

In the Name of God All Merciful All Compassionate

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

The Verdict

At 18:30 hours sharp, on 1988 March 22, fighter jets bombed the villages of Gumata, Hastawi, Upper Kushka, Balak Jar, Takya and the big village Siwsinan located in Qara Dagh area, with conventional weapons. After, the military forces raided those aforementioned villages with chemical weapons via Rocket Launchers, long-range artillery forcing the inhabitants to run for their lives.

Carrying out the crime via land attack:

Then, the military forces launched, on 1988 March 29, a large scale attack from all available axes at Qara Dagh, intensively supported by Air Force, army aviation, tanks and armors, leading to a dislocation of inhabitants (from their villages), fleeing away, leaving behind all their belongings. The slopes and valleys had been suffocated by panicked people, especially after spreading news about Siwsinan, Balak Jar, and Takya being bombed by chemicals delivering a large death toll. One of the survived plaintiff's (from Jafaran village) described before this court that the situation was identical to Armageddon. On the other side, security forces at Al-Sulaymaniyyah, as well as the military intelligence forces affiliated to the Eastern Zone System, seized all passages leading to Al-Sulaymaniyyah and nearby compounds preventing the refuge of inhabitants, as they arrested any one found. Under these circumstances, villagers of Qara Dagh were dislocated to many groups:

1- The First Group:

The biggest group had moved toward southern Qara Dagh, toward Garmiyan precisely, as most of them were villagers from south and eastern Darbandi Khan. From the moment they had been arrested by the army, their relatives never saw them again, as they were transferred to Chamchamal Camp. From this location, they were handed over to security committees to be placed at Tupzawa and Dibs Centers for Anfalized where...



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...men had been segregated from women, elderly from youngsters as each group took its bite of black fate according to a framed plan laid down by Convict 'Ali Hasan Al-Majid. Some were taken with their children to mass graves at Al-Hadar and Al-Samawah, [both enclosed in case's file on pages 678-679]. Others were thrown in death camps at Nuqrat Al-Salman [their testimonies recorded in third and fourth volume of the Compaq Disk (CD)].

2- The Second Group

They surrendered to the Government forces and faced the same pattern used in the above section.

3- Third Group

They secretly infiltrated Al-Sulaymaniyyah and nearby residential compounds such as Al-Sumud or Pira Magrun. However, the security systems (Intelligence and Security) laid down a plan to entrap them as they announced, via loud speakers and leaflets distributed all over Al-Sulaymaniyyah Governorate, that a General Amnesty has been issued regarding each surrendered person, adding up offering them shelter [in the same residential compounds] and food supplies. Both men and women started heading toward declared centers as each neighborhood elementary school had been used as a gathering center. All were arrested, dislocated, and their fates remain anonymous.

The mentioned list, starting page 75, elaborated the committed crimes during Al Anfal Second Operation [Qara Dagh Anfal]:

The Second Anfal Operation was carried out at Qara Dagh, between 1988 March 22 and 1988 April 01. The convicts standing before you perpetrated many crimes which can be categorized as follow:

First: Genocide

The image shows a handwritten signature in black ink on the left, and a circular official seal on the right. The seal contains Arabic text and the English text 'Iraqi High Tribunal'.

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- 1- At 18:30 hours, on 1988 March 22, the Iraqi forces bombed the villages of Balak Jar, Siwsinan, Jafaran, Balkha Lower Kushak, and 'Alyawa, among other villages located in Qara Dagh, with chemical weapons using artillery and multiple rocket launchers [MRL], from Tangaru and Kuran Camps in Darbandi Khan, as well as Kani Sard Camp, causing the death of hundreds of citizens [men, women, and children], exterminating the animal wealth, poultry and bees in that area. Due to the fact that chemical weapons are internationally forbidden, its usage against residential villages is a proof of the convicts' determination to murder and eradicate all existing inhabitants within this area through genocide. Therefore, the basics of genocide are applicable over the described act, in an unquestionable way, with a solemn aim: to totally eradicate through inhabitants of Kurdish villages.
- 2- Murdering group members: Where the military units' Armed Forces, which participated in leading Al Anfal Second Operation under the leadership of the fugitive Staff Major General Ayad Khalil Zaki, attacked, while coordinating with the security systems, villages in Qara Dagh Neighborhood. They gathered families and transferred them to Tupzawa Gathering Center, to murder a ghoulis number [estimated more than 21911 Kurdish citizens between men, children and women] in Mass Graves. Hence, Genocide basics are bright as the sky through carrying on Al Anfal Second Operation, between 1988 March 22 and 1988 April 01. Convicts, along with their henchmen from officers, soldiers, and internal security forces' members had committed many other crimes, including:
 - A. Transferring and dislocating citizens of Kurdish villages at Qara Dagh, detaining them at Nuqrat Al-Salman Camp, cutting off basic food supplies such as potable water, prohibiting treatment...

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...for ills, psychologically and physically torturing and subduing them, deliberately, to harsh living conditions, aiming to partially or totally eradicate them.

- B. Torture, ravage, and organized terror against detained and arrested villagers, exposing them to serious mental and physical damages, constituting acts of genocide.
- C. Segregating women and men, preventing sexual reproaches, in large numbers and for long periods exceeding nine months, constituting an act of Genocide

Second: Crimes against humanity

Through direct criminal acts committed by convicts, orders issued on their behalf, or contributing in one of the crime's basics resulting from Al-Anfal operations, convicts have committed crimes against humanity through a large scale and systematic attack, targeting inhabitants of Kurdish villages in Qara Dagh, under acknowledgement of such violent attack.

- 1- Premeditated murder without trial
- 2- Coercive dislocation of Kurds from their villages to residential compounds, subduing them to harsh living conditions.
- 3- Detention and extreme deprivation as it happened in the Anfalized gathering centers of Tupzawa, Al-Sulaymaniyyah Emergency Center, Dibs, and Nuqrat Al-Salman.
- 4- Torture, as it had been implemented by Officer Hajjaj, and his deputy Shamkhi, in Nuqrat Al-Salman and Tupzawa Camp
- 5- Rape at Nuqrat Al-Salman, by the abovementioned Hajjaj and Shamkhi
- 6- Oppressing inhabitants of Kurdish villages in Qara Dagh for being of Kurdish origins
- 7- Forced harboring of the Anfalized in Al Anfal Second Operation

The image shows a handwritten signature in black ink on the left, and a circular official seal on the right. The seal contains the text 'القضاء الجنائي في العراق' (Criminal Court in Iraq) at the top, 'رئاسة المحكمة' (Court Presidency) in the center, and 'المحكمة الجنائية العراقية العلية' (Iraqi High Tribunal) at the bottom.

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Third: War Crimes

Though Iraq joined the Geneva Convention dated on 1949 August 12, pledging commitment to all articles pertaining to war crimes, as well as not perpetrating such crimes, the country's record was black dotted as per crimes of external war or launched against internal opposition movements. By inspecting the acts carried out by soldiers and officers who were subordinated by the convicts standing before your court, it becomes clear that they committed acts considered as crimes per Article [13] of this court's Code, including:

- 1- Premeditated murder of detainees and arrestees without trial
- 2- Torture and inhuman treatment
- 3- Demolishing villages and looting properties
- 4- Other acts committed by the Army and Security Forces

The Third Phase of the Criminal Al Anfal Operations
Between 1988 April 07 and 1988 April 20

Crime scene geographical factor

The third Al Anfal operation was carried in Garmiyah located in Kirkuk, Tuz, Khurmatu, Kifri, Takya, southern Darbandi Khan, and Chamchamal where no Prohibition Zones or Kurdish resistance [known by the previous regime as Kurdish Rebels or Iran's Agents and offspring of treason – Al-Barzani clan] are available. These villages were hundreds of kilometers away from the Iranian borders, taken as safe villages where its inhabitants perform farming and animals' breeding. Elementary and secondary schools, clinics, mosques in addition to an agronomic directorate are found, all administered by official government's systems. The inhabitants also assisted...

The image shows a handwritten signature in black ink on the left, and a circular official seal on the right. The seal contains the text 'القضاء العالی العراقي' (Iraqi High Tribunal) in Arabic and 'Iraqi High Tribunal' in English, along with the name 'رئاسة محكمة' (President of the Court).

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... the Iraqi army in the Iraq-Iran war, why did the regime carry out his brutal crime and eradicated them? With no guilt except being Kurds! Planning for Al Anfal Third Operation was set down a long time ago, correlated closely to the Arabization of Kirkuk and its rural administrative districts.

Military Forces contributing to the crime

First: Second Corps forces commanded by General Kamil Sajit, constituted of:

- 1- 15th Infantry Division
- 2- 34th Infantry Division
- 3- The 3rd Mechanized Armored Division

Second: First Corps Forces commanded by Convict Sultan Hashim Ahmad, constituted of:

- 1- Light Legion Forces commanded by Major General Sa'd Shams-al-Din (*T.C: The Command of National Defense regiments of Kurdish Mustashars and their followers*)
- 2- 10th Armored Division commanded by Major General Khalid Al-Dulaymi
- 3- Oil protection forces commanded by Staff Brigadier General Bariq 'Abdallah
- 4- 1st Corps' Posts Commandment commanded by Major General Mundhir Ibrahim

Third: Engineering Efforts in destroying villages

Fourth: Intelligence Army Staff Commission affiliated to Corps and Divisions

Five: Chemical Rank

Sixth: Army Aviation

Seventh: Air Force

Eight: Security Units belonging to Kirkuk and Al-Sulaymaniyyah Forces



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Crime's execution:

At the first daylight of 1988 April 07, the army units, which were grouped at Tuz Khurmatu County, moved followed by additional forces from Kirkuk, Balan (*T.C: most probably Maydan*), Chamchamal, and Sangaw where all had been mobilized at Qadir Karam Town, as per plan, dividing the column into 3 forces:

- 1- First Force: deployed at eastside of Nawjul toward Awasi
- 2- Second Force: deployed east along the river's sand valley, supported by an Air umbrella of jetfighters and helicopters which intensively raided villages located within their targets.
- 3- Third Force: Launched a vicious assault on Taza Shar village which was exposed to a chemical strike by air force, besieging the three villages, Upper Kani Qadir [Al-'Ulya], Lower Kani Qadir [Al-Sufla] and Shaykh Hamid, located in the aforementioned area. After arresting those villages' inhabitants, looting their properties and transferring them, via military vehicles, to Qadir Karam and then to Tupzawa gathering center, the whole zone had been ruined down. The second column deployed at Qadir Karam town, toward the northern west side, encircling villages like Ibrahim Ghulam, pushing the residents to abandon their houses to take refuge in nearby hills. All those refugees turned themselves back to the army and 51 from Zangana clan disappeared. As of the third column, it deployed toward Sangaw and Chamchamal destroying all villages within its scope, arresting escapee families who were scattered in the valleys, referring them to Qadir Karam police station, and then to the Center for Anfalized (*T.C: the people subdued to Anfal operations*) in Tupzawa. These villages included Tibarz and Pari Zada reaching Takya Al-Jabari and Bangul till Laylan.



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In the morning of 1988 April 20, the last village was destroyed in Garmiyan, known as Faqi Mustafa where almost all its inhabitants were detained. The Iraqi Forces returned back to their bases reporting all missions were accomplished, as per telegram numbered [11386], dated 1988 April 21, issued by Second Corps Intelligence to Northern Organization Office. As a conclusion, villages were destroyed, wiped out, and eradicated from inhabitants who were driven to an anonymous fate.

Crimes committed in Al Anfal Third Operations

First: Genocide

- 1- Murdering groups' members: Plaintiff [NAME REDACTED] testified in the 13th hearing, dated 2006 October 09, that his pregnant wife along with his mother ([NAME REDACTED]), small children and relatives were arrested in Tiligan village. This village, which is consisted of 30 families, was totally anfalized and eradicated. The plaintiff's brother's Nuri identity card of his sister's 'Ismat were found in Al-Muthanna Cemetery down at Al-Samawah.
- 2- Through executing Al Anfal Third Operations, convicts and their henchmen, from officers, soldiers and internal security forces affiliates, committed many crimes, including:
 - A. Dislocating and relocating a large number of Kurdish villages' inhabitants, from Garmiyan, detaining them at Nuqrat Al-Salman Camp, as it had been reassured by more than 15 plaintiffs before your court.
 - B. Torture, tyranny, and organized terror; as detainees and arrestees had been exposed to mental and physical severe damages. Among those, plaintiff's [[NAME REDACTED]] husband who had been partially paralyzed and his daughter murdered.
 - C. Segregating women and men, preventing large numbers from any sexual intercourse for long periods exceeding nine months, constituting acts of Genocide.



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Second: Crimes against humanity

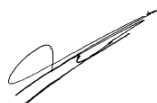
Through direct criminal acts committed by convicts, orders issued on their behalf, or contributing in one of the crime's basics resulting from Al-Anfal operations, convicts have committed crimes against humanity through a large scale and systematic attack, targeting inhabitants of Kurdish villages in Garmiyah, under acknowledgement of such violent attack.

- 1- Premeditated murder without trial
- 2- Coercive dislocation
- 3- Detention and extreme deprivation
- 4- Torture
- 5- Rape
- 6- Oppression
- 7- Forced harboring

Third: War Crimes

After the corroboration of acts that were committed by soldiers and officers subordinated by convicts summoned before this court, it becomes clear that they committed War Crimes:

- 1- Premeditatedly carrying out attacks against Kurdish villages' civilians who participated in war actions (*T.C: most probably who did not participate in war actions*)
- 2- Premeditatedly carrying out attacks against buildings appropriated for educational and religious purposes
- 3- Issuance of orders to relocate and dislocate civil inhabitants



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Victims' Proxies, through the brief, mentioned as well:

Fourth Al Anfal Crime Operation
Between 1988 May 3 and 1988 May 8

Crime scene geographical factor:

The Military Command undertook commenced Fourth Al-Anfal crime in Lower Zab valley [Al-Asfal] including Aghjalar, Gup Tapa and 'Askar, as well as Shikh Bizini, Digala, Kuysinjaq, Khalakan, and Dukan.

Contributory Military Units:

First: 1st Corps Command consisting of:

- 38th Division
- 5th Mechanized Infantry Division
- 8th and 2nd Infantry Divisions

Second: Al-Nasr Forces commanded by Staff Brigadier General Khalid Ahmad Ibrahim

Third: 46th Forces commanded by Staff Brigadier General 'Ali Ahmad Muhammad

Forth: Oil Protection Forces commanded by Staff Brigadier General Bariq 'Abdallah Al-Haj Hunta

Fifth: 1st Corps Command commanded by Staff Brigadier General Ala' Muhammad Taha

Sixth: Emergency Detachments for Al-Sulaymaniyah and Kirkuk Securities

Eighth: Intelligence Staff Commission affiliated to the Corps and Divisions

Ninth: Chemical Classification

Tenth: Army Aviation

Eleventh: Air Force



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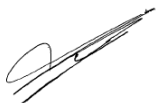
The Verdict

Twelfth: Military Intelligence

Fourth Al-Anfal criminal operation's execution:

At the afternoon of 1988 May 3, an aircraft formation flew at low altitude over Gup Tapa, and then eight successive explosion (not sturdy) were heard followed by white smoke, smelling rotten apple or garlic (as was described by the plaintiff). This smoke invaded the village as condensed colored cloud. When the cloud broke down, villagers were shocked to know that many inhabitants were dead due to chemical weapon's usage. Perhaps, gazing at plaintiff '[NAME REDACTED]' is the best eyewitness, the clearest and most accurate, offered to your court, pertaining to children, women and old men saying their last breathes.

Other aircrafts shelled 'Askar Village by special ammunition [TC: chemical weapons] martyring many citizens while injuring others. The same aircrafts attacked Chami Rizan by chemical weapons, as well as Gup Tapa and 'Askar, arresting those who survived as the rest escaped to nearby hills or Takya and Bayinjan compounds. A third group managed to run away from 'Askar but was arrested, by the army, on 1988 May 4, and referred to Susa Camp. On the other axis, known as Taqtaq campaign, the army followed the technique of besiegement and containment against forces located within Taqtaq Basin. Convict Sultan Ahmad Hashim is the one who created this plan, as being mountainous war planner. The forces infiltrated on many sides, whereas Shaykh Bazini village was destroyed, down to the ground as survivors were arrested. On 1988 May 4, military units moved toward other zone's villages where an immense number of families had been detained by Iraqi forces, the thing that made the latter call 700 affiliates, from the emergency forces, to handle those families. On 1988 May 6, the army reached Guma Shin, after ...



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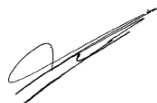
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...crossing Al-Zab River, burning and destroying everything. Middle East Human Right Organization's report mentioned lists of 1680 missing people with anonymous fate only in Kalisa, Buka Kanabi, Tuzla, Kani Hanjir, and Guma Shin. In addition, the village's plaintiffs in [Gup Tapa] submitted a list of nearly 500 missing people from their village. All statistics show that 75 villages belonging to Aghjalar Neighborhood, 24 to Kuysanjaq, 52 to Taqtaq, and 61 to Shwan were destroyed by the army during Fourth Al Anfal Crime.

On 1988 April 7, 1st Corps Commander, Convict Sultan Hashim Ahmad, sent a secret and instant telegram, numbered [1807], to Northern Organization Office Official, Convict 'Ali Hasan Al-Majid, and Chief of Army Staff's Deputy, Convict Husayn Rashid Al-Tikriti, and General Military Intelligence Directorate Director Convict Sabir 'Abd-al-'Aziz Al-Duri. The below is the text of the aforementioned telegram, as included in page 92 of the list:

"By God's help and fighters' will, from Iraqi sons, 1st Corps command and all units correlated from Al-Nasr Forces Command commanded by Staff Brigadier General Khalid Ahmad Ibrahim, 46th Forces Command commanded by Staff Brigadier General 'Ali Ahmad Muhammad Salih, Oil Protection Command commanded by Brigadier General Bariq 'Abdallah Al-Haj Huntah, Forces Command of National Defense Legion commanded by Staff Brigadier General Sa'd Shams-al-Din, Command of the 1st Corps Posts commanded by Staff Brigadier General 'Ala' Muhammad Taha, and Al-Sulaymaniyyah Emergency Detachments, were able to carry out Fourth Al Anfal Operation via attacking saboteurs whereabouts and gathering cells which they referred to after destroying their headquarters in the previous Al Anfal operations. Our troops were deployed over more than 13 sides, crashing the traitors in Sur Qawshan, Gup Tapa, Hasaka, Chami Rizan, Kalisa, Bukird, Gawra Di, Bul Qamish, Kilil Ghaj, Shikh Bizin, Faqi Mirza, Tapa Garus, Girdakan, Shukir, where some of them were arrested while others murdered, as well as confiscating ...



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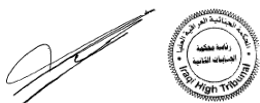
...a large amount of weapons, vehicles, equipments, food and medical supplies provided by their masters from abroad, in addition to a serious scanning of forests and valleys, destroying villages through the Fourth Al Anfal Operation, thanks to God for his victory, he is the true Lord, the true Supporter".

Crimes Committed during Fourth Al Anfal Operations:

Convicts, standing before your court, and their fugitive partners, committed several crimes as follow:

First: Genocide

- 1- By committing murder and putting an end to one's soul via chemical weapons aiming to totally eradicate Kurdish villagers in this region, constituting a genocide crime.
- 2- Murder groups' members, where Military Units' Armed Forces contributed to Fourth Al Anfal Operation's command while coordinating with security systems affiliated to Security Committees at Al-Sulaymaniyah and Kirkuk. They raided villages correlated to Aghjalar, Shuwan, Taqtaq, and Kuysanjaq. They gathered the inhabitants and referred them to Tupzawa gathering center to murder them after, in large numbers exceeding 28550 Kurdish citizens, in mass graves excavated by International Expert Dr. Michel Treble at Al-Samawah.
- 3- Relocating and dislocating villagers from their homes, detaining them at Nuqrat Al-Salman camp, cutting down basic food supplies, potable water and preventing patients' treatment.
- 4- Torture, assault, and organized terrorism, furthermore, the detainees were exposed to severe physical and mental damages. Hence, it really constitutes genocide crimes, as segregating ...



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...men and women, preventing any sexual intercourse is considered another criminal act taking as genocide.

Second: Crimes against humanity:

Through direct criminal acts committed by convicts, orders issued on their behalf, or contributing in one of the crime's basics resulting from Al-Anfal Fourth Operations, through a large scale and systematic attack, targeting inhabitants of Kurdish villages, under acknowledgement of such violent attack.

- 1- Premeditated murder without trial
- 2- Coercive murder *[TC: most probably they are talking about dislocation rather than murder]*
- 3- Detention and extreme deprivation
- 4- Torture
- 5- Rape
- 6- Oppression
- 7- Forced harboring

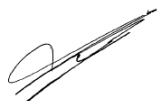
Third: War Crimes

Victims' Proxies elaborated within their brief at page 96 on:

**Fifth, Sixth and Seventh Al Anfal Crime Operation
Between 1988 May 15 and 1988 May 26**

Crime scene geographic factor:

In Balisan, Hiran, Shaqlawa, Simaqli, Duli Alan and Rawanduz, the three operations tackled the biggest areas, covering approximately half of Kurdistan region and included ...



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... the villages of Kuysanjaq County, Digala sub district and Altun Kupri, in addition to villages at the vicinity of Irbil, Shaqlawa, Rawanduz, Chuman, Qindil Mountain and Ranya Counties, as well as Chwar Qurna sub district, Hizup , and Bawaji mountain. The 5th Corps was assigned to carry out the three operations in addition to the following units:

First: 5th Corps (Al-‘Ammuriyyah Forces) commanded by Staff Officer *T.C: most probably Staff General*) Yunis Muhammad Al-Dharb, constituted of:

- 1- 16th Infantry Division (Dhu-al-Fiqar Forces)
- 2- 4th Infantry Division (Frogmen [Al-Dafadi] Forces)
- 3- 1st Infantry Division (Abu ‘Ubaydah Forces)
- 4- 7th Infantry Division (Al-Mansur Forces)

Second: units from the 1st Corps

Third: Engineering Efforts

Forth: Army Forces

Fifth: Air Force

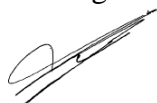
Sixth: Chemical Rank

Seventh: Special Ammunition Group

Eighth: Military Intelligence Units

Fifth, Sixth and Seventh Al Anfal Operations' Criminal Plan:

The regime gets used to strike and eradicate civilians with chemical weapons. Hence on 1988 May 15 [at dawn], while Warti villagers were preparing themselves to celebrate a feast, they were surprised by a chemical attack carried out by two jet fighters, raiding the village dressing the feast's joy a robe of cries and moans, as tens of villagers were immediately dead. One of the eyewitnesses said in your court ...



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..."when we entered the city to offer help, I noticed that the feast's food was still there, intact, as we buried 37 bodies in a mass grave. On 1988 May 23 [morning], the villages of Balisan, Hiran, Malakan and the surrounding valleys were exposed to chemical attacks, more fierce than the first time, as the gas effect reached Shaykh Wasanan Village. Then, the military units invaded those villages, detaining many families to dislocate them at anfalized gathering centers, never to be seen again. Furthermore, the Engineering Effort destroyed villagers' houses transforming these regions into haunted, lonely ones.

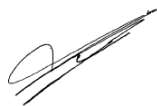
Finally, the brief included at page 101:

Eighth Al Anfal Crime Operations
Between 1988 August 25 and 1988 September 6 at Bahdinan

Crime scene geographic factor:

The Iraq-Iran War came to an end 1988 August 8, however, Saddam Hussein and present convicts exploited this chance to continue on the genocide crime, referring Al Anfal Closure's responsibility to the 5th Corps commanded by Staff General Yunis Al-Dharb. The 5th Corps was consisted back then of the following units:

- 1- 16th Infantry Division (Dhu-al-Fiqar Forces) including:
 - A- 1st Infantry Brigade
 - B- 505th Infantry Brigade
 - C- 606th Infantry Brigade
- 2- 4th Infantry Division (Frogmen Forces [Al-Dafadi']) including:
 - A- 29th Infantry Brigade



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- B- 96th Infantry Brigade
- C- 5th Infantry Brigade
- 3 – 1st Infantry Division [Abu 'Ubaydah Forces] including:
 - A- 1st Mechanized Infantry Brigade
 - B- 27th Mechanized Infantry Brigade
 - C- 34th Infantry Brigade
- 4 – 7th Infantry Division [Al-Mansur Forces] including:
 - A- 38th Infantry Brigade
 - B- 39th Infantry Brigade
 - C- 116th Infantry Brigade

The number of units, which participated in Al Anfal Closure, is 38 Infantry Brigades, 2 Tank Brigades, 3 Artillery Battalions, in addition to mobilized Military Units, which are:

- 1 – Engineering Effort
- 2 – Army Aviation
- 3 – Air Force
- 4 – Chemical Rank
- 5 – Special War Effort to Open Mountainous Roads
- 6 – Military Intelligence Units

The Criminal Plan

At two in the afternoon sharp, on 1988 August 23, Iraqi warplanes and helicopters began raiding over villages located at Nahilya Basin – Diraluk – Al-'Imadiyyah Sub district, using chemical weapons ...



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Among these villages were Shirana, Ikmala Sarki Bi. On 1988 August 24, aircrafts repeated their strikes over most of Bahdinan in preparation for a massive land offensive. On 1988 August 25, forces took control over major roads, blocking all passageways in front of residents civil inhabitants residing this vast mountainous area which included Zakhu, Al-'Amadiyyah, 'Aqra, Shaykhan, Sumil, Mirga Sur, Barzan, Suran. Iraqi forces concentrated their efforts on complete, swift control over borders, separating between Iraq and Turkey, firmly dominating it. . On the same morning, 1988 Aug 25, the aforementioned forces bombed the villages of Kani Masi, Bikuva, Mangish, Tuka, Gul Naski, Birjini, Talakru, Ramila, Mazi, Baliyan, Bani, as well as Ikmala, Shirana Kizi, Yarish, Radini, Kurki, Banaya, Ziki, chemically containing more than just villages. The death toll reached the thousands. Despite all procedures, military violence, and chemical strikes, 80 thousand residents somehow managed to flee to areas at the proximity of the Turkish border. Some crossed over the borders before blocking the routes, others were captured by Iraqi forces and transferred to Nazarki Fort never to be seen again till this day as others disappeared into the valleys and mountains were they watched Iraqi forces looting their properties and torching their homes.

Documented Evidence of 8th Al Anfal Crime (Al Anfal Closure)

1st: Written Documents

There exists tens, rather thousands of decisive documents that emerged from the Republic Presidency, Northern Organization Committee (*T.C: most probably Northern Affairs Committee*), Northern Organization Office, and other Military Command posts all confirming that Al Anfal Closure occurred indeed at Bahdinan area, the following are our chosen most important ions:



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1 – Document No. [1122], dated 1988 August 21, issued by Chief of Army Staff's Office, labeled top secret and personal, directed to 1st and 5th Corps' commands, headlined instructions, handwritten, where the 1st article included the following:

"Identifying the concentration of the population within 5th Regiment's (*T.C: most probably 5th Corps*) Sectors, as they are to be treated with fierce special strikes, 48 hours prior to the deadline of starting the operations, to create state of phobia within their ranks, preventing them from collaborating with the saboteurs, in addition to keeping their movements under control within the area, as well as extreme precautionary measures from the villages situated along the Iraqi-Turkish borders". We elucidate to the court that this document is formed of (13) articles where each one is a misdemeanor in itself. The document is signed by Convict Husayn Rashid Al-Tikriti, meaning he overviewed this decree's creation. Convict Nazar 'Abd-al-Karim Al-Khazraji is stamped also which definitely prove that the document was preparing genocide.

2nd: Convicts' Testimonies:

Convicts 'Ali Hasan Al-Majid, Sultan Hashim Ahmad, Husayn Rashid Al-Tikriti, Sabir 'Abd-al-'Aziz, Farhan Mutlak Al-Juburi and Tahir Tawfiq Al-'Ani confessed committing Al Anfal crime, in all of its eight stages, indicating each one's role.

3rd: International Experts Reports

In which convicts' crimes had been elaborated as of chemical weapons' casualties and its applications in killing village's residents within the area.

Al Anfal all 8 Phases' Outcome was:

1 – The destruction of 2451 villages and erasing their very existence

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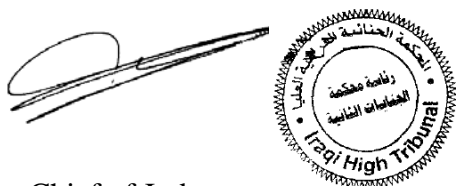
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- 2 – The destruction of more than 1344 Primary and Secondary Schools
- 3 – The destruction of more than 2027 Mosques and religious sites.
- 4 – Anfalization of 182000 residents of Kurdistan between murdered, executed and missed.
- 5 – The fleeing of hundreds of families to Iran and Turkey.
- 6 – Seizing citizens' properties among which were stored agronomical crops. .
- 7 – Destruction of natural environment, torching pastors, orchards and forests.
- 8 – Extermination of livestock treasure.
- 9 – Destruction and filling in water wells and destroying their sources.
- 10 – Following scorched earth policy
- 11 – Land mining the area, against individuals and vehicles, to prevent any change of life rebirth in the area.

Compensations

In this wide scale eradication and total destruction, the total number of families affected by the criminal Anfal operations attained the tens of thousands, whether plaintiffs, seeking civil rights or victims inheritance. The attendance of all those victimized wishing to take legal action to be present at the Investigatory court or the current trial in progress was unquestionably impossible, despite being subject to physical, tangible and psychological damage. To guarantee the rights of the victims who could not be present at the trial were to sustain their rights in order to claim compensation in accordance to the fundamentals and law rulings, which was established by the Iraqi Law, which contained a clause within the ruling that is a matter of justice. However, due to these crimes categorized under International requirements, which comply with specifications of International Human Rights in regards to tangible or moral compensation resulting from crimes committed by a political system, a nation predominant against its people or victims under the cover of an opposition movement whether it was armed or not, the examples are many ...



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... in this matter, such as the historic verdict of German Nuremburg Court No [AA33/947/534], dated 1947 April 27, which imposed tangible and morale compensation on German Federal Republic, for the aggrieved (tangibly and morally) as a result of Jewish genocide which occurred in Germany as [The Holocaust]. The mentioned court reserved every victim's tangible and moral rights, granting them the right to claim compensation before civil courts located within victims' permanent residential areas, by the new authority that was established after the fall of the former which perpetrated genocide. The new government was responsible as a successor of the former one vis-à-vis the international community or its citizens.

Finally, the brief dealt on pages 113 – 115 with victims' proxies requests:

The Demands

The modern history did not witness such immense, ghoulish and barbarian crimes as those committed by the convicts and their henchmen. Therefore, as to apply the right, fair and just, for the hundreds of thousands of victims' souls, as well as to prevent other criminals, we ask your honorable court to inflict the strictest sentence against victims, as follow:

- 1 – To incriminate them as per Clauses [(A, B, C, D)] of Article [(11/1st)] of Iraqi High Tribunal Law No.10 for the year 2005, for approving their perpetration of genocide and identifying the sentence as per Article [406] of Iraqi Penal Code by virtue of Article [15] of this court's code.
- 2 – To incriminate them as per Clauses [(A, B, D, E, F, G, H, I, J)] of Article [12/1st] of Iraqi High Tribunal Court and identifying sentence as per Iraqi Penal Code for perpetrating crimes against humanity by virtue of Article [15] of this court's code.



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- 3 – To incriminate them as per Clauses [(A, B, C, D, G, H)] of Article [13/First] and Clauses [(A, B, D, E, F, I, L, M, O, P, Q, R)] of Clause [Second] of the same article, and Article [D] of Clause [Third] of the same Article also, according to Articles [(A, D, E, F, H, J, L)] of Clause [Fourth] of Iraqi High Tribunal Laws for perpetrating War Crimes, an identifying the sentence by virtue of Article [15] of this court's code.
- 4 – Instigating the complaint against individuals whose names emerged from among the cases' information forms or the enclosed lists for contributing to the perpetrated crimes against citizens of Kurdish origins, informing the Investigative Judge to interrogate and refer them to court to receive their sentences.
- 5 – Confiscation all fixed and non fixed assets pertaining to convicts, inside Iraq and outside, labeling them "frozen" until the end of the case, to guarantee covering all expenses.
- 6 – To preserve, for all those aggrieved from Al Anfal Operations, starting 1987 Mar 10, the right to demand compensation before Civil Courts.

The verdict against convicts is the beginning of a suffering's end pertaining to thousands of victims' relatives, Anfalized and executed, buried in mass graves and who survived from Kurdish ethnicity waiting nonchalantly, from a long time, the instant when they will here your just verdict.

Attachments:

- 1 – A list of villages eliminated during Al Anfal operations.
- 2 – A list of those who participating in Al Anfal operations.
- 3 – Maps for all Al Anfal operations



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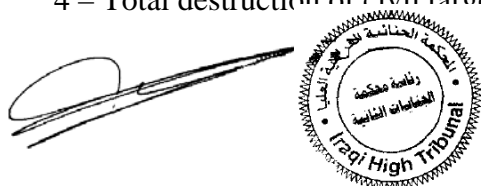
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4 – Elucidation Plans

((General Prosecution's Brief Summary as well as enclosed demands))

Publicly recited in hearing [53], dated 2007 April 2, containing 52 pages, opened, in the introduction, that the victims' souls shall not rest in peace as well as victims' relatives' conscience which won't calm down if your honorable court does not issue the severest penalties against these crimes perpetrators. We were expecting, after acknowledging the convicts about this huge amount of compact documents, decisive evidences, and plaintiffs' and witnesses' testimonies, to make a public apology not only to their victims but also to the human race, seeking mercy. Yet, the court noticed their persistence, stringency, justifications, selfish egos, and outrageous and provocative comments to prosecutor which indicated their lack of respect for both dead and survivors of mass graves. The crimes which took place due to the authorization granted to Convict 'Ali Hasan Al-Majid from 1987 March 29 to 1988 September, headlined him as the ultimate man behind these eradications of the Kurds as active sectors under his command included both 1st and 5th Corps of Iraqi Regular Army, General Security Directorate, Military Intelligence, Kurdish Militias affiliated to the Government known as (National Defense Regiments) and Civil System all under Northern Organization Office's command. The Anfal Campaigns (1987-1988) were distinguished by the following obvious violations:

- 1 – Instant mass executions, harboring tens of thousands of non-fighters including immense numbers of women and children.
- 2 - The wide scale chemical weapons' usage [Mustard Gas, Nerve Gas and Sarin Gas], causing the death of thousands of civilians mainly women and children.
- 3 – Mass destruction of thousands of villages mentioned within the documents, as well as districts and sub districts.
- 4 – Total destruction of civil targets such as schools and Mosques.



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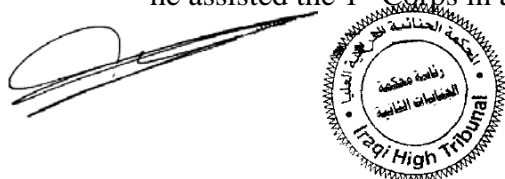
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- 5 – Looting civilians' properties, livestock and farms on a large scaled scheme
- 6 - Random detention of all arrested villagers
- 7 – Random imprisonment, detaining thousands of women, children and elderly for excessive months in conditions of prevention, coerciveness, malnutrition and ailments without a judiciary trail.
- 8 – Coerce dislocation of hundreds of thousands of villagers
- 9 – Destruction of Kurdistan's economy and its country side infrastructure when attacked by Iraqi forces as the latter were not intercepting other country's soldiers, rather were intending to harm their own people using the most destructive weapons (Chemical weapons)

The brief enforced its views referring back to one of the official documents sent to Convict Sabir 'Abd-al-'Aziz, handwritten, quoting "the use of chemical weapons requires coordination among authorities and Chief of Army Staff because it is the office in charge of such acts".

Evidences emerged regarding the role played by convicts – ex-commanders as they had planned operations, issued orders, forwarded operational reports and results straight to their leaders as they helped other units raiding over civilians, accepting spoils and remunerations headlined by the previous regime as their heroic acts. The Attorney General continued"We request this honorable court to take in account the individual responsibility of each of the convicts in light of the crimes they committed in the Al Anfal operations. Those convicts that had been accused via evidences represented to the court, and are:

- **Convict Sultan Hashim Ahmad:** In early 1987 until September 1988, he held the post of Commander of the 1st Corps. The convict was a military officer who served a term of (41) years in the Regular Army and reached a rank of Lieutenant General, he was promoted to Minister of Defense in sight of the crimes he committed with his soldiers during Al Anfal Operations as he assisted the 1st Corps in all campaigns, reinforcing authority ...



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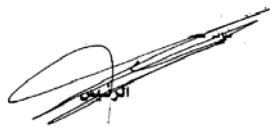

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... over his troops which contributed, under his command, in Al Anfal operations referring to chemical raids in Bahdinan and other places. His soldiers were responsible for dislocating inhabitants, coercively, from their houses, totally devastating their villages and confiscating their properties, detaining them under inhuman conditions and transporting them to camps where they were exposed to torture, rape and famine.

* **Convict Farhan Mutlak Al-Juburi:** He was the Director of Intelligence System of the Eastern Zone, directly in-charge in front of Convicts Sabir Al-Duri then 'Ali Hasan Al-Majid. The convict put down a series of memos, to his commanders, tackling the erased villages which prove his prior acknowledgement about Al Anfal Operations as a wide and systematic attack. He had complete knowledge of the civilian's numbers who had been forcefully dislocated from their villages, during the aforementioned operations, and the treatment they had witnessed. He had been given full authority while investigating detainees, as well as carrying executions within the premises of his system, after the approval of Northern Organization Office. All this is proved in the document "Secret and Confidential", numbered [1289] on 1988 Aug 5, under serial [005165], found in the box file.

***Convict Husayn Rashid Muhammad:** He was Chief of Army Staff's Operational Deputy in the Iraqi Armed Forces. He was a participant in planning and concocting military operations during Al Anfal campaigns the thing that is proved via official documents presented before the court, acknowledging that the Operation Directorate includes other sub-directorates like Planning, Provision, Movements, and Survey. By that, he will be in charge of supplying the units in Kurdistan with internationally-prohibited weapons, aside attending conferences related to Al Anfal Operations, laying down suitable plans to ruin down villages and murder the biggest possible number of inhabitants.

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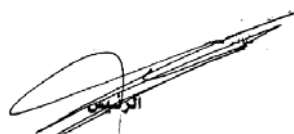
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***Convict Sabir 'Abd-al-'Aziz Al-Duri:** He was General Military Intelligence Directorate Director. Many evidences and documents were presented before your honored court which revealed the eminent role that the convict carried in supporting Al Anfal Operations, analyzing and lifting results pertaining to each operation aside. He confessed the legality of these documents and recognized his own signature, reassuring the use of chemical weapons as the aforementioned documents included sent to Presidential Diwan and Convict 'Ali Hasan Al-Majid.

*** Convict 'Ali Hasan Al-Majid:** He was the Official of the Northern Organization Office and the Supreme Leader responsible over activities carried on by civil and military officials in the aforementioned office. His actions and decisions granted him the alias of "Chemical 'Ali" ['Ali Kimyaw] which rendered him internationally known.

The prosecutor had clarified in his brief: Every one of those convicts is responsible, individually, over crimes which he incited, supported, instigated, or assisted in its perpetration as documents and evidences reinsure the contribution and acknowledgment of those convicts about Al Anfal campaigns. They operated as a group implementing a public criminal act to eradicate the Kurdish people. Every one took official steps, already prepared, to support the group's criminal aim, in addition to carrying on a supervisory overview of the crimes perpetrated by other executors. Each one of those convicts had committed genocide, crimes against humanity, and War Crimes through an internal conflict, violating Articles [11, 12, and 13] of Iraqi High Tribunal. They were aware of the political objective behind eradicating the Kurds, attacking their villages, and quashing their style of living. Hence, they disposed a precise, exhaustive plan, which execution and phases had been roundly designed, to be recognized later as Al Anfal operations. To prove genocide, it is a must to prove the special intention behind eradicating a patriotic, ethnic, or racial group. Still, it had been proved for your court that raids occurred in Kurdistan region, against Kurdish patriotism only ...



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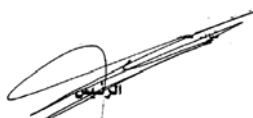
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... as this attack was not targeting exclusively Kurdish fighters (Pishmarqa), but rather all Kurdish villages, striking chemical weapons as well as a diversity of other arsenal. Those who had miraculously survived had been detained in special camps, prepared for this purpose, and then driven away to mass graves (children, women, youngsters, and old men). This is clear evidence headlining the provisional special intent to totally or partially eradicate this patriotism (*T.C: ethnicity*), for being Kurdish solemnly, as it had been elaborated through documents and other evidences. Accordingly, these actions match with Article [11] of Iraqi High Tribunal Law No [10] for the year 2005, in its following clauses:

(A) Murder:

The legal requirements to prove such crime is that the murderer should have killed or caused in killing one or more individuals. The elements of proof are the ultimate evidence that the attackers have encircled and contained the place, throughout the group's presence, as it really occurred proven by documents and evidences. There is another legal requirement which is the condition that victims are affiliated to a given patriotic, ethnic, racial, or religious group. This is also proven as Kurds are a patriotic community residing northern Iraq [Kurdistan territory], having a legal bound or publicly recognized identity. As for the other legal requirement, ethnicity is pertained as Kurds speak one language, contributed to all, as they [meaning the Kurdish patriotic community] have special physical and genetic features, all residing one geographically defined area. On the other hand, the crime's perpetrator's intent to eradicate totally or partially this patriotic community, as well as its elements of proof, which is the fact that convict had spoken out hatred, cursed or racist humiliation against these people, are elaborated through audio tapes pertaining to some of the convicts. Finally, the systematic pattern's requirement, as well as the elements of proof correlated with this requirement, is the availability of evidence over repetitive ...



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... coordinated, and systematic pattern of raids. Thus evidence is proved via the numerous, repetitive raids over Kurdish villages.

(B) Causing physical or mental damage to group's members

The legal requirements of such crime are that the murderer causes physical or moral damages to an individual or more. This requirement's elements of proof are the availability of an encouragement, implemented by the convict, to cause physical damages through his stance and expressions. This had been confirmed through encouraging the perpetrators, describing them as heroes by their commanders, granting them bravery medals. Another requirement is the proof that the convict ordered causing severe physical or morale damages. Such acts occurred against Kurdish inhabitants, executed by individuals who were commanded [subordinated], as their commanders did not take penal measures against them or even try to prevent them. A third requirement, which element of proof must be provisioned, is the victim's statement where he threatens murdering the members of a given patriotic group. This is unquestionably stated in Convict's, 'Ali Hasan Al-Majid, audio tape where he lanced that he will chemically strike, killing them all, this, in addition to other evidences of the aforementioned requirement such as demolishing houses, murdering the father-mother-brother-children [meaning the whole family] who are of Kurdish origins. As for the evidence of sexual violence and rape, as it is a must to be limited against Kurdish community, it had been proved, facing your court, through plaintiffs and witnesses' testimonies, the application of violence against Kurdish girls detained in special camps, designated to concentrate Kurds only, like Nuqrat Al-Salman, where a girl had been raped in front of her brother and other detainees. Another identical incident was marked at Tupzawa Camp.

(C) Premeditatedly subduing the group to living conditions intended to partially or totally eradicate them




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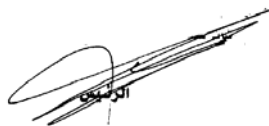
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The legal requirements for such crime are that the murderer imposes certain living conditions, on one or more individuals. The elements of proof are the availability of evidence identifying an enough period of time or imposing certain living conditions which lack medical care or a shortage in this care which provision is obligatory. All the aforementioned elements of proof are found in the case's file as per period of detention and living conditions which were imposed on camps including shortage in services, hygiene, and medical care. This is proved by plaintiffs' testimonies. If by "living conditions" is meant the partial or total eradication of this detained community, it would not be logic unless the intent of that imposed detention is a partial or total eradication of detainees. This is affirmed by non provision of potable water and medical care causing death for many.

The prosecutor also clarified in his brief: The crimes against humanity, committed during Al Anfal operations, had occurred within a systematic, organized and large scaled attack, based on the ruling authority's orders, against a group of civil inhabitants. Such acts match with Article [12] of Iraqi High Tribunal Law with its following clauses:

First:

- (A) Premeditated murder.
- (B) Genocide.
- (C) Deportation or coercive dislocation of inhabitants
- (D) Imprisonment and extreme deprivation of any other kind of physical freedom in a way which contradicts the basic legal rules.



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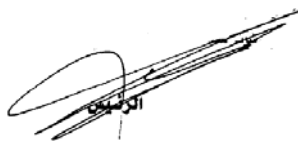
- (E) Torture.
- (F) Rape.
- (G) Persecuting any specific group of inhabitants for political, racial or ethnic reasons.
- (I) Coerce harboring of inhabitants.

(A) Murder:

It occurs when the perpetrator murders an individual or more. This crime's elements of proof are mass graves discovered in Al-Hadar at Al-Samawah governorate next to Nuqrat Al-Salman, aside the mass graves located in Kurdistan as proved by documents and special experts' declarations. All these acts were carried out with a preconceived malice within a systematic, organized and large scaled attack.

(B) Genocide:

The Genocide, which constitutes a crime against humanity, is basically provisioned as it is proven in the case's file; where a group of civil inhabitants was murdered while survived victims were forced to live in conditions which lead to eradicate a major part, later on. This conduct had been carried as part of a systematic, large scaled attack targeting civil inhabitants, or that these crimes were directly executed by convicts. The murder's evidences are the mass graves, plaintiffs' testimonies, and experts' declarations. The legal requirements for proof of this crime are that the perpetrator must murder one or more individuals as well as imposing, over the victims, living conditions which will surely lead to their partial eradication. The elements of proof pertaining to this requirement emphasize on the provision of a proof elaborating a victim's death. There is no clearer evidence than the mass graves, as the proof of handing victims to militias and armed groups for settling them down is also marked via killing detained civilians in different regions ...



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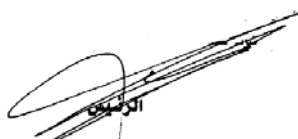
... of Iraq and burying them in mass graves. Regarding the other legal requirement, the action will be considered as genocide against a given group's members of civil inhabitants, or to be part of such act. The elements of proof is the foundation of massive murders with an approximate number of victims which is appropriated as experts mentioned that each opened mass grave included 500 victims or more, murdered by the armed forces using a diversity of weapons, as proved by the acquired evidences.

(C) Coercive relocation or dislocation of inhabitants

One of the legal requirements of this crime is that the convict relocates or dislocates coercively an individual for reasons not justifiable by the International Law. The elements of proof are provisioning evidence elaborating an applicable dislocation executed without the approval of concerned parties, as well as denying the military necessity of such act. This is proved to your court, as dislocation had been adopted after seizing and encircling the villages, coercively and forcefully moving the inhabitants, brining villages down, after being evacuated, with no military necessity whatsoever. All the aforementioned had occurred with the full awareness of convicts as within an organized, large-scaled attack.

(D) Imprisonment and extreme deprivation as contradictory to physical freedom, against basic legal rules:

All of this crime's basics are provisioned and proved to your court, due to the ghoulish conduct and leaders' awareness, as detention was contained in a large scaled attack, against civilians. The evidence of detention or arrests is the existence of camps such as Tupzawa, Dibs and Nuqrat Al-Salman as well as others. All detainees were civilians in bad health conditions as many died due to such circumstances during the detention period.



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(E) Torture:

This crime's basics are also provisioned and proved by causing severe pain and suffering, physically or psychologically, on the victim. That is what really happened and been proved by plaintiffs who had been assaulted physically (severely beaten), forcing some victims to stand naked, depriving them from hygiene, obliging them to witness the torture of their sons and relatives as well as sexual molestations against their sisters. All these acts occurred during the detention period, under the supervision of the perpetrators.

(F) Rape:

The legal requirements for such crime are the assault of the crime's perpetrator over another's body, described as a conduct, resulting in the penetration of a sexual organ in any part of the victim's body, no matter how slight this penetration was, as committing the assault by force, threat or coercion. This is what had been proved to the court from the testimonies as some plaintiffs mentioned being exposed to rape after threats and slaps. Even if convicts did not apply rape themselves or give direct orders, the leader is in charge of his subordinates' acts, as putting women in camps supervised and surveyed by men only will render the possibility of rape incidents more probable, aside the convicts' negligence of what may be conducted by their henchmen against the victims. They did not take mandatory precautionary measures to prevent such assaults placing them in charge of this crime's occurrence [Probable Intention Theory].

(G) Persecution of any given group of inhabitants for political, ethnic or racial reasons:

The legal requirements for such crime are that the committer strictly deprives an individual or more from their basic rights, in contradiction to the International Law. The elements of proof are acts which constitute persecution such as illegal imprisonment and detention of civilians ...

The image shows a handwritten signature in black ink on the left, and a circular official seal on the right. The seal contains Arabic text and the English text 'Iraqi High Tribunal'.

Chief of Judges

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In the Name of God All Merciful All Compassionate

Iraqi High Tribunal
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... assaulting other's freedom, murder, relocation, coerce dislocation, total devastation of houses and properties, looting, destroying and sabotaging educational and religious establishments, as well as sexual violence. All these facts are proved for your court as being implemented within a prior organized, large scaled attack rendering the intention or criminal aim provisional for convicts.

(I) Coerce harboring of inhabitants:

All basics for this crime are provisioned as follow:

- 1- Arresting one or more individuals
- 2- Denial to provide information concerning the fate and whereabouts of précised individuals
- 3- This arrest was supported and decreed by the government
- 4- This conduct was part of a large-scaled attack

These basics were proved to your court as an immense number of inhabitants had been detained without delivering any info regarding their fates or whereabouts. Those were the Anfalized Kurdish sons meaning the lost with no trace till now.

The prosecutor also clarified in his brief: Concerning the crimes which occurred during Al Anfal Campaign, they match Article [13] of Iraqi High Tribunal Law, in its coming clauses, guided by Clause [Fourth] of the aforementioned article of the court's code stating dangerous violations of laws and customs, imperatively applicable on non-international armed disputes within the pertained International Law's scope, precisely any of the following acts:

- (A) Premeditatedly targeting attacks against civil inhabitants, following this description, or against civil individuals directly uninvolved in war operations.



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- (B) Intending attacks over buildings appropriated for religious or educational purposes, conditioned not to be military targets
- (C) Looting any town or place even if it had been confiscated by force
- (D) Rape
- (E) Issuing orders to dislocate civil inhabitants due to reasons related to the confrontations, unless such action was executed for the benefit of those civil inhabitants or urgent military necessities.

A- Premeditatedly attacking civil inhabitants:

The legal requirements of this crime and elements of proof are provisioned in the case's file, as the first impose that the perpetrator direct a raid targeting civil inhabitants directly uninvolved in war operations. The element of proof requires an evidence of dead or injured among the targeted civil inhabitants. Indeed, this occurred and had been proved via plaintiffs' testimonies and official documents, acknowledging that most of the victims were not soldiers, rather women and children who lost their lives during air and land strikes, were directly uninvolved in war operations, and did not lift arms. Another requirement is to define the conduct along non-international armed dispute or any other conduct correlated with it. The elements of proof of such requirement are the availability of evidence highlighting an armed disputed between government's authorities and armed groups [Pishmarga]. A third requirement is that the perpetrator must acknowledge the factual conditions that frame an armed dispute. The element of proof in this case is elaborated via letters and official documents given to the court, proving the acknowledgment of convicts about this ...



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... conflict as the other side [Pishmarga] was an organized, armed force based on commands to receive orders form. This is what had been proved from the convicts' testimonies themselves.

B- Intend raiding buildings appropriated for religious or educational purposes:

The legal requirements of this crime and elements of proof are provisioned in the case's file, as the following legal requirements must be provisioned:

The perpetrator must direct attacks. The elements of proof is the availability of en evidence elaborating the damages or ruins, as well as targeting one or more buildings of those appropriated for religious or educational purposes which are not considered as military targets by nature. The raided buildings most not are used by armed forces, as premeditatedly taking these buildings as targets solemnly. This is will take us to the fourth requirement as his element of proof is the availability of evidence concerning the executed acts which indicate a premeditated intention of damage or destruction. This had been proved via documents, passed to the court, which order the devastation of schools and mosques as mentioned by some plaintiffs' testimonies. On the other side, to prove the intention is emphasized through orders issued concerning the demolition of the aforementioned buildings, carrying on these orders, and reporting back the outcome.

C- Looting any town or place even if forcefully confiscated:

The legal requirements of this crime and elements of proof are provisioned in the case's file, and are as follow:

When the perpetrators confiscate specific properties, gaining public or private ownership illegally, at a time when looting is carried by soldiers aiming at personal gain. The evidence that organized property confiscation was performed through a framed systematic and economic abuse of the region's valuable assets ...



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... as the war necessity to not legitimize looting . The represented legal requirements and their elements of proof are emphasized for the court through granting soldiers and national defense regiments the right to loot Kurdish villages' civil inhabitants' properties. This conduct is marked by documents passed to the court and only excluded heavy weapons. Hence, livestock animals and furniture are the property of forces who enter the village. As of the last legal requirement, it is the confiscation without the owner's approval. Its element of proof is when affirmation had been given away under coerciveness, fear, or any other type of oppression. The aforementioned is elaborated by the detention of the civil inhabitants while confiscating their wealth, forcing them to eyewitness the burn down of their houses using dynamite or bulldozers.

D- Rape:

It occurs when the perpetrator assault another person's body, conducting a behavior which results in penetrating the sexual organ in any part of the victim's body, or penetrating any other body or organ in the anus or sexual organ's overture [vagina], however trivial this penetration was. The element of proof is the availability of evidence concerning the penetration of bodies in overtures available within the victim's body. This had been proved via some plaintiffs' testimonies that were exposed to rape, supported by witnesses' authentications in front of the court. The other legal requirement, for this crime, is that the rape being conducted using force or threat. The elements of proof are available by the coerced conditions such as armed dispute, victim's detention, loss of virginity, and exposed to being beaten while resisting the perpetrator, as one victim mentioned that her jawbone had been broken (due to a tight punch), leading to the conclusion that the act had been forcefully conducted.



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E- Issuing orders to dislocate civil inhabitants for reasons correlated to the dispute, unless such conduct is for the sake of concerned civilians or mandatory military reasons:

The legal requirements and elements of proof of this crime are represented by issuing orders to dislocate civil inhabitants for reasons correlated to the dispute, unless it is due to concerned inhabitants' security or mandatory military reasons. This requires an evidence that the dislocation's order had been executed without choice, the thing that is elaborated through issued orders enclosed in documents, passed to the court, pertaining to the dislocation of villagers whose villages were more near to Baghdad, aside those located on border-lines, to different places, with no necessity to protect or secure them.

The prosecutor also clarified in his brief: The mass graves and Defense Commission's incapability to describe it, especially after what experts stated in legal and scientific terms, contented by these details and descriptions, as well as the doctors' testimony, in the court, attributed as experts and witnesses, describing the chemical injuries and treating the villagers, denying the existence of any Iranian or armed element among the victims, contrary to convicts' pretends that the north was controlled by Iranians back then.

Destroying the villages after being attacked, coercively dislocating the inhabitants and murdering them throughout Al Anfal Campaign, was not related to Iraq-Iran War. The organization and implementation of Al Anfal Campaign highlight the intention of raiding a preplanned war which words can not describe. The pattern adopted in executing the aforementioned campaign holds ghoulis scenes as estimations indicate a total loot, burn, and devastation of villages using bulldozers, explosives and raids, easing somehow 4000 villages as per a preplanned and organized attack. Each village had been destroyed based on a document issued by the Presidential Diwan; where each detailed document is sent to high forces commands' headquarter ...



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... including a detailed description of the whole operation and its results. Al Anfal torn apart the Kurds' life as the Kurdish people suffered unbearable circumstances. The organization and execution of this operation indicate a criminal intention with no doubt.

Requirements:

Genocide, crimes against humanity, and War Crimes occurred due to a large-scale attack where an organized plan had been laid down. Anyone who assisted, instigated or helped, in any way, facilitating or contributing to perpetrating the crime, including the provision of crime's tools, is held responsible as per Article [15/second/(C)] of Iraqi High Tribunal. Therefore, all convicts are taken for original actors, vis-à-vis these crimes, hence, we recommend their incrimination as per Article [11] of the court's code with its clauses:

First:

- Clause [(A)] Murder by virtue of Article [15] of Iraqi High Tribunal, identifying the sentence as per Article [406/1/(A)] of Iraqi Penal Code contributed to Article [24/First] of Iraqi High Tribunal Law
- Clause [(B)] causing serious physical or mental damages against group's members by virtue of Article [15] of Iraqi High Tribunal, identifying the sentence as per Article [413] of Iraqi Penal Code contributed to Article [24] of Iraqi High Tribunal Law
- Clause [(C)] subjugating the group, premeditatedly, to certain living conditions with the aim to partially or completely eradicate it as per Article [15] of Iraqi High Tribunal Law, identifying ...



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... the sentence as per Article [406/1/(A)] of Iraqi Penal Code contributed to Article [24] of Iraqi High Tribunal Law.
As well, incriminate them as per Article [12] of Iraqi High Tribunal Law via its clauses.

First:

- * Clause [(A)] premeditated murder as per Article [15] of Iraqi High Tribunal Law, identifying the sentence as per Article [406/1/A)] of Iraqi Penal Code contributed to Article [24] of Iraqi High Tribunal Law
- * Clause [(B)] genocide as per Article [15] of Iraqi High Tribunal Law, identifying the sentence as per Article [206/1/A)] of Iraqi Penal Code contributed to Article [24] of Iraqi High Tribunal Law
- * Clause [(D)] relocation or coercive dislocation of inhabitants as per Article [15] of Iraqi High Tribunal Law, identifying the sentence as per Article [24] of Clause [Fifth] of this court's code.
- * Clause [(H)] persecuting any given group of inhabitants for political, ethnical or racial purposes as per Article [15] of Iraqi High Tribunal Law, identifying the sentence as per Article [24], Clause [Fifth] of this court's code.
- * Clause [(I)] Coercive harboring of inhabitants as per Article [15] of Iraqi High Tribunal Law, identifying the sentence as per Article [421] of Iraqi Penal Code contributed to Article [24] of Iraqi High Tribunal Law as per Clause [Fourth]



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- * (A) premeditatedly leading attacks against civil inhabitants, in their current status [TC: as being civilians], or against civil individuals uninvolved directly in war operations as per Article [15] of this court's code, identifying the sentence as per Article [406/1/A)] contributed to Article [24] of this court's code.
- * (D) Intend to raid over buildings appropriated to religious or educational purposes as per Article [15] of this court's code, identifying the sentence as per Article [478/2] of Iraqi Penal Code contributed to Article [24] this court's code.
- * (E) Looting any town or place even if it had been forcefully confiscated as per Article [15] of this court's code, identifying the sentence as per Article [445] of Iraqi Penal Code contributed to Article [24] of this court's code.
- * (F) Rape as per Article [15] of this court's code, identifying the sentence as per Article [393/2/C)] of Iraqi Penal Code contributed to Article [24] of this court's code.

Finally, the prosecution committee recommend, from your court, to lay down the strictest sentence against 'Ali Hasan Al-Majid, Sultan Hashim Ahmad Al-Ta'i, Sabir 'Abd-al-'Aziz Al-Duri, Husayn Rashid Muhammad and Farhan Mutlak Al-Juburi, who ravaged the land with corruption, eradicated the harvest and posterity, did not pity an old man, woman, or child, even all God's creatures from animals, trees, natural environments. None escaped their tyranny and cynicism. The faithful says, honorable and gracious in his umpire Noble Book, In the Name of God All Merciful All Compassionate, "And if someone aimed trough the land to corrupt, eradicate the harvest and posterity, as God does not favor corruption" [Al-Baqarah: 205]
Hence, as the strictest sentence is the one which should be applicable, Article [406/1/(A)] will be adopted, stating the death sentence as the Article recommended.



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