

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/2006
Date: 20 Feb. 2007**

Indictment¹

Defendant: ‘Ali Hasan Al-Majid Head of the North Organizing Office.
Member of the (defunct) Revolutionary Command Council. Member of the Regional Command of the (defunct) Ba’ath Party

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, ‘Ali Hasan Al-Majid, with the following:

During the period from March 1987 through September 1988, you were a member of the (defunct) Revolutionary Command Council and the head of the North Organizing Office, in accordance with decision No. 160 of the (defunct) Revolutionary Command Council, dated 29 March 1987, which established you as the representative of the Regional Command of the Party and the Revolution Command Council (both defunct) to carry out their policies in the northern area, including the autonomous region of Kurdistan, as well as the authority to make binding decisions for all the military, civilian, and security agencies of the State, in particular, authority over the National Security Council, the North Affairs Committee. Likewise, the Executive Council of the Autonomous Region of Kurdistan, the provincial governors, the heads of the administrative units belonging to the Ministry of Local Rule, the intelligence agencies, the internal security forces, military intelligence, and the commands of the People’s Army in the entire northern area, were directly connected to you and were obligated to follow the decisions and directives you issued. Also, the commands of the military units in the region were bound by your orders, in order to implement the policy of the Regional Command of the Party and the Revolutionary Command Council (both defunct) in the entire northern region

¹ 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.

Also, the Revolution Command Council issued a decision (No. 244, dated 20 Feb. 1987) which gave you expenditure authority to carry out the duties of the North Affairs Committee, in order to implement the provisions of RCC decision No. 160 (1987). The following points are given in support of this charge:

First: During the period prior to the Anfal in June 1987, and during the Anfal operations of 1988, you issued orders to the military units, the security, intelligent, and military intelligence agencies, and the organizations of the (defunct) Ba'ath Party, to kill the Kurdish citizens in northern Iraq and to inflict physical and mental harm on them by using all kinds of weapons of war on them, using aircraft artillery, and blockade, as well as subjecting them to harsh living conditions, such as shortages of food, medicine, and fuel, and also killing their livestock and burning their crops in order to destroy them, in whole or in part.

As such, you have committed a crime according to the provisions of paragraphs (a), (b), and (c) of Article 11/First². These actions constitute the crime of genocide, as stated in section Second/(a)³ of this Article, and pursuant to Article 15/ First, Second, Third, & Fourth⁴ of IHT Statute No. 10 (2005).

Second: During the period prior to the Anfal in June 1987, and during the Anfal operations of 1988, you issued orders to the military units, the security, intelligent, and military intelligence agencies, and the organizations of the (defunct) Ba'ath Party, to launch a widespread and systematic attack against the civilian Kurds in northern Iraq using all the kinds of weapons such as aircraft and artillery, in order to kill civilians, to burn and destroy their villages, to forcibly displace and remove them from their areas, and to arrest and detain them (Tawb Zawah, al-Debis and Nugrat al-Salman). From your position on the North Affairs Committee in Kirkuk, you directly supervised the interrogation, torture, and subsequent execution of the detainees. Many of the detainees faced inhumane treatment, many of them died and as a result, or disappeared and were buried in mass graves which been discovered like the al-Hadar mass grave in Ninawa province, the mass grave in Al-Muthanna province, and other mass graves located throughout Iraq. The fate of many of the Kurdish citizens is still unknown. All of this was intended to exterminate the Kurdish population, and as such you have committed crime pursuant to paragraphs (a, b, c, d, e, f, h, i, & j) of Article 12/First⁵. These acts constitute Crimes against Humanity, pursuant to Article 15/ First, Second, Third, & Fourth⁶ of IHT Statute No. 10 (2005).

Third: During the period prior to the Anfal in June 1987, and during the Anfal operations of 1988, you issued orders to the military units, the security, intelligent, and military intelligence agencies, and the organizations of the (defunct) Ba'ath Party, to use chemical weapons in northern Iraq against opposition forces, who were fighting for the Patriotic Union of Kurdistan (PUK), the Kurdish Democratic Party (KDP), the Kurdish Communist

² Art. 11(a)(1)

³ Art. 11(b)(1)

⁴ Art. 15(a)-(d)

⁵ Art. 12(a)(1)-(4),(6),(8)-(10)

⁶ Art. 15(a)-(d)

Party, and other opposition forces. The chemical weapon attack targeted non-combatants, which led to them being killed, maimed, or disfigured, or having their dignity assaulted, and religious buildings were attacked and destroyed, and their property was stolen or confiscated, and they were forcibly deported from their villages and homes without justification. As such, you have committed a crime pursuant to paragraphs (a), (d), (e), (h), & (l) of Article 13/Fourth⁷. These acts constitute War Crimes, pursuant to Article 15/ First, Second, Third, & Fourth⁸ 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.

[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

⁷ Article 13(d) (1), (4), (5), (8), & (12)

⁸ Art. 15(a)-(d)