

Mr. President Judge and the respectable members

Greetings...

Before starting to read the closing argument the prosecution would like to clarify some issues that are already been mentioned before your court and as a respond on they defendants and their defense attorneys in the previous trial sessions about the immunity of the defendants and the concept of violating the laws, we would like to present to you respectable court the following:

Iraq has approved on all the international agreements of the international crimes. That all of these international crimes are part of the international law that raises with the commanding base level which applies the internal legal systems in spite of its situation is being exist in a national legal form, also for the knowledge of what these texts includes from crimes, to complete this international system to follow the committers of that kind of the crimes that touches all the humanitarian feelings, that group of crimes been excluded from the general base of decreased progression of the crime or the punishment according to the agreement of 1968 to decrease the war crimes and the committed crimes against humanity in addition to the invalidity of the appeal or being protected with the immunity existence (whether it was a punishable immunity or procedural immunity) prevents to prosecute the committers of these crimes and here we mention that what has been discussed before, during the trials after the Nuremberg trial, that the defense was one of the first defenses that were discussed by the defendants of these crimes, the response for that was when these principles trying to go around the rules of the international law by issuing laws which decides immunities protects them from the submission for it but also represents an equal meaning of the knowledge of these principles of their actions according to the rules of the international law.

Mr. President Judge and the respectable members

Greetings...

Once before, people described their night when their roads becomes so hard that it is the night of the night and that dark environment that all the dejelians were suffering from was an appointment for them with these roads for the point that their days returned to nights and they are right when they call their day that it is a night for all the hard stuff that they suffered from and all the unfair treatment and the blood shedding was all unfair, there was a beginning for that hardness and it reaches the climax when Saddam Hussein visited their city in the date of July 8,1982 and what followed that visit like chasing, displacement, executions, damaging, demolition and other wild actions. at that day his convoy headed to the city and on the way back and in the main street the timing of his arrival to Al Ibraheemya school there were gunfire from the orchards that it has been claimed as an assassination attempt and through all the security reports of the incidents at that time and the defendant Saddam's statements and the other defendants and the witnesses statements and the complainants statements and some of the defense attorneys that there were gunfire no more than (8 – 15) shots from a Kalashnikov rifle from one of the orchards that looks on the main street that surrounded with two meters clay fence, and the use of any weapon like RPG or any other heavy weapon has not been approved that the assassination attempt for the president of the state has to have some other ways to be achieved and it has to be some strong bases for that action and opposite to that it is considered as a suicide and if we would suppose that it is an assassination attempt should we consider the taken procedures are acceptable according to the law and suits with attempt that had been described, and if we look deep into these procedures that have been taken as an affect of that attempt so it would be no more than a military operations executed by the army and the security and the intelligent services and it does not match with the mentioned incident and logical series of the incidents says that when such an attempt happens, there have to be an investigation to uncover the incident's circumstances especially if it happened to the president of the country, but what the facts presents, indicates to the opposite of that the reality says that the following procedures that have been taken were on the highest level of the strength and discipline when the defendant Saddam arrived to Baghdad he made a phone call with some of the principles of the security services at that time and told them that he had been attacked during his visit to Al Dijeal city and required for a meeting in the national council building at the same day, Taha Yaseen ramadhan the deputy of the president of the cabinet at that time attended the meeting and Saddam ordered him to lead the meeting and also Fadhil Al Barrak the director of the security service and Muhammad Ilewi the director of the intelligent services and other number of the principles attended the meeting, the defendant Taha Yasseen Ramadhan mentioned in his statement dated in February 9,2005 before the investigation committee that is structures from three judges and with present of the prosecutor

and the defense attorney that he said (the defendant Saddam who was occupying the position of the president called me and told me that he had been attacked in Al Dijeal area and asked me to go there and meet with principles of the security services and also informed me that he ordered them to be present in the national council headquarter and I went there and found Fadhil Al Barrak who was occupying the position of the director of the security services who was executed after that for other reasons and also found another person, I don't remember his name informed me that he represents the director of the intelligent services and informed me that he went to meet the defendant Saddam Hussein and two or three others that I don't really remember their names and the instruction has been issued to me to listen and hear what the principles of the security and intelligent services will say and have my notices and instruct them to work) at that meeting they studied the situation and they agreed on complete security plan to cure the circumstances in Al Dijeal and at that time the defendant Barzan met with Saddam in Al Radhwanya and Saddam assigned Barzan to lead the operations in Al Dijeal and when the defendant Barzan arrived to Al Dijeal he took the part headquarter a location for him to lead the military operations and Taha Yaseen Ramadan followed him with some of the principles and during their conversation Barzan told them that the defendant Saddam Hussein has assigned him to take the security responsibility and immediately the republican army and the national guards and the security and the intelligent services surrounded Al Dijeal area and the helicopters attacked the orchards randomly that caused the kill and the injure of many people from Al Dijeal who are present in their orchards, in the second day, the republican army transferred the dead bodies to the part headquarter in Al Dijeal and presented the dead bodies on the detainees for identifying them and the dead bodies belongs to each of 1- Kareem Kadhim Jaafar 2- Abbas Jasim Muhammad Ridha Al Hatto 3- Muhammad Abid Jawad 4- Sadiq Majeed Hameed 5- Hashim Adnan Jasim Al Khazaali 6- Ayad Hassan Mahdi Jaafar 7- Mahroos Muhammad Hadi 8- Sattar Tawfeeq Yahya 9- Raad Al Karbalaay 10- Hussien Hassan Al Dijealy (Injured).

Before the transferring of the dead bodies to the part headquarter there were another operation which is bringing the families (Men, women, old men and children) to the party headquarter after attacking their houses and pulling them out from their houses, these families were brought and been detained in the party headquarter and their number has been increased for the point that the building of the party headquarter were not enough for all of the detainees because of that, Barzan ordered Wadhah Al Shekh the investigation and the interrogation director in the intelligent service to transfer the detainees to the intelligent headquarter to evacuate the headquarter in Baghdad and transfer the detainees of Al Dijeal to it and at that time Barzan also ordered Wadhah Al Shekh to assess the orchards that the gunfire came from and it been discovered that the orchard were away from the main street 35 meters and the orchard were the subject of the assessment that had two meters fence, it has been discovered as a result from the assessment that the gunfire were from a Kalashnikov rifle from inside the orchard that they found the empty bullets(12-15) inside the orchard so Wadhah Al Shekh concluded by his long experience in the investigation field that the gunfire were shot from the internal side

of the orchard directing upwards because the empty bullets were found inside, which if the rifle would be directed upwards from the fence and directed towards the cars convoy, we would find the bullets outside the orchards as an evidence that nobody injured or any car from the used cars in the defendant Saddam's convoy got affected, the last presented a report about that to the defendant Barzan and they continued in arresting the families in Al Dijeal city and their number increased to reach hundreds of people and all of that happened by the order of Barzan Ibraheem who stayed there for three days and he left the city after that heading to Baghdad and the party which represented by the republican army, the intelligent and the security services continued to arrest the other families from the city and transferring them to Hakimya Al Mukhabarat in Baghdad and the defendants (Abdullah Kadhimi Rwaid, Mizhir Abdullah Kadhimi Rwaid, Ali Dayeh and Muhammad Azzawi) confirmed that tragic incident and the humanitarian disaster that happened in Al Dijeal area when they had their statement before the investigator judge in addition to the statements of the complainants and the statements of the witnesses in addition to the documents that approves its validity by the criminal evidences experts that are presented before the court and when all of these groups arrived to Al Hakimya headquarter they had been investigated with and they had to face all kinds of the cruel torturing which causes the kill of 46 persons that their names been mentioned in the conviction and the judgment decision in addition to kill another number of people because of the wild torture and the death of that other number of people that are mentioned have been approved in the intelligent document No.M7 S1/560 dated in February 3,1987, what is mentioned in that document that there are a structured committee includes five departments in the intelligent service led by Thamer Muhammad Radhi and the membership of each Jasim Humadi who is an investigation employee in the intelligent service and Muhammad Abdul Hussain who is a security employee in the intelligent service, in the third item of that document (the referral decision has been taken of the 148 persons to the revolutionary court and they have been sentenced to death and the decision has been approved, and there were 46 persons were included with the convicted people that they actually been dead during the investigation and some of these people that they died or injured during the investigation are each of 1- Taha Yaseen Hassan Al Salami 2- Yaseen Hassan Al Salami 3- Muhammad Fakhri Sabri 4- Nofa Hassan Kadhimi 5- Sabri Ahmed 6- Alwan Hassan 7- Jasim Muhammad Al Tofi who died because of the beat on his head with amilitary uniform belt for many times 8- Salih Kadhimi Al Marsoomi who got blinded 9- the distortion in the face of the detainee Kadhimi Daham Sultan 10- The electric shock and the burning that happened to the detainee Ahmed Hassan Al Dijeali that causes him the limited movement in his knees and there were a medical reports about these injured people been presented from the justice medical institution and it has been kept in the case file. after that and completing the detainees way, they have been transferred to Abu Ghreb Prison in the intelligent section and they stayed there for 6 months after that the intelligent members transferred the women, children and the old men that their number are 399 persons to Lya Camp in Al Muthanna desert near the Saudi boarders without any legal document for that action and they have been kept in the detention facility until April of 1986 according to the intelligent presidency letter

No.1106 dated in May 8, 1983 and the letter No.1147 dated in May 14, 1983 that are addressed to the security headquarter of Al Muthanna Province that have the request of executing the detention order of 399 persons from old men, women and children and the rest of them have been referred to the revolutionary court according to the referral decision No.6216 dated in May 27, 1984 that signed by the defendant Awad hamad Al Bandar his decision No 944 dated in June 14, 1984 that orders to execute all the referred names that their number are 148 persons.

It is interesting and also strange that the revolutionary court that when just got the referral decision so it issued its decision to execute 147 persons and confiscate their transferable and the non transferable money that their names written in the documents without any trial to the court and no defense attorneys were attended that court.

Two days after the decision were issued, the defendant Saddam Hussein a presidential order No.778 dated in June 16, 1984 to approve the execution sentence of all the 148 victims and they have been executed in the date of March 23, 1985 according to the letter of the long term prisoners headquarter No.1280 dated in March 23, 1985.

Through all the documents that have been presented before your respectable court and the complainants statements, it has been discovered that the victims were sentenced to death and they did not even attended before the court and some of they died during the investigation and their names been referred to the court and they sentenced to death.

This tragic incident and the humanitarian disaster did not end at that limits but also by an order from the defendant Taha Yaseen Ramadan, the specialized services demolished the victims' houses and took all its existences and also they demolished the orchards and the farms that belongs to the victims and causing them to live in poor and misery as a result of confiscating their main source to live their lives, the defendant Barzan and some of the witnesses that they were before the court confirmed that incident and they mentioned that the defendant Taha Yaseen Ramadan was standing on a hill called (Tal Miskeen) and also the defendant Muhammad Azzawi and Mizhir Abdullah Kadhim Al Rwaid confirmed that incident in their statements before the investigator judge and the last evidence was the phone call that have been heard by the court that was between the defendant Saddam Hussain and the defendant Taha Yaseen Ramadan that was about the demolition of Al Dijeal orchards.

Mr. President Judge and the respectable members

After all of that brief of the actions that have been done by the defendants as an affect of the gunfire incident from the orchards which were no more than (12-15) shots at that situation specifically the prosecution chamber wondering if all of the

taken procedures were legal and were they suitable with the reaction of that simple incident, and it is clear that the following procedures were just a revenge operations and they used the unsuitable power as respond on that simple incident that causes a lot of damages and we do not know and it is clear to the court that any human being face an assassination attempt, there should be an investigation in that case according to the law and if we take the procedures that have been taken as an affect of the assassination attempt so we could not describe it as it were military operations were done by the army and the security and the intelligent services and the republican army and it does not match with the described assassination attempt at the beginning of this closing argument.

And as we mentioned that we do not object and it is not the right of any side to object on the investigation proceeding as an affect of the attempt of any kind of the assassinations kinds and for anybody what about the who one who meant was the president of the country at that time and the confusing question was what the guilt of the children, women and old men but what the guilt of the tree that had been cut that did not released from the cruelty of the defendants and demolished them just like the tree itself participated in the assassination attempt.

Mr. President Judge and the respectable members

What has been mentioned before from presenting the incidents that happened in Al Dijeal city, it is clear to the court that the crimes against humanity happened within a systematically wide spread attack according to the orders of the governing authority against a group of the civilian residents and those actions applied with the rule of article 12 from the IHT statute No.10 of 2005 that reads the following:

- A- Murder**
- B- H- Imprisonment and the deprivation of the physical freedom in anyway possible which are against the law main bases**
- C- Torturing**
- D- The compulsory concealment of people**

And with the prove of article 15 from the same law that the legal requires and the available proving members in the file of this case that style that is followed in this crime is a systematically and wide spread attack against the civilian residents which proves the violence actions by the military forces and the security and the intelligent services and the republican army which participated in all the operations so that leads us to say that the wide spread attack and also it has been approved that the authorities were involved directly in committing these various crimes through the documents that have been presented before the court and regarding that attack would be directed against the civilian residents that had been approved that to the court that the evidence of the victims as civilians and those victims were targeted as apart of a wide attack on them, this is from one hand and from the other hand, the defendants were aware that their behavior and their orders are within the wide spread attack against the civilian residents through the systematically nature of the

committed actions and their roles in the forces that took its place in the operations against the victims and their permanent communications between them and their present in the crime location and we exclude the superior that article 15 of the court statute that the superior is responsible about what his subordinates doing if he was aware or has any reasons informs him that his subordinates committed these actions.

These requires and the elements of proving it were available in the crimes that mentioned in article 12 in its items:

- A- Murder is the committer of the crime kills one person or more, and the elements of proving that require are the death certificates that are issued from the social rehabilitation headquarter in Abu Ghreb prison and also the gunfire so it have been proved that also the helicopters were shooting randomly on the civilian residents in the orchards which caused the kill of many people and injured the others and they are:
- 1- Kareem Kadhim Jaafar 2- Abbass Jasim Muhammed Ridha Al Hatto 3- Muhammad Abid Jawad 4- Sadiq Majeed Hameed 5- Hashim Adnan Jasim Al Khazaali 6- Ayad Hassan Mahdi Jaafar 7- Mahroos Muhammad Hadi 8- Sattar Tawfeeq Yahya 9- Raad Al Karbalaay 10- Hussain Hassan Al Dijeali (Injured).

As long as we are talking about murder so we would not miss to mention that there were 46 persons were died during the investigation and there were four persons were executed by mistake and they are: 1- Hassan Abdul Amir 2- Mahdi Abdul Amir 3- Salah Mahdi Abdul Amir 4- Falah Mahdi Abdul Amir and there were also ten people were killed by torturing and they followed the other victims and they are:

- 1- Jasim Muhammad Lattoofi 2- Yassen Hassan Al Salami 3- Sabri Asad 4- Jaafar Habeeb 5- Jasim Muhammad Latif 6- Qasim Muhammad Latif 7- Muhammad Yaseen 8- Hameed Mahdi Al Khazaali 9- Abdul Wahab Jaafar 10- Jamil Jasim Al Salami.

The facts also proved that they put each group separately for killing them and also they separated the old men, women and the children to detain them in Lya desert camp and killing the young men that they were able to carry weapons, these were what the facts that are presented before the court proved.

The murder crime happened according to set the meetings for planning and organizing and this what we indicated to in the beginning of the closing argument that there was a meeting in the national council building leaded by Taha Yaseen Ramadan to put the plan for Al Dijeal incident, all these actions happened because the facts have been proved that all the actions happened within a systematically wide spread attack.

Item (H) from First which is imprisonment that all the elements of the crimes that we mentioned were available in proved before the court in term of the seriousness of the situation and the knowledge of the principles, and the detention happened within this wide spread attack against the civilians.

The prove of the existence of the detention or the arrest is Lya desert camp and all the detainees in there were civilians and they were in a bad heath, and a lot of them died during their detention because of the weather situation, the food and heath situation and we do not miss to mention that these civilians were arrested from inside Al; Dijeal city and from outside of it too and also some of others were arrested by bringing them from their military units and from other areas of Iraq all of that happened to them because they were originally from Al Dijeal, they have been arrested for 4 years some of them died during that time and they are: Najim Al Deen Abdul Wahab 2- Sabrya Ahmed 3- Nofa Hassan Kadhim 4- Zuher Muhammad Hassan 5- Zainab Ahmed Hassan 6- Sabri Asad Abdullah Al Badri 7- Abdul Wahab Jaafar 8- Yaseen Hassan Al Salami 9- Hameed Mahdi Al Khazaali 10- Nayif Asad Ali (Child) 11- Hisham Fakhri Sabri (Child).

The rest of these detainees in Lya desert camp were released after four years from the detention by an order from the defendant Saddam Hussain according to the national security council letter No.1173 dated in April 13, 1986 and they been returned back to their houses.

Item W from article first that talks about the torture, all its elements were available that the committer of the crime cause the victim a pain or suffering whether it would be physically or psychologically and this is what really happened and been proved by the complainants that they have been abused like torturing them with the electric shocks and beating them and detain them in an isolated prisons for a long time and oblige the detainees to stand up on their feet for along time and hanging the victims from their arms and also the victims have been obliged to take their clothes off and stay naked with the beating and using the terrifying styles and preventing them from cleaning themselves and also forcing them to watch the abuses and the torture of their sons and relatives. All of these actions and others from all kinds of torturing that we mentioned in the elements of the crime were happened to the complainants during their detention time and all of them were detained by the committers of this crime or under their control.

Item T from article first which is the compulsory concealments to the people and all its elements are available and they are:

First: Arresting one person or more.

Second: Refuse to give any information about their fate or their locations.

Third: The detention should be supported by a decision from the country.

Fourth: That behavior should be a part from the wide spread attack.

All theses elements were clear before the court, that some people have been arrested and no information about their fate or their location were given and this what the documents that have been presented before the court had proved that (Many party sides and party officials are asking about the detainees in Al Dijeal case and requires information about them either for knowing what is their situation or to inform their families) and the respond of that question was (these cases are

special and it is not possible to inform anything about it only to some offices that deals with this and just by making phone calls).

It is clear that the crimes that happened and all its elements were available and for each committer so who are those who commit All of these crimes that are applied for all the rules of article 12 from the court statute,

First: The defendant Abdulla Kadhim Al Raweid

The available evidences against him

- 1- His statements before the investigator judge that he confessed frankly that he was present in the crime location.
- 2- The presented security report by him to the security sides that have his signature, the report has been proved that it belongs to him by the criminal evidences reports.
- 3- The complainants statements before the investigator judge and they are Ali Hassan Muhammad Al Haidari and Kadhim Daham Sultan and Adnan Muhammad Latif Al Salami that they mentioned that the defendant had a big role as a guide to the security services in detaining them and their families.

Second: The defendant Mizhir Abdullah Kadhim Al Raweid

The available evidences against him

- 1- His statements before the investigator judge and his confession that he was with the heavy machines and trucks that demolished the orchards in Al Dijeal.
- 2- The complainants' statements before the investigator judge and before the court that the defendant was present with the security services to detain them and their families.

Third: The defendant Ali Dayeh Ali

The available evidences against him

- 1- His statements before the investigator judge that he confessed frankly that he was in the crime location and he was with Ahmed Al Samarraee the principle of the party headquarters to arrest one of Al Dijealians who is Muslim Abdul Amir.
- 2- The complainant statement before the investigator judge that the defendant participated with the principle of the party Ahmed Al Samarraee and he arrested her brother Muslim Abdul Amir.

- 3- The presented security report to the responsible sides by him that his signature has been proved by the criminal evidences experts.

Fourth: The defendant Muhammad Azzawi Ali Al Marsoomi

The available evidences against him

- 1- His statements before the investigator judge that he mentioned in them that he went out with a squad from Al Dijeal security according to the director of Al Dijeal security to go to his aunt's house to arrest her husband and also to Turkey Hassan Aziz house to arrest him but they did not found him there.
- 2- The statements of some of the complainants that mentions that the defendant participated with the security services to detain them.

Fifth: The defendant Barzan Ibraheem Al Tikreeti

The available evidences against him are the following:

He occupied the position of the director of the intelligent services from 1979 until 1983, one of his duties that he was in charge of the defendant Saddam Hussain protection.

And in the date of July 8, 1982 the defendant Saddam Hussain required from him to go to Al Dijeal for having an investigation about that incident. The available evidences against him:

- 1- His statements before the investigator judge dated in January 25, 2005 that included (And he asked me to go to Al Dijeal "the defendant Saddam" asked him that to know about the reasons of the incidents and having the investigation in the city to know the suspected people and that was a duty because I was the responsible for the presidents security, when I went there, I found the army forces and they were from the republican guards and security and police forces and some of the party members. At that times the military forces was surrounding the area that I saw them myself and they were in all the sides leaded by a commander and I was in the area because I was the director of the intelligent and the responsible for Saddam's security too).

And also his statements before the investigator judge that (After I knew about the details of the story I ordered to surround the orchards that were surrounded by the military forces, and also the helicopters flew in the area and there was a gunfire exchange between the people who are in the orchards and the military forces, as an affect for that two or three persons got killed and also three or four persons were been investigated)and also there was in his statements before the investigator judge (the people who were arrested in my present and under my orders they have been

sent to Hakimya Al Mukhabarat to investigate with them and they are no more than three or four persons).

- 2- Barzan's confession before the court and the investigator judge that he was present in Al Dijeal in the party headquarter for two days.
- 3- The witness Wadhah Al Shekh statement in details considering the defendant Barzan was the first responsible and the operation commander in Al Dijeal.
- 4- Some of the complainants' statements before the investigative judge and the court that the defendant Barzan was supervising on the investigation with them in the intelligent building.
- 5- The documents and the formal letters between the intelligent and the presidency Dewan and these are:
 - A letter issued from the intelligent services to the defendant Saddam Hussain requires from him to award some of the intelligent affiliates for their roles in chasing and surrounding and arresting some of the Al Dijealians according to the letter No.1220 dated in July 21, 1982 that proved the signature belongs to the defendant according to the criminal evidences experts report.
 - The presented report by him to the defendant Saddam dated in July 13, 1982 that includes the taken procedures against the Al Dijealians.
 - The two internal memos from the investigation and interrogation headquarter that the signature and the footnote were belonging to the defendant Barzan that proved by the criminal evidences experts.
 - In Awad Hamad Al Bandar Statement before the investigation committee dated in February 9, 2005 that said (the investigation was in the intelligent service).
 - What has been mentioned in the referral decision that presented by the defendant Saddam Hussain that came in it the following (Regarding the availability of the reasons of the referral in the investigation case No.40/984/ intelligent).
 - The report of the structured committee leaded by Hussein Kamil presented to the defendant Saddam Hussein which mentioned in the item 5 (the committee done the following...I have viewed all the basic information about the incident of Al Dijeal which exists in the intelligent services). That this report will show all the details of what happened to Al Dijealians.
 - An issued letter from the intelligent service to the Presidency Dewan No.1282 dated in March 31, 1987 which clarifies that the intelligent service is the responsible for the investigation with the Dijealians (The decision been executed against the rest of the convicted "Some of them died during the investigation").
 - The intelligent service's memo to the respectable M. M 7 signed by a structured committee from four members and a president and they are all affiliates in the intelligent, they clarify in item 3 of it that (There were 46 persons between the convicted persons were sentenced to death and they actually died during the investigation) and also it clarify in the other items what happened to the Dijealians in details.
 - The conviction decision from the intelligent court that belongs to the intelligent service that its affiliate (Hikmat Abdul Wahab) because he did not execute the

death sentence against two persons and they are (Ali Habeeb Jaafar and Jasim Muhammad Ridha Al Hatto) that their names are mentioned in the republican order in the second page (according to the shortage of time and the rest of the total number of the convicted people is 96 convicted persons as a result of killing the others during the investigation).

Sixth: The defendant Taha Yaseen Ramadhan

The evidences against him are:

- 1- His statement dated in February 9, 2005 before the investigator judge as the following (I had a phone call from the defendant Saddam Hussein who was occupying the position of the president of the country at that time and told me that he had an assault incident in Al Dijeal Area and asked me to meet with the security service principles and informed me that he ordered them to be present in the national council headquarter, and actually I went there and found Fadhil Al Barrak who was occupying the position of the director of the security service who was executed after that for other reasons and also I found another person that I do not know his name and told me that he is representing the director of the intelligent service that I have been informed that the director of the intelligent went to meet the defendant Saddam Hussain and two or three other persons were with him that I do not remember their names specifically and my duty that I was assigned to, was to hear and listen to what the principles of the security services saying and give my notices and instruct them to work if I had any instructions).
- 2- The defendant Barzan's statement before the investigator judge dated in January 25, 2005 saying that (Yes I have information about that tells that this committee has been structured from the defendant Saddam who was occupying the position of the president of the country at that time and that committee was leaded by the defendant Taha Yaseen Ramadhan and the membership of the security director at that time and the membership of Muhammad Ilewi the representative of our directorate in the committee who was occupying my office manager at that time...Etc).
- 3- The witnesses statements and the rest of the defense witnesses that the republican army affiliates participated by arresting the Dijealians families and surrounding the city with the military forces and the other security services and attacking the houses, and his frankly confession before the court that some of the republican army affiliates participated and because of the mentioned defendant were the superior of the republican army so he would be responsible for what his subordinates have committed.
- 4- The audio tape record between him and the defendant Saddam Hussein that the court had heard in the session dated in April 24, 2006.
- 5- The documents that he admitted that it has his hand writing and his signature that have the No.14446 dated in November 29, 1984 and the dated, memo in January 20, 1982 and the message that has his hand writing and his

signature dated in December 10, 1984 that has been sent to Ahmed Hussein Khudhair the president of the former Presidency Dewan.

Seventh: The defendant Awad Hamad Al Bandar (the president of the Revolutionary Court):

The available evidences against him:

- 1- His confession that he is the president of the revolutionary court that issued the judgment of Al Dijeal residents.**
- 2- The conviction decision and the judgment decision No.944/G/1984 dated in June 14, 1984. the official documents and the decisions of the structured committees about Al Dijeal Case that has been presented before the court which proves that the court was imaginary and it has not been attended by any defendant in which that report of the structured committee led by Hussein Kamil and the membership of judge Abdul Aziz Dawood the representative of the legal affairs in the presidency Dewan and Ibrahim Jwad the representative of the security service dated in July 5, 1987 shows, and that have the following (the statements of these two persons have been taken with some other number of the illusionary convicted persons, and in the same way their trial processed with the rest of the defendants in this case and they sentenced to death by the revolutionary court without any trial) and what also confirms the detainees case Ali Habeeb Jaafar and Jasim Muhammed Al Hatto that their names were mentioned in the referral and the judgment decision and the execution order while they were detained in Al Samawa desert before structuring the court, and the same committee mentioned the above subject (It has been decided to detain those in Al Muthana province and they have been sent in three lists and also the second list dated in October 7, 1983 and between those sent detainees according to it are the subject of the research of this investigation "Ali Habeeb Jaafar and Jasim Muhammed Al Hatto" and the statements of these two with some other illusionary convicted persons were taken...Etc). Also the complainant has confirmed that he did not attend before the revolutionary court and he does not have any knowledge about issuing the execution decision against him.**
- 3- The judgment decision that came without any assignment for any defense attorney for the victims, for the knowledge that it has not been mentioned any fees and did not have any name of a defense attorney in the mentioned decision as the judgment decision did not indicate to present any closing argument for the defense by the attorney, and this is an evidence that no attorney has been assigned in this case at all.**
- 4- The presented closing argument from the legal affairs headquarter to the president of the country dated in April 1987 that in item 1 of it mentioned the conviction of 148 criminals that they have been sentenced to death by the**

revolutionary court and the rest have been executed (That some of them died during the investigation).

- 5- The decision of the structured committee from 5 members of the intelligent service about Al Dijeal case No.560 dated in February 8, 1982 and in the next page of item 2 the referral decision has been taken about the 48 persons to the revolutionary court and they have been sentenced to death and the decision has been approved that is mentioned in item 3 of it was one of the convicted persons that they sentenced to death 64 persons from those who had been tortured or died during the investigation.
- 6- The confidential and the personal intelligent service letter No.1282 dated in March 31, 1987 in which item 3 of it mentioned that the execution of the rest of the convicted (That some of them were died during the investigation).
- 7- The issued referral decision from the intelligent court that belongs to the intelligent service about Hikmat Abdul Wahab trial of not executing the death sentence against the two that their names were mentioned in the judgment decision from the revolutionary court and they are Ali Habeeb Jaafar and Jasim Muhammad Al Hatto that came in the page of the mentioned decision (according to the shortage of time and the rest of the total number of the convicted people is 96 persons as a result of killing some of them during the investigation).

These documents confirms that the court were an imaginary court and there was no trail but the orders were issued on papers only that it has been proved by the documents that there were 46 persons from those who mentioned in the judgment decision were killed during the investigation and their names have been sent with the others to proceed their trial and actually they dead and they sentenced to death.

- 8- the execution decision were issued against a group of teenagers and under the legal age and they are 28 teenagers that their age are between 12-17 years old and just that would be a crime and violating to the rules of the constitutions and the international laws and its commitments in addition to that some of them were sentenced to death and they did not even finish the 20 years old, in the following we attach a list of their names so their judgment decision considered as a violating of the rule 79 from the penal code No.111 of 1969 and also we attach the copy of the official letter that was issued by the civil affairs headquarter in Salah Al Deen that confirms it.
- 9- The arguments of some of the defense attorneys and some of the defense witnesses that there are some of people who are their names mentioned in the judgment decision that is issued by the revolutionary court about Al Dijeal case that they are alive and after the research and the investigation and sending letters to the civil affairs directorate of Al Dijeal, they respond in their letter No. 587 dated in June 11, 2006 and the letter of Al Dijeal district No.1020 dated in June 11, 2006 that all the mentioned names by the defense witnesses are dead except Ali Hussein Ahmed that we clarified the reasons for that in the previous sessions of the court, and that enforce the evidences and the documents that the court were imaginary and it had not been

attended by victims but the judgment of the enlisted names were issued on papers only.

Eighth: The defendant Saddam Hussein Al Majeed

He was occupying the position of the president of the country and the general commander of the armed forces.

The available evidences against him:

First: The audio and the video tape record that has been presented before the court that shows the defendant Saddam speaking to Al Dijealians and clarified that the ones who shot the fire on him were two or three and no more than ten people.

Second: His statement before the investigation committee that is structured from three judges dated in June 12, 2005 (the convoy that I u was in, had been attacked by gunfire, which I think it was from two rifles but not sure because it was a long time ago) and also it has been mentioned in his confirmed statement “also I would like to add up to my knowledge that nobody had been injured by that incident”.

Third: after his return to Baghdad from Al Dijeal he gave the orders to the principles of the security services that are directly connected with him in a meeting in the national council building and he ordered the defendant Taha Yaseen Ramadan to lead that meeting to put the plan to attack Al Dijeal.

Fourth: issuing the order of assigning the defendant Barzan Ibraheem to lead the operations in Al Dijeal.

Fifth: the official documents that proves his knowledge and his orders about Al Dijeal case:

- 1- The presented report by Barzan dated in July 13, 1982.
- 2- The revolution command council’s decision No.982 dated in July 31, 1982 that awarded a group of the intelligent members about their roles in Al Dijeal.
- 3- The revolution command council’s decision No.100 dated in January 23, 1985 about transferring the ownerships of Al Dijeal Lands.
- 4- The presented report by the structured committee leaded by Hussein Kamil about Al Dijeal case that had the footnotes signed by a few direct connections with the president.
- 5- The presented closing argument from the legal affairs department of the presidency dewan dated in July 28, 1987 about executing four persons by mistake in Al dijeal case and considering them that they died during the detention.
- 6- The presented closing argument from the legal affairs department of the presidency dewan dated in April 5, 1987 about not executing the death sentence against the two mentioned names in the judgment decision.

- 7- The approval decision of executing the death sentence according to a republican order No.778 dated in June 16, 1984.
- 8- The Video and the audio tape record that have been presented before the court that talks about the defendant that he does not care about the ones who died during the investigation as much as they would be.

The defendant Saddam Hussein Al Majeed was occupying the position of the president of the country at that time and the general commander of the armed forces.

Sixth: he issued the order of compensating the orchards owners that have been demolished with presenting the demolition was not because they wanted to rebuild the city but it was a revenge from its people according to his confession before the court when he said the following sentence (he demolished the orchards because of the assassination attempt “that we mentioned before” so cutting the trees and demolishing the orchards was just wasting the national fortune and the compensation about the demolition was wasting of the general profits)

Seventh: He did not issued any order about the violations that have been committed to the women, children that are detained from Al Dijealians but he justified that before the court that that action was a humanitarian work to collect the children with the women and the old men in the desert.

Eighth: the audio tape record of his phone call with the defendant Taha Yaseen Ramadan about Al Dijeal case which had been presented before the court.

Ninth: the audio tape record of the defendant Saddam who was speaking to the heads of the tribes of Al Jiboor which clarifies what happened to Smecha People for the knowledge that Smecha is the old name of Al Dijeal city.

Tenth: his leadership responsibility about these services because it have been connected directly with him and his office according to the superior responsibility rule that item 4 from article 15 mentioned it from the court statute that he would be responsible for all the crimes that have been committed by his subordinates who are working under his command, the mentioned defendant was aware of all the crimes that have been committed by his subordinates or according to his orders because he was the general commander of the armed forces that the military sections which executes the activities like what happened in Al Dijeal, it is not possible for it to move unless there would be an order from the general commander of the armed forces in addition to that there were a lot of documents and letters that have not been presented before your court which proves his knowledge about the committed crimes for example the referral of the victims that they are considered the defendants in that incident to the revolutionary court by the mentioned defendant according to the referral; decision No.762 dated in May 27, 1984 and also his approval on the decision of the revolutionary court to execute the death sentence according to the republican order No.778 dated in June 16, 1984 and from the other

official documents that proves the knowledge of the mentioned defendant about the committed crimes is the issued letter from the intelligent service to the presidency of the republic's secretary No.1169 dated in September 12, 1984 that includes that many official and party sides are asking about the participated victims in Al Dijeal and requiring information about them either for specifying their situation or to inform their families and also the revolution command council decision No.1283 dated in October 14, 1982 that includes the confiscation of the farms in Al Dijeal that belongs to the victims without any compensation.

So the mentioned defendant would be criminally responsible for the committed crimes by his subordinates who were working for him according to the rules of item 4 from article 15 from the court law.

The crimes against humanity as we know it through article 12 from the court law (that wide spread systematically attack on a group of civilian residents), that definition conditioned that there are many people participating in that attack so it would be described as a crime against humanity, and article 15 Second/G states that the person would be responsible according to the rules of the penal code in case of offering the assistance or helping in any way to facilitate the crime to be committed or intending to be committed, including the providence of means to commit it which means when the participants in the attack would be responsible about all the committed crimes and not only in the one action that he has done, that attack requires that it have to be people to surround the city to prevent all its residents from running away and there are some people who inform the militias or the military forces with the existence and the hiding location of these civilians and there some who arrest and detain them and there are some who supervise on their detention location Etc.

So all the defendants would be considered that they are real committers for the crimes except the defendant Muhammad Azzawi that we are requesting to cancel the charge and releasing him because of the lack of the evidences following the rules of item G from article 182 from the criminal trials origins law.

About the defendants (Abdullah Kadhim Al Rawied, Mizhir Abdullah Kadhim and Ali Dayeh Ali) we are requesting to convict them according to the rules of article (12/First/A, H, W) [A, C and F] with the proof of article (15/G) [C] and specify their punishment according to the rules of article 406/1/A, 421, and 413 from the penal code.

The prosecution chamber requests from the court to decrease the punishment about them because they committed these actions executing to the order that they got from the superiors according to the rules of article 15 No.5 from the IHT law.

Regarding the defendants Saddam Hussain Al Majeed and Barzan Ibraheem Al Tikreeti and Taha Yaseen Ramadan so they are responsible for all the crimes that had been committed against the Dijealians so we require to convict them according to the rules of article (12/First/A, H, W,T) with the proof of article 15 from the IHT law and specifying their punishments according to the rules of article (406/1/A, 421,

312) from the penal code with the proof of article 24 from the IHT law that mentioned in its first item that the convicted would be punished with a death penalty so the prosecution chamber request the conviction of the mentioned defendants according to the rules of the mentioned article and specifying their punishment according to it, and what deals with the defendant Awad Hamad Al Bandar that his action considered to be supportive to the criminal activities of the defendants in Al Dijeal case of the murder crime according to the text of article (1/D/Second) from article 15 from the court law so we require his conviction according to the rules of article (12/First/A) from the IHT and specifying his punishment according to the rules of article (406/1/A) from the penal code with the proof of article 24 from the IHT statute.

And finally the prosecution chamber requires referring the mentioned names below to the investigation and informing the investigator judge to take the legal procedures in the single case against the escaped defendants in Al Dijeal case that their names are mentioned in the documents and the investigation and the trial process and they are:

- 1- Saadoon Shakir
- 2- Wadhah Ismaeel Al Shekh
- 3- Haseeb Sabir Abdul Aziz
- 4- Ali Muhmoud Hashim
- 5- Muhammed Ilewi Hamad
- 6- Niima Ali Hasoon
- 7- Isam Khidhir Abbas
- 8- Hikmat Abdul Wahab Khalil
- 9- Kamil Hussain
- 10- Noori Abdullah
- 11- Hamid Dhahad
- 12- Dhahi Ahmed
- 13- Muhsen Obed
- 14- Faisal Shaheen
- 15- Shamil Fayadh
- 16- Abdul Jabbar Hamid
- 17- Col. Tariq Hadi Shukur
- 18- Dawood Salman Shihab
- 19- Maj. Hashim Taha Hamad

With all respects.