

**In the Name of Allah, the Beneficent, the Merciful**

**The Republic of Iraq  
The Iraqi High Tribunal  
The Second Trial Chamber**

**Case No.: 1/2nd Chamber/2007  
Date: 20 Feb. 2007**

**Indictment<sup>1</sup>**

Defendant: Sabir ‘Abd-al-‘aziz Hussayn:	Former Director of the General Military Intelligence Agency
Location of the crime:	Kurdistan, Iraq
Date of the crime:	June 1987 - September 1988
Names of the complainants:	The State and the complainants whose statements were taken during the course of the investigation

I, Judge Muhammad ‘Uraybi Majid al-Khalifah, Presiding Judge of the Second Trial Chamber of the Iraqi High Tribunal, do charge you, Sabir ‘Abd-al-‘aziz Hussayn, with the following:

In the period between March 1987 and September 1988, you were member of the General Command of the Armed Forces and the Director of the General Military Intelligence Agency. The duties of that directorate included gathering information on everything that went on in the northern region and presenting this information to the military chain of command, so they can take protective measures, and carry out military attacks on the northern regions. Based on the information which was provided by your department, and subsequent to the military operation, the role of military intelligence once again was to inform the Army Chiefs of Staff of the results of military operations, such as effectiveness, the impact of strikes, enemy losses, etc., accounting for any contingency. Also, the Military Intelligence Directorate, under your direction, was assigned to study the possibility of directing strikes using “special” (chemical) munitions in areas of northern Iraq. Based on orders issued by the Secretary to the President of the Republic, this study was conducted, and several recommendations were made, including the suggestion to use “special” chemical munitions, to keep track of the results of strikes, to designate the place and time of the targets of chemical attacks. The following points are given in support of this charge:

**First:** Both before and during the Anfal operations you deliberately participated in killing Kurdish civilians in northern Iraq in order to bring about their destruction, in whole or in

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<sup>1</sup> Statutory notations in this text are taken literally from the original Arabic text. All footnotes are for the corresponding notation in the English translation of the Iraqi statutes.

part, and inflicting physical and mental harm upon them, and subjecting them to harsh living conditions. You knew and were aware of what was inflicted on the civilians and Kurdish opposition forces as a result of these military operations. As such, you have committed a crime according to the provisions of paragraphs (a),(b), and (c) of Article 11/First<sup>2</sup>. These actions constitute the crime of genocide, as stated in section Second/(a)<sup>3</sup> of this Article, and pursuant to Article 15/First, Second, Third, & Fourth<sup>4</sup> of IHT Statute No. 10 (2005).

**Second:** You deliberately participated in launching a systematic and widespread attack against the Kurdish people in northern Iraq using military units, as well as all types of weapons: aircraft, artillery, and others, which led to the killing of the Kurdish populace, the destruction and burning of their villages, their forcible removal and deportation from their villages, the detention of civilians who were turned over to the North Organizing Office. Many of the detainees suffered from inhumane treatment inside the detention camps, which lacked the simplest human necessities. Many civilians were executed within the Military Intelligence Organization, which was part of the General Directorate of Military Intelligence, after they had been investigated. Many of them disappeared, only to have their bodies be discovered in mass graves in the al-Hadar area, the Ninawah area, and the al-Muthanna province, and other areas. All of this was intended to exterminate the Kurdish population, and as such you have committed crime pursuant to paragraphs (a, c, d, e, f, h, i, & j) of Article 12/First<sup>5</sup>. These acts constitute Crimes against Humanity, pursuant to Article 15/First, Second, Third, & Fourth<sup>6</sup> of IHT Statute No. 10 (2005).

**Third:** During the Anfal operations, you suggested using “special” (chemical) munitions in northern Iraq, you specified the targets, the timing, and the required quantity of chemical agent (mustard and sarin gas). Military units bombarded the area using “special” (chemical) munitions, based on your suggestion, which led to the killing, disfigurement, or maiming of civilian Kurds. Also, you deliberately participated in military attacks against religious facilities and homes, theft of property, and the unjustifiable removal of residents. You knew and were aware of the criminal acts you committed against civilians, and as such, you have committed a crime pursuant to paragraphs (a), (d), (e), (h), & (l) of Article 13/Fourth<sup>7</sup>. These acts constitute War Crimes, pursuant to Article 15/First, Second, Third, & Fourth<sup>8</sup> of IHT Statute No. 10 (2005), as well as the provisions of Article 406(1)(b) of the Iraqi Penal Code No. 111 (1969).

These legal articles are consistent with the jurisdiction of this court, as such I order you to stand trial based on the aforementioned charges.

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<sup>2</sup> Art. 11(a)(1)

<sup>3</sup> Art. 11(b)(1)

<sup>4</sup> Art. 15(a)-(d)

<sup>5</sup> Art. 12(a)(1)-(4),(6),(8)-(10)

<sup>6</sup> Art. 15(a)-(d)

<sup>7</sup> Article 13(d) (1), (4), (5), (8), & (12)

<sup>8</sup> Art. 15(a)-(d)

[signature]

Judge Muhammad 'Uraybi Majid Al-Khalifah  
Presiding Judge of the Second Trial Chamber

Are you guilty or innocent?

Defendant said: innocent

[signature]

Judge Muhammad 'Uraybi Majid Al-Khalifah  
Presiding Judge of the Second Trial Chamber