuation of the aforementioned attacks and murder, in addition to causing a huge mental and physical damage, by attacking with chemical weapons.

As it had been clarified through documents and official correspondence, convict (Farhan Mutlak Salih) had presented information concerning enemy's locations, and the effects of attacks over Kurdish villages in Northern Iraq. He also monitored the movements of families, submitted information regarding victims and injured by chemical weapons. Moreover, monitoring the enemy movements, and sequentially, he prepared information for General Military Intelligence Directorate to offer advise for Chief of Army Staff concerning accurate and effective targeting.

The convict (Farhan Mutlak Salih), had presented - in the second day of taking his responsibilities in the Eastern System- a report to General Directorate for Intelligence, informing them of removed villages' number, which was (9) villages...

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... during October 1987. Through documents, it became clear that this report is a monthly report, as telegram No 13613, dated on 1988 August 06, issued by Eastern Zone Intelligence System, included the attack over (Balisan) with special ammunition, where a lot of saboteurs and village residents were killed. On 1988 March 26, the convict (Farhan Mutlak Salih) had presented a report about the result of attacks, using chemical weapons, over (Sargalu) and (Bargalu) areas, and the sort of injuries among residents.

The acts of (Farhan Mutlak Salih) had contributed in committing the crime of genocide, as he was aware and acknowledged of his help in perpetrating genocide, as a director of Eastern Zone Intelligence System. He knew about correspondence numbered (4008), dated on 1987 June 20, and correspondence No 3650, dated on 1987 June 03. Through reviewing these two correspondences, he knew about those things through convict ('Ali Hasan Al-Majid) order to target civilians in Kurdish villages, with different types of chemical and conventional weapons. The orders were based on a clear plan or policy, to target the Kurds in the Kurdish villages of Northern Iraq, to forbid any human and animal's existence there, and to prohibit agronomy, and agricultural and industrial investments, adding up in and out travel ban, detaining all arrested people, and executing every person from 15 years old to 70 years old [included]. The security systems were in charge of interrogating the arrested people, as convict (Farhan Mutlak Salih) knew that those people will be field executed, without trials, s all courts were suspended, and replaced by security commissions. The convict (Farhan Mutlak Salih) confessed before court, that the execution squads were carrying out field executions, following the orders of convict ('Ali Hasan Al-Majid), in corps' shooting fields. Convict (Farhan Mutlak Salih) was fully aware...

Chief of Investigative Judges



(921-963)



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...acknowledged of these systematic large scaled attacks on civilians in Northern Iraq using conventional and chemical weapons, as it happened prior to 2 of November 1987. This had been approved via reports submitted by convict (Farhan Mutlak Salih), documenting such attacks, as being fully aware of the systematic nature of the raids implemented following letter No (4008) content, on the 20th of June 1987, which clarifies the plan and policy of Ba'th party through convict ('Ali Hasan Al-Majid).

Convict (Farhan Mutlak Salih) was in charge of reporting activities and status in areas included as targets in 1st Anfal until the 7th Anfal operation. However, the 4th and 5th operations took a different path where they did not focus on dislocating civilians rather on destroying villages and citizens who were exposed to genocide. Convict (Farhan Mutlak Salih) knew that the attacks were not military-conventional ones, but rather genocide against villagers. Hence, the court concluded that the convict was fully aware and acknowledged, especially after the 4th Anfal starting from 5th Anfal until the end of September 1988. Accordingly, the court considers that convict (Farhan Mutlak Salih) had vastly helped committing genocide, fully aware and acknowledged that his acts contributed to the crime, as he is guilty for collaborating in committing genocide according to article [11/2nd-(SATTSH)] of Iraqi High Tribunal Law, as his acts caused killing as well as severe mental or physical damages among civilians from Kurdish villages in Northern Iraq.

Accordingly, it was proven before court that convict (Farhan Mutlak Salih) is guilty, as the court decided to incriminate him according to article No [11/1st-(A-B)/2nd-(H)] by virtue of article No [15/1st, 2nd], and article No (24) of Iraqi High Tribunal Law No (10) for the year 2005....



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... identifying the sentence as per Article No [406/1/(A-B-W)] by virtue of contributory articles No [47], [48], [49] of Iraqi amended penal code No (111) for the year 1969. The verdict was released in unanimous agreement revocable for cassation, which was publicly acknowledged on 24th of June 2007.



Chief of Investigative Judges
Muhammad 'Iraybi Al-Khalifah



Member Member Member Member



(923-963)

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The Verdict

Convict (Farhan Mutlak Salih) role in premeditated murder as a crime against humanity:

The convict (Farhan Mutlak Salih) was assigned as director of General Military Intelligence System on 2nd of November 1987, where he submitted detailed reports and information regarding targeted villages and locations of Kurdish fighters (Pishmarga), number of forces, and types of weapons in addition to the results of conventional and chemical weapons' attacks, besides presenting weak and strong points of hostile party. Convict (Farhan Mutlak Salih) submitted this information during his term in the position he occupied, from the 2nd of November 1987 until the end of Anfal operations in September 1988.

On June 1987, convict ('Ali Hasan Al-Majid) issued two letters: number (4008) and (3650), which are considered the basis from where Anfal operations emerged, along with systematic wide scaled attacks over civil citizens, where convict (Farhan Mutlak Salih) was director of North System at the time. He closely reviewed these orders as the two letters' contents were notified to all security systems, including intelligence systems. The court had authenticated the testimonies of tens of victims (Plaintiffs), as we will discuss part of those victims, within the sector where convict (Farhan Mutlak Salih), the Director of Northern Intelligence System, was operating. [NAME REDACTED] testimony before court, on 14th of September 2006, one of Sidar villagers/ Al-Sulaymaniyyah Governorate, included ((In 1988, our village was under heavy bombardment where kids and women's screaming reached (the throne of heaven).

In the testimony of ([NAME REDACTED]), residing (Lower Balkha), before court, on 25th of September 2006, included:

((On the night of 22nd-23rd of March 1988, our village was bombed with chemical weapons, I saw columns of smoke rising from (Siwsinan) village...I inhaled the poisonous gas and got difficulties in breathing. The next day, I noticed most of the area's villages been burnt down as their inhabitants fled away....))



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Plaintiff ([NAME REDACTED], a resident in (Siwsinan village) Al-Sulaymaniyyah, mentioned before court, on 20th of September 2006:

((we were bombarded with chemicals via aircrafts, during the spring. **The plaintiff added** - after the bombing stopped, I found (14) corpses (7) of them belonged to ([NAME REDACTED]) family while the rest were, my daughter ([NAME REDACTED]) and her (5) children, and another (2) one for the wife of ([NAME REDACTED]) and his son ([NAME REDACTED]), the injured (41 injured) were taken to (Shurish) hospital. (81) individuals of the village died including (70) by chemical weapons)).

Witness ([NAME REDACTED]), a resident of (Gup Tapa) of Al-Sulaymaniyyah Governorate, testified before court, on the 4th of December 2006, quoting:

"On the 3rd of May 1988, our village was subdued to chemical strikes where (25) of my family members were killed...he then added – I also witnessed (70) members of my family laying on the ground in a diameter of approximately (500) meters square, all infected by chemical weapons".

Witness ([NAME REDACTED], a surgical doctor, testified before court, on 6th of December 2006: "On the night of 1988 March 23, Doctor (Nasih) told me that (Siwsinan) area had been struck by chemical weapons where about (70) injured were brought to us among which someone called ([NAME REDACTED]) whose four children and wife had fell martyrs. I also knew that (72) people died that night resulting from the chemical strikes".

In addition to other plaintiffs who attended before court, testifying how they were bombed by conventional and chemical weapons, describing the minutes during which they were under attack as Armageddon. All victims mentioned that they had been exposed to conventional and chemical weapons, attacked by army troops which transferred them via military vehicles to North Organization Office and then to prison camps and detention centers in Tupzawa, Dibs and Qarah Tu.

Convict (Farhan Mutlak Salih) was aware of Decree (160) for the year 1987, and letter No (3650), dated 3rd of June 1987, and letter No (4008), dated 3rd of June 1987. the convict (Farhan Mutlak) was...



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...fully aware of convict ('Ali Hasan Al-Majid) orders to launch systematic large scaled attacks against Kurdish civilians, killing those residing prohibited zones. Convicts (Farhan Mutlak), ('Ali Hasan Al-Majid) and others, participated in killing civil residents from the Kurds, following orders issued per letters (4008) and (3650) through a joint criminal plan.

According to provisioned evidences in this case, due to plaintiffs' testimonies, the letters and other documents, civil residents were killed following ('Ali Hasan Al-Majid) orders whether via using chemical weapons against them or executing them on the spot. The convict (Farhan) had played a direct role in making the attacks easier for the army where he provided intelligence reports concerning the nature and efficiency of attacks' locations, analyzing hostile forces' stance, their points of weaknesses and strength. Even though he did not recommend the use of chemical weapons, he gave reports on their efficiency. Based on that, he is considered as contributor in achieving the criminal result in different ways. As of (Farhan) intentions to launch a systematic large scaled wide-range attack, it is shown in his testimony before court, where he justified following orders as being one of the basics which can not be relied upon when prosecuting for crimes against humanity. He was aware as well of weapons' indistinct nature which means not to differentiate between a civilian and fighter, proving his willing intention to launch and participate in the plan that is targeting Kurdish civilians in Northern Iraq. (Farhan) played a very essential and important role in making the operation successful by doing his aforementioned job; render easy the acts which were committed against Kurdish civilians in Northern Iraq.

Accordingly, the court finds convict (Farhan) guilty for committing premeditated murder as a crime against humanity, based on his acts and contribution in achieving the criminal result.



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Convict (Farhan Mutlak Salih) verdict for premeditated murder as a crime against humanity:

Based on physical and moral evidences provisioned in the case, convict (Farhan) is responsible for committing premeditated murder as a crime against humanity according to article [15/2nd] and based on his participation in achieving the criminal result through launching systematic wide scaled attacks against Kurdish civilians in Northern Iraq, using conventional and chemical weapons, causing a huge toll of death among the Kurdish civilians in Northern Iraq, without forgetting that convict (Farhan) provided help and encouragement for the attacks.

Accordingly, the court finds that evidences are sufficient to incriminate (Farhan), as guilty for committing premeditated murder as a crime against humanity (it was committed during 1987-1988) according to Articles [12/1st/(A)] and [15/1st, 2nd] by virtue of Article (24) of Iraqi High Tribunal Law No (10) for the year 2005, identifying the sentence as per article [406/1/(A, B, W)] by virtue of Clauses [47], [48], and [49] of Iraqi amended penal code No (111) for the year 1969. The verdict was released in unanimous agreement revocable for cassation, which was publicly acknowledged on 24 June 2007.



(927-963)

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Muhammad 'Iraybi Majid Al-Khalifah

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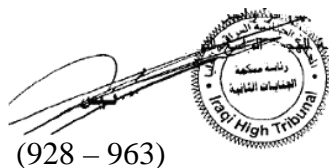
The Verdict

Convict (Farhan Mutlak Salih) verdict regarding coercive dislocation of inhabitants as a crime against humanity:

In reference to letter No (4008), on 20th of June 1987, military troops and security forces attacked civilians of Kurdish villages in Northern Iraq, the convict (Farhan) was acquainted with the letter (4008) or the systematic policy of the convict ('Ali Hasan Al-Majid) and Al-Ba'th party in targeting civilians as it included prohibiting human and animal's existence in prohibited zones, preventing agronomy, banning in and out travels, as well as agricultural and industrial investments. The convict was also aware of letter (3650), on 3rd of June 1987, which included killing each and every animal and human that exist in prohibited zone and banning farming for summer and winter seasons. Its last clause stipulated to notify those contained within the plan, Kurdish civil citizens, that they will be held responsible for disobeying the aforementioned orders.

The convict Farhan also used to provide the adequate information about targeted Kurdish villages within areas under his jurisdiction, from February 1988 until the end of Anfal operations in September 1988, where he used to hand in reports and detailed information, as well as results of attacks via conventional and chemical weapons and number of demolished villages. On the other hand, this also confirms the support and encouragement to commit the crime. Under such circumstances and environment, the military troops and security systems launched an attack against civil inhabitants in Kurdish villages in Northern Iraq. The families [including children, women and elders] were transported to North Organization Office or detention centers via military vehicles, where convicts Sabir 'Abd-al-'Aziz Al-Duri, Husayn Rashid Muhammad and Sultan Hashim Ahmad, all confirmed that Convict Farhan Mutlak Salih was in charge of that [transporting families including children, women and elders from their villages to North Organization Office]. The convict Farhan denied his correlation to the implementation of hading over tens of thousands of families including children, women and elders to the aforementioned office alleging that the number of personnel within his intelligence system is not enough to carry such a huge operation. However, convict 'Ali Hasan Al-Majid stated and confessed that the procedure was adopted for a month or even more. On other hand, after such systematic large scaled nature of the attack over...

Chief of Investigative Judges

The image shows a handwritten signature in black ink over a circular official stamp. The stamp contains the text 'رئاسة محكمة' (President of the Court) and 'الهيئة القضائية' (Judicial Body) in Arabic, and 'Iraqi High Tribunal' in English. The signature is written in a cursive style.

(928 – 963)

In the Name of God All Merciful All Compassionate

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...civil inhabitants in Kurdish villages, using chemical and conventional weapons, the coercive dislocation was expected as a possible logical consequence of the strikes' operations and raids as mentioned in letter number (384), dated 1987 November 02, issued by convict (Farhan) to General Military Intelligence, containing a list of 9 villages which were removed in the period between 1987 October 15 and 1987 October 31.

Convict (Farhan) was aware of the coercive dislocation as a normal predictable result in a reasonable way to support the joint criminal initiation as convict (Farhan) is criminally responsible of the normal and predictable consequences of using chemical and conventional weapons.

Accordingly, the Court finds Convict (Farhan Mutlak Salih) criminally responsible of civilians' coercive dislocation whether for supporting and encouraging the plan or the general politics that convict ('Ali Hasan Al-Majid) implemented. On the other hand, his chairmanship of Eastern Intelligence System, which managed transferring families of civilians to the North Organization Office, constitutes another fair evidence to incriminate him for coerced dislocation transfer. Hence, he is guilty for coerced dislocation as a crime against humanity (it was committed in the period from 1988 February until 1988 September) as per Article number [12/ First] by virtue of Article number [15/ First and Second] of Iraqi High Tribunal Law number (10) for the year 2005, identifying the sentence as per Article number [421] by virtue of Clauses [47], [48] and [49] of Iraqi amended Penal Code number (111) for the year 1969. The verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged in the date of 2007 June 24.



Member

Member



Member Member



Chief of Investigative Judges
Muhammad 'Iraybi Majid Al-Khalifah



(517-963)

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Convict (Tahir Tawfiq Yusif Al-'Ani) Verdict

The Chief of Investigative judges referred convict (Tahir Tawfiq Yusif Al-'Ani) to Iraqi High Tribunal according to referral number (2), dated 2006 April 02, of the case number [1/ (SATTS C) Second/ 2006] for his prosecution before this Court by litigation that are not summarized, according to the following Articles:

- a. Genocide article number [11 First of clauses (A and C)] of Iraqi High Tribunal Law number (10) for the year 2005.
- b. Crimes against humanity Article number [12 First of clauses (A, C and E)] of Iraqi High Tribunal Law for the year 2005.
- c. Crimes of War Article number [13 Forth of clauses (A, D ...L)] of Iraqi High Tribunal Law number (10) for the year 2005.

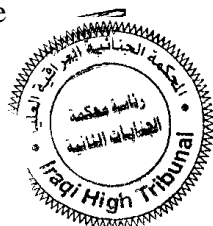
By virtue of article No [15 of clauses First and Second] of this Court Code, and rule [32 First] of the procedures and gathered evidences rules, appended to the Court Code and Article No [132, (SATTS A), 2] of Iraqi Criminal Trials Procedure Law number [23] for the year 1971

Issuance of Decree No 160 for the year 1987

The authority, which was represented at that time by bygone Revolutionary Command Council, issued Decree number 160 for the year 1987 which included the following in some of its clauses:

- 1) Comrade 'Ali Hasan Al-Majid, who is National Command of the Ba'th Party's Member, will represents the National Command of the Party and Revolutionary Command Council in carrying their policies in all of the Northern region, including Kurdistan region and the Autonomous Ruling, for the purpose of protecting Security, regime, and preserve stability in it [Kurdistan] by applying autonomous ruling code in the region.

The Presiding Judge



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- 2) The Comrade, member of the National Command, is assigned to implement targets of this decree, the duly jurisdiction of this report is compulsory to all government systems such as civil, military and security, particularly jurisdictions granted to National Security Council and Northern Affairs Commission.

Convict (Tahir Tawfiq Yusif Al-'Ani)

The convict was born in 1943-he occupied the following positions:

2. Secretary of the President of the Republic – 1968
3. Undersecretary of Ministry of Labor and Housing – 1972
4. Member of Iraq State Command of bygone Ba'th Party – 1974
5. Chairman of Higher Agricultural Council – 1976
6. Minister of Industry and Mineral Resources – 1979
7. A Member in People Organizations Office – 1982
8. Secretary of Northern Affairs Committee – 1987
9. Ninawa Governor – 1987

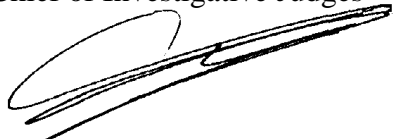
Charges against convict (Tahir Tawfiq Yusif Al-'Ani) according to bill of indictment:

Based on the extended court's estimated jurisdiction to be legally flexible, it is not abided by the aforementioned flexibility appointed by Investigative judge as of the referral. Hence, the court is able to modify the legal description vis-à-vis convict(s) act(s). In the 46th hearing, dated 2007 February 20, the court charged the convict with the below mentioned:

1) Genocide crime: Article number [11/ First]:

- a. Murdering individuals from the group.

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b- Causing severe physical or mental damages in the group's members

c- Subdue the group, premeditatedly, to harsh living conditions aiming to partially or totally eradicate the aforementioned group.

By virtue of article [15/first, second, third and fourth] of Iraqi High Tribunal Law number 10 for the year 2005

Second, crimes against humanity: Article [12/first]:

A- Premeditated murder.

B- Genocide

C- Enslavement (Slavery)

D- Relocation or Coercive dislocation of Citizens

E- Imprisonment or deprivation of all sorts of physical freedom as contrary to International Law's basic regulations.

F- Torturing

G- To oppress any given party or group of residents for any political, racial, national, ethnic, cultural, or religious purposes, or related to gender or any other reason not legitimized by International Law, as any aforementioned act is correlated to any kind of sexual violence on that level of danger

H- Coercive Harboring of Individuals

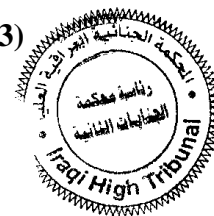
I- Other inhuman acts which hold identical nature, premeditatedly causing severe sufferings or any minimal damage which occurs in the body or affects the mental or physical health.

By virtue of article [15/first, second, third and fourth] of Iraqi High Tribunal law number 10 for the year 2005.

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Third: war crimes:

Article (13/Fourth): which means crimes of war for purposes of this law; as followed:
Other serious violations of codes and customs duly applicable over national armed disputes in the fixed aspect of International Law, specifically any of the following acts:

- A- Deliberate attacks against civil residents or against civil individuals who are not participating directly in the war operations
- B- Intending to attack buildings specified for religious, educational, artistic, scientific, or charitable purposes, historical monuments, hospitals or wounded and patients' gathering centers, conditioned not to be military purposes.
- C- Looting any village or place, even if it had been confiscated coercively.
- D- Issue orders to dislocate civil residents for purposes correlated to the conflict unless this had been implemented for the safety of the aforementioned civilians or urgent military reasons.
- E- Destroying or confiscating hostile side's properties conditioned the destruction or confiscation was not imposed by necessities of war.

By virtue of article [15/first, Second, Third and Fourth] of Iraqi High Tribunal Law number [10] for the year 2005.

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((Summary of Plaintiffs' Testimonies))

During the reign of the former Government, The Revolutionary Command Council issued Decree No. 160 for the year 1987 that placed a political agenda which both attempted to follow and impose in Northern area. This political agenda had been preplanned in Chief of Army Staff Office based on orders issued by supreme references at that time, to carry out large-scaled military operations, as was stated by Convict (Sultan Hashim Ahmad). The Iraqi Army did in-fact initiate systematic large scaled attacks within the eight stages, commencing with the 1st Anfal operation and ending with the Closure Anfal operation (the Eighth Anfal Operation). These operations incorporated wide areas of Kirkuk, Sulaymaniyyah, (Irbil) and Dahuk Governorates. Army sectors used all available weapons at that time to strike Kurdish villages, some of which were by example: Aircrafts, Helicopters, Heavy artillery, Rocket launchers while referring to conventional and special ammunition as proven to the court by testimonies of seventy-five plaintiffs (victims), as well as their description of most of the military operations carried out by the regime's military forces against their villages and weapons that were used against them. They also made it clear to the court how those sectors initiated strikes against their villages, demolishing them and dislocation their civil inhabitants among which were elders, women, and children. The plaintiffs demand accusation against each of the following convicts (Saddam Hussein), ('Ali Hasan Al-Majid) and all those proved to contribute in Anfal Campaigns, they also demanded compensation for damages they incurred. The reason for their complaints against Saddam Hussein was the fact of him being President of the Republic of Iraq as well as the commander of the Revolutionary Court Council which issued Decree No 160 for the 1987, which had been accredited the special political agenda instigated against Northern Iraq. He was also the General Commander of the Armed Forces who was responsible for issuing all significant military orders...



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((Summary of Plaintiffs' Testimonies))

...such as the order to wage Anfal Campaigns and the use of chemical weapons against residential civilians in Kurdish villages. The reason behind plaintiffs demanding accusation against Convict ('Ali Hasan Al-Majid), was the fact that he used to be considered as the ultimate ruler of Northern area, granting him full jurisdictions via Decree No 160 for the year 1987, issuing orders to Military Commands, Civil Commands, Security Commands as well as Ba'th party systems, Intelligence systems and Military systems, where all those systems took part in committing genocide, crimes against humanity, as well as crimes of war, following orders issued by ('Ali Hasan Al-Majid) as proven in document No 4008, dated (1988 June 20), as well as his responsibility regarding the internees in (Tupzawa, Al-Dibs, Nazarki, Al-Salamiyyah) where Kurdish women, children, and men were arrested due to their national ethnic community. In addition, he also ordered the dislocation of people, driving them to prison camps in which they faced harsh conditions and sufferings due to famine, ailments, and bad treatment where many of the detainees died as a result of such conduct, adding up the harboring of many detainees after being executed and buried in mass graves, which were later found to contain the remains of hundreds of Kurdish victims. They also demanded accusation and implementation of legal procedures against Saddam Hussein, 'Ali Hasan Al-Majid and all those found to contribute in Al Anfal Campaigns.

((Summary of Witness's Testimonies))

The court listened to witness' testimonies that supported what had been stipulated in plaintiff's statements such as launching systematic large scaled attacks on behalf of the army, known as Al Anfal, targeting villages resided by thousands of civilian, using artillery, aircrafts, and helicopters. The witnesses also stated.....



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...that the villages they resided in, were bombarded by chemical weapons leading to the death of thousands of residential civilians, as the army began dislocating families from within these villages, detaining them in camps such as Tupzawa, Dibis, Al-Sulaymaniyyah, Nuqrat Al-Salman, where they faced torture, humiliation, lack of food supplies, harsh conditions, lack of medical treatment in addition to torture as many died in those camps. Witness ([NAME REDACTED]), who was a doctor that working for the Pishmarga forces stated that he witnessed many villagers infected from chemical weapons in numerous villages. He personally treated many; among these villages were (Balak Jar and Siwsinan) as well as (Balkha, Takyah and Balak Jar) belonging to Qara Dagh sub district.

((Documents and Deeds))

Large amounts of documents were available to court. Those documents and files were left behind by former regime within its archives. Among them are those pertaining to Convict (Tahir Tawfiq Yusif Al-'Ani) which played a role in incriminating the aforementioned convict as well as others for perpetrating crimes of war against Kurds during Anfal Campaigns. At which point, it becomes necessary to release documents that incriminate Convict Tahir Tawfiq Al-'Ani:

The court reviewed the Revolutionary Command Council's ruling No. 674 dated 1987 August 19 including of the assigning of Tahir Tawfiq Al-'Ani, the Adviser in Peoples' Organization Affairs Office as a Secretary for the Northern Affairs Commission.

The court reviewed Document number 3744, dated 1986 August 26, inclusive of: ((we propose the execution of ten convicts from the Patriotic Union of Kurdistan currently detained at Al-Sulaymaniyyah Governorate Security Directorate)). By inspecting this document, the court found...



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...that its date is prior to Anfal and the break of those campaigns, which render an allegation supported by it inappropriate.

The court also reviewed Document 5083, dated 1987 July 22, issued by North Affairs Commission-Secretaries Office, addressed to 1st Corps' Command: (We have no objection to cut off the traitors' heads, yet it would be preferred if they were sent to the security for interrogation hoping to extract useful information before their execution).

The Court also reviewed the document issued by Northern Affairs Commission-Secretaries Office, numbered 630, dated 1987 January 29, that contained the following: Comrade, in charge of Northern Organization Office and head of Central Security Coordination Committee, suggested in his letter No 777, dated 1986 November 03, to sell saboteurs' properties which had been confiscated at Ta'mim Governorate via the committee delegated by Revolutionary Command Council in Decree 1259, dated 1981 September 21.

During closer examination of the document, the court found that its date was 1987 January 29, which is prior to Anfal stage and its initiation, therefore it cannot be used or relied on as an evidence against the convict.

Summary of Convicts' Testimonies against (Tahir Tawfiq Yusif Al-'Ani)

The court listened to convicts' testimonies during the investigation process. They testified the following:

1 – Convict Saddam Hussein:

Convict (Saddam Hussein) kept quiet before the Investigative Judge, not answering any of the questions, yet during the trial he did not mention convict Tahir Tawfiq Al-'Ani.

2 – Convict 'Ali Hasan Al-Majid:



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Convict ('Ali Hasan Al-Majid) testified before Investigative judge that, "the security committees were under my command, and I was in charge of directly following up this matter, while my secretary in this committee was Tahir Tawfiq Al-'Ani",

The court asked the convict ('Ali Hasan Al-Majid), if he knew whether Convict Tahir Al-'Ani was aware of Anfal Operations?

He answered, "He had no relation, as I ignore whether he was aware or not".

Convict 'Ali Hasan Al-Majid" mentioned before court, as well, "When Decree number 160 for the year 1987 was issued, the Secretariat had been correlated to Northern Organization Office".

In addition, Convict ('Ali Hasan Al-Majid) added before court, "The Northern Affairs Committee remained under Chief Deputy of the Revolutionary Command Council's command, yet the committee's work was not suspended".

3- Husayn Rashid Muhammad Al-Tikriti

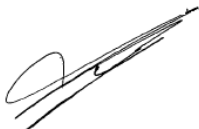
The convict Husayn Rashid did not mention Convict Tahir Tawfiq Al-'Ani during investigational process, as he did not indicate any information concerning Convict Tahir Tawfiq Al-'Ani.

4- Sultan Hashim Ahmad Al-Ta'i

Convict Sultan Hashim did not mention Convict Tahir Tawfiq Al-'Ani during the investigational process questioning, as he did not indicate any information concerning Convict Tahir Tawfiq Al-'Ani.

5- Sabir 'Abd-al-'Aziz Husayn Al-Duri

The convict Sabir 'Abd-al-'Aziz Al-Duri did not mention Convict Tahir Tawfiq Al-'Ani during investigational process questioning, as he did not indicate any information concerning Convict Tahir Tawfiq Al-'Ani.



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6- Farhan Mutlak Salih Al-Juburi

The convict Farhan Mutlak Al-Juburi did not indicate any information correlated to convict Tahir Tawfiq Al-'Ani during investigational process questioning, as he did not indicate any information concerning Convict Tahir Tawfiq Al-'Ani.

Convict (Tahir Tawfiq Yusif Al-'Ani) Testimony during investigation and prosecution

1- The convict Tahir Tawfiq denied charges against him throughout the investigation process. Additionally, he **testified** that in late 1986 or early 1987, he was appointed as Secretary of Northern Affairs Committee, a position he held until he had been assigned as Governor of Ninawa Governorate, on 1987 September 15.

He also testified, according to his position as governor of Ninawa, that he was the first Administrative in charge personnel over the geographical area and everything occurring inside it.

When he was questioned by Investigative judge if Al-Hadar city was included within his responsibility? He replied "Yes, that Al-Hadar city is included within our geographic responsibility at Ninawa Governorate as I am in charge of that".

When he was questioned about the mass graves which exist at Al-Hadar, which facts proved that they pertain to Iraqi elders, women and children of Kurdish ethnicity?

He **answered**, "Despite the fact that I was the Governor, I was not aware of the mass graves that were found in Al-Hadar County, which belongs to the Ninawa Governorate, as I have no correlation to that".

As through prosecution, the convict testified and invoked from his past and Party classification, as well as indicating that he is a religious man who can not turn a blind eye over injustice. He denied all charges against him, in details ...

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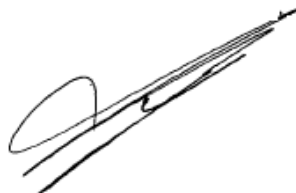
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He stated before court that Northern Affairs Committee is always headed by Revolutionary Command Council's Vice president who, at that time, was Convict ('Izzat Ibrahim Al-Duri). He mentioned that among the duties of the committee is the formation of National Defense Regiments, so "I contributed to the formations of National Defense Regiments, as I especially mention adviser Rashid Al-Sindi". When he was asked by court about North Organization Office's Secretary's jurisdictions, he replied, "Decision issued by Northern Organization Office is implemented by the Secretary". When he was questioned by court, (Are you a member of Northern Organization Office?), he replied, "Yes, I am one of the members of North Organization Office, my duty and job was to coordinate between the Ba'th Party branches throughout Ninawa Governorate, Al-Mawsil Party branch and Secretariat Office". He also stated that he was the head of Security Committee at Ninawa Governorate and that the committee members are Al-Mawsil Branch Secretary, the Security Director and the Police Director.

Convict (Tahir Tawfiq Yusif Al-'Ani) and his proxy ('Abd Al-Sattar Salim 'Ali) Defense Summary

The Investigative Judge decided to refer my client along with others to be prosecuted for charges against him as per Articles No [11], [12], [13] of Iraqi High Tribunal Law No (10) for the year (2005). Your commission publicly stated the referral and commenced its procedures. The court listened to testimonial witnesses as well as experts after whom the head of the Chief of General Prosecution Board submitted official documents and letters that were apprehended from Government agencies, followed by audio tapes and photocopies from which your board proved the existence of mass graves resulting from searches that you initiated on behalf of this court. The accused client's attorney mentioned that none of the plaintiffs or the summon witnesses and in particular the one's still alive among them, mentioned seeing my client at the mass graves sites in Al-Sulaymaniyyah Camp.



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