

Prepared by : Ali Mahmud Mhamad

The Iraqi Recognition of Anfal campaigns as Genocide



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www.kurdocide.com kurdocide@hotmail.com
kurdocide@yahoo.com

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The Iraqi Recognition of Anfal campaigns as Genocide



Documents of the Iraqi Supreme Criminal Court on
acknowledgement of Anfal campaigns as Genocide

Prepared by : Ali Mahmud Mhamad

alimahmud2001@yahoo.com

Cover photo; Corpse of Anfalized old man found in a mass grave site

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www.kurdocide.com kurdocide@hotmail.com

kurdocide@yahoo.com

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Design: Afan A. Aziz

Efan_ehmed@yahoo.com

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Introduction

Thus far the Iraqi Supreme Criminal Court had recognized four Kurdish claims as genocide crimes: 1- Disappear and displacement of Faili Kurds; 2- Disappear of 8000 Brazanis; 3- Halabja attack by chemical weapons 4- Anfal Operations, the biggest and most expansive genocide act conducted by the Iraqi government against its Kurds during the late eightieth of the last century, resulted in the loss of 182000 individuals. The operation started on February 23 1988 lasted for 7 months and a half when come to an end on September 6 1988. Anfal is the genocide operation during which Kurds faced mass killings while the international community kept soundless. The Anfal crime had harvested almost 1000 Kurdish lives on daily basis. veracities of Anfal are so vast that can draw the attention of humanity and wake up their consciousness whereas thousands of tons of documents are in hand to approve and make no difference to holocaust, mass killing of Armenians, and crimes committed by the former Yugoslavia. Evidences are indubitable over the genocide committed against Kurds in Anfal Operations.

Translation of the legal documents of the Iraqi supreme criminal court on the recognition the crime as genocide by the Iraqi supreme criminal court and the Iraqi parliament, the crime committer country into English language is a step forward to make the International politicians, experts and activists play their moral role and support the dream of the victims' families to have the crime internationally recognized as genocide and punish its committers, whom deny it now.

Fortunately, up till now the Swedish and Swiss parliaments have officially voted to recognize the crime a genocide while a good number of the two countries' parliamentarians voted in favor although the process in both occasions didn't pass, but we remain optimistic that eventually we are going to make it.

In Some countries like Holland, Norway and Briton a lot of political parties, figures and MPs have already recognized Anfal as genocide. We trust that in the near future Anfal will be formally recognized as the holocaust against Kurds (Anfal is the Holocaust of the Kurds), the slogan that we have raised for the first time to turn into a slogan by all the human friends in the world.

Ali Mahmoud Muhammad

Kurdistan- Erbil, 2012

The Anfal Genocide

By Shakhawan Shorash



Indhold:

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What is Anfal?

Anfal means spoils/booty of war. The word is the title of the eighth chapter (Sura) of the Qur'an. This Sura contains 75 verses (Aia) of the words of Allah. Some of the verses are about war and its spoils. The Sura calls the Muslim prophet Muhammad and his followers to fight against non-believers, until the final triumph is reached. The final victory would mean either eradicating the enemy or forcing them to accept the Muslim faith and rituals, and give up their old faith and religious rituals. The Anfal Sura justifies the Islamization of unbelievers/non-Muslims and was used for the first time against

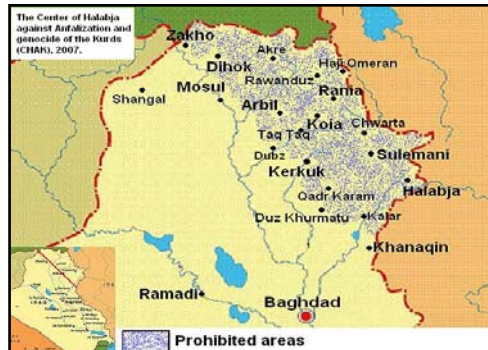
Arab non-Muslims in the battle at al-Badir in 624.¹ Islamization reached Kurdish areas around 637. The early Islamization periods are known as the liberation battles by Muslims.

The Iraqi military adopted the name Anfal in 1988 for its genocidal campaign against the Kurds in northern Iraq. The very concept “Anfal” under the Baath rule, and according to Saddam’s regime’s decrees, directives and actions, could be defined as a military campaign in geared toward entirely annihilating the Kurds in prohibited areas, which were large rural areas where Kurdish partisans could be found. The 1988 Anfal campaign was initiated by Saddam Hussein, the president of Iraq (1979-2003). A cousin of Saddam Hussein, Ali Hassan al-Majid (“Chemical Ali”), led the implementation of the military campaign.

¹ Human Rights Watch (1994), “Bureaucracy of Repression: The Iraqi Government in Its Own Words”, section VIII, available at <http://www.hrw.org/reports/1993/iraqanfal>.

The road to Anfal operations

Bombardments on villages in rural Kurdish areas took place frequently, especially from 1985 onward. The Iraqi regime used Kurdish partisan activity as an excuse. The Iraqi regime legally prohibited these rural areas in 1985, in a confidential decree dated June 29, 1985, signed by Sahdi Mahdi Salih,



the secretary general of the Northern Bureau Command. The prohibited areas became known as al-Manatq al-Mahzura or al-Manatq al-Muharama. The prohibited areas generally expanded to all the places in which peshmargas could be found or visiting. Those prohibited areas extended from the border of Turkey and Iran to the border that separates the Arab-Kurd territory. The decree orders necessary measures and actions against people from the rural Kurdish areas. It imposes a wide-ranging sanction on all the villages. The regime authorized the use of any weapon against the peshmargas and the people inside the areas, which had in fact become a free fire zone. Another decree of September 1985 ordered harder measures, and stamped all the villagers as saboteurs and traitors.

In April 1987, Iraqi warplanes bombarded several villages north of Arbil with chemical poison and killed several hundred civilian villagers in Balisan and the Shekh Wesan valley. In summer 1987, Saddam

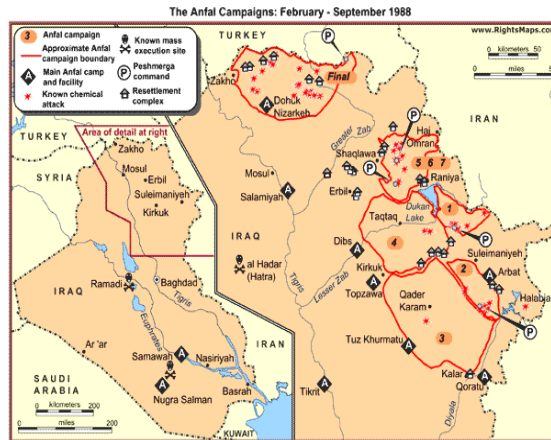
Hussein decided to bring an end to all life in the Kurdish rural areas, and his first step was to install his cousin Ali Hassan al-Majid, “Chemical Ali,” as the Secretary General of the Northern Bureau Command. He gave him absolute power over all state military and civilian units in the North.² In a decree dated 23 June 1987 and signed by Chemical Ali,³ he ordered heavy bombardment with every kind of heavy artillery, including chemical poison, against all the prohibited areas with the purpose of killing the greatest number of Kurds possible. He ordered the demolition of all human beings and animals inside those areas. Even if the people surrendered themselves to the Iraqi army units, they were sentenced to death. Chemical Ali ordered the final comprehensive military operations against the rural areas from February 1988. In eight military phases, using heavy artillery and chemical weapons, the Iraqi army managed to complete the mission.

² See the documents in section 3.1. Read more: Human Rights Watch (1994), “Bureaucracy of Repression: The Iraqi Government in its Own Words”, Document 13. Available at <http://www.hrw.org/reports/1994/iraq/TEXT.htm>.

³ *ibid.*

The military campaign

On 23 February 1988 the regime began a wide scale military campaign against the Kurds in the prohibited areas, which lasted until 06



September 1988. This campaign was carried out systemically in eight phases. The first phase started on 23 February 1988 and finished on 19 March 1988; the final phase started 28 August 1988 and finished on 6 September 1988. Every phase was led by an army chief officer such as Sultan Hashim, Ayad Khalil Zaki and others were under Chemical Ali's command. The forces participating in the Anfal campaign and the whole performance of the genocidal enterprise consisted of different weaponry forces such as The National Defense Contingents (Af waj al-Difa' al-Watani) the pro-government Kurdish militias known as Jash forces, the commands of regular army divisions, including the First Corps (Faylaq al-Awwal), the Fifth Corps (Faylaq al-Khames), some Divisions of Four and Six Corps, the Special Commando forces (Quat al-Khasa), The Emergency forces (Quat al-Tawari), Special

Battalions of the Corps, the Special Brigades, Mercenary Battalions, Infantry Brigades, the Party Militia forces, Divisions of Heavy artilleries and the Iraqi Air Forces. Units such as the Republican Guard (Quat al-Aras al-Jimhuri), Party Intelligence (Dairat al-Mukhabarat), State Internal Security (Dairat al-Amn), Military Intelligence (Dairat al-Istikhbarat al-Askaria), and the Party Militia forces participated mainly in the last stages of the deportations and mass executions in different capacities.

The First Anfal, known as the Anfal of the Valley of Jafety: 23 February – 19 March 1988 (Halabja attacked Friday, March 16, 1988). The military attacks targeted villages and districts such as Surdash, Bingird, Mawat, Qaywan, Wlaxlu, Sekaniyan, Sergalu, Bergalu, Haladn, Maluma, Yakhsamar, Gewrede, Galala, Gomezl, Shanakhseh and other villages as well as the surrounding mountains.

The chemical attack on Halabja on 16 March 1988

1988 was the last year of the Iran-Iraq eight year bloody war, and with help from the Kurdish peshmargas (from different political parties), Iranian troops on the



northern front seized the town of Halabja on Thursday, 15 March 1988. The next day, 16 March, Iraqi aircraft began the heavy and long bombardment of the city, while the first stage of the Anfal genocidal operation was ongoing, including gas attacks in other Kurdish villages such as the Mawat, Qaywan, Wlaxlu, Sekaniyan, Sergalu, Bergalu and Surdash areas. The Iraqi Air Force dropped poisoned gas on the city of Halabja in a series of heavy attacks. The attacks involved multiple chemical agents, including sarin, tuban, VX and hydrogen cyanide (see appendix 3).⁴ These were mustard gas, nerve and blood agents, which can cause immediate death, long-term medical problems and birth defects. The attack was the largest-scale chemical poison attack against a civilian population in modern times. The casualties included around 5000 people killed, more than 10,000 injured, and around 50,000 fled into Iran or other places.

⁴ <http://www.hrw.org/reports/1991/IRAQ913.htm#4>.

The Second Anfal, known as the Anfal of Qaradagh district: 22 March – 1 April 1988. Military attacks occurred on Gomezerd, Sagrama, Jafaran, Qara Dakh, Koshki Saru, Takya, Sewsenan, Masoiy, Dukan, Zarda, Omer Qala, Balagjar, Darbandikhan, Nasr and other villages as well as the surrounding mountains.

The Third Anfal, known as the Anfal of the Germian district: 7-20 April 1988.

The military attacks targeted Talaban, Chiman, Sangaw, Pungala, Hanara, Drozna, Charmg, Qadr Karam, Tazashar, Nawbarik, Aziz Qar, Ibrahim Xulam, Kulajo, Tapa Sawz and other villages as well as the surrounding mountains.

The Fourth Anfal, known as the Anfal of Koya and Kirkuk areas: 3 - 8 May 1988.

The military attacks targeted the Koya areas, Shwan district, Shexbzeni, Neragin, Segrdkan, Sekany, Kaniresh, Serchnar, Taqtaq, Qaranaw, Qsrok, Baxezner, Qzlu, Bogd, Goptapa, Kanibi, Chami Rezan, Askar, Kalasher, Kani Azaban and other villages as well as the surrounding mountains.

The Fifth, Sixth and Seventh Anfals, known as the Anfal of Khoshnawety and Balakayaty: 15 May – 26 August 1988. The military attacks targeted Aliawa, Keshke, Ziyarat, Qarasing, Smaquli Valley, Nazanin Valley, Jali, Sktan, Kamusak, Chiwa, Ware, Balisan Valley, Shekh Wasan, Malakan, Bla, Garawan, Akoyan, Saran, Komtan, Psht Ashan, Grnaqa, Xazna, Qalat, Balayian, and other villages as well as the surrounding mountains.

The Final Anfal, known as the Anfal of Badinan district: 25 August – 6 September 1988. The military attacks targeted Omer Aga, Sarko, Sedarok, Birjinni, Gelnaskeh, Tuka, Rwsu Shun, Kani Sard, Barwari Bala, Sar Qala, Bawarke, Ikmala, Baluka, Spindara, Wargatu, Saidan, Zewa, Sarka, Shirana, Sherwan Mazn, Ble, Barzan, Dinarta, Atrush and other villages as well as the surrounding mountains.

The Anfal campaign according to the Iraqi regime's documents and statements

Due to the importance of some documents, we find it relevant to quote them under this section. There are important decrees and directives in relation to military operations before, during and after the



Anfal campaign. Some of the directives and decrees were personally signed by the top Baath leaders such as Saddam Hussein and Ali Hassan Al-Majid. We also quote speeches of both Hussein and al-Majid in relation to the campaign and the gas attacks. These documents are translated from the Arabic by Human Rights Watch.⁵

Decree, 3 June 1987: ... The presence of people is completely prohibited in those areas of the villages prohibited for security reasons that were relocated in the first stage, and also in the areas included in the second stage until June 21, 1987... Within their

jurisdiction, the armed forces must kill any human being or animal present within these areas. They are totally prohibited.

Decree, 23 June 1987: The presence of human beings and animals is completely prohibited in these areas, and [these] shall be regarded as operational zones in which [the troops] can open fire at will, without any restrictions, unless otherwise instructed by our headquarters... Travel to and from these zones, as well as all agricultural, animal husbandry and industrial activities shall be prohibited and carefully monitored by all the competent agencies within their respective fields of jurisdiction... The Corps Commands shall carry out random bombardments using artillery, helicopters and aircraft at all times of the day or night in order to kill the largest number of persons present in those prohibited areas, keeping us informed of the results... All persons captured in those villages shall be detained because of their presence there, and they shall be interrogated by the security services and those between the ages of 15 and 70 must be executed after any useful information has been obtained from them; keep us informed.

Decree, 19/4/1988: ... The families who have arrived from the areas of the saboteurs should be treated in the same way as the saboteurs [are treated]. The Party organizations should carry out searches and

gather information, and if families are found, they should inform the security authorities about this.

Decree, 19 May 1988: ... After the special strikes against the villages where the headquarters and bases of the agents were, their organization distributed a quantity of medical supplies against chemical strikes (injections and pills) among the inhabitants of those villages as well as neighboring villages... the intensity of the artillery bombardment by our forces and the use of "the special ammunition" led to heavy losses among them.

Saddam Hussein discusses the killings of civilians and non-civilian people with a military chief

Chemical Ali : ... We attack those who live there, we do not differentiate between who has weapons or not, or who is civilian or not. They are saboteurs." Chemical Ali asks Saddam: "does the special weapon exterminate thousands?" Saddam answers: "Yes, it



Saddam Hussein and Ali Hassan Al-majid

exterminates thousands and makes them unable to eat or drink; they will have to evacuate their homes without taking anything with them, until we can finally purge them.”

The following are some selected remarks and comments by ChemicalAli:

“I told the mustashars that they might say that they like their villages and that they won't leave. I said I cannot let your village stay because I will attack it with chemical weapons. Then you and your family will die. You must leave right now. Because I cannot tell you the same day that I am going to attack with chemical weapons. I will kill them all with chemical weapons! Who is going to say anything? The International community? Fuck them! The international community and those who listen to them... (May 26, 1987)”

“I won't allow any human existence there. I don't want their agriculture. I don't want tomatoes; I don't want okra and cucumbers. If we don't act in this way the saboteurs' activities will never end, not for a million years. These are all just notes, but with the help of God we will apply them very soon, not more than a month from now. In the summer nothing will be left...(April 15, 1988)”

“We asked them to deport every Kurd who lives there and send them to the mountains to live like goats. Fuck them! ”We deported them from Mosul without any compensation. We razed their houses. We said come on, go, go! But those who are already fighters, we tell them from the beginning that they must go and settle in the complexes. After that we will tell them to go to the Autonomous Region. We will not get into any arguments with them. I read the pledge for them and they must sign it. Then wherever I find [passage unclear], I will smash their heads. These kind of dogs, we will crush their heads. We will read the pledge for them: I the undersigned admit that I must live and settle in the Autonomous Region. Otherwise I am ready to accept any kind of punishment including the death penalty. Then I will put the pledge in my pocket and tell the Amn director to let him go wherever he wants. After a period of time, I will ask where is he? They will tell me, here he is. The Ba'ath Party director must write to me saying that the following people are living in that place. Immediately I will say blow him away, cut him open like a cucumber...”

”Do you want to increase the Arab population with these bloody people?... We must Arabize your area [Mosul]--and only real Arabs, not Yezidis who say one day that they are Kurds and the next that they are Arabs. We turned a blind eye to the Yezidi people joining the

jahsh in the beginning, in order to stop the saboteurs from increasing. But apart from that, what use are the Yezidis? No use... (August 1, 1988).”

”But take good care of them? No, I will bury them with bulldozers. Then they ask me for the names of all the prisoners in order to publish them. I said, "Weren't you satisfied by what you saw on television and read in the newspaper?" Where am I supposed to put all this enormous number of people? I started to distribute them among the governorates. I had to send bulldozers hither and thither..... ”

A short description of the implementation of the genocidal campaign

How was the genocidal campaign implemented? A comprehensive eight-stage military campaign was executed from 23 February to 6 September on the so called prohibited areas; the goal was to wipe out the Kurdish population in those areas. The regular army, heavy artillery units, aircrafts, Kurdish Jashes, several types of Special Forces and Baath party militias carried out the following actions:

- Attacked and bombarded the areas with heavy artillery and chemical poisons. The Iraqi Air Force dropped sarin, VX and

tabun chemical agents on the civilian population in the villages and the surrounding areas.

- Killed people running for their lives without differentiation .



The Anfal victims, while they were being deported to unknown destinations.

- Killed every one who refused to surrender or somehow took

a defensive

position.

- Detained all inhabitants in the villages.
- Looted the villages completely and destroyed them entirely.
- Deported the detainees to concentration camps such as Tobzawa and Dubiz near Kirkuk, Nizarke near Dihok in the north and Ar'ar and Nugra Salman in the Sahara southwest of Iraq.
- Detained villagers who fled to other Kurdish cities.

- Detained villagers who surrendered themselves to government forces.
- Separated the men and boys from women and children in the concentration complexes.
- Sold hundreds of young Kurdish girls to Arab countries such as Egypt.
- Executed almost all the men and boys immediately, or gradually within days, in pits in the north and southwest of Iraq.
- Executed many women and children in pits in the north and southwest of Iraq.
- The executions were carried out in different ways; for instance, some were executed outside the pits and then thrown them into the pits; some were executed inside the pits. The pits were covered using bulldozers. Kalashnikov rifles were primarily used for the executions.
- Many women, children and elderly people died in the concentration camps due to illness, disease, torture and hunger.
- Hundreds of thousands of villagers and others escaped the Iraqi attacks and fled to Iran, Turkey and other countries.

The Anfal campaign resulted in the disappearance of approximately 182,000 Kurds and the destruction of thousands of Kurdish villages.

The witnesses

Survivors from
concentration complexes:
Nasrin Majid Karim a
woman born in 1952,
from Ali Mustafa



Nasrin Majid Karim

Village/Qadr Karam district. She has four Anfalized relatives, her husband among them. She and her family and relatives surrendered themselves to the Iraqi forces, which jailed them and sent them to Tobzawa complex. “I don’t know why the government did not like that we could live a pleasant life. I don’t know if that tyrant was created by God in order to not leave Kurds alone... they brought us to a big and long hall that had space for all the residents of a

village... there was a series of the halls... military trucks and minis and big buses brought other people continually.” ... “In the first night, they came and took the young men from our hall, throwing them outside, I don’t know to where? ‘God’ this night was horrible, I would not wish that this would happen to even the Gawrs [unbelievers] ... women’s screams and children’s cries could deafen heaven... the second night they came and took all the children...like wolves which attacks sheep, in this way they attacked us... we became crazy with fury... what kind of brutality... perhaps only Saddam did this in the world... the next morning they brought the children back... but children were terrified and freezing, they could hardly breath... in the night they sprayed them with water... I don’t know how God accepted it... half of them were ill... They frequently took people from the halls, we did not know where... a horrific disease hit people in the halls, the children were just dry bones... we were suffering under disease... some days 10 children would die... some women could die and

leave two small children, the children were like weak birds in the hall... there were no one willing to help them, thus they soon would die due to this disease... When the government released us and we came back, people told us that we were Anfalized; we did not hear the word until that time.”

Survivors from mass graves: A farmer Faraj Mohamad Aziz, another Anfal survivor, born in 1950, from Topxane village/Qadr Karam district. “they gathered people in front of the halls... women were separated, children were separated, men were separated... there were too many people, it is hard to say how many... they regarded people from 15 to 50 year old as young people...”

“After they wrote our names and brought us to the halls, each one could contain 500-600 people, we were only men... the solders and officers swore at us



Faraj Mohamad Aziz

all the time... nobody dared to say anything... they did not give us water or food during the first two days... we were terrified and about to die of thirst... the second day in the middle of the night came some soldiers dressed in green, they read our names and took us outside the hall..... my cousin 'Salih' and I were in the same group, my brothers' name were not read, I don't know when they took them...

“our group was around 100 people, I think... they put us in another hall, and the day after at 9.30, they took us out and put us into the special vehicles without windows... the number of the cars was around 20, the cars were similar to ambulances, I had never seen them before... every vehicle could take around 50-60 people... we could not see outside, therefore we did not know where we were heading... the car was like a coffin, like when you put a person in a coffin to put them in a graveyard... they put us into the coffins right to the death pits... the car was driving very fast... maybe they would take another trip that day... after many hours of driving, close to evening... then the cars slowed

down and drove on a gravel road and after 10-20 minutes stopped... before we stopped we could hear shooting... a lot of shooting... we did not know what was going on... but after the opening of the door, we new that they would shoot us dead... after we stopped the soldiers in green uniforms took two of us at time... that was like hell you could hear shooting everywhere... there were two teenagers among us... very beautiful boys... they were seated in front of us... when their turn came, they were frightened, I could not bear to watch them... I would like shout to God and pray for them... then I told my cousin, 'we will go before them, I will not see their death'... we did... when they took us down, although I was going to death, I was happy to see the outside world again even for one minute, due to the difficulty of breathing inside the car during the whole trip... as they took me down and until they covered our eyes, I could see many things... long pits... shovels... a lot of soldiers... a lot of dead bodies... in front of the pits they tied my hands and looked in my pockets they

took everything they found... then they lay us [he and his cousin] down facing the ground... then they began to shoot us... Salih was hit and shook fast, his blood and the dust around us covered us... I thought I was hit too and dead... after a while I knew I was not dead, but I was like a dead body... they pushed us into the ditch on the other dead bodies... blood was everywhere... some were not dead yet and screaming... now I knew where I was... I knew they are going to cover us with sand as I heard the shovel machines... I freed my hands and uncovered my eyes, first I did not dare to open my eyes... then I opened my eyes I could see many bodies around me, among them Salih and the two teenagers whose death I would not see... After an hour I guess I was still in the pit, and it was dark... then I tried to crawl out... and I ran without looking back... I fell into another pit full of bodies, and came out again... I saw empty pits... I was running without shoes... the first time I looked back I was quite far away from the shooting pits... I sat awhile... I could see car headlights... then I began to

walk for around an hour... I did not know where I was heading... I was tired and frightened... I was walking, sitting sometimes until the early sunshine... then suddenly I saw a man... he scared me... he was a shepherd...fortunately he was a Kurd [Iranian refugee in Ramadi complex]....”

Witnesses from the perpetrator side: Abdul al-Hassan

Muhan Murad, born in 1961, from Kut, was a member of the Baath party and Iraqi security. He worked as a driver of trucks, bulldozers, shovels, gravediggers and the



Abdul al-Hassan Muhan Murad

like. “I did this job from August 11 to November 15 of 1988... our job was between Tobzawa, Dubz and the Mountain of Hamrin... the next time our work was in a place between Dubz and Hamrin near the road to Dora... this time the victims were women, children, young and

older people...their eyes and hand were not tied... the vehicles were the same special covered vehicles... they were pushed to the shooting places and shot together inside the pits by Kalashnikovs... the shooting team was the same team... the shooting was ordered by Mayor Abid... the bringing of the victims occurred faster...the young and older victims were from the Tobzawa complex, the women and children were from Dubz complex... after the shooting we covered the pits...once there was an eight week old child in a woman's arms; I think it had not been shot when we buried them. This hurt me..."

The genocide recognized by Human Right Watch

A team of experts led by Middle East Watch has conducted a thorough and detailed study of the many official Iraqi state documents connected with the Iraqi regime's decisions and actions between 1987 and 1989. They state: we have found strong evidence of flagrant abuses of human rights, as well as the racial animus that was to inform the 1988 Anfal operation, throughout the period covered by the documents. In the view of Middle East Watch, the evidence is sufficiently strong to prove a case of genocidal intent.

The genocide recognized by The Hague Court



Frans Van Anraat

The Hague court of Nederland⁶ made its statement concerning the Anfal-campaign in relation to the case of the Dutch trader Frans Van Anraat. The Dutch trader was involved in selling thousands of tons of raw materials for chemical weapons used against the Kurds in 1987-1988. The court states: For proving genocidal intention, the court differentiates between constant oppression and ethnic discrimination against the Kurdish nation, and the escalating cruel campaign by the Iraqi government against the Kurdish people in northern Iraq in a specific time and period. In the latter case, the incidents create a picture which cannot indicate any other thing than proof of genocidal intent.

⁶ The Dutch district court in The Hague

The genocide recognized by Genocide Watch

The international organization Genocide Watch works to end the crime of genocide in the world; in a special statement it has recognized the Anfal military operation in 1988 as the crime of genocide.⁷

Genocide Watch states: The Anfal campaign of the Saddam Hussein regime in the 1980's was unquestionably a genocide as defined by the International Convention for the Prevention and Punishment of the Crime of Genocide, also known as the Genocide Convention. The Genocide Convention defines genocide as "the intentional destruction, in whole or in part, of a national, ethnical, racial or religious group." The intent of the Saddam Hussein regime was the destruction of a significant part of the Kurdish population of Iraq. The killing was intentional state policy. The Anfal genocide was ordered by Saddam Hussein and directed by Saddam's cousin, Ali Hassan al-Majid, Secretary General of the Ba'ath Party's Northern Bureau. The victims were killed because they were Kurdish, because of their ethnic identity. That is genocide. Ali Hassan al-Majid stated in

⁷ <http://www.kurdmedia.com/news.asp?id=13471>

a recorded speech, "Yes, I'll certainly look after the Kurds. I'll do it by burying them with bulldozers. That's how I'll do it."

The recognition of Iraqi High Tribunal of the Anfal genocide

The Iraqi Tribunal has several crimes committed by the former Iraqi regime on its trail list. The Anfal trial was the second case heard by the Tribunal after the Dujail case. During the Anfal trial, the Court focused on a series of coordinated attacks in 1987–1988 by Iraqi forces targeting the Kurdish population in Iraqi Kurdistan, especially in the prohibited area, in which up to 180,000 Kurds were killed or



The defendants accused for the Anfal crime

disappeared.

The case Proceedings began on August 21, 2006, with seven accused standing trial: Saddam Hussein the president of Iraq from 1979 until 2003, Ali Hassan al-Majid ('Chemical Ali') cousin of Saddam Hussein



and former secretary of the Ba'ath Party's Northern Bureau from March 1987 to April 1989, with authority over all state agencies in the Kurdish region during this period, Sultan Hashim Ahmed al-Ta'i, former Commander of Corps I of the Iraqi Army, in charge of the northern sector during the Anfal campaign, who later became Minister of Defense, Sabr Abdul-Aziz al-Douri former General Director of Iraq's Military Intelligence Service, Farhan Mutlak al-Jburi former Director of the Military Intelligence Service of the northern region, Hussein Rashid al-Tikriti former Deputy for Operational Affairs to the Chief of Staff of the Iraqi Army during the Anfal campaign, Tahir Tawfiq al-Aani former Governor of Mosul, Ba'ath Party official, and assistant to Ali Hassan al-Majid. They were prosecuted for crimes of genocide, crimes against humanity, war crimes and violation of Iraqi law.

The tribunal's final verdict was read by Judge Muhammad al-Uraibi. The defendants, Ali Hassan al Majid, Sultan Hashim, and Hussein Rashid al-Tkriti were sentenced to death for the crime of genocide, crimes against humanity and war crimes. The defendants Ferhan al-Mutlaq and Sabir Abdulaziz al-Duri were sentenced to life in prison



Saddam Hussein in the court room and the hanging for Dujail crime

for the crime of genocide, crimes against humanity and war crimes.

All Charges against Saddam Hussein were dropped after his execution on 30 December 2006. He was sentenced to death by hanging in the previous Dujail case for the 1982 mass killing of 140 villagers in the Shia town of Dujail. Soon after the Dujail verdict, he was executed according to article 24.

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قرار

استنادا الى احكام الفقرة (٢) من المادة الثانية والاربعين ، والقسوة
(٢) من المادة الثالثة والاربعين من الدستور ، وتفيذا " لما ظهر في الاجتياح
المفتوح لمجلس قيادة الثورة والقيادة القطرية لحزب البعث العربي الاشتراكي
المتخذ في ١٨ / ٣ / ١٩٨٧ .

قر مجلس قيادة الثورة بجلسته المنعقدة في ٢٩ / ٣ / ١٩٨٧ مايلي :-
اولا - يقوم الرفيق طي حسن المجيد ، عضو القيادة القطرية لحزب البعث
العربي الاشتراكي ، بممثل القيادة القطرية للحزب ومجلس قيادة الثورة
في تنفيذ سياستهما في صوم المنطقة الشمالية وبمعدنا منطقة كردستان
للحكم الذاتي بهدف حماية الامن والنظام وكفالة الاستقرار فيها وتطبيق
قانون الحكم الذاتي في المنطقة .

ثانيا - يتولى الرفيق عضو القيادة القطرية ، لتحقيق ايداف هذا القرار ، صلاحية
الظهير الملزم لجميع اجهزة الدولة المدنية والعسكرية والامنية ، وبوجه
خاص الصلاحيات المفوضة بمجلس الامن القومي ولجنة شؤون الشمال .
ثالثا - ترصد الجهات التالية في صوم المنطقة الشمالية بالرفيق عضو القيادة
القطرية وتلتزم بالقرارات والتوجيهات المادرة له التي تكون واجبة
التفيذ بموجب هذا القرار .

- ١- المجلس التنفيذي لمنطقة كردستان للحكم الذاتي
- ٢- محافظو المحافظات وروسها الوحدات الادارية التابعة لوزارة الحكم المحلي .



“Ali Hassan al-Majid's extraordinary new powers--equivalent in the Autonomous Region to those of the president himself--came into effect with decree no. 160 of the Revolutionary Command Council, dated March 29, 1987. Al-Majid was to "represent the Regional Command of the Party and the Revolutionary Command Council in the execution of their policies for the whole of the Northern Region, including the Kurdistan Autonomous Region, for the purpose of protecting security and order, safeguarding stability, and applying autonomous rule in the region." The

decree went on to explain that, "Comrade al-Majid's decisions shall be mandatory for allstate agencies, be they military, civilian and security." His fiat would apply "particularly in relation to matters that are the domain of the National Security Council and the Northern Affairs Committee." A second order by Saddam Hussein, issued on April 20, 1987, gave al-Majid the additional authority to set the budget of the Northern Affairs Committee.

Al-Majid's "decisions and directives" were to be obeyed without question by all intelligence agencies--including military intelligence (Istikhbarat)--and by all domestic security forces; by the Popular Army Command (Qiyadat al-Jaysh al-Sha'abi); and by all military commands in the northern region. Decree 160 and its riders leave no room for doubt: simply put, Ali Hassan al-Majid was to be the supreme commander, the overlord, of all aspects of Anfal."

<http://www.unhcr.org/refworld/docid/47fdfb1d0.html>

قيادة مكتب تنظيم الشمال
 ١٩ / /
 مكتب المركزية
 التاريخ: ٢٠٠٨ / ١٠ / ١٩
 العدد: ١٩٨٧ / ١٠ / ١٩

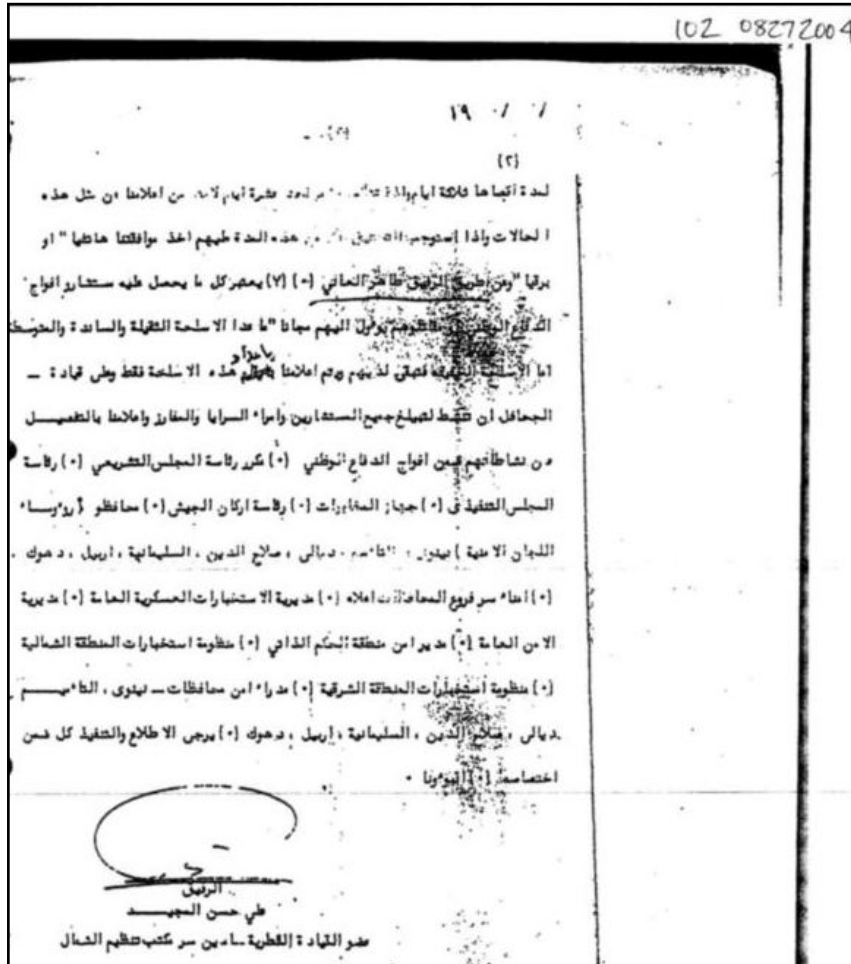
من / قيادة مكتب تنظيم الشمال
 الى / قيادة الفيلق الاول / قيادة الفيلق الثاني / قيادة الفيلق الخامس

م / التعامل مع القرى المخدرة احيا

به النظر لانها الفترة الممتدة رسمياً لجميع هذه القرى والتي سينتهي موعدها يوم ١٩٨٧ قريبا العمل لهذا من يوم ٢٢ حزيران ١٩٨٧ مسوداً " ١٠ (٥) يعتبر جميع القرى المخدرة احيا والتي لم تزال لحد الآن ماكسنت لتواجه صعوبات منها امدان وسليبي الخيامة وانظلم من غونة للعراق (٥) (٢) يحرم القضاة البشري والعمومي فيها لها " ويحصر منطقة عمليات معرفة ويكون اثرها حراً " غير ملية " باقية تعليمات مالم صدر من قريبا (٥) (٢) يحرم السفر منها واليهما او التزاما والاستار الزرامي او المعامي والمعماري وفي جميع الاجهزة المختصة متابعة هذا الموضوع بحدود كل ضمن اختصاصه (٥) (٤) تعدد قيادات الفيلق ضربات خاصة بين قدرة واحرى بالمدفعية والسجلات والطاقات لقتل الكبر عدد سكن من يتواجد في هذه الممرات وغالبا جميع الاوقات لتسهيلها ونهاراً " - واملائنا (٥) (٥) يحجز جميع من يلقى طيه القبض لتواجده من قري هذه المنطقة ويعلق بغير الاجهزة الاولية ويأخذ حكم الادمين بالجاهز سره (١٥) مدة داخل مسوداً " التي عمر (٢٠) سفا " اهل بعد الاستاذ من معلوماته واملائنا (٥) (٦) تقوم الاجهزة المختصة بالتحري من يعلم نفسه الى الاجهزة الحكومية او المدنية (بموجب لفظ ")



On June 20, 1987, directive SF/4008 was issued under al-Majid's



signature. Of greatest significance is clause 5. Referring to those areas designated "prohibited zones," al-Majid ordered that "all persons captured in those villages shall be detained and interrogated by the security services and those between the ages of 15 and 70 shall be executed after any useful information has been obtained from them, of which we should be duly notified." However, it seems clear from the application of this policy that this referred only to

males "between the ages of 15 and 70." Human Rights Watch/Middle East takes this as given, writing that clause 5's "order [was] to kill all adult males," and later: "Under the terms of al-Majid's June 1987 directives, death was the automatic penalty for any male of an age to bear arms who was found in an Anfal area." (Iraq's Crime of Genocide, pp. 11, 14.) A subsequent directive on September 6, 1987, supports this conclusion: it calls for "the deportation of ... families to the areas where there saboteur relatives are ..., except for the male [members], between the ages of 12 inclusive and 50 inclusive, who must be detained." (Cited in Iraq's Crime of Genocide, p. 298.)

SF/4008

June 20, 1987

From: Northern Bureau Command

To: First Corps Command, Second Corps Command, Fifth Corps Command

Subject: Procedure to deal with the villages that are prohibited for security reasons

In view of the fact that the officially announced deadline for the amalgamation of these villages expires on June 21, 1987, we have decided that the following action should be taken with effect from June 22, 1987:

1. All the villages in which subversives, agents of Iran and similar traitors to Iraq are still to be found shall be regarded as out of bounds for security reasons;
2. They shall be regarded as operational zones that are strictly out of bounds to all persons and animals and in which the troops can open fire at will, without any restrictions, unless otherwise instructed by our Bureau;
3. Travel to and from these zones, as well as all agricultural, animal husbandry and industrial activities shall be prohibited and carefully monitored by all the competent agencies within their fields of jurisdiction;
4. The corps commanders shall carry out random bombardments using artillery, helicopters and aircraft, at all times of the day or night in order to kill the largest number of persons present in those prohibited zones, keeping us informed of the results;
5. All persons captured in those villages shall be detained and interrogated by the security services and those between the ages of 15 and 70 shall be executed after any useful information has been obtained from them, of which we should be duly notified;
6. Those who surrender to the governmental or Party authorities shall be interrogated by the competent agencies for a maximum period of three days, which may be extended to ten days if necessary, provided that we are notified of such cases. If the interrogation requires a longer period of time, approval must be obtained from us by telephone or telegraph or through comrade Taher al-Ani;
7. Everything seized by the advisers and troops of the National Defense Battalions shall be retained by them, with the exception of

heavy, mounted and medium weapons. They can keep the light weapons, notifying us only of the number of these weapons. The Corps commanders shall promptly bring this to the attention of all the advisers, company commanders and platoon leaders and shall provide us with detailed information concerning their activities in the National Defense Battalions.

For information and action within your respective fields of jurisdiction. Keep us informed.

[Signed]

**Comrade
Ali Hassan al-Majid**

Member of the Regional Command

Secretary General of the Northern Bureau

<http://www.hrw.org/reports/1993/iraqanfal/ANFAL2.htm>

In the Name of God the Most Merciful, the Most Compassionate

Translated by Luqman Ablaxi (Araan)

Iraqi High Tribunal Number/ 1/ 2nd Criminal / 2006
Second Criminal Court
<http://www.iht.iq/anfal.html>

Iraq - Baghdad Date / 2007 June 24

Or 9 Jumada-al-Akhir 1428 Islamic calendar

"Verdict Decisions"

The Second Criminal Court of the Iraqi High Tribunal had been formed on 2007 Jun 24, headed by Judge Muhammad 'Uraybi Majid Al-Khalifah with its full commission, issuing the following verdict, in the name of people:

1st. Convict Tahir Tawfiq Yusif Al-'Ani

FOR insufficient evidences gathered in the case against Convict Tahir Tawfiq Yusif Al-'Ani for charges against him as per Articles [11/First (A, B, J)], [12/First (A, B, J, D, ?, W, H, Y, I)] and [13/Fourth (A, D, ?, H, L)] of Iraqi High Tribunal Law No 10 for the year 2005, the court decided to suspend all charges against him, discharge, and release the convict, immediately, as long as he is not detained or wanted for other case. The verdict was issued by agreement, in accordance to Article [182/(J)] of amended Criminal Procedures Law No 23 for the year 1971, by attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

2th: The convict, Farhan Mutlak Salih Al-Juburi

1- The convict Farhan Mutlak Salih Al-Juburi is to be sentenced to life imprisonment as a result of participating in premeditated murder as a genocide crime according to Penal Code (11\First\A-Second\H) in reference to Article (15\ First, Second) and the article (24) of the Iraqi High Tribunal Court Law Number 10 for the year 2005. The penalty was determined according to the Article (406 \1\A-B-W) and contributory Articles (47, 48, 49) of the amended Penal Code Law number (111) for the year 1969, the verdict was issued unanimously in open court on 2007 Jun 24.

2- Sentencing the convict, Farhan Mutlik Salih Al-Juburi to life imprisonment for committing a deliberate murder as a crime against humanity according to Article (12 \ First \ A) in reference to Article (15 \ First, Second) and the Article (24) issued by the Iraqi High

Criminal Court Number 10 for the year 2005. The punishment was decided according to the rules of the Article (406 \ 1 \ A-B-W) and the Contributory Articles (47, 48, 49) of the amended Penal Code Law No. 111 for the year 1969, the verdict was issued unanimously in open court on 2007 Jun 24.

3- Sentencing the convict, Farhan Mutlak Salih Al-Juburi to 10 years in prison because he committed a crime of compulsory relocation for civilians as a crime against humanity according to Article (12 \ First \ D) and in reference to Article (15 \ first, second) and article (24) of the Iraqi High Tribunal Court number 10 for the year 2005. The punishment was determined according to the Article (421 \ B) from the amended Penal Code Law No. 111 for the year 1969, and the verdict was issued unanimously and to be shifted to Cassation Court in compliance with the Article (182/A) and announced in open court on 24 Jun 2007.

4- The detention period of the convict, Farhan Mutlak Salih Al-Juburi was not counted for the determination of his fate in this case and because he is detained for another case.

5- The abovementioned punishments are to be carried out sequentially concerning the convict, Farhan Mutlak Salih according to the conclusiveness (65 \ second) from the procedures and evidence collecting laws related to the court and the Article (142) from the Penal Code No. 111 for the year 1969.

6- The Confiscation of his fixed and non fixed assets, according to the Article (24\Sixth) issued by the Supreme Iraqi Tribunal Court No. 10 for the year 2005.

7- The accused was informed and understood that the lawsuit documents will be automatically sent to the Cassation Commission

for cassation scrutiny in compliance with the Article (254/A) of the Criminal Procedure Law No. (23) for the year 1971.

The decision was issued by presence of the parties pursuant to the verdicts article (182/A) of the Criminal Procedure Law no.23 for the year 1971 by unanimous decision on 2007 June 24.

8 – For not existing the adequate collected proofs in the case against the accused Farhan Mutlak Salih Al-Juburi regarding the accusations directed against him according to the verdicts of the articles (11 / First – B – J), (12/ First – B – J - ? – W – H – I) and (13/Fourth – A – D - ? – H - L) of the Iraqi High Tribunal code no.10 for the year 2005, the tribunal decided to drop the charges directed against him and release him. The decision was issued by unanimous based on the verdicts of the article (182/J) of the amended Criminal Procedure Law no.23 for the year 1971 by presence of the parties to be appealed and was announced in public on 1428 Jumada Al-Akhirah 09 (Islamic Calendar) coincided with 2007 June 24.

3th: The convict Sabir 'Abd-al-'Aziz Husayn-al-Duri

1. Sentencing the convict Sabir 'Abd-al-'Aziz Husayn-al-Duri to life imprisonment for his participation in committing a deliberate murder as genocide in accordance with stipulates of Article (11 / First / A, B, Second / H in accordance with the Article (15 / First, Second) and Article (24) of the Iraqi High Tribunal Court law No. 10 for the year 2005. The punishment was determined according to the stipulates of

Article (406/1/ A, B, W and the contributory Articles (47, 48, 49) of the amended Penal Codes No. 111 for the year 1969, the decision was issued by agreement and attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

2. Sentencing the convict Sabir 'Abd-al-'Aziz Husayn-al-Duri to life imprisonment for his participation in a deliberate murder against humanity according to stipulates of Article (12/First/A) and in compliance with Article (15/First, Second) and the Article (24) from the Iraqi High Tribunal Court No. 10 for the year 2005. The punishment was determined according the Penal Code No. 111 for the year 1969, the decision was issued the decision was issued by agreement and attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

3. Sentencing the convict Sabir 'Abd-al-'Aziz Husayn-al-Duri to life imprisonment for his participation in a deliberate crime of directing attacks against civilians for their status or against civilian individuals not directly participating in military operations. And it is considered as a war crime according to the rules (13/Fourth/A) and in referral to Article (15/First, Second) and the Article (24) from the Iraqi High Tribunal Court law No. 10 for the year 2005.

The punishment was determined in accordance to the rules of the Article (406/A,B,W) and the contributory Articles (49, 48, 47) from the amended Penal Code No. 111 for the year 1969 and the decision was issued unanimously.

4. Sentencing the convict Sabir 'Abd-al-'Aziz Husayn-al-Duri to ten imprisonment years for his participation in demolition crime or in taking over properties of the other side unless the destruction or the seizure was a war necessity. And it is considered as a war crime according to the rules of the Article (13/Fourth/L) and in referral to

the Article (15/First/Second) and the Article (24) from the Iraqi High Tribunal Court law No. 10 for the year 2005. The punishment was determined according to the rules of the Article (478/3) and the contributory Articles (49, 48, 47) from the amended Penal Code No. 111 for the year 1969 and the decision was issued unanimously.

5. The detention period of the convict, Sabir 'Abd-al-'Aziz Husayn-al-Duri is not counted since his fate needs to be decided in this case because he is detained on another case.

6. The aforementioned punishment is to be carried out in succession, in regards to the accused, Sabir 'Abd-al-'Aziz Husayn Al-Duri according to stipulates of rule (65/Second) from the rules of the procedures and collecting evidences which is related to the court and to the Article (142) from the Penal Code No. 111 for the year 1969.

7. Confiscating fixed and non fixed assets of the convict in compliance with the rules of the Article (24/Sixth) of the Iraqi High Tribunal Court law No. 10 for the year 2005.

8. The accused was informed that the lawsuit documents will be automatically sent to the cassation commission to be verified in cassation according the rules of the Article (254/A) from the Criminal Procedures Law No. (23) for the year 1971 and the verdict was announced unanimously and in reference to the rules of the Article (182/A) from the Criminal Procedures Law No. (23) for the year 1971 and announced in open court in 2007 June 24.

9. Due to the lack of evidence required in the case against the convict, Sabir 'Abd-al-'Aziz Husayn Al-Duri for the charges being accused of in according to the rules of Articles (11/First/-J) and (J-?-W-H-V-I) and (13/Second/I-F) and (13/Fourth/H) from the Iraqi High

Tribunal Court law No. 10 of the year 2005. The court decided to hold the charges against him and to be released, the decision was issued unanimously in compliance with the rules of the Article (182/J) from the amended Criminal Procedures Law No. 33 for the year 1971 and to be in cassation court. The sentence was issued in opened court in 2007 June 24.

10. On imposing punishment against convict (Sabir 'Abd-al-'Aziz Husayn), the court took into consideration his apology to the Iraqi people and to the victims' families, as being reason for reducing punishment. The decision was issued by agreement, according to terms of article (132) of the amended Penal Code No. 111 for the year 1969; the decision was issued in attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

4th. Convict Sultan Hashim Ahmad Al-Ta'i

1- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to death, by hanging until death, for participating in perpetrating premeditated murder, inflicting severe physical and mental damages for community members, as well as subduing them to harsh living conditions intending to eradicate them. Due to all that, you are charged of genocide as per Articles [11/ First: (A, B, J) and Second: (E)] by virtue of Article [15/First and Second] and article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence was defined according to Article [406/1/(A, B, W)] by virtue of contributory Clauses [47, 48, 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

2- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to death, by hanging until death, for participating in perpetrating premeditated murder as a crime against humanity, as per Article [12/First: (A)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [406/1/(A, B, W)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

3- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to death by hanging for participating in perpetrating crime of genocide as a crime against humanity, as per Article [12/First: (D)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [406/ 1/A, B, F)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

4- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to 10 years imprisonment for participating in perpetrating premeditated relocation or forcibly relocating the inhabitants as a crime against humanity, as per Article [12/First: (D)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [421/(B)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

5- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to life imprisonment for participating in perpetrating forceful

disappearance of individuals as a crime against humanity, as per Article [12/First: (Y)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [406/1/(A, B, W)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

6- Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to life imprisonment for participating in perpetrating inhuman acts as a crime against humanity, as per Article [12/First: (I)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [393/1/(J)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

[12/First: (I)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [393/1/(J)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

7. Sentencing Convict Sultan Hashim Ahmad Al-Ta'i to death, hanging until death, for participating in perpetrating premeditated attacks against civil inhabitants as a war crime, as per Article [13/Fourth: (A)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [406/1/(A, B, W)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict

had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

8. Sentencing Convict Sultan Hashim Ahmad Al-Ta'i for 7 years imprisonment for participating in perpetrating premeditated attacks against buildings appropriated for religious and educational purposes as a war crime, as per Article [13/Fourth: (D)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [479/2] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

9. Sentencing Convict Sultan Hashim Ahmad Al-Ta'i for 15 years imprisonment for participating in perpetrating the issue of orders pertaining to the relocation of civil inhabitants as a war crime, as per Article [13/Fourth: (H)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [421/(A, B, D)] by virtue of Clauses (47, 48, 49) of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

10. Sentencing Convict Sultan Hashim Ahmad Al-Ta'i for 7 years imprisonment for participating in perpetrating the destruction or confiscation of hostile side's possessions as a war crime, as per Article [13/Fourth: (L)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi High Tribunal Law No10 for the year 2005. The sentence was defined according to Article [479] by virtue of Clauses (47, 48, and 49) of the amended Penal Code No 111 for the year 1969.

The verdict had been issued by attended agreement, is revocable for cassation as per Article [182/(A)] of Criminal Procedures Law no 23 for the year 1971, and publicly acknowledged on 2007 Jun 24.

11. Convict Sultan Hashim Ahmad Al-Ta'i's detainment period, from 2004 Jul 1 until 2007 Jun 24, will be accounted.

12. The severer sentence against Convict Sultan Hashim Ahmad Al-Ta'i must be applied as per Article [142] of the amended Penal Code Number 111 for the year 1969.

13. Confiscation of Convict Sultan Hashim Ahmad Al-Ta'i's fixed and non fixed assets as per Article [24/ Sixth] of Iraqi High Tribunal No 10 for the year 2005.

14. Convict Sultan Hashim Ahmad Al-Ta'i had been informed that case documents are automatically transferred to the Cassation Court to be verified in cassation as per Article [254/ (A)] of Criminal Procedures Law No 23 for the year 1971. The verdict had been issued by attended agreement as per Article [182/(A)] of Criminal Procedures Law No 23 for the year 1971, and publicly acknowledged on 2007 Jun 24.

15. For lack of evidence over the charge against Convict Sultan Hashim Ahmad Al-Ta'i as per Articles [12/First: (J-W-H)] and [12/Fourth: (?)] of Iraqi High Tribunal No 10 for the year 2005, the court decided to suspend all charges against him and to release him. The verdict had been issued by attended agreement as per Article [182/(J)] of amended Criminal Procedures Law No 23 for the year 1971, and publicly acknowledged on 2007 Jun 24.

5th: Convict Husayn Rashid Muhammad

1- Sentencing Convict Husayn Rashid Muhammad to death, by hanging until death, for his contribution in premeditated murder, inflicting severe physical and mental damages, as a Genocide crime, as per Articles [11/First: (A and B)] and [Second: (H)] by virtue of Article [15/First and Second] and Article [24] of Iraqi High Tribunal Law No. 10 for the year 2005. The sentence was determined according to Article [406/1 (A)] by virtue of contributory Clauses [47, 48, 49] of the amended Penal Code No. 111 for the year 1969. The verdict was released in unanimous agreement subject to adjournment which was publicly acknowledged on 2007 June 24.

2 – Sentencing Convict Husayn Rashid Muhammad to death, by hanging until death, for his contribution in premeditated murder as a crime against humanity, as per Articles [12/First: (A)] and [Second: (H)] by virtue of Article [15/First and Second] and Article [24] of Iraqi High Tribunal Law No. 10 for the year 2005. The sentence was determined according to Article [406/1 (A, B, W)] by virtue of contributory Clauses [47, 48, 49] of the amended Penal Code No. 111 for the year 1969. The verdict was released in unanimous agreement subject to adjournment which was publicly acknowledged on 2007 June 24.

3 – Sentencing Convict Husayn Rashid Muhammad to death, by hanging until death, for his contribution in premeditated genocide as a crime against humanity, as per Article [12/First: (B)] by virtue of Article [15/First and Second] and Article [24] of Iraqi High Tribunal Law No. 10 for the year 2005. The sentence was determined according to Article [406/1 (A, B, W)] of the amended Penal Code No. 111 for the year 1969. The verdict was released in unanimous

agreement subject to adjournment which was publicly acknowledged on 2007 June 24.

4 – Sentencing Convict Husayn Rashid Muhammad to death, by hanging until death, for his contribution in premeditated murder attacks against civil inhabitants as a war crime, as per Article [13/Fourth: (A)] by virtue of Article [15/First and Second] and Article [24] of Iraqi High Tribunal Law No. 10 for the year 2005. The sentence was determined according to Article [406/1 (A, B, W)] by virtue of contributory Clauses [47, 48, 49] of the amended Penal Code No. 111 for the year 1969. The verdict was released in unanimous agreement subject to adjournment which was publicly acknowledged on 2007 June 24.

5 – Sentencing Convict Husayn Rashid Muhammad for 7 years imprisonment for his contribution in premeditated attacks against buildings appropriated for religious purposes as a war crime, as per Article [13/Fourth: (D)] by virtue of Article [15/First and Second] and Article No. (24) of Iraqi High Tribunal Law No. 10 for the year 2005. The sentence was determined according to Article [479/2] by virtue of contributory Clauses [47, 48, and 49] of the amended Penal Code No. 111 for the year 1969. The verdict was released in unanimous agreement subject to adjournment which was publicly acknowledged on 2007 Jun 24.

6 – Convict Husayn Rashid Muhammad detainment period will not be accountable due to the determination of his fate in this case as he is charged in another case.

7 – The severer sentence is to be carried out against Convict Husayn Rashid Muhammad as per Article [134] of the Penal Code No. 111 for the year 1969.

8 – Confiscation of Convict's fixed and non fixed assets as per Article [24 /Sixth] of Iraqi High Tribunal Law No. 10 for the year 2005.

9 – The convict was informed that the verdict documents will be automatically transferred to the Cassation Commission to be reviewed in cassation as per Article No. [254/(A)] of the Tribunal Trials Procedure law No. [23] for the year 1969. The verdict was released in unanimous agreement based on Article [182 /(A)] of the Tribunal Trials Procedure Law No.[23] for the year 1969, that was comprehended publicly on 2007 Jun 24.

10 –In the absence of substantial evidence in the case against Convict Husayn Rashid Muhammad concerning charges against him as per Articles: [11 /First (J)], [12 /First (J-D-?-W-H-Y-I)] and [13/Fourth (?-H-L)] of Iraqi High Tribunal Law No. 10 for the year 2005. The Court decided to drop charges against the convict and his release where it was agreed upon unanimously in accordance with Article [182/ (J)] of the amended Criminal Procedures Law No. 23 for the year 1971, that was acknowledged publicly on 2007 Jun 24.

6th. Convict 'Ali Hasan Al-Majid

1 – Sentencing Convict 'Ali Hasan Al-Majid to death, hanging until death, for perpetrating intentional murder, as well as causing severe physical and mental damages on individuals from the community subduing them intentionally to harsh living conditions aiming at total or partial eradication. According to all that, you perpetrated a

genocide as per Article [11/ First: (A, B, J) and Second: (A,?)] by virtue of Article [15/ First and Second] and Article [24] of Iraqi Higher Tribunal Law No 10 for the year 2005. The sentence was defined according to Article [406/1/S(A, B, W] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

2 – Sentencing Convict 'Ali Hasan Al-Majid to death, hanging until death, for perpetrating premeditated murder as a crime against humanity pursuant to Article [12/First: (A)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence had been defined according to Article [406/1/(A, B, W)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

3 – Sentencing Convict 'Ali Hasan Al-Majid to death, hanging until death, for perpetrating a genocide as a crime against humanity pursuant to Article [12/First: (B)] by virtue of Article (15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence was defined according to Article [406/1/(A, B, W)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

4 – Sentencing Convict 'Ali Hasan Al-Majid to 10 years imprisonment for perpetrating coercive dislocation and taking away of inhabitants as crime against humanity pursuant to Article [12/First: (D)] by virtue of Article [15/First and Second] and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence was defined according to

Article [421/(B)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

5 – Sentencing Convict 'Ali Hasan Al-Majid to 10 years imprisonment for perpetrating torture as a crime against humanity pursuant to Article [12/First: (W)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence was defined according to Article [333] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

6 – Sentencing Convict 'Ali Hasan Al-Majid to death, hanging until death, for perpetrating individuals' forceful disappearance as a crime against humanity pursuant to Article [12 /First: (Y)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence had been defined according to Article [406/1/(A, B, W)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 24.

7 – Sentencing Convict 'Ali Hasan Al-Majid to life imprisonment for perpetrating inhuman identical acts which premeditatedly cause severe suffering, or dangerous damage to the body, or mental or physical health as a crime against humanity pursuant to Article [12/First: (I)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence had been defined according to Article [393/2/(J)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No

111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 2.

8 – Sentencing Convict 'Ali Hasan Al-Majid to death, hanging until death, for perpetrating premeditated assaults against civil inhabitants, for this description, or civilians not directly involved in warfare as a crime pursuant to Article [13/Fourth: (A)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence had been defined according to Article [406/1/(A, B, W)] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 2.

9 – Sentencing Convict 'Ali Hasan Al-Majid to 7 years imprisonment for perpetrating premeditated assault against buildings designated for religious and educational purposes as a war crime pursuant to Articles [13/Fourth: (D)] by virtue of Article [15/First and Second) and Article [24] of Iraqi High Tribunal Law No 10 for the year 2005. The sentence had been defined according to Article [479/2] by virtue of contributory Clauses [47, 48 and 49] of the amended Penal Code No 111 for the year 1969. The verdict had been issued by attended agreement, is revocable for cassation, and publicly acknowledged on 2007 Jun 2.

10- Sentencing the convict 'Ali Hasan Al-Majid to fifteen years imprisonment for committing robbery crime of any town or anyplace even if it was took over forcibly as a war crime pursuant to Article (13/ 4th/ H) and Article (15/ 1st/ 2nd) and Article (24) of the Iraqi Higher Tribunal's law number 10 for the year 2005 the sentence was designated according to the stipulates of Article (452) and the contributory Articles (49, 48, 47) of the amended Penal Code No.111

for the year 1969 and issued by agreement and attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

11- Sentencing the convict 'Ali Hasan Al-Majid to ten years imprisonment for committing the crime of issuing an order of relocating the civilian residents for reasons related to the conflict unless if the relocation was for the sake of the concerned civilians or for urgent military reasons as a war crime according the stipulates of Article (13/ 4th/ H) and Article (15/ 1st/ 2nd) and in virtue to Article (24) of the Iraqi Higher Tribunal's law number 10 for the year 2005, the sentence was designated in accordance to the stipulates of Article (421/B) and the contributory Articles (49, 48, 47) of the amended Penal Code No.111 for the year 1969 and issued by agreement and attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

12- Sentencing the convict 'Ali Hasan Al-Majid to seven years imprisonment for committing a crime of destructing and confiscating the properties of the hostile party unless the destruction and confiscation was an obligation of war necessity as a war crime in accordance to the stipulates of Article (13/ 4th/ L) and article (15/ 1st/ 2nd) and article (24) of the Iraqi Higher Tribunal's law number 10 for the year 2005 the sentence was designated in accordance to the stipulates of Article (2/479) and the contributory Articles (49, 48, 47) of the amended Penal Code No.111 for the year 1969 and issued by agreement and attendance, revocable for cassation according to the stipulates of Article(182/ A) of the Criminal Procedures Law 23 for the year 1971, and was publicly acknowledged on 2007 Jun 24.

13- The detention period of the convict 'Ali Hasan Al-Majid is not counted since his fate needs to be decided in this case because he is detained on another case.

14- The severer sentence is to be executed against the convicted 'Ali Hasan Al-Majid according to Article (142) of the amended Penal Code (111) for the year 1969.

15- Confiscating the fixed and non-fixed assets of the convict 'Ali Hasan Al-Majid according to Article (6th/ 24) of the Iraqi High Tribunal's code number 10 for the year 2005.

16- The convict had been informed that case documents are automatically transferred to the Cassation Court to be verified in cassation as per Article (A/254) of Criminal Procedures Law No. (23) For the year 1971 and announced in 2007 June 24.

17- Due to the lack of acquired evidences in the case against the convict 'Ali Hasan Al-Majid pursuant to Article (H- ?- J/ 1st/ 12) of the Iraqi High Tribunal's law number 10 for the year 2005 the tribunal has decided to drop the charges against him and release him and issued unanimous decision pursuant to Article (J/182) of the amended and capable of cassation Criminal Procedures Law No (23) for the year 1971 and announced in 2007 June 24 or 1428 Jumada II 09 Islamic Calendar.

7th - General Sentences

1- Plaintiffs of the civil right can come forward to submit their claim for compensation to the Civil Courts for the damages they suffered because of the crimes committed against them.

2- In 2007 January 08 the legal procedures against the convict (Saddam Hussein Al-Majid) had been stopped because his death was confirmed by executing the execution punishment against him for being convicted in Al-Dujayl case pursuant to Articles (304- 300) of the amended Criminal Procedures Law No (23) for the year 1971.

3- The victims' bodies that were taken out from the mass graves will be handed over to their relatives to carry out the burying ceremonies according to the Islamic Law and according to the rules.

4- In 2007 May 16 it was contacted with the Investigation Court in the Iraqi High Tribunal to take the legal procedures against the mentioned individuals in the trial and investigation documents who their names are listed in the attached list which start with No (1) Wafiq 'Ajl Al-Samarra'i and finish with (423) Muhammad Sa'id Ahmad Muhammad Al-Haruni.

5- The legal profession fees for the representative lawyers of the victims will be allocated according to the agreed regulations with Defense Office in the court, issued unanimous and revocable for cassation decision and announced in 2007 June 24 or 1428 Jumada II 09 Islamic Calendar.

In the Name of God the Most Merciful, the Most Compassionate

Iraqi High Tribunal Number/ 1/ 2nd Criminal / 2006
Second Criminal Court

Iraq - Baghdad Date / 2007 June 24

Or 9 Jumada-al-Akhir 1428 Islamic calendar

"Verdict Decisions"

The Second Criminal Court of the Iraqi High Tribunal had been formed on 2007 Jun 24, headed by Judge Muhammad 'Uraybi Majid Al-Khalifah with its full commission, issuing the following verdict, in the name of people:

1- Convict Tahir Tawfiq Yusif Al-'Ani

For insufficient evidences gathered in the case against Convict Tahir Tawfiq Yusif Al-'Ani for charges against him as per Articles [11/First (A, B, J)], [12/First (A, B, J, D, ?, W, H, Y, I)] and [13/Fourth (A, D, ?, H, L)] of Iraqi High Tribunal Law No 10 for the year 2005, the court

decided to suspend all charges against him, discharge, and release the convict, immediately, as long as he is not detained or wanted for other case. The verdict was issued by agreement, in accordance to Article [182/(J)] of amended Criminal Procedures Law No 23 for the year 1971, by attendance, revocable for cassation, and was publicly acknowledged on 2007 Jun 24.

He used to occupy the post of North Affairs Committee's Secretary and then governor of Ninawa Governorate.

2- Farhan Mutlaq al-Jabouri

1. Life imprisonment for willful killing as a form of genocide.

Article 11 (1) a, b, c;

Article 15 (1) and (2); Article 24.

2. Life imprisonment for willful killing as a crime against humanity.

Article 12 (1) a;

Article 15 (1) and (2); Article 24.

3. Ten years imprisonment for deportation/forcible transfer as a crime against humanity.

Article 12 (1) (d); Article 15 (not heard); Article 24.

4. Confiscation of movable and immovable property.

Charges related to the following were dropped for lack of evidence:

Article 11 (1) b and c

Article 12 (1) b, c, e, f, h, j

Article 13 (4) a, d, e, h, l

He used to occupy the post of North Zone Intelligence System Director and then Eastern Zone Intelligence System Director which headquartered at Kirkuk.

3- Sabir al-Douri

1. Life imprisonment for participating in willful killing as a form of genocide. Article 11

(1) a, b, and (2) e; Article 15 (1) and (2); Article 24.

2. Life imprisonment for willful killing as a crime against humanity. Article 12 (1);

Article 15 (1) and (2); Article 24.

3. Life imprisonment for intentionally directing attacks against a civilian population as a

war crime. Article 13 (4) a; Article 15 (1) and (2); Article 24.

4. Ten years imprisonment for the destruction of property as a war crime. Article 13 (4)

L; Article 15 (1) and (2); Article 24.

5. Confiscation of movable and immovable property.

Charges related to the following were dropped for lack of evidence:

Article 11 (1) c

Article 12 (1) c, e, f, h, i, j

Article 13 (2) j, q (faa' in Arabic, but this has no English equivalent in the statute.

Probably a mistake)

Article 13 (4) h

He used to occupy the post of general director of Iraq's Military Intelligence Service.

4- Sultan Hashem Ahmed al-Ta'i

1. Death by hanging for killing members of a group and inflicting physical harm as a form of genocide. Article 11 (1) a; Article 11 (2) e; Article 15 (1) and (2); Article 24.

2. Death by hanging for killing as a crime against humanity. Article 12 (1) a and (2) e; Article 15(1)and (2); Article 24.

3. Death by hanging for extermination as a crime against humanity. Article 12 (1) b; Article 15 detail not heard; Article 24.

4. Ten years imprisonment for deportation/forcible transfer as a crime against humanity. Article 12 (1) d; Article 15 (1) and (2); Article 24.

5. Life imprisonment for forced disappearances as a crime against humanity. Article 12 (1) i; Article 15 (1) and (2); Article 24.

6. Life imprisonment for "other inhumane acts" as a crime against humanity. Article 12 (1) j; Article 15 (1) and (2); Article 24.

7. Death by hanging for intentional attacks against civilians as a war crime. Article 13(4) A; Article 15 (1) and (2); Article 24.

8. Seven years imprisonment for the crime of targeting of buildings used for religious and other purposes. Article 13 (4) d; Article 15 (1) and (2); Article 24.

9. Fifteen years imprisonment for the crime of issuing an order for the deportation of civilians as a war crime. Article 13(4) H , Article 15(1) and (2).

10. Seven years imprisonment for the destruction of property as a war crime. Article 13 (4) L; Article 15 (1) and (2); Article 24.

11. Confiscation of movable and immovable property.

Charges related to the following were dropped for lack of evidence:
Article 12 (1) h and one other not heard
Article 13 (4) e

He occupied the position of First Al-Anfal Operations' Commander, and then 1st Corps' Commander where he had been directly in-charge of implementing Al-Anfal operations including the devastation of villages, buildings and worship sites, burning them down and dislocating their civil inhabitants, contrary to the law, confiscating all possessions and delivering them to North Organization Office's headquarter.

5- Hussein Rashid Muhammad Al-TiKriti

1. Death by hanging for participating in/committing willful killing or physical and mental damage as a form of genocide. Article 11 (Judge did not say, was interrupted); Article 15 (1) and (2); Article 24.

2. Death by hanging for willful killing as a crime against humanity. Article 12 (1) a and (2) e; Article 1.

3. Death by hanging for intentional attacks against civilians as a war crime. Article 13(4) a; Article 15 (1) and (2); Article 24.

4. Seven years imprisonment for the crime of targeting of buildings used for religious and other purposes. Article 13 (4) d; Article 15 (1) and (2); Article 24.

5. Confiscation of movable and immovable property.

Charges related to the following were dropped for lack of evidence:

Article 11 (1) c

Article 12 (1) c, d, e, f, h, i, j

Article 13 (4) e, h, l

He used to occupy the post of Army Chief of Staff's Deputy for operations during Al-Anfal Operations, as well as a member in the bygone Revolutionary Command Council.

6- Ali Hassan al-Majid

1. Death by hanging for killing, causing serious bodily or mental harm, deliberately inflicting living conditions intended to bring about death etc. as forms of genocide.

Article 11 (1) a, b, c, and 11 (2) (a) and (e); Article 15 (1) and (2); Article 24.

2. Death by hanging for willful killing as a crime against humanity.

Article 12 (1) a;

Article 15 (1) and (2); Article 24.

3. Death by hanging for extermination as a crime against humanity.

Article 12 (1) b;

Article 15 (1) and (2); Article 24.

4. Ten years imprisonment for deportation/forcible transfer as a crime against humanity.

Article 12 (1) d; Article 15 (1) and (2); Article 24.

5. Ten years imprisonment for torture as a crime against humanity.

Article 12 (1) f;

Article 15 (1) and (2); Article 24.

6. Death by hanging for forced disappearances as a crime against humanity. Article 12

(1) i; Article 15 (1) and (2); Article 24.

7. Life imprisonment for other inhumane acts as crimes against humanity, Article 12 (1)

j; Article 15 (1) and (2); Article 24.

8. Death by hanging for intentional attacks against civilians as a war crime. Article 13 (4) a; Article 15 (1) and (2); Article 24.

9. Seven years' imprisonment for the crime of targeting of buildings used for religious and other purposes. Article 13 (4) d; Article 15 (1) and (2); Article 24.

10. Ten years' imprisonment for pillage as a war crime. Article 13 (4) e; Article 15 (1) and (2); Article 24.

11. Ten years imprisonment for ordering the displacement of a civilian population as a war crime. Article 13 (4) h; Article 15 (1) and (2); Article 24.

12. Seven years imprisonment for the destruction of property as a war crime. Article 13 (4) L; Article 15 (1) and (2); Article 24.

13. Confiscation of movable and immovable property. Charges related to the following were dropped for lack of evidence: Article 12 (1) c; e; and h.

Head of the bygone Revolutionary Command Council and former Armed Forces' General Commander, he issued Decree [160] for the year 1987, granting Convict 'Ali Hasan Al-Majid full authorities of the president, Party commander, and Armed Forces General commander to execute command's objectives in the Northern Area.

The latter issued orders to carry on Al-Anfal operations, as per the aforementioned granted authority, especially the order to use "special ammunition" [meaning chemical weapons]

which can not be used unless after an order from the president himself, as it had been mentioned on the voice record.



مجلس النواب العراقي

Resolution

Date: THURSDAY 18 SEPTEMBER 2008

Resolution

In light of the Iraqi Constitution that states in its preamble drafted to answer the Iraqi people sufferings including ethnic torments committed in Halabja, Barzan, Anfal and the Faili Kurds massacres, and to emphasize the resolution taken by the Iraqi Special Criminal Court that the notorious Anfal operations are deemed as genocide. Therefore, the Iraqi Council of Representatives, based on the aforesaid, declares that the massacres committed against the Iraqi Kurdistan people are genocide by all standards

Iraqi Council of Representatives
The ninth session

April 4th, 2008

Dr. Gregory H. Stanton

President

Genocide Watch

Founder and Chairman of the Board

The International Campaign to End Genocide

Website: www.genocidewatch.org

Saddam Hussein's Anfal Against the Kurds Was Genocide

Statement by Genocide Watch

The Anfal campaign of the Saddam Hussein regime in the 1980's was unquestionably a genocide as defined by the International Convention for the Prevention and Punishment of the Crime of Genocide, also known as the Genocide Convention.

The Genocide Convention defines genocide as "the intentional destruction, in whole or in part, of a national, ethnical, racial or religious group." The intent of the Saddam Hussein regime was the destruction of a significant part of the Kurdish population of Iraq.

The killing was intentional state policy. The Anfal genocide was ordered by Saddam Hussein and directed by Saddam's

cousin, Ali Hassan al-Majid, Secretary General of the Ba'ath Party's Northern Bureau.

The victims were killed because they were Kurdish, because of their ethnic identity. That is genocide. Ali Hassan al-Majid stated in a recorded speech, "Yes, I'll certainly look after the Kurds. I'll do it by burying them with bulldozers. That's how I'll do it."

The Anfal genocide murdered at least one hundred thousand Kurds, and destroyed over four thousand Kurdish villages. Kurdish men and boys were especially targeted, but the gas attacks on villages, such as the infamous chemical attack on five thousand people in the village of Halabja, also killed thousands of women and children.

The Anfal Campaign meets all of the legal requirements to be called "genocide." The Anfal genocide was a gross violation of the Genocide Convention, an international treaty which Iraq signed and ratified in 1959.

Saddam Hussein, Ali Hassan al-Majid and others now on trial for the Anfal mass murders should be convicted of committing genocide, the crime of crimes, the worst crime ever outlawed by international law.

Dr. Gregory H. Stanton
President
Genocide Watch
Founder and Chairman of the Board
The International Campaign to End Genocide
P.O. Box 809 Washington, D.C. 20044

Justice is the Foundation of Governance

Al-Waqa'i Al-Iraqiya

Official Gazette of the Republic of Iraq

Law of the Supreme Iraqi Criminal
Tribunal

Number (4006) Forty-Seventh Year

Note: page setup is US letter. Due to variations in length page the numbering in this document does not match that of the Arabic original.

14 Ramadan 1426 Hijri
18 October 2005

Al-Waqa'i Al-Iraqiya – Number 4006 (2) 18/10/2005

Resolution No. 10

Pursuant to what has been approved by the National Assembly in accordance with Article. 33 (A) and (B), and Article 30 of the Law of Administration for the State of Iraq for the Transitional Period, the presidency council decided in its session of 9 October 2005 to promulgate the following law:

In the Name of the People
The Presidency Council

Number 10 of 2005 Law

of the Supreme Iraqi Criminal Tribunal

SECTION ONE

Establishment and Organization of the Tribunal

PART ONE

Establishment

Article 1:

First: A Tribunal is hereby established and shall be known as The Supreme Iraqi Criminal Tribunal (the “Tribunal”). The Tribunal shall enjoy complete independence.

Second: The Tribunal shall have jurisdiction over every natural person, whether Iraqi or non-Iraqi resident of Iraq, accused of committing any of the crimes listed in Articles 11, 12, 13 and 14 of this law, committed during the period from 17 July 1968 to 1 May 2003, in the Republic of Iraq or elsewhere, including the following crimes:

- A. Genocide;
- B. Crimes against humanity;
- C. War crimes; and
- D. Violations of Iraqi laws listed in Article 14 of this law.

Article 2:

The Tribunal shall have its seat in the city of Baghdad. It may hold its sessions in any governorate, pursuant to a decree by the Council of Ministers upon the recommendation of the President of the Tribunal.

PART TWO

Organizational Structure of the Tribunal

Article 3:

The Tribunal shall consist of:

First:

- A. An Appeals Chamber with the power to review the rulings and decisions of the Trial Chambers or Investigative Judges.
- B. One or more Trial Chambers.
- C. Investigative judges.

Second:

Prosecutions Department

Third:

An administration providing administrative and financial services to the Tribunal and the Public Prosecution.

Fourth:

A. The Appeals Chamber shall consist of nine judges who shall elect one of its members as a President. The President of the Appeals Chamber shall be the senior President of the Tribunal and shall supervise its administrative and financial affairs.

B. The Trial Chamber shall consist of five judges, who shall elect one of them as a President to supervise their work.

Fifth: The Council of Ministers may, if necessary, and on the basis of a proposal by the President of the Tribunal, appoint non-Iraqi judges who have experience in the crimes stipulated in this Law, and who shall be persons of high moral character, honesty and integrity, in the event that one of the parties is a State. These judges shall be appointed with the assistance of the international community, including the United Nations.

PART THREE

Selection of Judges and Prosecutors and Termination of Service

Article 4:

First: Judges and prosecutors shall be persons of high moral character, honesty and integrity, and shall have experience in the field of criminal law and meet conditions for appointment stipulated in the Judicial Organization Law 160 of 1979 and the Public Prosecution Law 159 of 1979 .

Second:

As an exception to the provisions of paragraph First of this Article, candidates for the positions of judges at the Appeals Chamber and the Trial Chambers, and for investigative judges and prosecutors shall be serving judges and prosecutors. Retired judges and prosecutors can be nominated regardless of age, as can Iraqi lawyers who possess a high level of, efficiency and experience, and absolute competence in accordance with the Legal Profession Law. 173 of 1965, and service of a judicial or legal nature or in the field of legal practice of no less than 15 years.

Third:

A. The Supreme Judicial council shall nominate all judges and prosecutors to the Tribunal. Following approval by the Council of Ministers, a decision for their appointment shall be issued by the Presidency Council. The appointments shall be of the first category, as an exception to the provisions of the Judicial

Organization Law and the Public Prosecution Law. Their salaries and remunerations shall be specified through instructions issued by the Council of Ministers.

B. The judges, prosecutors and employees appointed in accordance with the law prior to this legislation shall be deemed legally approved as of the date of their appointment according to the provisions of Article (4)(Third)(A) taking into account the provisions of Article (33) of this law.

Fourth:

The Presidency Council, upon a recommendation from the Council of Ministers, may transfer judges and prosecutors from the Tribunal to the Supreme Judicial Council for any reason.

Fifth:

The services of a judge or prosecutor covered by the provisions of this law shall be terminated for one of the following reasons:

1. If he is convicted of a non-political felony.
2. If he presents false information.
3. If he fails to fulfill his duties without good reason.

Article 6:

First: A committee comprised of five members elected from among the Tribunal's judges and prosecutors shall be established under the supervision of the Tribunal's Appeals Chamber, and they shall select a president of the committee, which shall be called "Judges and Public Prosecutors Affairs Committee". The committee shall operate for one year and shall have the powers stipulated in the Judicial Organization Law and the Public Prosecution Law. It shall review matters relating to disciplinary measures and conditions of service pertaining to judges and prosecutors. Its decisions can be appealed before the full chamber of the Federal Appeal Court where they involve the termination of the services of a judge or prosecutor.

Second: The Committee shall, if the appeal before the full chamber of the Federal Appeal Court is rejected, submit a recommendation to the Council of Ministers for the issuance of an order by the Presidency Council to terminate the services of the judge or prosecutor, including the President of the Tribunal if any of the conditions in Article 6 of this Article (sic) is met.

Third: Upon completion of the work of the Tribunal, the judges and prosecutors shall be transferred to the Supreme Judiciary Council to work in the federal courts. Those who have reached retirement age shall be pensioned off in accordance with the provisions of the law.

PART FOUR

The Presidency of the Tribunal

Article 7:

First: The president of the Tribunal shall:

- A.** Preside over the hearings of the Appeals Chamber.
- B.** Assign permanent and reserve judges to the Trial Chambers.
- C.** Assign a judge to a Trial Chamber in case of absence.
- D.** Ensure the completion of the administrative work of the Tribunal.
- E.** Appoint the Tribunal's Administrative Director, Security Director, Public Relations Director and Archives and Documentation Director and terminate their services in accordance with the law.
- F.** Name an official spokesperson for the Tribunal from among the judges or prosecutors.

Second: The President of the Tribunal may appoint non-Iraqi experts to work in the Trial Chambers and the Appeals Chamber to provide assistance in the field of international law and similar areas, whether international or otherwise. The appointment of these experts shall be undertaken with the assistance of the international community, including the United Nations.

Third: Non-Iraqi experts provided for in paragraph Second of this Article shall be persons of high moral character, honesty and integrity. The non-Iraqi expert shall preferably be a person who has previously worked in the judiciary or public prosecution in his country or in international war crimes tribunals.

PART FIVE

Investigative Judges

Article 8:

First: A Sufficient number of Investigative Judges shall be appointed.

Second: The Tribunal's Investigative Judges shall be responsible for investigating those accused of committing crimes stipulated in Article 1(Second) of this law.

Third: The Investigative Judges shall elect a Chief Investigative Judge and a Deputy from amongst them.

Fourth: The Chief Investigative Judge shall assign cases under investigation to individual Investigative Judges.

Fifth: Each of the Investigative Judges' Offices shall be composed of an Investigative Judge and such other qualified staff necessary as may be required for the work of the Investigative Judge.

Sixth: An Investigative Judge may gather prosecution evidence from whatever source he deems appropriate and to communicate directly with all relevant parties.

Seventh: The Investigative Judge shall act with complete independence as a separate organ of the Tribunal. He shall not be subject to or respond to requests or instructions from any governmental body or any other party.

Eight: The decisions of the Investigative Judge can be challenged by appeal to the Appeals Chamber within fifteen days of the notification or deemed notification of the decision in accordance with the law.

Ninth: The Investigative Judge, after consultation with the President of the Tribunal, may appoint non-Iraqi experts to provide judicial assistance to the Investigative Judges in the investigation of cases provided for in this Law, whether international or otherwise. The Chief Investigative Judge may appoint these experts with the assistance of the international community, including the United Nations.

Tenth: The non-Iraqi experts and observers referred to in paragraph Ninth of this Article shall be persons of high moral character, honesty and integrity. The non-Iraqi expert or observer shall preferably be a person who has worked in the judiciary or public prosecution in his country or at international war crimes tribunals.

PART SIX

The Public Prosecution

Article 9:

First: A sufficient number of Prosecutors shall be appointed.

Second: The Prosecution Department shall be composed of a number of Prosecutors who shall be responsible for the prosecution of persons accused of crimes that fall within the jurisdiction of the Tribunal.

Third: Prosecutors shall elect a Chief Prosecutor and a Deputy from among them.

Fourth: Each Prosecution Office shall be composed of a Prosecutor and such other qualified staff as may be required for the Prosecutor's work.

Fifth: Each prosecutor shall act with complete independence since he is considered as a separate entity from the Court. He shall not fall under, nor receive instructions from, any government department or from any other party. Each Prosecutor shall act with complete independence as a separate organ of the Tribunal. He shall not be subject to or respond to requests or instructions from the government or any other party.

Sixth: The Chief Prosecutor shall assign to Prosecutors cases requiring investigation and prosecution in court [Literally, presenting the case at the stage of trial] in accordance with the powers granted to the Prosecutors by law.

Seventh: The Chief Prosecutor, in consultation with the President of the Tribunal, may appoint non-Iraqi experts to provide assistance to the Prosecutors with regard to the investigation and prosecution of cases provided for in this Law, whether international or otherwise. The Chief Prosecutor may appoint these experts with the assistance of the international community, including the United Nations.

Eighth: The non-Iraqi experts referred to in paragraph Seventh of this Article shall be persons of high moral character, honesty and integrity. The non-Iraqi expert shall preferably be a person who has acted in a prosecutorial capacity in his country or at international war crimes tribunals.

PART SEVEN

The Administration Department

Article 10:

First: The Administration Department shall be managed by an officer with the title of Department Director who holds a bachelor degree in law and has judicial and administrative experience. He shall be assisted by a number of employees in managing the affairs of the department.

Second: The Administration Department shall be responsible for the administrative, financial and servicing affairs of the Tribunal and the Prosecutions Department.

SECTION TWO

Court Jurisdiction

PART ONE

The Crime of Genocide

Article 11:

First: For the purposes of this Law and in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide, dated 9 December 1948, as ratified by Iraq on 20 January 1959, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such:

- A.** Killing members of the group;
- B.** Causing serious bodily or mental harm to members of the group;
- C.** Deliberately inflicting on the group living conditions calculated to bring about its physical destruction in whole or in part;
- D.** Imposing measures intended to prevent births within the group.
- E.** Forcibly transferring children of the group to another group.

Second: The following acts shall be punishable

- A. Genocide.
- B. Conspiracy to commit genocide.
- C. Direct and public incitement to commit genocide.
- D. Attempt to commit genocide.
- E. Complicity in genocide.

PART TWO

Crimes Against Humanity

Article 12

First: For the purposes of this Law, “crimes against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- A.** Willful killing;
- B.** Extermination;
- C.** Enslavement;
- D.** Deportation or forcible transfer of population;
- E.** Imprisonment or other severe deprivation of physical liberty in violation of fundamental norms of international law;
- F.** Torture;
- G.** Rape, sexual slavery, enforced prostitution, forced pregnancy, or any other form of sexual violence of comparable gravity;
- H.** Persecution against any specific party or population on political, racial, national, ethnic, cultural, religious, gender or other grounds that are impermissible under international law, in connection with any act referred to as a form of sexual violence of comparable gravity;
- I.** Enforced disappearance of persons; and

J. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or to the mental or physical health.

Second: For the purposes of implementing the provisions of paragraph First of this Article:

A. "Attack directed against any civilian population" means a course of conduct involving the multiple panel of acts referred to in paragraph First of this

Article against any civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attack;

B. "Extermination" means the intentional infliction of living conditions, such as the deprivation of access to food and medicine, with the intent to bring about the destruction of part of the population;

C. "Enslavement" means the exercise of any or all of the powers entailed by the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, particularly women and children;

D. "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

E. "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising from, or related to legal punishments;

F. "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or population; and

G. "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, the State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

PART THREE

War Crimes

Article 13

For the purposes of this Law, “war crimes” shall mean the following:

First: Grave breaches of the Geneva Conventions of 12 August 1949, namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- A.** Willful killing;
- B.** Torture or inhuman treatment, including biological experiments;
- C.** Willfully causing great suffering, or serious injury to body or health;
- D.** Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- E.** Compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- F.** Willfully denying the right of a fair regular trial to a prisoner of war or other protected person;
- G.** Unlawful confinement;
- H.** Unlawful deportation or transfer; and
- I.** Taking of hostages.

Second: Other serious violations of the laws and customs applicable in international armed conflicts, within the established framework of international law, namely any of the following acts:

A. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

B. Intentionally directing attacks against civilian objects, including objects which do not constitute military objectives;

C. Intentionally directing attacks against personnel, installations, material, units or vehicles used in humanitarian assistance or peacekeeping missions in accordance with the Charter of the United Nations, as long as such missions are entitled to the protection given to civilians or civilian objects under the

international law of armed conflicts;

D. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or civilian damage which would be clearly excessive in relation to the concrete and direct overall military advantages anticipated;

E. Intentionally launching an attack in the knowledge that such attack will cause widespread, long-term and severe damage to the natural environment, which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

F. Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

- G.** Killing or wounding a combatant who, having laid down his arms or having no longer means of defense, has clearly surrendered;
- H.** Making improper use of a flag of truce, or the flag, or the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- I.** The transfer, directly or indirectly, by the Government of Iraq or any of its agencies (including, for clarification, any of the agencies of the Arab Ba'ath Socialist Party), of parts of its own civilian population into any territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- J.** Intentionally directing attacks against buildings which do not constitute military objectives, and are dedicated to religious, educational, artistic, scientific or charitable purposes, or against historic monuments, hospitals and places where the sick and wounded are collected;
- K.** Subjecting persons of another nation to physical mutilation or to medical or scientific experiments of any kind that are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- L.** Killing or wounding treacherously individuals belonging to a hostile nation or army;
- M.** Declaring that no person is still alive; ((This is a literal rendering of the Arabic phrase. It is a possible mistranslation of the English 'Declaring that no quarter will be given'.)).

- N.** Destroying or seizing the civilian property of an adverse party unless such destruction or seizure be imperatively required by the necessities of war;
- O.** Declaring the abolition, suspension or prohibition of access to a court of law, with the intention of depriving the nationals of the hostile party from seeking their rights;
- P.** Compelling the nationals of the hostile party to take part in military operations directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- Q.** Pillaging a town or place, even when taken by force;
- R.** Using poisons or poisoned weapons;
- S.** Using asphyxiating, poisonous or any other gases, as well as any other similar liquids, materials or devices;
- T.** Using bullets, which expand or flatten easily in the human body, such as bullets with a hard envelope, which does not entirely cover the core or is pierced.
- U.** Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- V.** Committing rape, sexual slavery, enforced prostitution, forced pregnancy, or any other form of sexual violence of comparable gravity;
- W.** Utilizing the presence of civilians or other protected persons to render certain points, areas or military forces immune from military operations;
- X.** Intentionally directing attacks against buildings, material and medical units, means of transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- Y.** Intentionally using starvation of civilians as a method of warfare by depriving them of material indispensable to their

survival, including willfully impeding relief supplies as provided for under international law; and

Z. Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

Third: In the case of an armed conflict, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, injury, detention or any other cause:

A. Use of violence against life and persons, in particular killing of all kinds, mutilation, cruel treatment and torture;

B. Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

C. Taking of hostages; and **D.** The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all recognized and indispensable judicial guarantees.

Fourth: Other serious violations of the laws and customs of war applicable in armed conflict not of an international character. [sic] within the established framework of international law, specifically any of the following acts:

A. Intentionally directing attacks against the civilian population as such or against civilian individuals not taking direct part in hostilities;

B. Intentionally directing attacks against buildings, materials, medical transportation units and means, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

C. Intentionally directing attacks against personnel, installations, materials, units, or vehicles used in humanitarian assistance or peacekeeping missions in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian targets under the international law of armed conflict;

D. Intentionally directing attacks against buildings dedicated to religious, educational, artistic, scientific or charitable purposes, or against historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

E. Pillaging any town or place, even when taken over by force;

F. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, or any other form of sexual violence of comparable gravity;

G. Conscripting or listing children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

H. Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

I. Killing or wounding treacherously a combatant adversary;

J. Declaring that no person is still alive;

K. Subjecting persons who are under the power of the other party in the conflict to physical mutilation or to medical or scientific experiments of any kind that are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, causing death to such person or persons, or seriously endangering their health; and

L. Destroying or seizing the property of an adversary, unless such destruction or seizure is imperatively demanded by the necessities of the conflict.

PART FOUR

Violations of Iraqi Laws

Article 14

The Tribunal shall have the power to prosecute persons who have committed the following crimes:

First: Interference in the affairs of the judiciary or attempting to influence its functioning.

Second: The wastage and squandering of national resources, pursuant to Article 2(g) of the Punishment of Conspirators against Public Safety and Corrupters of the System of Governance Law 7 of 1958.

Third: The abuse of position and the pursuit of policies that have almost led ((The intended meaning here is 'may lead to...')) to the threat of war or the use of the Iraqi armed forces against an Arab country, in accordance with Article 1 of Law 7 of 1958.

Fourth: If the Tribunal finds that the special element of any of the crimes stipulated in Articles 11, 12 and 13 of this Law is missing, and establishes that the act involved constitutes a crime punishable under the Penal Code or any other penal law at the time of its commission, the Tribunal shall be competent to hear the case.

SECTION THREE

Individual Criminal Responsibility

Article 15

First: A person who commits a crime within the jurisdiction of this Tribunal shall be individually responsible and liable for punishment in accordance with this Law.

Second: In accordance with this Law, and the provisions of the Penal Code, a person shall be criminally responsible if he [or she]:

- A.** Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that [other] person is criminally responsible;
- B.** Orders, solicits or induces the commission of such a crime, which has occurred or has been attempted;
- C.** For the purpose of facilitating the commission of such a crime, aids, abets or by any other means assists in its commission or its attempted commission, including providing the means for its commission;
- D.** Contributing by any other means, together with a group of persons with a common criminal intent, to the commission or attempted commission of such a crime provided such contribution is intentional and is either:

- 1.** Made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose

involves the commission of a crime within the jurisdiction of the Tribunal;

2. Made with the knowledge of the intention of the group to commit the crime;

E. In respect of the crime of genocide, directly and publicly incites others to commit this crime;

F. Attempts to commit such a crime by taking action with the intention of committing it, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who takes an action that precludes the commission or completion of the crime shall not be liable for punishment, nor will he be liable for punishment under this Law if he completely and voluntarily abandons his criminal purpose.

Third: The official position of any accused person, whether as president of the State, chairman or member of the Revolution Command Council, prime minister or member of the cabinet, or a member of the leadership of the Ba'ath Party, shall not relieve such person of criminal responsibility nor mitigate punishment. No person is entitled to any immunity with respect to any of the crimes stipulated in Articles 11, 12, 13 and 14 of this Law.

Fourth: A superior is not relieved of the criminal responsibility for crimes committed by his subordinates, if he knew or had reason to know that the subordinate had committed, or was about to commit such acts, and the superior failed to take the necessary and reasonable measures to prevent such acts or to

refer the matter to the competent authorities for investigation and prosecution.

Fifth: The fact that an accused person acted pursuant to an order of the Government or of his superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

Sixth: Amnesty decrees issued prior to this Law coming into force do not apply to persons accused of committing any of the crimes stipulated in it.

SECTION FOUR

Rules of Procedure and Evidence

Article 16

The Tribunal shall follow the rules of procedure provided for in the Criminal Procedure Law 23 of 1971 and the Rules of Procedures and Evidence appended to this Law, of which it shall be considered an integral part.

SECTION FIVE

General Principles of Criminal Law

Article 17

First: In the absence of provisions in this Law and the rules made thereunder, the general principles of criminal law contained in the following laws shall be applicable in connection with the prosecution and trial of any accused persons:

A- For the period 17/7/1968 to 14/12/1969, the Baghdadi Penal Code of 1919

B- For the period 15/12/1969 to 1/5/2003, the Penal Code No. 111 of 1969, which was in force in 1985 (Third Edition),

C- The Military Penal Code No.13 of 1940, and the Code of Military Procedure No. 44 of 1941.

Second: In interpreting Articles 11, 12 and 13 of this Law, the Trial Chamber and Appeals Chamber may resort to the [relevant] decisions of international criminal tribunals.

Third: Grounds for exclusion of criminal responsibility under the Penal Code shall be implemented in a manner consistent with this Law and with international legal obligations concerning crimes within the jurisdiction of the Tribunal.

Fourth: The crimes stipulated in Articles 11, 12, 13, and 14 of this Law shall not be subject to any statute of limitations.

SECTION SIX

Investigations and Indictment

Article 18

First: The Tribunal Investigative Judge shall initiate investigations on the basis of information obtained from any source, particularly from the police or any governmental or non-governmental source. The Investigative Judge shall assess the information received and decide whether there is sufficient basis to proceed.

Second: The Investigative Judge shall have the power to question suspects, victims or their relatives, and witnesses, to collect evidence and to conduct on-site investigations. In carrying out his tasks, the Investigative Judge may, as appropriate, request the assistance of the relevant governmental authorities, who shall be required to provide full cooperation with the request

Third: Upon a determination that a prima facie case exists, the Investigative Judge shall prepare an indictment containing a concise statement of the facts and the crime with which the accused is charged under the Law, and shall refer the case to the Trial Chamber.

PART ONE

Rights of the Accused

((The Arabic word used is ضمانات , which literally means guarantees, but the intended meaning is 'rights'.))

Article 19

First: All persons shall be equal before the Tribunal.

Second: The accused shall be presumed innocent until proven guilty before the Tribunal in accordance with this law.

Third: Every accused shall be entitled to a public hearing, in accordance with the provisions of this law and the rules of procedure made hereunder.

Fourth: When bringing charges against the accused pursuant to this Law, the accused shall be entitled to a fair impartial trial in accordance with the following minimum guarantees:

A. To be informed promptly and in detail of the content, nature and cause of the charge against him;

B. To have adequate time and facilities for the preparation of his defense and to communicate freely with counsel of his own choosing and to meet with him in private. The accused is entitled to have non-Iraqi legal representation so long as the principal lawyer of such accused is Iraqi;

C. To be tried without undue delay;

D. To be tried in his presence, and to be assisted by counsel of his own choosing, or to be informed of his right to request legal assistance if he cannot afford it; and to have the right to seek such assistance that will allow him to appoint a lawyer without paying the fees;

E. To have the right to call and examine defence and prosecution witnesses, and to present any evidence in his defense in accordance with the law.

F. Not to be compelled to confess guilt, and to have the right to remain silent and not to testify without such silence being interpreted as evidence of guilt or innocence .

SECTION SEVEN

Trial Proceedings

Article 20

First: A person against whom an indictment has been issued shall be taken into custody, pursuant to an arrest order or warrant issued by the Tribunal Investigative Judge, and shall be immediately informed of the charges against him and transferred to the Tribunal.

Second: The Trial Chamber shall ensure a fair and expeditious trial conducted in accordance with this Law and the Rules of Procedure and Evidence annexed it, with full respect for the rights of the accused and due regard for the protection of victims or their relatives, and witnesses.

Third: The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected and guaranteed, ensure that the accused understands the charge or charges against him, and instruct the accused to enter a plea.

Fourth: The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with the Rules of Procedure and Evidence annexed to this Law. The decision to close the proceedings shall be exercised on a very limited basis.

Article 21

The Trial Chamber shall provide for the protection of victims or their relatives, and witnesses, in accordance with the Rules of Procedure and Evidence annexed to this Law, including the protection of the identity of the victims or their relatives, and witnesses.

Article 22

Relatives of victims and harmed persons who are Iraqi nationals may bring civil suits against the accused for damages resulting from acts which constitute crimes under this Law. The Tribunal shall have the power to adjudicate such claims in accordance with the Code of Criminal Procedure No 23 of 1971 and other relevant laws.

Article 23

First: The Trial Chamber shall pronounce judgments and impose sentences and penalties on persons convicted of crimes within the jurisdiction of the Court.

Second: The judgment shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. The judgment shall not be issued except on the basis of a decision to convict, to which the opinions of dissenting judges may be appended.

Article 24

First: The penalties imposed by the Tribunal shall be those prescribed by the Penal Code No. 111 of 1969, except for a sentence of life imprisonment that means the remaining natural life of the convicted person, taking into account the provisions stipulated in Article 17 of this Law.

Second: The penalties for the crimes under Article 14 of this Statute shall be those prescribed under Iraqi Penal Code and other penal laws.

Third: Taking into account paragraphs Fourth and Fifth of this article, the Trial Chambers shall determine the penalties for the crimes under Articles 11, 12 and 13 of this Law.

Fourth: A person convicted of crimes stipulated in the Penal Code shall be punished if committed:

A. Murder or rape as defined under the Penal Code.

B. Complicity in the commission of murder or rape.

Fifth: The penalty for any crimes under Articles 11, 12, 13 which do not have a counterpart under Iraqi law shall be determined by the Trial Chambers taking into account such factors as the gravity of the crime, the individual circumstances of the convicted person, guided by judicial precedents and relevant sentences issued by the international criminal tribunals.

Sixth: The Trial Chambers may order the forfeiture of assets, property or proceeds derived directly or indirectly from a crime, without prejudice to the rights of the bonafide third parties.

Seventh: In accordance with Article 307 of the Code of Criminal Procedure, the Trial Chambers shall have the authority to confiscate any material or goods prohibited by law regardless of whether the case has been discharged for any lawful reason.

SECTION EIGHT

Appeals Proceedings

PART ONE

Cassation

Article 25

First: The convicted person or the Prosecutor may contest the verdicts and decisions by appealing in cassation to the Appeals Chamber on the following grounds:

- a. If the verdict is in contradiction with the law or there is an error in interpreting it.
- b. An error of procedure.
- c. An error of material fact which has occasioned a miscarriage of justice.

Second: The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers or the Investigative Judge.

Third: Where the Appeals Chamber reverses a verdict of acquittal or release issued by the Trial Chamber or the Investigative Judge, the case shall be referred back to the Trial

Chamber for retrial or to the Investigative Judge for implementation of its decision.

Fourth: The period allowed for the lodging of appeals shall be in accordance with the provisions of the Code of Criminal Procedure No. 23 of 1971, unless otherwise provided for.

PART TWO

Retrial

Article 26

First: Where new findings or facts have been discovered which were not known at the time of the proceedings before the Trial Chamber or the Appeals Chamber and which could have been a decisive factor in reaching the verdict, the convicted person or the Prosecutor may submit to the Tribunal an application for a retrial.

Second: The Tribunal shall reject the application if it considers it to be unfounded. If the Tribunal determines that the application has merit((Literally, ...‘that the application is based on convincing grounds...’)), it may, after hearing the parties, and with a view to amending the judgment:

- a. Send the case back to the original Trial Chamber to review it; or
- b. Send the case to another Trial Chamber; or
- c. The Appeals Chamber reviews the case.

SECTION NINE

Enforcement of Sentences

Article 27

First: Sentences shall be carried out in accordance with the law.

Second: No authority, including the President of the Republic, may grant a pardon or reduce the penalties issued by this Tribunal. Penalties shall be enforceable within thirty days of the sentence or decision reaching finality.

SECTION TEN

General and Final Provisions

Article 28

Investigative judges, Trial Chamber judges, members of the Prosecutions Department, Director of the Administration Department and Tribunal personnel shall be Iraqi nationals, taking into account Article 4 (Third) of this Law.

Article 29

First: The Tribunal and the national courts shall have concurrent jurisdiction to prosecute persons accused of the crimes prescribed in Article 14 of this Statute.

Second: The Tribunal shall have primacy over all other Iraqi courts with respect to its jurisdiction over the crimes prescribed in Articles 11, 12 and 13 of this Law.

Third: At any stage of the proceedings, the Tribunal may demand of any other court to transfer any case being tried by it involving any crimes prescribed in Articles 11, 12, 13 and 14 of this Law, and such court shall be required to transfer such case on demand.

Fourth: At any stage of the proceedings, the Tribunal may demand of any other court to transfer any case being tried by it involving any crimes prescribed in Articles 13, 14, 15 and 16 of this Law, and such court shall be required to transfer such case upon Demand .

Article 30

First: No person shall be tried before any other Iraqi court for crimes for which he has already been tried by the Tribunal, in accordance with Articles 300 and 301 of the Code of Criminal Procedure.

Second: A person who has been tried by any Iraqi court for a crime or crimes within the jurisdiction of the Tribunal may not be subsequently tried by the Tribunal unless the Tribunal determines that the previous court proceedings were not impartial or independent, or were designed to shield the accused from criminal responsibility.

When taking a decision to order a retrial, one of the conditions contained in Article 196 of the Code of Civil Procedure and the requirements of Article 303 of the Code of Criminal Procedure must be met ((The last sentence in this paragraph is ungrammatical, probably as the result of a typing error. The word لدى must be إحدى . The English translation is based on this assumption.)).

Third: In determining the penalty to be imposed on a person convicted of a crime under this Law, the Tribunal shall take into account the time served of any penalty imposed by an Iraqi court on the same person for the same crime.

Article 31

First: The President of the Tribunal, the Judges, the Investigation Judges, the Prosecutors, the Director of the Administration Department and the Tribunal staff shall have immunity from civil suits with respect to their official duties.

Second: Other persons, including the accused, shall be accorded such treatment as is necessary for the proper functioning of the Tribunal.

Article 32

Arabic shall be the official language of the Tribunal.

Article 33

No person belonging to the Ba'ath Party may be appointed as a Judge, Investigative Judge, Prosecutor, employee or any of the Tribunal's staff ((A literal rendition of the phrase ...

أي شخص منتمي إلى حزب البعث))

Article 34

The expenses of the Tribunal shall be borne by the regular budget of the State.

Article 35

The President of the Tribunal shall prepare an annual report on the Tribunal's work for submission to the Council of Ministers.

Article 36

The provisions of the Civil Service Law No. 24 of 1960, Personnel Law No. 25 of 1960, State And Socialist Sector Employees Disciplinary Law No 14 of 1991 and Civil Service Retirement Law No.33 of 1966 shall apply to the Tribunal's employees other than the judges and members of Public Prosecution.

Article 37

The Statute of the Iraqi Special Tribunal for Crimes Against Humanity, Law No. 1 of 2003, and the Rules of Procedure issued under Article 16 thereof shall be abolished with effect from the date of the coming into force of this Law .

Article 38

All decisions and rules of procedure((Translated as 'rules of procedure' although the Arabic reads 'orders of procedures')) issued under Law No. 1 of 2003 are considered correct and in accordance with the law((It is not clear if 'the law' here means 'this Law')) .

Article 39

In coordination with the President of the Tribunal, the Council of Ministers shall Issue ((A literal rendering would be 'The Council of Ministers, in coordination with the President of the Tribunal, shall issue)) instructions to facilitate the implementation of this Law.

Article 40

This Law shall come into force on the date of its publication in the Official Gazette.

Jalal Talabani

President of the Republic

Adil Abd Al-Mahdi

Vice President of the Republic

Al-Shaikh Ghazi Ajil Al-Yawir

Vice President of the Republic

JUSTIFYING REASONS

To expose the crimes committed in Iraq from 17 July 1968 until 1 May 2005 against the Iraqi people and the peoples of the region and the subsequent brutal massacres: To lay down the rules and punishments to condemn after a fair trial the perpetrators of such crimes for waging wars, genocide, and crimes against humanity; To establish an national Supreme Iraqi Criminal Tribunal made up of Iraqi judges with high experience, competence and integrity, with the power to try these criminals To reveal the truth, and the agonies and injustice caused by the perpetrators of such crimes; **To** protect the rights of many Iraqis, redress injustices committed

against them, and demonstrate heaven's justice as the Almighty God wants it to be.

This law has been promulgated.

Transl. by the International Center for Transitional Justice (<http://www.ictj.org>); questions and comments can be sent to (mena@ictj.org)

April 12, 2006.

Al-Waqa'i Al-Iraqiya – Number 4006 (27) 18/10/2005



A convoy of vehicles transporting Anfalized people to southern Iraq



Remains of Anfalized people (corpses) in mass graves





Remains of Anfalized people (corpses) in mass graves





Remains of Anfalized people (corpses) in mass graves



Families receive remains of corpses of Andalized





















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Kurdocide was established in June 1202 and have its branches and bases in most of the European countries and other parts of Kurdistan. Previously worked under the name of CHAK (Center of Halabja against Anfal and Genocide regarding Kurdish people- CHAK) on January 24 2009 obtained the current name, so far held four congresses and performs hundreds of activities on yearly basis.