



Hazhar Aziz Surme

Kurds, Genocide, Annihilation, and the Stance of International Law
Some exemplary references in a brief study

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In the name of Allah,
Most Gracious, Most Merciful
Our Lord! Condemn us not if we forget or
fall into error.

Sura "The Cow"
Verse 286

This book is dedicated to:

My mother's immortal soul.

The high soaring souls of the martyrs of the
Kurdish nation.

Advocates and attorneys of human rights
wherever they are.

Those who made sacrifices and paid the price
for saying "No."

Those who sincerely care about peace, toler-
ance, and security of world nations.

Honesty...innocence...unselfishness.

To each and every one, from the Kurdish
multimillion mass exodus of spring 1991,
who almost naked and starved, said: "I am
not a refugee; it is my homeland and I am just
marching in it."

My dear friend, Mamosta Hazhar

Greetings,

I received your letter and its attachment. I would like to thank you for your friendly feelings. I wish you all the success.



My dear brother, I have read and evaluated your research entitled “Kurds, Genocide, Annihilation, and the Stance of International Law.” I would like to assure you that it is a comprehensive and important study conducted in a pure Kurdish language. It is a job well done and I congratulate you for that.

Undoubtedly we, the Kurds, need these kinds of studies more than other nations do as we have long been the victims of genocide and oppression.

I hope this book will soon be printed and another important part of the Kurdish library.

**Sincerely yours,
Saadi Barzinji
Erbil**

Preface

To write about the annihilation and the extermination of an authentic and indigenous nation like the Kurds would take a righteous and human-rights activist forever, let alone an individual of the nation in question. It is a subject that is as clear as daylight and cannot be argued.

It is possible that there are people who might question the reasons and motives that have urged me to select this subject for my study. It could be wondered what stirred up my feelings and led me to realistically record some images of a scene in which my nation is being wiped out.

Per what my family has narrated to me and what I have experienced, our house has been set on fire, looted, destroyed twice by the mercenaries and henchmen of the former Iraqi regime--once in 1962 and the second time in 1967. Moreover, in their second raid, they martyred my brother Handren by cutting his stomach open with the bayonet of an AK-47 rifle as retribution for my

father's being a Peshmarga (Kurdish guerrilla) and his participation in the Aylool (September) Revolution that resisted the annihilation of the Kurdish people.

Moreover, from 1966 and through 1970, the mercenaries launched a relentless psychological war against us through raids and break-ins, and tried to take us hostage or take our lives and therefore we were constantly moving from place to place in order to take over.

Although the leader of the Kurdish revolution, Mala Mustafa Barzani, entered a peace agreement with the former Iraqi regime on 11/3/1970, the regime attempted one of its ugliest plots to assassinate Barzani for being the leader and representative of the Kurds. Even if the plan was to murder Barzani as an individual, it would nonetheless have been an attempted crime against humanity.

When the former Iraqi regime was not willing to recognize even the minimum of the legitimate rights of Kurds in 1974, I was under the age of 10. Subsequently, the government fiercely attacked the Kurds. I clearly remember when we ran for our lives and took cover in the mountains

and narrow and small caves, fearing the jet planes and the bombardment of the regime. The floor and walls of these caves were wet and contained holes and cracks of all kinds of creatures and insects such as scorpions and snakes. Several families had to squeeze into one cave, and people had to take turns sleeping.

The government did not hesitate to deploy all kinds of weaponry it had against the people of Kurdistan. The rumor among schoolchildren was that countries like India, France, and Russia provided the government with toy-like mines and explosives to ensnare them. Because of frequent cases of raids and air attacks, we were disrupted from school and had to wait for our own death. We witnessed the killing of many of our dear ones--the barbaric massacre that government forces conducted against the Kurds on Galala Bridge is only one of the many savage attacks that cannot be forgotten.

At the height of the war of elimination by the government of Iraq and the resistance by the Kurds, the Kurdish revolution managed to obtain the support of Iran to provide shelter for families and children. Without any refugee rights whatsoever, we resorted to Iran to experience life in refugee

camps and education in shacks made of straw. To boost our morale, the teachers tried to comfort us by reminding us of the situation of the Palestinians and how they still carried the key to their houses, hoping that one day they could return home and open the gates to their houses again. We too had our keys with us, but we were still in exile when we heard the news that our homes and libraries back in Galala had been demolished by the hatred and bombs of the regime, and thus there were no doors left for our keys to open.

In one way or another, this experience helped me realize the chauvinistic approach taken by the Ba'ath Party of the former Iraqi regime against the Kurdish people. As a child, I knew what happened to us was not fair but I did not know how to describe the situation. Eventually, I began writing poetry about our lives. My surroundings gradually taught me why we were there: The Ba'ath Party wanted to eliminate the Kurds.

Back then I only had a little understanding of the meaning and implications of the elimination the government had embarked upon against my people. Only then did I realize the seriousness of the whole situation when my people came under chemical bombardment, deportation, Anfal and

mass executions--developments that urged me to research the subject further. And thus, out of historical and ethical commitment, I wrote numerous short studies and research on the issue of human rights and the rights of the Kurdish individual, including "Kurds, Genocide, Annihilation, and the Stance of International Law." However, early in 1995 after our houses and libraries were looted in the appalling civil war, I lost all of my research and I had to resume my work. I looked for resources here and there.

Undoubtedly, research into the crimes of the former Iraqi president and his henchmen against the people of Kurdistan is the work of many experts and specialists, and documenting facts on these crimes can take hundreds of textbooks and volumes. As far as I am concerned, I have tried to focus on genocide as my subject matter, and I have managed to record some examples of this vicious atrocity against the people of Kurdistan. And thus, I have divided my research into six chapters:

Chapter I: The Phenomenon and Implications of Genocide as an International Crime

Chapter II: Genocide in Its Wider Sense: Patterns of Elimination

Chapter III: The Plan, Methods, and Players of Genocide

Chapter IV: The Trial and Punishment of the Regime: How?

Chapter V: Genocide and the Principles of the Extradition of Criminals

Chapter VI: Nonprescription Rule Applies to the Crime of Genocide Irrespective of the Date of Its Commission

In order to help readers with the subject matter, the index of this book contains references to some international treaties, some unjust resolutions by the former Iraqi regime, a list of Kurdish villages and towns that were gassed, and torture methods used by the former Iraqi regime against Kurdish detainees.

I hope that with this research I have been able to give due respect to the victims and martyrs of my country and advocated for the issue of human rights in general.

Perman Resort

1996

Chapter I

The Phenomenon and
Implications of Genocide
as an International
Crime

Chapter I

The Phenomenon and Implications of Genocide as an International Crime

Before we enter the depth of the subject matter, I believe it is necessary we shed light on the term genocide, its history, and its position among other types of crimes against humanity. For thousands of years throughout the history of mankind, this atrocity has been committed by dictators, aggressors, and criminals. Unfortunately, the history of Kurdish people has had the lion's share of this barbaric act. Genocide may have been considered a phenomenon up to World War II, but later than that it was immediately classified as a crime against humanity through an international agreement signed by more than 100 countries. The agreement outlawed genocide, described what constituted it, and determined punishment for the criminals. Based on that, I have classified Chapter I into four sections.

Section 1
The Origins of Genocide

The classification of massacre and acts of extermination as "genocide" by international legislation took place after World War II. Before this legislation was enacted, some groups of people and nations were denied the very basic right to live and exist, minimum of what is outlined in the 1948 Universal Declaration of Human Rights.

The term genocide was coined in 1944 by a Polish lawyer who was Jewish, Raphael Lemkin (1900-59). He formed the word genocide by combining geno-, the Greek word for race or tribe, with -cide, the Latin word for killing. In other words, genocide means the killing of the human race, mass murder, or human extermination on a large scale.⁽¹⁾ Lemkin had American citizenship and was appointed advisor to the United States Ministry of War following World War II. Despite the fact that he was an expert in the field, his description of genocide as the king of crimes was attributed to the fact that his entire family had been massacred by the Nazis.⁽²⁾

Section 2
How to Differentiate
Genocide Among Other Crimes

Undoubtedly, all universal crimes and felonies are considered offenses against the interests and well-being of the international community. Terrorism, massacres, and racial discrimination are among these kinds of transgressions that international law intends to prohibit in order for peace and stability to be secured for everyone. The pattern and setting of each felony is usually different from the other. Nonetheless, they are still categorized as offenses. Because of their peculiarity, internationally recognized crimes are categorized into four types.

First: Crimes Against Peace

This type of felony includes all kinds of pre-planned and organized assaults by the transgressor to the transgressed State. The assault is conducted in three different phases: media propaganda, planning, and then declaring the offense. Article 2 of the 28 July, 1954, treaty, the UN

Code of Offenses Against the Peace and Security of Mankind, describes this type of felony as follows: “The deployment of media propaganda to pave the way for the aggression and the use of threatening remarks to use force in the assault, organizing armed groups in order to attack a certain region of a State, interference in both the internal and external affairs of another State, and planning and acts of transgression against another country are considered crimes against peace.”⁽³⁾

Per this perception, the former Iraqi regime has committed two aggressive assaults against other States, one being the attack on Iran from 1980 to 1988, for which Iraq was described as the initiator of the war by Javier Perez de Cuellar, the former Secretary-General of the United Nations. The second aggression was the occupation of neighboring Kuwait on 2/8/1990. The resolutions of the International Security Council bear witness to this aggressive act.

Second: Crimes Against Security of Mankind

This type of aggression is defined as all kinds of felonies and crimes that create a situation of fear

and uncertainty among the peoples of the international community without leading to any substantial types of fight between two countries. These felonies include the act of hijacking a plane or international terrorism. Two international agreements have been signed against the first type, one in Tokyo on 14/9/1963, and the second in the International Court of Justice in Lahay, Netherlands, on 16/12/1970.⁽⁴⁾

There have also been several types of legislation within international treaties to prohibit and eliminate acts such as damaging or blowing up public property and trains, kidnapping and murder, and the spreading of diseases all of which fall under terrorism. Legislation against terrorism includes Article 2 of the 1954 UN Code of Offenses Against the Peace and Security of Mankind and the resolution of the UN General Assembly dated 11/12/1970. Additionally, two other treaties were signed against terrorism. One is the Geneva Treaty of 16 November, 1937, and the other is the international agreement on setting up an international criminal court to guarantee that terrorist criminals are brought to justice. Although the last two treaties have not been fully endorsed, the international community has certified this type of aggression as an international crime.⁽⁵⁾

Third: War Crimes

This felony includes all types of deviations and transgressions in a certain war that are in violation of the rules and traditions that regulate combat practices such as inhumane treatment of war victims and prisoners, destroying public property and institutions, kidnapping of women and forcing them to perform disgraceful activities, mistreating people of occupied lands, poisoning water resources, usage of weapons of mass destruction, massacre, looting and robbery, imposing unfair taxes and duties, and/or any other misdemeanor that contravenes war and military regulations.⁽⁶⁾

The following are examples of international treaties and agreements that outline combat regulations to be respected and practiced by countries in war: Geneva Agreement 1864, Lahay Convention 1899 and 1907, Nuremberg and Tokyo Pacts (Article 6, Item 5), Article 2/12 of the UN Code of Offenses Against the Peace and Security of Mankind, and some Geneva Convention articles, including articles 50 of the first pact, 51 of the second, 130 of the third, and 147 of the last.⁽⁷⁾ The former government of Iraq has practiced war crimes in both internal clashes and in its war with Iran and Kuwait.

Fourth: Crimes Against Humanity

This type of felony covers crimes such as genocide, discrimination, racism (apartheid), and general crimes against humanity as per the following:

1. Genocide: Article 2 of the International Convention on the Prevention and Punishment of the Crime of Genocide (9/12/1948) defines genocide as meaning any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

Due to the graveness of this type of felony, the International Military Court considers genocide one of the most serious offenses. Moreover, Article 10 on penalizing criminals of war crimes and offenses against the peace and security of mankind signed in Berlin (20/12/1945) states that no matter how old genocide crimes get, they always remain subject to court examination. This article has been reiterated in other conventions as well.⁽⁸⁾

2. Racial Discrimination: Practices such as discrimination or the feeling of superiority on the basis of gender, race, color, or religious affiliation in order to deny or restrict the political, sociological, and economical rights of a certain group of people is considered racial discrimination.⁽⁹⁾

3. Crimes Against Humanity in General: Examples of this type of crime have been mentioned in the Nuremberg Court Regulations, such as the killing or mistreatment of occupied nations, or oppression or subjugation of people for political, religious, or tribal reasons.⁽¹⁰⁾

Now that we have mentioned the four types of internationally recognized crimes, it is obvious that one of the crimes against humanity is genocide. Despite its being comparable to other kinds of felonies, genocide has its own specific peculiarities that make it stand out among other crimes, for the ultimate goal of genocide is the physical, psychological, and biological elimination of part of or an entire group of people. Crimes against humanity, on the other hand, aim generally at repressing or subjugating people for religious, tribal, and political reasons. While genocide targets an entire group of people, crimes against humanity may aim at an individual representing a certain group of people.

Criminals of genocide are subject to punishment regardless of when (in peace or during war) the crime was committed. Criminals of war crimes, however, are reprimanded during a certain war only.⁽¹¹⁾

Section 3
Examples of Genocide in
History and in the History of the Kurds

Before the international community recognized genocide as a crime and determined disciplinary measures against the criminals of this felony, genocide was always a conspicuous phenomenon in the history of mankind for centuries--even before the birth of Christ. The following are some examples of genocide:

First: The Phenomenon of Genocide in History

In the year 612 B.C., the Babylonians committed a barbaric massacre against the Assyrian community during which a large number of Assyrians were wiped out and the city of Nineveh was completely demolished. The devastation of the city was such that when the Greek military leader Xenophon (427-335 B.C.) passed by Nineveh, he could not tell that the place was once an inhabited city.⁽¹²⁾

In the year 596 B.C., the Chaldean leader Nabu Khuz Nasir (605-562 B.C.) demolished the Israeli city of Yahuda and quenched two revolutions of the Israelis on their own land. In 539 B.C., the Persian leader Kurish I managed to liberate the Jews by destroying Babylon.⁽¹³⁾

On 10/2/1258, the Mongols and Tatars--led by Holako--headed toward Baghdad and committed a mass murder against the men, women, children, elderly, and captives of the city within 40 days. To the attackers, both those who resisted their attack and those who did not were the same, and therefore they were beheaded. As a result, nearly 80,000 inhabitants of Baghdad were eliminated.⁽¹⁴⁾

After the discovery of the American continent in 1492 (which was inhabited by over a million Native Americans, or Indians), large masses of people from Europe immigrated to this newly discovered place. Eventually, the Native Americans ended up as foreigners in their own homeland. Ever since the discovery of the continent, the Native American population has decreased. One wonders if it is possible that they, too, were eliminated in a different way.⁽¹⁵⁾

In the 19th century, Britain committed a gradual-

ly measured form of genocide by spreading opium in China; this had a severely negative impact on the general public of China, particularly the youth. As a result, the Chinese could not defend their country--a dream come true for Britain. And when, in 1939, China banned opium and eliminated its stockpiles in the country, it greatly harmed the interests of Britain. Only three years after the Chinese ban on opium, however, Britain imposed the Nanking Agreement on China, which required that most of the ports of China be opened in the face of British commerce. Eventually, Hong Kong had to give in to Britain and lost the war historically coined the "Opium War."⁽¹⁶⁾

In the early days of August 1914 during World War I, crimes of genocide were conducted against large groups of people, killing millions. On 22/4/1915, during World War I, the Germans used the toxic gas chlorine against France. After the Germans, Britain also used the lethal gas on 25/9/1915.

On 24/4/1915, Sultan Abul Hamid of the Ottoman Empire and the Turkish Youth Organization committed the most brutal form of genocide against the Armenians of the country in order to prevent the breakaway of eastern Armenia from Turkey. Nearly 300,000 Armenians were massa-

cred by Sultan Abdul Hamid, and the Youth Organization eliminated almost 1.5 million of them. Another 800,000 Armenians ended up displaced and dispersed. It is because of this that the Armenian Republic designated this date to mark the genocide committed against Armenians.⁽¹⁷⁾

In 1933, the then ruler of Iraq massacred over 4,000 Assyrians in the Simel area of the current province of Duhok in Iraq's Kurdish north.

During Spain's civil war (1936-39), the country's then dictator Francisco Franco caused the elimination of hundreds of thousands of people, especially in the small town of Jernica, a tragedy that inspired one of Picasso's most renowned paintings. In 1939-45, during World War II, nearly 18 million of the world's population was eliminated--among them were Jews, Russians, Poles, Frenchmen, Dutchmen, Yugoslavs, and others.⁽¹⁸⁾

In 1948, Israel committed a massacre in Deryasin in which 252 individuals were murdered. In 1979, the dictatorial leader of the Central African Republic, Col. Jean-Bedel Bokassa, supervised the mass murder of 100 children.⁽¹⁹⁾

Trokhilos, Shawsisco, Saddam Hussein, Castro,

and Radovan Karavich are among numerous other racist tyrants and dictators who have committed mass murder and massacre against people. Karavich, for example, committed genocide as part of his racial-cleansing program against the peace-loving people of Serbia in the Bosnian Genocide that resulted in the elimination of 40,000 people.

Second: Examples of Genocide in the History of the Kurds

The history of the Kurds and genocide does not begin in 1987-88, which was when the former dictatorial regime of Iraq used chemical weapons against the Kurds. In fact, our encounter with genocide dates back to the time of the Medes, centuries before B.C. Despite the fact that our forefathers and ancestors were actively involved in the development of human civilization and cooperated with other nations, they were repeatedly attacked to be massacred and eliminated because of their quest for legitimate national, cultural, and human rights.

The usage of numerous words similar to genocide (such as elimination, extermination, massacre, mass murder, eradication, purging) in Kurd-

ish history and literature is attributed to the fact that Kurds have been targets of genocide on repeated occasions throughout history.

Kamal Mustafa was named Ataturk at the expense of the Kurds. Ataturk used to be a low-ranking officer in the Ottoman army who began working for the establishment of a new state for Turkey by working against the Ottoman Empire. To win the support of the Kurds, he promised Kurdish leaders that the new Turkish state would grant the Kurds their legitimate rights. Based on this pledge, the Kurds cooperated with Ataturk to bring about the collapse of the Ottoman Empire. However, once the new Turkish state was established, instead of fulfilling his promises to the Kurds, Ataturk entered a coalition with his former enemies to cancel the Treaty of Sevres (which was in favor of the Kurds) and signed the Treaty of Lausanne in 1923 against the Kurds.

In 1925, when Kurdish leader Sheikh Saedi Piran organized a revolution in protest against the new situation of the Kurds in Turkey, his efforts were crushed with an iron fist. After the Kurdish revolution was quenched and its leaders killed, Ataturk forces embarked on a large-scale massacre against the Kurds during which more than 40,000

Kurds were eliminated and hundreds of thousands were forced to leave their homes and scatter outside the borders of the new Turkish state. Moreover, in an effort to wipe out the name "Kurds," Ataturk authorities renamed the Kurdish population "Mountain Turks."⁽²⁰⁾ Additionally, in retaliation for the Kurdish uprising in Dersim that lasted through 1942, Ataturk demolished nearly 90,000 Kurdish villages.⁽²¹⁾

Despite the progress witnessed by the human-rights situation in the present day, the plan to eliminate the Kurds continues. For example, nearly half of the 635 jails and prisons in Turkey are situated in the Kurdish region.⁽²²⁾

Following World War II, a plan by powerful regional States in 1946 led to the demise of the newly established Kurdish Republic of Mahabad in the Iranian part of Kurdistan. Even after the collapse of the Kurdish Republic, the Shah of Iran launched numerous massacres against the Kurds, a plan he inherited from his ancestors who adopted a policy of displacement against the Kurds beginning in the 16th century.⁽²³⁾

In 1979, when the people of Iran rose against the oppressive regime of the Shah, nearly 8 million

Kurds took part in the uprising and made sacrifices. However, once the new governance system was in place, Kurds continued to be victimized and oppressed as they were before. On one occasion, the new rulers executed 59 Kurds by hanging in 1983. Moreover, there are currently 200,000 soldiers and 3,000 military bases within the Kurdish part of Iran that continue with the policy to eliminate the Kurds.⁽²⁴⁾

All the Kurdish revolutions and uprisings that took place inside Iraq have been against the adversarial policies of subsequent Iraqi governments to wipe out the Kurds, such as the revolution of immortal Sheikh Mahmood, that of Barzan in the 1930s and 1940s, the Aylool Revolution of 1961, and the uprising of 1991. The following are further examples of genocide against Kurds.

On 9/6/1963, the Ba'ath Party of Iraq--led by Chief Saddiq Mustafa--committed a brutal massacre in the city of Suleimaniyah where they hanged 360 people on no charges, confirmed by the court, and later buried them on a plane of land called the "Death Plane." Moreover, a total of 131 teachers, students, and other civilians were killed in the city of Qaladdiza on 24/4/1974. In the same year, phosphorus bomb raids by government jets killed 90

innocent people in the Galala and Choman areas and 42 people in Halabja.⁽²⁵⁾

In 1983, 8,000 to 12,000 Barzani Kurds were captured, kidnapped, and taken to an unknown destination. From 1971 to 1980, tens of thousands of Faili Kurds were displaced and kidnapped. In 1987, Malakan village in Hawler was demolished and Chiman village in Kirkuk was brought down with the families in them. In 1988, out of the people who were displaced from Kirkuk, 600 of them were relocated to Rumadi in the south of Iraq where they were executed.⁽²⁶⁾ In the same year, the notorious Anfal Campaign by the former Iraqi regime led to the genocide of 182,000 Kurds.

In 1962, in an effort to eliminate and wipe out the Kurds, the Syrian government conducted a survey of the country's population. The survey excluded the Jazira area. As a result, nationality rights were taken away from all Kurds. Moreover, when the Kurds had to perform their military service, they were used for other purposes.⁽²⁷⁾ In 1963, in another effort to exterminate the Kurds, the Syrian government came up with the "Arab Belt" to bring about a geographical adjustment. The government decided to evacuate Jazira, an area that spanned the entire border with Turkey (15 kilometers wide

and 280 kilometers long). As a result of this evacuation, inhabitants of 332 Kurdish villages were relocated under the pretext that their areas would be turned into orchards and groves. However, following the evacuation, Arab families were imported to the area to settle. The mastermind of this plan was Mohammed Talib Jalal, who used to be a high-ranking military officer in Syrian security in the 1960s. Jalal had written a book entitled "A Study of Jazira Province on Tribal, Social, and Political Levels," in which he expressed concern about the existence of Kurds in the province; he suggested the Kurds be wiped out.⁽²⁸⁾

Section 4
The Recognition of
Genocide as an International Crime

Genocide was not first practiced in World War II. Throughout history, this felony has on many occasions exceeded and infringed upon boundaries in various quantities and qualities, and has resulted in the elimination of millions of people. The banned atomic bomb was used by the United States of America twice, once on 6/8/1945, and the second time on 9/8/1945. These felonies urged countries like Cuba, India, and Panama to

submit a proposal to the UN General Assembly in order for the crime to be condemned and recognized as an international crime.

On 9/11/1946, the UN General Assembly forwarded the proposal to its legal committee for review and study. Eventually, on 11/12/1946, the UN General Assembly issued a resolution that stated: “The International Law recognizes genocide as a universal crime for it denies the existence of people and threatens their lives and it does not conform to the principles and objectives of the United Nations.”⁽²⁹⁾

Following this resolution, the UN General Assembly requested its Council for Social and Economic Affairs to come up with a draft law to ban genocide and determine punishment for the criminals of the felony. The council later came up with the International Convention on the Prevention and Punishment of the Crime of Genocide, which was ratified by the UN General Assembly on 9/12/1948. The resolution was put into effect on 12/1/1951.⁽³⁰⁾

Article 2 of the resolution defines genocide as the following: “Any misdemeanor that intends to eliminate part or the whole of a certain group of

people on the basis of nationality, race, or religious discrimination.” The definition seems to have been influenced by the use of the two atomic bombs. Member countries of the agreement believed that international cooperation was necessary to free mankind from the plague of genocide. Moreover, in order to leave no room for excuses by criminals of genocide, member States have asserted in Article 1 of the agreement that regardless of the fact at what time (during war or in peace) genocide takes place, criminals will be brought to justice.

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1972, pages 696-1139, 1st edition.

16) Kurds in Iraq also commemorate this date, 24/4/194, as "Martyrs' Day" to mark the Iraqi Ba'ath Party's jet attack on the University of Suleimaniyah (which was temporarily re-located to the city of Qaladdiza) that martyred 131 people.

17) International Crimes, "An Analytic and Applied Study," Dr. Hassanin Ibrahim Salih Abid, Dar Al-Nahdha Al-Arabia, Cairo 1979, page 255, 1st edition, margin number 2. Following the occupation of Leningrad city, the deputy commander of Hitler's air force said 20 million to 30 million people starved to death in Russia, an event that he thought was necessary to eliminate certain groups of people. For more information, see pages 98-99 of Dr. Abdulwahab Humid's International Crimes.

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Chapter II

Genocide in Its Wider Sense:
Patterns of Elimination

Chapter II

Genocide in Its Wider Sense: Patterns of Elimination

Genocide is not merely a random act of massacre, but rather a systematic and pre-planned scheme with a willful intention of eliminating a certain group of people. This felony can take varied forms or patterns. To get their objective realized, criminals of genocide have deployed different methods and processes as have been outlined by the International Convention on the Prevention and Punishment of the Crime of Genocide. In this chapter, we will be showing the patterns and methods of genocide deployed by the former Iraqi regime against the Kurds of the country. We will be exemplifying genocidal crimes that took place after the coup d'etat of 1968 and those that followed 1975 and continued until even after the Kurdish national uprising of 1991. Therefore, we will divide Chapter II into five sections.

Section 1
Outright Massacre of People

Massacre is the most serious method of genocide because it is an utter denial of the right to live, one of the essential rights outlined in Article 3 of the Universal Declaration of Human Rights and Item 2 of Article 6 of the International Covenant on Civil and Political Rights. The outright massacre of people via the slaughtering of the people and destruction or demolishing of a village or a city with the people in them (such as the case in Hiroshima, Halabja, Nagasaki, and Jernica), whether people in part or as a whole are killed, in no way makes the felony less serious.⁽¹⁾

On numerous occasions, the former Iraqi regime committed these types of felonies in order to eradicate the Kurds. Because the crimes are so many, it is impossible to record them all here; therefore, we will shed light on the ones that have been most observable.

First: Individual and Mass Execution by Hanging

This crime has been randomly and arbitrarily committed against the innocent people of Kurdistan. These instances of execution were random

and resulted from any form of legal questioning or court proceedings. Except for a few countries that have decided to continue this form of punishment--that is, only for the most serious crimes--most of the countries in the world have abandoned execution by hanging because of its ruthlessness. Nonetheless, starting in 1976 and up to 1987, the former Iraqi regime implemented 29 instances of execution by hanging as a measure against personal opponents of the regime leader, Ba'ath Party interests, and the opposition, including the people of Kurdistan.⁽²⁾ Moreover, underage individuals whose ages were falsified to make them seem older have been the victims of these instances of executions; therefore, this is a violation of both international and local Iraqi laws and regulations. In 1987, Amnesty International documented hundreds of similar cases prompted by fallacious juries with clandestine military personnel as their members. These court proceedings were run in a way that defendants were not allowed to defend themselves, and that the only person entitled to annul the court resolution was Saddam Hussein, the president of the former Iraq regime. The situation later got to a point where Saddam Hussein, as the chairman of the Revolutionary Command Council, issued resolution number 700 on 27/8/1988 that urged immediate execution by hanging

of all opposition party leaders on charges of military retardation and dissipation. Under similar pretexts, the regime conducted mass execution of groups of Kurdish youths in military camps and notorious Ba'ath Party agencies. *(See index for the details of the resolution.)*

On 12/12/1987, the Northern Regulatory Bureau of the Ba'ath Party issued letter number 6806 signed by Ali Hassan Majeed, which requested immediate decapitation of three families with members in the opposition. The executions were immediately implemented. Moreover, the penalty of execution by hanging was also carried out against those who had turned themselves in following a government-issued amnesty dated 6/9/1988.⁽³⁾

The hangings of 100 to 150 persons in the Chiman village of Kirkuk and 23 people in Shaqlawa of Erbil on 11/11/1987 were examples of instances of execution without any court trials. Moreover, on 18/11/1987, 31 members of the Kurdistan Democratic Party of Iraq were hanged following a trial in a military court.⁽⁴⁾ Also, 29 children out of 300 were executed in Suleimaniyah city on 15/1/1987. Moreover, the families of the victims were requested to reimburse the government for costs associated with the execution.⁽⁵⁾

According to a statement by a witness, in the fall of 1986 government authorities shot to death 19 Kurdish teenagers who were blindfolded and handcuffed from behind. Because of the severity of the shootings, the families of the victims were not able to give their loved ones a decent burial; thus, they had to bury them with their clothing on.⁽⁶⁾

Second: Genocide by Poisoning

According to information provided by Amnesty International, in November 1987 the Iraqi regime hired a woman named Narmeen Hawez to poison civilians and members of opposition Kurdish parties using thallium. The poisoning killed or paralyzed 50 people.⁽⁷⁾ Moreover, on 8/6/1988, during the Anfal Campaign of the Badinan area and after masses of Kurds fled to Turkey and Iran, government mercenaries managed to poison bread distributed to Kurds within refugee camps in Turkey, killing nearly 2,000 people.⁽⁸⁾

Third: Jets and Traditional Arms

Civilian-populated areas of Kurdistan were the usual primary targets of air attacks by the former Iraqi regime. In 1974, government jets massacred 131 defenseless civilians in Qaladdiza town of Su-

leimaniyah. Within the same year, the use of banned phosphoric napalm bombs by the regime killed 90 people on the Galala Bridge (Erbil). During a dawn attack in 1987, under the pretext of the Iraq-Iran War, government jets pounded the Zewa refugee camp of Iraqi Kurds, where 350 school children ages 6 through 12 were exterminated.⁽⁹⁾

In 1985, using helicopters, the regime bombarded a number of Kurdish cities that were still under its control, including Hawler (Erbil), Mosul, Zakho, and Suleimaniyah.⁽¹⁰⁾ Additionally, following the uprising of 1991, attacks by the regime against Kurds victimized thousands of people and forced many of them into the unknown.

Despite their being banned, traditional weapons, napalm bombs that inflict huge property and life damage, mines and TNT, phosphoric bombs, and other forms of rockets and artillery were used by the former Iraqi regime in hundreds of cases.

Certain types of these weapons were discussed in the International Conference on Human Rights held in Tehran in 1968. An agreement and three International Protocols have been signed to ban the usage of these kinds of arms because they tend to target and impact defenseless civilians more

than they do members of the two forces at war. Moreover, the deployment of these arms may cause mass murder, and the treatment of a substantial number of the wounded becomes impossible.⁽¹¹⁾ Despite being aware of these prohibitions, the Iraqi regime did not hesitate to use the banned weapons against the people of Kurdistan.

Fourth: Chemical Weapons of Mass Destruction

In yet another systematic and comprehensive plan developed in order to bring the Kurds to an end, the former Iraqi regime embarked on the use of chemical weapons against the Kurds of the country. Thus, Saddam Hussein managed to exceed both the Germans and Britons, who used weapons of mass destruction in World War I, and the Americans, who followed the example in World War II, because while the Americans, Britons, and Germans used the weapons against the people of other States, Saddam Hussein used the weapons against his own people: Iraqi nationals.

The international community long ago criminalized and banned the use of chemical weapons that were mentioned within the St. Petersburg Declaration of 1868 for the first time. The alarming level of damage and the considerable pain that these

weapons caused soldiers and army individuals forced the St. Petersburg Declaration. Nonetheless, Saddam Hussein used it against civilians.⁽¹²⁾ Following the ban by St. Petersburg, articles 23/1 of two conventions of the International Court of Justice in La Haye, Netherlands, (1899 and 1907) banned chemical weapons that were referred to as gases and chemical weapons.⁽¹³⁾ The 1919 Versailles Convention is another agreement that spoke about chemical weapons.

The Geneva Protocol of 1925 also banned the use of toxic, microbus, and chemical weapons. On 17/7/1925, the protocol was ratified by 113 countries, including superpowers, especially after the impact of such arms was noticed in World War I. The usage of chemical weapons by the Germans against the French in World War I killed nearly 100,000 and wounded a million.⁽¹⁴⁾ Following the Geneva Protocol, the Disarmament Conference held in Geneva in 1933 and the resolution of the UN General Assembly of 14/9/1934 reconfirmed the ban of chemical weapons.⁽¹⁵⁾ However, the former Iraqi government hysteria to wipe out and eliminate Kurds prompted the regime to violate international conventions and protocols and overlook all ethical and human obligations. Instead, the regime launched a systematic plan to use

chemical weapons of mass destruction against the Kurds of the country.

In response to the Revolutionary Command Council resolution dated 29/3/1987, the Iraqi regime used mustard gas in Sheikh Wasanan, Balisan Valley (Erbil) on 15/4/1987 for the first time. The attack killed 109 and wounded 380. One member of the former Iraqi regime intelligence who witnessed the chemical attack reported: "The people hurried their wounded to the Republican Hospital in Erbil in private cars. There were more than 380 seriously injured people, most of whom were elderly women and children. After they were hospitalized, the government ordered hospital authorities to stop giving treatment to the wounded and prevent visits from family members. After an overnight stay at the hospital, they were transferred to another building in Erbil where they were jailed for a couple of days before being moved to an unknown location." Another witness close to the jailhouse, however, says they were all buried alive.⁽¹⁶⁾

On 27/5/1987, Malakan village (Rawanduz-Erbil), 85 kilometers into the Iran-Iraq border with a population of 49, came under mustard gas attack by government jets. The attack that target-

ed two other villages as well (Billa and Gindok) killed most of the 49 people. Those who survived the attack with wounds were buried alive.

Halabja city (Suleimaniyah), with a population of between 90,000 and 110,000, was another target of chemical weapons by the former Iraqi regime. On 16/3/1988, the government attacked the city with mustard gas; more than 5,000 people were killed, most of whom were women and children. The attack, which lasted for three consecutive days, had repercussions in the international media and headlined many European newspapers.⁽¹⁸⁾

Were it not for the public, who put pressure on their governments to denounce and condemn the attack, the international community would have turned a blind eye to the tragedy for reasons associated with common political interests with the then government of Iraq. In addition to those killed and injured in the gassing, thousand of civilians from Halabja had to leave their homes and scatter beyond the border with Iran. Despite the fact that the gassing was well publicized in the international media, U.K. and U.S. satellites also recorded the incident. Moreover, leaflets dropped from the air threatening the chemical attack proved the chemical attack.

It is worth mentioning here that the elimination of Kurds served as yet another reminder to the international community regarding the significance of implementing the 1925 Geneva Protocol. However, without any mention of the Kurds, a conference was held in Paris in January 1989 regarding the ban of chemical weapons and the implementation of the Geneva Protocol. It was attended by representatives of 149 countries. At the conclusion of the conference, a statement of six articles was released. Article 3 of the statement read: "Participant countries stress the significance of reaching an immediate agreement to ban the use, the production, and the maintenance of chemical weapons. The agreement should be comprehensive and universal and require countries all over the world to show active commitment."⁽¹⁹⁾

However, another international conference held on 19/9/1989 in Canberra--the capital of Australia--regarding the prohibition of chemical weapons, did mention the name of the Kurds. The then foreign minister of Australia reminded the international community of the victims of the Halabja tragedy.

In response to a request by the then deputy Secretary-General of the UN for Human Rights, Mr. Jan Martins, the International Organization for

Health and Human Rights held a conference in Geneva on 24-27/5/1989 to study and discuss the consequences of biological and chemical weapons on victims. However, the conference did not result in any action regarding the subject.⁽²⁰⁾

Fifth: The Notorious Anfal Campaign

Anfal was another name for genocide that included similar patterns of previously used elimination methods and newer ways of eradication. What the regime committed between 1987 and 1989 against the Kurds was named Anfal. However, the actual Anfal Campaign began with the large-scale assault on Barzani Kurds in 1983, a systematic plan of elimination that had three integral phases. It began with the initial uprooting of the Barzani Kurds from their places of origin followed by forceful resettlement in collective and enclosed camps such as those in Qushtapa, Diana, and Harir. The last phase of Anfal followed a request by Saddam Hussein to his stepbrothers, Barzan Tikriti and Watban Tikriti, to form a unit of special forces from government intelligence to surround and enclose those collective towns where the Barzani Kurds had been held. Thus, on 30/7/1983, government special forces raided these camps and rounded up more than 8,000

Barzani boys and men over the age of 8 (of whom 315 were between 8 and 17), according to eyewitnesses, and relocated them to the south of the country where they disappeared and were never heard from again.⁽²¹⁾

Reports were that all the detainees were initially drained of their blood and then buried en masse on the Iraq-Saudi Arabia border. More tragic than that was the living conditions of women and children left behind in the collective towns. These families were terrorized by repeated instances of transgressions, midnight raids, and break-ins by intelligence members, and they were also frequently deprived of electricity, water, and food supplies. These crimes have been such that one of the renowned Iraqi authors, Kanián Ma-kiya, was quoted as saying he was so affected by the gravity of the crimes that he was embarrassed of having been born in Iraq.⁽²²⁾

After 1987, the former dictator of Iraq and his henchmen began a more serious form of genocide, which they announced as Anfal. Anfal did not begin from nowhere. In fact, it was well thought out and planned ahead of time. A government directive dated 29/3/1987 gave full authorization to Ali Hassan Majeed, better known as

Chemical Ali, to conduct Anfal against the Kurds. The empowerment further allowed Majeed to annul all previous directives that might have hindered the practice of his new powers. *(See index for the text of the directive.)*

Saddam's Anfal scheme had four phases: Anfal I, Anfal II, Anfal III, and the Closing. Geographically, the campaign targeted the entire areas of Iraq's Kurdish region. It was a systematic process that included the destruction and demolition of villages, the looting and gathering of the spoils, the forceful relocation of people, acts of dishonor, and mass murder. The entire process, from 1987 to 1989, resulted in the complete destruction of 1,276 out of 3,839 villages and townships,⁽²³⁾ and the elimination of 180,000 Kurds. Only what the Nazis did or the Serbians did to the Bosnians was as systematic as the Anfal Campaign against the Kurds.

For example, a government-issued directive labeled "private and confidential" uncovered after the 1991 uprising of the Iraqi Kurds against the Iraqi regime describes Anfal as a heroic and successful campaign. It states how 2,532 people and 1,869 families were arrested and transferred to an enclosed camp.⁽²⁴⁾ Meanwhile, when a Kurdish delegation held negotiations with government offi-

cialists in the spring of 1991 to inquire about the fate of the Anfaled Kurds, Ali Hassan Majeed said that the number of Anfal victims did not exceed 100,000, a statement that confirms that 182,000 Kurds did indeed fall victim to the campaign. If the enemy admits only 100,000, then the number must have been even more than 182,000. Moreover, a special human-rights activist in Iraq, Mr. Max Van Der Stoel, has a list of 15,000 to 17,000 victims of Anfal, and he says that 182,000 is a realistic estimate for the number of victims of the notorious Anfal Campaign.⁽²⁵⁾

Additionally, regarding the fate of those who were arrested and detained, a videotaped meeting between Ali Hassan Majeed and a group of military and intelligence commanders dated 26/1/1989 reveals Majeed saying: "The only way to do these people good is to bury them in the ground with bulldozers. If these people have turned themselves in, am I supposed to spare their lives? Where should I place all these people? There are just too many of them. I had to distribute them to divisions working under my supervision so that they could get bulldozers to begin burying these people nonstop."⁽²⁶⁾ Based on these facts, determining the number of Anfal victims as 182,000 may even be an underestimation.

To exemplify, we will look at the Anfal in the Badinan area that began on 25/8/1988, which was just five days after the end of the Iran-Iraq War. Iraq forces that returned from the frontlines against Iran were immediately sent to attack the Kurds of the area. The army was composed of two huge battalions, tens of thousands of soldiers and Kurdish armed mercenaries, tanks and other types of armored vehicles, air and ground artillery of light and heavy types, and chemical weapons.

In those aggressions, dozens of Kurdish villages came under chemical attacks (*see index*). The first attack--occurring at dawn on 25/8/1988--targeted Hees village, which had a population of about 700 people. Those who survived the assault were those who fled the village and made it to the Iraq-Turkey borderline, where they spread the word about the chemical attack and showed their injured bodies to journalists.

The calamity of Gali Baze in the Barwari Bala area is another unforgettable tragedy where the civilians was not able to escape the regime's jets and thus took cover inside caves and grottos of the nearby mountains. On 29/8/1988, at 6:30 a.m., six jets began gassing these trapped people for three continuous hours, a vicious attack that

left nearly 3,000 victims--among them women, children, and the elderly.

As part of supplementary plans and tactics, and after each gassing attack, the regime deployed ground forces and armored vehicles to get to the crime scene to finish up those who were wounded and bury them to secure complete elimination. Gale Baze was yet another place where the regime did this, thus augmenting the damage.⁽²⁷⁾

And so, between 25/8/1988 and 15/9/1988, a total of 448 Kurdish villages were completely demolished within the governorates of Duhok and Mosul.⁽²⁸⁾ The aggressions caused the elimination of thousands of Kurds and the displacement of 100,000 people who took to borderlines areas with neighboring Iran and Turkey.

On 30/8/1988, 20,000 Kurds fled to Turkey where they experienced rigorous living conditions. The refugees suffered from severe cases of diseases such as malaria, cholera, typhoid, diarrhea, swelling of the lungs, and others, as a result of lack of enough clothing, food, and drinking water. Many mothers lost their newly born infants. Only one tent was provided to a group of 20 people; 2,000 blankets and eight drinking-

water pipes were supplied, and there was one doctor for each group of 18,000 refugees.⁽²⁹⁾ The camps were sealed off with wild wire and soldiers. There was a Turkish soldier standing posted every 30 meters, and they had been given full authorization to fire whenever they thought it was necessary. Turkish authorities did their best to prevent individuals from the media and press and aid organizations from seeing the refugees. Turkey took their position for two reasons: First, both Turkey and the Iraqi government shared a common interest in the elimination of the Kurds, and therefore Turkey was trying to cover up for Iraq to maintain their bilateral interests. Second, Turkey did not want those displaced people to be legally recognized as refugees.⁽³⁰⁾ This attitude of Turkey was an outright violation of the Universal Declaration of Human Rights and other relevant treaties such as the International Covenant on Civil and Political Rights (16/12/1966), the International Agreement on the Prevention and Punishment of the Crime of Genocide (9/12/1948), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10/12/1984), Child Rights Declaration (20/11/1959), and the UN General Assembly Declaration About Child and Women Protection in Armed Conflict (3318 D-29 of 14/12/1974).

Sixth: Living Proof of Mass Graves

The existence of mass graves across Kurdistan Region and those uncovered following the 1991 uprising of the Kurds against the former Iraqi regime are living proof of genocide committed by the Iraqi government against the people of Kurdistan. The use of mass graves was yet another method to bring about total eradication of the Kurdish people. There are many examples of uncovered mass graves, and there are more of them to be found.

In Suleimaniyah, for instance, a mass grave containing the corpses of 450 people was uncovered, as was another including the bodies of 370 men, women, and children. Meanwhile, several mass graves containing the bodies of whole families were discovered on the Duhok-Mosul highway. Moreover, during the infamous Anfal Campaign of 1987-89, hundreds of thousands of individuals from the Kurdish tribes of Shabak, Gargar, Ashayar, Sabha, and others in the Mosul governorate were either chased, displaced, or killed. Another mass grave found 4 kilometers from Mosul contained the corpses of 70 individuals. In Erbil, several mass graves containing dozens of bodies were found close to one another on the Erbil-Kirkuk highway. In the township of Shaqlawa of Erbil

governorate, the corpses of 23 people were unearthed. Furthermore, following the 1991 uprising, several mass graves situated on the Erbil-Mosul highway, in the Erbil military camp, and in Rashkeen near Makhmoor were discovered. One of those mass graves held the corpses of 1,500 people, and an additional 100 bodies were uncovered in another. In Kirkuk too, several mass graves that included the corpses of dozens of individuals were discovered close to Laylan. More mass graves were found in the Al-Hurriya and Al-Quds neighborhoods and on the Kirkuk-Suleimaniyah highway. These mass graves contained corpses of hundreds of individuals. Some of those mass graves were dug after the Anfal Campaign and more specifically following the 1991 uprising. That is when the deranged regime tanks and jets caught children, the ill, and the elderly, all of who were unable to catch up with the mass exodus. They were massacred and then buried in mass graves.⁽³¹⁾

Section 2 ***Physical and Psychological Torture***

The practice of bodily and psychological torture by the former Iraq regime was yet another, slower method of genocide against the people of Kur-

distan. The International Agreement on the Prevention and the Punishment of the Crime of Genocide has recognized this type of torture as a crime. Therefore, by practicing this felony, the former Iraqi regime violated the following local and international legislations:

1. Article 22 of the Iraqi Interim Constitution (16/7/1970) states that “to protect the dignity of mankind, it is prohibited to expose them to any form of physical or physiological torture.”

2. The following items of the Iraqi Amended Penal Code (number 111 of 1969):

- a. Article 232: “Any public official or agent who arrests, imprisons, or detains a person in circumstances other than those stipulated by law or subjects detainees to further torture is punishable by a term of imprisonment.”

- b. Article 324: “Any public official or agent who is entrusted with the administration or the supervision of a center, prison, or other institution set aside for the discharging of a penalty or precautionary measure and who admits a person without an order to do so from a competent authority or refrains from implementing an order issued for

the release of such person or for his continued detention following the period prescribed for his custody, detention, or imprisonment is punishable by detention.”

c. Article 333: “Any public official or agent who tortures or orders the torture of an accused, witness, or information in order to compel him to confess to the commission of an offense or to make a statement is punishable by law.”

3. Article 127 of the Iraqi revised Criminal Procedure Code number 23 of 1973 states that the “use of improper methods such as abuse, torture threats, or the use of physiological torture to force the accused to confess or extract confession from the detained is forbidden by law.”

4. Article 5 of the Universal Declaration of Human Rights states that “no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.”

5. Article 7 of International Covenant on Civil and Political Rights states that an “individual’s physical integrity against degrading treatment, execution, torture, and arbitrary arrest should be protected.”

6. Article 2 of the UN Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment resolution number 3452 of 9/12/1975 states that “any act of torture or other cruel, inhuman, or degrading treatment or punishment is an offense to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.” Article 3 of the same declaration states that “no State may permit or tolerate torture or other cruel, inhuman, or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability, or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman, or degrading treatment or punishment.”

7. Article 2/2 of the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment issued in 10/12/1984 and adopted on 26/6/1987 states that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency may be in-

voked as a justification of torture.” Article 2/3 of the same convention states that “an order from a superior officer or a public authority may not be invoked as a justification of torture.”

8. Principle 31 of the UN Standard Minimum Rules for the Treatment of Prisoners of 13/5/1977 states that “corporal punishment, punishment by placement in a dark cell, and all cruel, inhuman, or degrading punishments shall be completely prohibited as punishment for disciplinary offenses.” Principle 31/1 of the same document states that “punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.”

Despite the existence of all those local and international laws that have prohibited the acts of torture, the former Iraqi dictatorial regime continued to subject its detainees to inhumane and cruel methods of torture.⁽³²⁾ Moreover, not only did the regime authorities violate these laws in broad daylight, they also got creative in practicing methods of torment. Undoubtedly, the regime practiced various methods of bodily and physiological torture against its prisoners. Government raids to arrest or detain people were haphazard

and arbitrary, and most of those imprisoned were denied the right to have a lawyer or go through any kind of legal or court proceedings and thus were unable to defend themselves. Moreover, all legal foundations and institutions had already been dominated by members of the Ba'ath Party agencies, including the public and special security units, intelligence, police, and others. The number of detainees in Iraqi prisons had been estimated at 250,000 individuals, of whom the Kurds were the lion's share.⁽³³⁾ Detainees who were executed by hanging had previously been subjected to severe methods of torture such as branding, burning, nail extraction, disfigurement by cutting the nose or removing the eyes, and other barbaric methods. Moreover, as a way to cause physiological pain, and when the families of the victims went to claim the bodies of their dear ones, the government charged them 200 Iraqi dinars per body to reimburse itself for execution expenses or bullet costs.

While Article 9 of the Universal Declaration of Human Rights asserts that no one should be subjected to arbitrary arrest, detention, or exile, the Iraqi regime squeezed thousands of individuals in its prisons and intelligence agency buildings where they were subjected to all kinds of torture.

The arbitrary rounding up of people in government foundations, public places, streets, and alleys who would then be taken to unknown places caused major psychological pain to their families. While principle 92 of the UN Standard Minimum Rules for the Treatment of Prisoners of 13/5/1977 asserts that the accused should be allowed to immediately inform his family of his detention and shall be given reasonable facilities for communicating with his family and friends and for receiving visits from them. Iraqi families were afraid to inquire about the whereabouts of their imprisoned members because they feared if their connection with those detained was known, more of their members would be rounded up. Even if a family dared to inquire about the fate of their detained ones, and that is through the use of connections or bribing regime authorities, the response would have been a mere arrest confirmation of the person questioned and not the release of his whereabouts. This way, the regime practiced a ruthless psychological fight with these families, who would eventually collapse into grief for their members.⁽³⁴⁾

Torture methods used by the former Iraqi regime in its prisons were unprecedented and many prisoners died. Examples of these practices were the

making of holes in the prisoners' hands and feet with nails or electrical drills; breaking of the nose and fingers or toes with hammers; cutting the tongue; filling lungs with hot water; amputating arms or legs with electrical saws; increasing cell temperature to 50 degrees Celsius in the summer; leaving corpses of executed cellmates in prison rooms to terrorize prisoners and cause disease; stripping wives, mothers, and sisters and sexually abusing them before prisoners to prompt confession; smelting prisoners with acid; sexually disabling men; and tying up and hanging imprisoned women even though they were on their periods (*see index*).⁽³⁵⁾ The regime violated and humiliated the dignity of the Kurdish prisoners in such a way that if they did not die from torture, they were made to plead guilty for made-up crimes that were earlier drafted by the regime.

Another dirty tactic the regime adopted toward the gradual elimination of the Kurdish people was the planting of fear and anxiety in the hearts and minds of Kurdish people in the villages and mountainous areas through the use of undercover intelligence and security informants, the police, and the army. This situation emerged particularly following 1976 and after the fiasco of the Aylool Revolution in 1961. These armed agents would--

under different excuses--raid and violate the sanctuary of homes and families unannounced, and without permit would ransack and search all belongings. This was in violation of the Iraqi Interim Constitution, whose Article 22-C stated: It is inadmissible to "Homes have their sanctity. enter or search them except in accordance with the rules of the law." On many occasions, while searching, these agents would drop bullets into family belongings to set them up for accusations such as owning a gun or being in touch with Peshmarga troops in the mountains. Many families were jailed and tortured or taken to the unknown as a result of being set up.

Another method the regime used to terrorize villagers or even accuse them of crimes they did not commit was the murder of any individual or group of people and then the disposal of their bodies near the river or in orchards, or just tossing them on the streets for the public to see. Moreover, to flex their muscles, government authorities would organize and conduct military parades and drills inside these small towns and villages as a measure to terrorize and weaken the faith of the people in their national cause.⁽³⁶⁾

Taymoor Abdulla from the village of Gullajo of

Suleimaniyah was only 12 when he witnessed and experienced the notorious Anfal Campaign in 1988. Although he survived the tragedy, Taymoor lost his parents, sisters, and three of his aunts in the notorious attack. Taymoor's account of the barbaric and brutal attack of Anfal is quite detailed and very touching. He says a large number of government troops assisted by Kurdish armed mercenaries seized their village and rounded up everyone. They lied to the people by telling them that they would be relocated to Kalar. However, they were later transferred to Qorato Military Castle (apparently this military base was used to sort the victims of the Anfal Campaign) where they had to spend 10 days living in harsh conditions. Later on, they were squeezed into 30 to 40 Eva trucks and moved to Tobzawa Prison north of Kirkuk where men, women, elderly, and children were separated from each other in preparation for mass murder. The detainees were kept in the new prison for 30 days before elimination, and were placed in extremely hot prison cells in which they were subjected to both psychological and physical torture. The men, allowed to keep on only their underwear, were later tied to each other to make a long queue and then loaded on to Eva trucks to be killed. Women and children were kept for an additional 10 days

during which their daily food provisions consisted of one piece of bread. After this period, at 6 a.m. one morning, they too were put in locked vehicles (the government used these as mobile prisons) and then taken on a long journey that lasted past midnight. Their final destination was the desert region located in the areas bordering Saudi Arabia where, after being subjected to indescribable torture, they were all buried alive in mass graves. The massacre was committed during the Muslim holy month of Ramadan and in the scorching month of August. The victims were moved in locked, mobile prisons that had one tiny window for ventilation. Crowds of half-dead children and women with ripped-out hair and dresses were squeezed in these prisons without food or water and little oxygen. When they made it to their final destinations where they were met with the death army and Saddam's guards, the detainees were beyond half dead and too weak to resist being buried alive in trenches dug with bulldozers. After being blindfolded, they were placed in large holes (Taymoor had been able to see the holes under the blindfold on his eyes) and martyred en masse. While the bulldozers moved back and forth, and although he was twice wounded, Taymoor managed to see the still-warm corpses of his parents, his sisters (Gelas,

Layla, and Sirwa), and three of his aunts for the last time. He made it to a small nearby ditch where he hid and survived the mass murder to become the eyewitness and tell about the pain and suffering of thousands of Kurdish women, children, and elderly who lost their lives in the barbaric Anfal Campaign.⁽³⁷⁾

Section 3
***Purposefully Subjecting Kurds to Condi-
tions That Resulted in Complete or Partial
Material Destruction***

The former Iraqi regime not only resorted to the use of murder and torture to enact genocide against the Kurds, it also used other direct and indirect methods to slowly but surely achieve total or partial elimination of the Kurdish nation. To further terrorize the Kurds, the government embarked on the implementation of a comprehensive scheme of displacement and forceful relocation of the people in areas outside Kurdish regions. This process stripped people of their homes and belongings, and millions of mines were planted in their lands. Additionally, the deportees were subjected to the experience of extreme and harsh living conditions in collective

and prison-like towns, and were provided with the least of necessities and supplies--a condition that resulted in the spread of various deadly diseases and family/social problems within these locked-up communities.

***First: Forceful Deportation and Relocation
Within Kurdistan and Iraq***

1. Deportation and Displacement of the People of Small Towns and Villages, and the Phenomenon of Prison-Like Collective Towns. Following the treacherous Algeria Agreement (6/3/1975), planned and executed by the regional superpowers to crush the self-defense and resistance of the Kurds, Saddam Hussein exploited the weakened position of the Kurdish revolution and began a comprehensive scheme to displace Kurdish villagers and relocate them in central and southern parts of Iraq. This project was implemented in two phases:

Phase I: The first phase of the forceful relocation targeted Kurdish revolution figures and families who, responding to a government-issued amnesty, returned from exile in Iran after the fiasco of the revolution. Other targets of this phase were people

who were just suspected of having had contact with or participated in the revolution.⁽³⁸⁾

Phase II: The second phase was more random and haphazardly targeted all people indiscriminately.⁽³⁹⁾ In 1976, in the name of a “resettlement” project, the government began evacuating all Kurdish villages located within a parameter of 5 to 10 miles alongside the Iran-Iraq borderline. This plan had also been approved by the Shah of Iran. Due to the position and the conditions of the Kurds back then, it is not clear how many people were displaced as a result of the assault. However, according to what the Iraqi government disclosed in 1978 via “Al-Thawra” newspaper, the regime had been able to relocate 150,000 people within just two months of time.⁽⁴⁰⁾

Meanwhile, a mercenary of the regime named Abdulkarim Barzinji, who served as the governor of Suleimaniyah in the 1980s, confirmed the number to Reuters saying that the government had managed to resettle 150,000 Kurds in the central and southern parts of Iraq after uprooting them from their places of origin.⁽⁴¹⁾ In another statement on the same subject, the mercenary also said that 300,000 people had been moved to another undisclosed location! Reuters described these resettle-

ment areas as remote, dry, and unoccupied planes, heavily guarded and closely monitored by government forces.⁽⁴²⁾ Article 13/1 of the Universal Declaration of Human Rights says that everyone has the right to freedom of movement and residence within the borders of each state. Moreover, Article 12 of the same declaration has prohibited violation of the personal space or family privacy by stating that no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, or to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks. Additionally, Article 12/1 of the UN International Covenant on Civil and Political Rights states that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. This article reconfirms Article 13/1 of the Universal Declaration of Human Rights. Additionally, articles 17/1 and 17/2 of the Universal Declaration of Human Rights reconfirm Article 12/1 of the UN Covenant on Civil and Political Rights of which Iraq was a signatory State and was required to uphold its items.

Even before the displacement scheme began, the former Iraqi regime had already started a physio-

logical fight with the targeted people. Government authorities had made the lives of people extremely difficult and caused many social and administration-related challenges in order to oblige people to accept the resettlement. Examples of these challenges include causing deliberate shortages of medicine and medical supplies in local hospitals where people could die of the simplest wounds or diseases; switching off water and power lines; limiting vehicle movement or other transportation means such as blocking roads to prevent food and other necessities from reaching certain areas; attacks and abuse by members of the regime intelligence and security apparatus on villagers; the closure of mosques (opening them only during prayer times); banning the broadcast or listening to radio stations other than Baghdad Radio as the majority of people listened to other radio stations such as Voice of America, London, Monte Carlo, and revolution broadcasts to stay up to date with the resistance news and the national cause; and severe punishment of those who listened to banned radio stations.

The displacement and deportation of villagers resulted in other, much more serious consequences such as the mining of the evacuated areas to guarantee zero human movement;⁽⁴³⁾ the looting

of personal belongings and properties such as villager's cattle and harvest; the blowing up of houses; the destruction of roads and drying up of water resources; and the confiscation of farming lands and orchards. By doing so, the government violated a number of local and international agreements. For example, Article 16/C of the Iraqi Interim Constitution states that private property is not expropriated except for considerations of public interest and for just compensation in accordance with the law. Moreover, Article 17/A&B of the Universal Declaration of Human Rights states that everyone has the right to own property alone as well as in association with others, and no one shall be arbitrarily deprived of his property. However, the government regularly deprived people of their ownership and property rights, especially those who had family members or relatives within the Kurdish resistance. Sometimes, confiscated properties were auctioned and then sold to Kurdish mercenaries for extraordinary low prices--an effort intended to incite enmity among the Kurds and provoke self-destruction. These policies resulted in the confiscation and consequential destruction of 75% of agricultural lands.⁽⁴⁴⁾ In addition to the destruction of houses in the evacuated areas, the government demolished other public places and institu-

tions such as offices, hospitals, schools, mosques, and churches. By 1987, nearly 2,457 mosques and other religious places and 85 churches and monasteries were completely leveled.⁽⁴⁵⁾ There are no excuses for such criminal acts, and Article 15 of the Iraqi Interim Constitution had already classified these acts as crimes by stating that public ownership and properties of the public sector are inviolable. The State and all the people are responsible for safeguarding, securing, and protecting it.

Any sabotage to it or aggression against it is considered as sabotage and aggression against the entity of the society. More serious offenses were the violation of the sanctity of religion and hurting the feelings of worshippers by acts such as tearing off the pages of the Holy Quran and other sacred religious textbooks at a time where Article 4 of the Iraqi Interim Constitution stated that Islam was the religion of the State!

The geography of resettlement areas was pre-studied and well thought out. These areas were usually located near military camps, artillery warehouses, and other frightening and intimidating foundations of the regime so that they could be controlled and closely monitored the same way large prisons are guarded. Moreover, the

close distance between these collective towns and military bases also helped the regime to terrorize, torture, and execute people whenever they felt like doing so. The resettlement areas were usually barren and dry places where diseases could easily spread. Moreover, people were prohibited from practicing any kind of cultivation or crop-growing in lands that were fertile, lest they benefit from the harvest or use them as a means to escape. These collective towns lacked the minimum of necessities such as water, electricity, transportation, food, medicine, and doctors.⁽⁴⁶⁾ Moreover, movement to and from other cities and towns was strictly limited. Visits by international aid organizations and the press to these locked collective towns were prohibited under the pretext that they were “military sites.” It turns out that the intention of the regime was not only the physical genocide of these people, but also their social and cultural genocide by subjecting them to terror and hunger. Many women and families were subjected to the humiliation of indignation and sexual abuse (*see index*).

Another striking example of abuse of women and the degrading of the dignity of Kurds was the trafficking of Kurdish women from these collective towns where the Anfal Campaign occurred

to other countries such as Kuwait, Saudi Arabia, and other Gulf States. During Iraq's occupation of Kuwait, many of these trafficked women were seen in Kuwait--some of whom escaped and returned to Kurdistan. What can one call the act of a government that sells its own nationals in foreign markets?! Meanwhile, the trafficking of women has been recognized as a universal crime and was strongly condemned by the courts and laws of international states a long time ago. This unmanly act was a blatant violation of the UN General Assembly Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others issued 2/12/1949, which states that human trafficking for the purpose of prostitution is not in conformity with human dignity and endangers the well-being and prosperity of individuals and society. Poverty, harsh living conditions, and lack of necessities in these collective towns obliged many families to remove their children from schools and get them working long and tough hours for a living. On many occasions, these children would stay out late and end up in places that could cause their deviation or even identity loss. This situation was also a direct violation of the Declaration of the Rights of the Child proclaimed by General Assembly resolution number 1386 on 20/11/1959.

The second principle of the agreement particularly stresses the necessity of safeguarding children. The seventh principle reiterates that the child is entitled to receive an education, which shall be free and compulsory, and the ninth principle states that the child shall be protected against all forms of neglect, cruelty, and exploitation. He shall not be the subject of traffic in any form. The 26th principle, meanwhile, states that everyone has the right to an education.

Qushtapa, Basirma, Bainjan, Bakrajo, Diana, Kawrgrosk, Binasilawa, Chamchamal, Kasnazan, Jidida Zab, the exile camps in Najaf, Karbala, and Diwaniya, and the deserts of Rummadi in the south of Iraq bordering Jordan and Saudi Arabia were examples of these prison-like and wild-wired collective towns that the former Iraqi regime created out of the destruction of 3,839 Kurdish villages and townships, the displacement of 219,828 families, the demolition of 271 hospitals, and the mining of 45,000 square kilometers of fertile lands, which were turned barren and infertile. Thus, the regime managed to implement a significant part of its genocide scheme within Iraq. During these displacement campaigns, the regime also issued Revolutionary Command Council resolution number 1725, dated 21/6/

1987, in which it authorized the execution and shooting of anyone seen within evacuated areas. As a result of implementing this resolution, hundreds of innocent and defenseless civilians such as shepherds, farmers, and workers lost their lives. Moreover, herds of cattle spotted from a distance and suspected to be crowds of people were shot to death. In these executions, heavy artillery and air power was used to kill, including helicopters.⁽⁴⁷⁾

2. Big Cities: Displacement, Arabization, and Economic Sanctions. The deportation and displacement campaign the regime implemented against the people of Kurdistan also targeted big cities such as the Kurdish city of Kirkuk. In addition to the fact that the city's Kurdish population was deported, the city was also Arabized through the issuance of unfair resolutions and the import of Arab families (who were brainwashed with racism and chauvinism and were mercenaries of the government). While the imported populace was provided with necessary finances, properties, accommodations, housing, power, and even arms, the position of the Kurdish community of the city was extremely weakened in terms of owning businesses, having properties, and the processing of their paperwork in government

foundations. Moreover, they were not treated even as non-Iraqi Arabs who were entitled to ownership of property and employment within government institutions and foundations. Kurdish employees who were qualified were replaced by imported Arabs, and those who possessed academic degrees were denied any employment opportunities. Arabic became the language in schools, and the curriculum became pro-Arab culture and history. School names, which, following the March 11 agreement, were in Kurdish, were later changed to Arabic names. For example, Kawa was changed to Mua'az Bin Janal; Kurdistan to Abdul Malik Bin Marwan; Zewar to Andalusia; Yanzay Azar to Misloon; Aso Library to Al-Tali'a; and Dara to Al-Uruba.⁽⁴⁸⁾ Undoubtedly, these aggressions against the Kurdish people are considered as a cultural and historical genocide. In 1981, the policies of the former Iraqi regime against the people of Kurdistan became stricter and more stringent with the issuance of Revolutionary Command Council resolution number 1391. The resolution, which included 16 points, talked about the construction of 20,000 housing units in the center and south of Iraq for Kurds to be displaced from their homes and workplaces in Kirkuk (*see index for the text of the resolution*). However, the preoccupation of the re-

gime with the Iran-Iraq War was a hindrance to the complete implementation of the resolution.

In the middle of the 1980s, the regime issued yet another resolution regarding Kurdish cities. The new policy aimed at Arabicizing and emptying them of their Kurdish population via offering financial incentives to Kurdish families in the cities of Suleimaniyah, Duhok, and Erbil to move to central and southern parts of Iraq where they would be assisted in terms of securing ownership of properties. Arab families from the central and southern cities of Iraq were similarly motivated to move to the Kurdish region. The new policy did not apply to cities such as Baghdad and Kirkuk. Moreover, at the height of the Iran-Iraq War, during which just the military costs of Iraq were estimated to be at more than \$10 billion--and particularly from 1985 onward when there were no sanctions on Iraq and when U.S., European countries, and Gulf States (exclusively Kuwait and Saudi Arabia) assisted Iraq in every way possible and overlooked its notorious crimes such as Anfal and chemical bombardments--the Iraqi regime imposed strict economic sanctions on the three Kurdish cities of Erbil, Duhok, and Suleimaniyah in order to further worsen the living conditions of the Kurds and bring about their

gradual elimination. These policies aimed to force people to abandon their national cause and feelings and to work hard for a living instead. This way, the Kurdish people would have to cut their support to Peshmarga troops serving in the resistance so that eventually the resistance would be obliged to give in and compromise. These policies were also a violation of Article 25 of the Universal Declaration of Human Rights, which states that everyone has the right of a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services. Moreover, Article 11/1 of the International Covenant on Economic, Social, and Cultural Rights, proclaimed 3/1/1976 for implementation by signatory States (of which Iraq is a member), reiterates that everyone is entitled to an adequate standard of life for himself and his family, and that needs such as food, clothing, and accommodation should be provided.

Second: Outward Deportation and Displacement, and the Tragedy of the Fails Kurds

Victims of deportation and displacement operations to force Kurds outside Iraq are categorized

into three groups. The first category includes prominent Kurdish figures and their families who were subjected to oppression, torture, confiscation of their properties, and physical and psychological torture, and thus left Iraq to resettle across Euro-pean countries and other world States and experience life in exile. The second group was the 10,000 defenseless and innocent civilians who escaped the genocide campaign and chemical weapons and resorted to the borderline areas with Turkey and Iran as we mentioned earlier in this brief study.

Victims of the third category that we are going to elaborate on were the Faili Kurds, who came under a pre-planned and systematic deportation aggression. Faili Kurds were uprooted from their places of origin and sent away to Iran. Immediately after the Ba'ath Party of the former Iraqi regime came to power in Iraq, it began the displacement of the Faili Kurds. As a result of this operation, more than 70,000 Faili Kurds were deported between 1969 and 1972. However, the more damaging and comprehensive operation against the Faili Kurds began in April 1980⁽⁴⁹⁾ when the government rounded up nearly 120,000 Faili Kurds and put them in groups of mobile prisons that are usually used for suspects. After being subjected to

barbaric treatment and not knowing what their crime was or where they were being taken, they were dumped on the border with Iran and left with no food or water. They were evicted from their own country without being able to defend themselves. Even if these people were accused, they were still innocent until proven guilty as per Article 20/A of the Iraqi penal code, which states that an accused is presumed to be innocent until proven guilty at a legal trial. The same Article (20/B) states that the right of defense is sacred in all stages of proceedings and prosecution. Moreover, Article 11/1 of the Universal Declaration of Human Rights states that everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

Understandably, there was no one to receive or shelter the Faili Kurds after they were dumped on the Iranian border, simply because they were not Iranian nationals or because no one may have been aware of their eviction from Iraq. These families had to walk for long kilometers through the blistering heat of the desert toward a safe haven. Because of lack of food and water, many of the exiled Faili Kurds lost their lives, particularly women, chil-

dren, and the elderly, and were buried on the spot. Moreover, according to classified telegram 2884 dated 10/4/1988 that was issued by the Iraqi Ministry of Interior, border troops were given complete authorization to shoot anyone who attempted to cross the Iraqi border. The telegram ended: “Confirming the directive: Deportees who may try to return to Iraq should be shot to death.”⁽⁵⁰⁾ Even after Iran opened its door for these refugees (which could have been mainly for humanitarian reasons), they were placed in refugee camps provided with the least of services.⁽⁵¹⁾

Per the Iraqi citizenship code and by all standards, the Faili Kurds were Iraqi nationals. They had Iraqi identification documents, their Iraqi identity was confirmed by their kinship as their parents were Iraqis and their birth place as they were all born in Iraq, and most of them had grandparents who were born in Iraq, a fact that reiterates their citizenship based on the national identity of their ancestors. Moreover, they held college degrees and high-ranking employment positions within Iraqi government institutions; they were involved in all kinds of trades and businesses, and had housing and property ownership rights. Were they not Iraqi nationals, they would not have been able to do all of this as the

Iraqi law bestows these rights on Iraqis only. Above all, the Faili Kurds performed their due service within the Iraqi military, a service that most States in the world require in return for national identity. However, the Iraqi government overlooked all legal, humanitarian, and ethical traditions, deprived them of their nationality and their housing and property ownership rights, and took away these documents while they were being displaced.⁽⁵³⁾ Additionally, they broke apart many families by withholding children or youngsters and sending away the rest of the family or detaining just the men or the women.⁽⁵⁴⁾ Apparently, the excuse used by the regime to bring this tragedy on the Faili Kurds was that they were Iranians, and since Iraq was at war with Iran, they were suspected of committing ravage and vandalism against the Iraqi government. However, there is no truth in what the regime claimed to justify its crimes against the Faili Kurds, as deportation operations began in April 1980, which was five months before the Iran-Iraq War started. Moreover, the Iraqi government had also carried out similar operations against the Faili Kurds in 1969-71, and if the Faili Kurds were indeed Iranian nationals, they would not already have had Iraqi identification cards, military service requirements, businesses, and trade.

Meanwhile, on 5/7/1980, two months before the start of the Iran-Iraq War, the Iraqi Revolutionary Command Council issued directive 666 to implement yet another round of its evil plans against the Faili Kurds. The other side of the directive proves the loyalty and faithfulness of the Faili Kurds to the Kurdish national question. It states that because the Faili Kurds opposed the regime's coup d'état of 17 July, 1968, they should be evicted (*see index*). Starting from 1981 through 1989, government operations against the Faili Kurds continued. In other words, these operations were simultaneous with the notorious Anfal Campaign against the Kurds in general. Continued aggressions by the former Iraqi regime that also aimed to interfere into the private lives of the Faili Kurds by causing the annulment of marriages and the breakage of family ties resulted in the displacement of an additional 30,000 people. Government resolution number 474, dated 15/4/1981, promises financial reward for citizens who break their marriage ties with Iranian women (meaning Faili Kurdish women). The other side of the resolution states that if men do not divorce their Iranian wives for the financial compensation, the government will forcefully break the families apart by detaining some and exiling others. This resolution was meant to cause as many exiles to Iran as possible.

Meanwhile, per Item A of Article 42 of the Iraqi Interim Constitution, in its session dated 14/4/1981, the Iraqi Revolutionary Command Council decided the following:

1. An Iraqi man from the military will be compensated with 5,000 Iraqi dinars in return for divorcing his Iranian wife. The compensation for a nonmilitary man is 2,500 Iraqi dinars. The same compensation will be provided if the separation takes place as a result of exiling of the wife.

2. The compensation will be provided only after presenting a formal document certifying the divorce or the separation and after a new marriage certificate with an Iraqi woman is presented.

In just a week after the first resolution, the council issued a classified directive (31/12/2469), dated 22/4/1981, to elaborate the first resolution as per the following: The compensation will be provided only to those who can present marriage certificates dated before the issuance of the first resolution. Once a divorce formally takes place, the Ministry of Justice should notify the Ministry of Interior confirming the occurrence of the divorce so that the divorced woman is sent away.

The man should vouch that he will not marry another Iranian woman again or else he will have to return the compensation to the government.

The former Iraqi regime not only implemented displacement and deportation against the Faili Kurds, but also most of the Faili Kurds who were detained by the government during the deportation operations were either executed, thrown in jails, or were never heard from again. Among these victims were children, women, men, and the elderly. To the present day, the destiny and the whereabouts of 10,000 Faili Kurds remains unknown. On this subject--on 28/2/1992--the Austrian-based Organization of Faili Kurds Human Rights in Iraq submitted a communique to the Secretary-General of the United Nations to request information on the destiny of the several thousands of Faili Kurds. Similar to many other statements regarding tragedies that were submitted to the UN for follow-up but were overlooked, the petition regarding the Faili Kurds was also ignored. Because of its significance and as a reference, we would like to show the full text of the petition regarding the Faili Kurds:

Secretary-General of the United Nations

Dr. Boutros Boutros-Ghali

28/2/1992

Subject: Saving Faili Kurd Prisoners

Greetings,

The Organization of Faili Kurds Human Rights in Iraq that advocates for the rights of the oppressed minority of the Faili Kurds in Iraq confirms that up to the present day there are more than 10,000 Faili Kurds suffering in the jails and prisons of the Iraqi regime. These people were rounded up between 1980 and 1992, and their arrest was based on no legally confirmed charges.

In the meantime, the Baghdad government has disclosed no information whatsoever regarding the fate of these prisoners. Moreover, the relatives and family members of the detainees were deported to exile in Iran, where they are anxiously and patiently waiting to be reunited with their beloved ones.

Therefore, we are calling upon you to kindly intervene immediately and secure the release of the prisoners. ⁽⁵⁵⁾

The communique states that the exiled Faili Kurds were waiting for the return of their arrested members, a fact confirming that the Iraqi regime not only displaced and deported the Faili Kurds but also took members of the minority to unknown locations and forced the breakup of the family, the foundation of the society. The Iraqi regime knowingly and deliberately committed these crimes as another form of genocide. By doing so, the government violated its very constitution of which Article 11 states: "The family is the nucleus of the society. The State secures its protection and support, and provides for its maternal and child care." At the same time, Article 16/3 of the Universal Declaration of Human Rights states: "The family is the natural and fundamental group unit of the society and is entitled to protection by the society and the State." Meanwhile, Article 23/1 of the International Covenant on Civil and Political Rights reiterates that the family is the natural and fundamental group unit of the society and is entitled to protection by the society and the State. What the Iraqi regime committed against the Faili Kurds was a shameless violation of international and local laws. These violations can be categorized as per the following:

1. Deportation: Article 13/1 of the Universal

Declaration of Human Rights states that everyone has the right to freedom of movement and residence within the borders of each State.

2. Arrest and imprisonment without legal trial: Article 9 of the same declaration states that no one shall be subjected to arbitrary arrest, detention, or exile.

3. Torture and punishment: Article 5 of the same declaration reiterates that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Meanwhile, Article 2/1 of the International Covenant on Civil and Political Rights reiterates the above.

4. Property and ownership deprivation: Article 16/C of the Iraqi Interim Constitution states that private property is not expropriated except for considerations of public interest and for compensation in accordance with the law. Meanwhile, Article 17/2 of the Universal Declaration of Human Rights reiterates that no one shall be arbitrarily deprived of his property.

5. The pretext of being non-Iraqi: Fali Kurds were required to and did serve in the military, which is one of the most serious and dangerous responsibil-

ities of a citizen toward his country. Article 31/A of the Iraqi Interim Constitution states that the defense of the homeland is a sacred duty and honor for the citizens; it is conscripted and regulated by the laws. And Article 31/B of the same document states that the armed forces belong to the people and are entrusted with their security, defending their independence, protecting the safety and the integrity of the people and territory.

Thus, the participation of Faili Kurds in the military is a fact that strongly proves their being Iraqis. In addition to that, Faili Kurds were free in terms of ownership and purchasing of property like any other Iraqi citizens. Meanwhile, Article 18 of the Iraqi Interim Constitution says that immobile ownership is prohibited for non-Iraqis, except otherwise mentioned by a law. Apparently, these exceptions were only made for citizens from some Arab States in the Gulf.

6. Deprivation of Iraqi nationality: Article 15/1&2 of the Universal Declaration of Human Rights necessitates the protection of nationality rights by stating:

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of

his nationality nor denied the right to change his nationality.

The Faili Kurds were legal residents of Iraq, and their being Iraqi was based on either kinship through blood or birthplace or even both. And thus, it turns out that the intention of the former Iraqi regime was to eliminate through genocide the people of Kurdistan and attempt to come up with different excuses to justify its acts to the international community.

Section 4 ***Sterilization or Biological Genocide***

In this context, sterilization (another method used by the former Iraqi regime to eliminate the people of Kurdistan via genocide) means the process to halt reproduction of a certain group in order to decrease the number of their members through the practice of a variety of indirect and direct methods, most dangerous of which were the castration of men and removing or disabling the reproductive organs of women. Undoubtedly, to sterilize human beings against their wishes is a major criminal felony (committed for political, national, and social reasons) that endangers the

health and physical well-being of the affected individual, and it has been strongly condemned and prohibited by Article 3 of the Universal Declaration of Human Rights.⁽⁵⁶⁾ This type of crime committed by the former Iraqi regime as part of its plans to commit genocide against the Kurds, which affected tens of thousands of individuals, was nothing new as the phenomenon of sterilization existed decades of centuries back in history, but the Iraqi regime used it more comprehensively and invented new sterilization methods. For example, particularly during the slavery era, ancient nations in the East such as the people of Babylon, Assyrians, Persians, and Egyptians castrated men by removing one or both of their testicles or cutting the vein connecting them. The targeted people of this practice were usually slaves and war captives or their children. Emasculation was also practiced as a form of punishment against individuals accused of treason, robbery, or adultery.⁽⁵⁷⁾ Meanwhile, in the Medieval Ages, the Christians castrated their children to become monks and force devotion to Christianity. However, Islam, which is the state religion of Iraq, has prohibited castration and considers it a form of torture. Prophet Mohammed said: “We castrated that who castrated a slave.”⁽⁵⁸⁾ Castration was also put into practice in the first half of the 20th

century as a form of punishment against criminals and sexually deviant individuals. For example, the Germany of Nazis and Hitler produced legislation on 14/7/1933 to execute all individuals who tried to change or deform the gender of Germans. However, immediately following the defeat of Hitler's forces, the legislation was annulled and called off. Even to the present day, legislation of some countries such as Sweden, Finland, Denmark, and some states in the U.S. and Canada allows sterilization for health reasons.⁽⁵⁹⁾

The direct and indirect methods of sterilization used by the former Iraqi regime against the people of Kurdistan can be classified as per the following:

1. Direct methods: These methods were mostly practiced within the prisons and detention centers--castration of men via the use of drugs; the removal of reproductive sex organs of women such as the embryo; burning or ironing or subjection of sex organs to extreme heat; the use of cigarettes or highly heated metal to brand sex organs of the detainees; the upside-down suspension of naked women on their menstrual periods and shoving boiled eggs in their vaginas to cause the blood to solidify inside or be forced to flow through their mouths (potential causes that can

lead to infertility in women); the tying up of arms and legs of prisoners and placing them near electrical heaters to burn their backs and bellies; tying up prisoners and placing them face down on stands and exposing their sex organs to harmful insects and creatures or sending trained dogs or cats at them (*see index*); the use of sulfuric acid or squeezing the sex organ of men via the use of narrow pipes; the cutting of testicles; the use of infertility drugs via syringes; the injection of male hormones into women and female hormones into men to cause impotency; the removal of testicles using string or cord; and the electrocution of sex organs of men and women (*see index for torture and killing methods*).

Moreover, thousands of Kurdish men from the Barzani tribe who became victims of the notorious Anfal Campaign were drained of their blood and castrated. The regime also deployed fake immunization campaigns to use infertility syringes against Kurdish women and girls by sending medical teams and groups to Kurdish villages and towns under the pretext of confronting common childhood diseases and others. These dreadful plans of the regime continued even after 1991 when Kurdish women were traveling to Baghdad and Mosul where they were stopped at check-

points and made to receive infertility syringes the government claimed were anti-AIDS shots.

2. Psychological methods: The exposure of tortured men and women to psychological tension and anxiety inside both the prisons and collective towns is believed to have had a tremendous negative impact on the reproduction capacity of affected individuals because fear, uncertainty, and anxiety negatively impact the physical and sexual health of people, and it can cause impotency in men and infertility in women. Collective towns were not that much different from the jails and detention centers. Hunger, numerous social problems, fear of arrest, and escape and hiding were the prevalent phenomena inside those collective towns, and could have contributed to short-term or long-term unproductiveness in affected individuals.

3. Environmental pollution: This situation occurred during the Iraq occupation of Kuwait in 1990-91. The pollution resulted from blowing up 900 oil wells, which left serious environmental consequences. The incident caused a rain of toxic gases and carbon acid that contaminated the agricultural lands and pastures of Kurdistan and resulted in the infertility of those lands. Moreover, irrigation channels and water resources were also

affected because the government took no action whatsoever to clean up the litter after the toxic rain. The economic embargo the regime imposed on Kurdistan Region starting in 1991 caused a serious shortage of food and fuel supplies. Shortly afterward, dire need for fuel obliged people to resort to the local forests to cut down trees to use as fuel for heating purposes. The destruction of those forests also contributed to the contamination, as greenery helps the continuance of a clean and healthy environment.

4. Physical health factors: The physical health in terms of organs greatly impacts reproduction in human beings. The deliberate negligence of the regime of this significant fact was another attempt of genocide against the people of Kurdistan. For example, the spread of diseases such as syphilis, cancer, mumps, tuberculosis, and pneumonia can cause the malfunction of the testicles to produce sperm and thus lead to infertility in men.⁽⁶⁰⁾ Due to lack of enough hospitals, doctors, medication, and other necessary medical equipment and appliances in Kurdistan Region, it was not possible to handle the volume of patients in need of dire treatment. The chaotic situation within the “Tuberculosis Hospital” in Erbil was living proof of the medical situation in Kurdistan Region.

5. Wars and their consequences: Wars directly contribute to infertility. In addition to causing damage to family and the social composition, the use of heavy and light arms and explosives in wars cause the spread of poisonous gasses and other harmful agents that can negatively affect the human capacity to reproduce. Directly after imposing itself on the people of Iraq, the former Iraqi regime launched a series of assaults against both its people and the neighboring countries such as the continuous aggression against the people of Kurdistan from 1968-70; the eight-year-long fight with Iran; the occupation of Kuwait in 1991; the use of phosphoric napalm bombs against the Kurds in 1974-75; the experiment of toxic and chemical gasses on the people of Kurdistan in 1988; and the deployment of a variety of bombs, mines, TNT, and other artillery throughout 1974 and until after the mass exodus of the Iraqi Kurds in 1991. The consequences of these wars and the weaponry have more or less impacted the environment and the surroundings and contributed toward infertility.⁽⁶¹⁾ There are certainly many more similar cases that doctors and medical experts can research. I hope that this brief study has been able to pave the way for more comprehensive studies by specialists on the effects of these wars and aggressions on the

health and well-being of the people of Kurdistan.

6. Causing hunger and malnutrition.

Section 5
Child Abuse, Relocation, and
Cultural Genocide

Children are the cornerstone of every nation, and any violation or abuse against them is considered an attempt to threaten and devastate the structure and the composition of the community. The forceful relocation of children to different and unfamiliar environments in terms of language, traditions, and history is considered cultural genocide. The repositioning of children is usually aimed at making the affected children forget their mother tongue and culture and brainwash them with the traditions and ideologies of the new social environment to which they have been transferred. The forceful relocation is a felony on its own, and to subject the children to difficult living conditions and torture makes it a double crime.⁽⁶²⁾ Article 2/A of the Convention on the Prevention and the Punishment of the Crime of Genocide has indirectly referred to cultural genocide. Article 16 of the same agreement, meanwhile, requires signato-

ry States to determine further punishment for criminals of physical genocide against children and elaborate on the wider implications of cultural genocide when necessary. The relocation of Kurdish children to the central and southern parts of Iraq to grow up in socially and culturally unfamiliar environments makes the former Iraqi regime guilty of both physical and cultural genocide against children. Following 1975, when the former Iraqi regime began its large-scale operations to deport and relocate the people of Kurdistan, and until 1978, nearly 150,000 to 300,000 people were relocated to areas bordering Saudi Arabia, Rumadi deserts, and other central and southern parts of the country. Among these victims were thousands of children who, in addition to being exposed to hunger and torture, were placed in schools to learn Arabic language and literature and a twisted and distorted version of Arab history. The objective was to brainwash these children with the ideology of the Ba'ath Party. They were forced to throw away their Kurdish outfits and wear Arab attire (dishdasha), and adjust to life in scorching deserts. Additionally, the Kurdish children who were born there were named with Arabic names. Meanwhile, starting in April 1980 onward, nearly 120,000 Faily Kurds were forced to immigrate to Iran. The government withheld hun-

dreds of infants and children from the Faili Kurds to Arabicize them. Moreover, thousands of youngster and teenage Faili Kurds, whether knowingly or not, completely blended into the Persian culture while living in exile. Again, by committing these offenses, the former Iraqi regime is guilty of two felonies--the first being the cultural genocide, and the second the separating of family members from each other (as discussed earlier in this study). Article 10/1 of the International Covenant on Economic, Social, and Cultural Rights reiterates the significance of safeguarding the family unit as a fundamental and natural part of the society. Moreover, the International Declaration of the Rights of the Child holds the family, the society, and the State equally responsible for safeguarding the child as a minor. Meanwhile, Article 11 of the Iraqi Interim Constitution states that the family is the nucleus of the society and that the State should secure its protection and support.

Displaced children were not the only victims of cultural genocide, as the regime incorporated similar chauvinistic programs even within the curriculum of schools in the Kurdish region as well. For example, the teaching language was changed to Arabic in the schools, and school subjects such as history, geography, and literature

were changed to reflect the ideologies and culture of the Ba'ath Party and the Arab nation in general. A certain subject such as national education was the exact political report of the Ba'ath Party that was imposed on schools to teach to children. Also, curriculum in the primary schools mostly reflected the traditions and the lifestyle of the Arab nation. For example, figures in illustrations were all dressed in Arabic clothing. Additionally, school names were mostly Arabic, such as Hassan Bin Hashim, Um Ayman, Al-Bakir, Al-Idrisi, Muaz Bin Jabal, Qaddisiya, Qahqah, Khalid Bin Waleed, Misloon, and Andulus.⁽⁶³⁾ Part of the first hour in school was always dedicated to the firing of an AK-47 rifle, after which children were made to sing the national anthem of the Ba'ath Party out loud as a group. The regime also distributed to schools thousands of sets of clothes with pictures of palm trees and the map of the Arab homeland and made Kurdish children wear them. Those who refused to wear the outfit would be considered enemies of the regime and would face elimination along with their families. Kurdish children did not have a magazine in their own language; thus, they were obliged to read other child magazines that were issued in the Arabic language such as "Mijalatti" and "Mizmar," which mainly focused on praising Saddam Huss-

ein and the Ba'ath Party. They were made to read stories from "Al-Qadisiya War." Whereas the universal Declaration of the Rights of the Child that consists of a preamble and 10 principles necessitates the protection of children in all circumstances. Principle 8 of the declaration states that the child shall in all circumstances be among the first to receive protection and relief. Moreover, principles 2 and 7 of the same declaration respectively reiterate that the child shall enjoy special protection, and shall be given opportunities and facilities by the law to enable him to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and dignity, and that the child is entitled to receive education, which shall be free and compulsory.

Because of the significance of culture in defining and recognizing nations, the Declaration of the Principles of International Cultural Cooperation of 4/11/1966, in Article 1/1, clearly states that each culture has a dignity and value that must be respected and preserved. Article 1/2 of the same declaration states that every people has the right and the duty to develop its culture. The cultural genocide of children committed by the former Iraqi regime against the people of Kurdistan had

two objectives. The first was the creation of a generation that would be rebellious in nature toward its own people, and the second was to put an end to the authentic culture of the targeted group. Moreover, as we mentioned earlier, in addition to the cultural genocide of children, the regime also committed physical genocide against the Kurdish children through torture, abduction, Anfal, relocation, imprisonment in forceful collective towns, and execution. In its report of March 1989, Amnesty International candidly stated that the brutal treatment of children inside Iraq prisons had become a routine where even children were made to confess purported political accusations against their parents.⁽⁶⁴⁾ Similar to adults, children were also massacred. In 1982, the regime itself blew up Kurdistan High School in Erbil. As a result of the explosion, dozens of high-school students were martyred and wounded. The regime also rounded up students from schools or lined them up inside school courtyards to be executed as a group.⁽⁶⁵⁾ In 1983, when the regime Anfaled the Barzani Kurds, there were 315 children among those who were taken away, a fact that has been documented by Amnesty International. Some of the children include Ihsan Ali Shahab (born 1974) from Barzan who was arrested in Qushtapa at the age of 9; Farhad Yahya

(born 1973) arrested in Harir; Said Salman Haji (born 1972) from Hasnaka, arrested in Qushtapa; Yaseen Mohammed Yasin (born 1971) from Sigiel, arrested in Qushtap; Mala Ali Ibrahim (born 1970) from Pendro, arrested in Diana; Aziz Mirkan Hamid (born 1969) from Kanyadar, arrested in Diana; Farhad Ibrahim Bapir of Kanibot, arrested in Diana at the age of 15; Mawlood Shishar Mawlood (born in 1968) from Bakhshash, arrested at the age of 16; and Sabri Hazim Mahmood (born 1967) from Barsiyavm, arrested in Harir at the age of 17.⁽⁶⁶⁾

From 1980-81 onward, Faili Kurd children faced similar experiences. For example, on 10/4/1983, Malik Baba Asfindar, 16, was arrested on a street in Baghdad. After being handcuffed, he was taken to an unknown location.⁽⁶⁷⁾ In September and October of 1985, the regime security forces in Suleimaniyah city rounded up nearly 300 children aged 10 to 14 on charges that their parents were serving within the resistance front of the Kurdish Peshmarga forces. The detained children were imprisoned and subjected to torture and punishment, a violation of Article 7 of the International Covenant on Civil and Political Rights that has prohibited torture and punishment. Moreover, Article 383 of the Iraqi Penal Code 111 of 1969 of the

very regime says that any person who by himself or through another endangers a child under 15 years of age is punishable by a period of detention not exceeding three years or by a fine not exceeding 300 dinars. However, it seems that for the regime authorities, the penal code was nothing but ink on paper. On 15/1/1987, the Iraqi regime executed 70 children out of the 300 by hanging. Moreover, to psychologically torture and humiliate the parents of the victims, the government authorities requested compensation for costs associated with the execution, which was set at 300 dinars per each person hanged. Due to the high value of Iraqi dinars back in 1987, the 300 dinars was equal to the salaries of four government employees. In August 1988, 353 people were arrested in the Amedi area of Duhok province. Among the detainees were around 52 children aged 11 to 17 who were taken to unknown locations in September of the same year.⁽⁶⁸⁾ Between October 1988 and October 1989, 433 Iraqi children--a large number of whom were believed to have been Faili Kurds--were deported to Iran where they were left on their own. Due to lack of adequate health care, medication, and food in the refugee camps where the children ended up, an outbreak of a variety of diseases such as tuberculosis, malaria, cholera, and skin diseases broke out among the children.⁽⁶⁹⁾ These acts

of the regime against children were in direct violation of all agreements, declarations, constitutions, and legislations--both local and international--which reiterate the necessity of safeguarding children. Additionally, according to the Declaration Children in on the Protection of Women and Emergency and Armed Conflict (14/12/1974), violation of the rights of women and children during conflict is considered a serious crime, and if the violations occur in a non-war situation, the felony is doubled. However, regardless of what the circumstances were, the Iraqi regime continued to implement its plan of genocide against Kurdish children. Article 5 of the same declaration states that all forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.

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- 2) Human Rights, publication of Central Committee for Defending Human Rights in Iraq, report on “Human Rights Violations by the Iraqi Regime in Reports by International Agencies,” issue 1 of December 1988, page 4. Also, “Let Pressure Continue to End Human Rights Violation and Terror in Iraq,” issue 3 of April 1989, page 6.
- 3) Human Rights, “Arab Organization for Human Rights Condemns Human Rights Violations in Iraq,” issue 21 of June 1992, page 11.
- 4) Human Rights, “Amnesty International Documents and Condemns Human Rights Violations in Iraq by the Iraqi Regime,” issue 1 of 1988, page 12.
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- 8) Dr. Green Roberts, “British Testimony,” Magazine for

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9) After a couple of eyewitnesses reconfirmed the reality, this photographic exhibition was put on show in Erbil following the 1991 uprising of the Kurds against the former Iraqi regime.

10) Human Rights, "Let Pressure Continue to End Human Rights Violations and Terror in Iraq," issue 3 of April 1989, page 5.

11) Series of International Human Rights Campaigns, International Humanitarian Laws and Human Rights, Geneva 1992, pages 25-26.

12) Page 21 of previous source. Also, Dr. Hassanin Ibrahim Salih, page 237.

13) Dr. Hassanin Ibrahim Salih, pages 87 and 238.

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15) Dr. Hassanin Ibrahim Salih, page 236.

16) Khabat Newspaper in Arabic, a media organ of the Kurdistan Democratic Party (KDP) in Iraq, issue 785 of 19/4/1996. Also, Kan'an Makiya, Cruelty and Silence, publications of Iraqi Broadcasting Station, Erbil 1996, page 170.

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campaign: Financial Times, Herald Tribune, The Times, Cyprus Haranki, Observer, New York Times, Reuters Agency, France Press, USA Magazine, American Reports. Human Rights published a collection of these articles in its issues 3 and 6-8 in 1989-90.

19) Human Rights, "Conclusion, Use and Storing of Chemical Weapons Is a Gross Violation of Human Rights," issue 3 of April 1989, page 12.

20) Human Rights, "International Organization for Health and Human Rights Activists Exposes Iraqi Regime's Human Rights Violations," issue 5 of 1989, page 13.

21) Kan'an Makiya, Cruelty and Silence, pages 165-166.

22) Previous source, page 167.

23) Previous source, page 172. Also, Human Rights Committee, "Report of Max Van Der Stoel on the Situation of Human Rights in Iraq," 1992, pages 56 and 81.

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25) Human Rights Committee, "Report by Max Van Der Stoel on the Situation of Human Rights in Iraq," 1992, pages 56 and 81.

26) For more information, refer to Kan'an Makiya, Cruelty and Silence, page 173.

27) Committee for Defending Human Rights, "Testimonies Expose Human Rights Violation in Iraq," Damascus 1990, page 23. For further information about this tragedy, read the testimony of eyewitness Ramazan Mohammed, 19, from Mangesh. You will discover that the massacre committed in Gali Baze is nothing less than genocide com-

mitted by the former Iraqi regime in Halabja. Also, read Dr. Green Roberts, "British Testimony," Magazine for Kurdish Studies, issue 4, pages 100-101.

28) Human Rights, issue 2 of February 1989, page 15.

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30) Human Rights, "Testimony of Civilian Hassan Mousa Hassan," issue 12 of December 1990, pages 8-10.

31) Human Rights, "Mass Graves," issue 24 of December 1992, pages 8-9. Also, "The Situation of Human Rights in Iraq in 2003," a report by the U.S. State Department, issue 40 of July 1994, page 13.

32) The president of the former regime openly violates the law. In a televised appearance of 1991, he says: "The law is just a sheet of paper on which we write one or two lines and then sign in the name of Saddam Hussein, the Republican President." For more information, refer to Human Rights, issue 3 of 1989, page 6.

33) Shukri Salih Zakki, "List of Charges Against Saddam Hussein and Iraqi Regime Military Generals," Human Rights, issue 32 of November 1993, page 6.

34) Human Rights, Amnesty International, "Children, the Innocent Victims of Political Repression in Iraq," January 1989, page 5.

35) Shukri Salih Zakki, articles from the previous source, issue 37 of April 1994, pages 6-7, and page 6 of issue 38.

36) I am one of the witnesses of this situation. Following

1975, my family and I suffered from similar experiences that continued through the deportation and displacement operations. To write about this period of time requires a separate book.

37) For more information about the notorious Anfal Campaign, see Dr. Kan'an Makiya, pages 188-210.

38) My family, both as victims and witnesses, experienced arrest, loss of house and properties, imprisonment, and relocation.

39) Same as above.

40) Kan'an Makiya, *Cruelty and Silence*, pages 164-165.

41) Human Rights, "Memorandum to UN Secretary-General on Crimes by Saddam Hussein and Other High-Ranking Iraqi Officials," issue 23 of October 1992, page 7.

42) Human Rights, issue 6 of October 1989, page 8.

43) Mining was a major part of the Iraqi regime's scheme to eliminate the Kurds. Despite the present day de-mining operations by MAG, individual efforts, and the education of people about mines through the means of the media, there are numerous cases of severe injuries, handicap, and death as a result of mine explosions on a daily basis.

44) "Report by Max Van Der Stoel on the Situation of Human Rights in Iraq," 1992, page 79.

45) Previous source, pages 78 and 85.

46) The prison-like camp of Qushtapa had a severe water-supply shortage. Women and children were forced to go to great lengths and long distances to get water in containers such as empty cans. On many occasions, as the people got

close to their homes carrying water, regime armed intelligence agents and soldiers terrorized people by shooting the containers. For more information, see Kan'an Makiya, page 166.

47) Dr. Mahmoud Othman, "Kurds in Iraq," *Kurdish Studies*, issue 4 of 1963, page 62. The regime implemented that resolution as well. *See index for relevant documentation.*

48) Dr. Mohammed Al-Hamawandy, "A Legal Reading of the Notion of Autonomy and Its Application in Iraqi Kurdistan Region," *Kurdish Studies*, issue 3 of 1992, page 28.

49) Abdul-Hussain Sha'ban, "International Law and the Issue of Iraqi Immigrants," *Human Rights*, issue 16 of August 1991, pages 10-11.

50) For exact text of the telegram, see Committee for Defending Human Rights in Iraq, "Resolutions Expose Human Rights Violations in Iraq," February 1993, page 26.

51) Jane Shri, "Forgotten Mass Displacement Campaigns in Iraq (testimonies)," *Human Rights*, issue 25 of 1993, page 19.

52) Dr. Ghalib Ali Al-Dawdy, *Specific International Law, "Citizenship and the Situation of Foreigners within the Iraqi Law,"* Ministry of Higher Education (Iraq), 1981-82, page 25 onward.

53) Committee for Defending Human Rights in Iraq, *Testimonies Expose Human Rights Violations in Iraq*, Damascus 1990, page 7 onward.

54) The name of one of these women was Layla; she was arrested and then released per a government-issued amnes-

ty. Upon her release, she requested government authorities displace her like they did her family. After reviewing Layla's dossier, the regime told her that she could neither relocate nor travel, and that her family was indeed Iraqi but because they were an "unwanted" family, they were deported to Iran. For more information, refer to Human Rights, issue 42 of November 1994, page 6 onward.

55) For the exact text of the memorandum, see Human Rights, issue 24, page 15.

56) Dr. Abdul-Wahab Humid, In-depth Studies on Comparative Criminal Jurisprudence, Kuwait University publications 1983, page 286.

57) Previous source, pages 286-287.

58) Previous source, page 287.

59) Previous source, page 288.

60) Dr. Wasfi Mohammed Ali, The Science and Application of Forensic Medicine, Al-Ma'rif Print House, 5th Edition, 2nd Part, Baghdad 1976, page 66.

61) Sina Aljak, "Do Toxic Gasses From Missiles Have Anything to Do With Fertility Deficiency Among Lebanese?" Al-Sharq Al-Awsat Newspaper, issue 6446 of 22/7/1996.

62) Dr. Hassanin Ibrahim Salih Abid, International Crimes, page 265.

63) Dr. Mohammed Al-Hamawandy, "A Legal Reading of the Notion of Autonomy," Kurdish Studies, issue 3 of 1992, page 28.

64) Human Rights, "A Moment With the Letter of Iraqi President to the International Conference on Child Rights,"

issue 12 of October 1990, pages 2-3.

65) Human Rights, Amnesty International, "Children, the Innocent Victims of Political Repression in Iraq," issue 6 of October 1989, pages 5-6.

66) Human Rights, Amnesty International, "Children, the Innocent Victims of Political Repression in Iraq," issue 7 of October 1989, page 7.

67) Same previous source and same page.

68) Human Rights, "Amnesty International Exposes Human Rights Violations in Iraq," issue 16 of August 1991, page 13.

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Chapter III

The Plan, Methods, and
Players of Genocide

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The Plan, Methods, and Players of Genocide

All deliberate crimes are premeditated and go through three phases toward the achievement of the intended results. The initial phase marks the hidden intents and intentions of the criminal, but there are no actions. Since the initial phase causes no tangible harm or damage, the law has determined no penalties for a crime at this stage.⁽¹⁾ Following the contemplation and determination phase, there comes the more material phase, which is preparation in terms of gathering the tools and necessities needed such as arms.⁽²⁾ The third phase marks the beginning of implementing and executing the crime. Crimes that pass all three phases are classified as “accomplished crimes,” such as the case where an individual is determined to murder another individual and the murder actually takes place and results in a victim. However, if the criminal fails to execute the intended crime for reasons associated with capac-

ity or willpower, this type of crime is called “attempted crime,” such as when an individual is determined to kill another individual but fails to do so because he misses the target or shoots a less serious part of the victim. This is called “unsuccessful crime.” However, in cases where a third person confiscates the weapon and may save the victim, it is called “interrupted crime.” Although attempted crimes may not have the intended criminal result, they are nonetheless classified as crimes for the fact that they have passed the premeditation and preparation phases.⁽³⁾

Meanwhile, paragraph 30 of the Iraqi Penal Code describes attempted crimes as the initiation of an act with the intent to commit a felony or misdemeanor, which is prevented or frustrated for reasons unrelated to the intentions of the offender.

In principle, the criminal is one person called the “principal offender,” but this is not always the case. In many instances, the subject is usually two or more people who knowingly and willingly join forces together to commit a felony or “participatory crime.” Therefore, we can classify the parties to a crime as per the following:

1. Principal offender: A principal offender is the person who plays the major role in committing a

felony. In other words, this is the person who performs an act of misdemeanor that could consist of one single act or more. A principal offender is also any person who participates in the commission of an offense that consists of a number of acts and who willingly carries out one of those acts during the commission of that offense. Look at articles 1/47 and 2 of Iraqi Penal Code 111 of 1969.⁽⁴⁾ In terms of punishment, all participants of a certain crime are treated the same. In other words, they are considered principal offenders equitably. An example of such offenses is when two individuals willingly work together in the act of kidnapping a child; one of them performs the actual kidnapping and the other secures the hideout.⁽⁵⁾

2. The accessory: An accessory is not a person who commits the physical act of a felony, but rather any person who incites another to commit an offense, and that offense is committed on the basis of such incitement.⁽⁶⁾ A person falling under this category usually has a minor role in the commission of the felony. The minor participation (incitement, for example) could occur before or during the execution of a certain crime. Meanwhile, articles 1/48, 2, and 3 of the Iraqi Penal Code consider activities such as incitement, conspiracy, and deliberate assistance to play an ac-

cessory role in the commission of a certain crime.

Based on the above, it can be concluded that the former Iraqi regime of Baghdad premeditated a comprehensive scheme to commit genocide against the people of Kurdistan--particularly from 1975 onward. This enormous crime did not come forward just like that. In fact, it passed through extensive studies and examinations prompted by the chauvinistic ideologies of the government that aimed to exterminate the Kurds and collection of spoils. To achieve the objectives, the regime set aside millions of dollars to obtain huge stockpiles of artillery and weapons of mass destruction. While the majority of offenses committed against the people of Kurdistan were accomplished crimes, only quite a few could be considered attempted felonies. Examples of accomplished crimes include the gassing of Kurdish villages such as Malakan, Goptapa, and Chiman, and the genocide of thousands of Kurds from the Barzani tribe through the notorious Anfal Campaign. Felonies that were considered attempted crimes were, for example, the survival of 12-year-old Taymoor from a crowd of thousands of victims, which was not the will and intention of the regime. Also, the use of phosphoric and napalm bombs in 1974 in places like

Qaladdiz, Zakho, Choman, and Galala, which resulted in the massacre of many and the survival of few, was against the will of the regime that had counted on achieving complete extermination of the population of those targeted areas. However, due to the seriousness of attempted crimes, and in order to prevent and punish such felonies before they actually occurred, according to Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide, an attempted felony in genocide is as punishable as an accomplished felony. The original intention of the head of the former Iraqi regime and his henchmen was to commit complete genocide, but the fact that some victims survived the felonies of massacre, Anfal, and gassing is something that was beyond the control of the regime. Moreover, in terms of the crime of genocide, even those Kurdish villages that were left intact up until 1990 (at the time of the Kuwait invasion) were targets of attempted genocide.⁽⁷⁾ The principal offender and the mastermind of studying, planning, and executing the crime of genocide (mass murder, massacre, demolition, displacement, Anfal, gassing, etc.) against the people of Kurdistan was the head of the former Iraqi regime: Saddam Hussein. This disguised-as-a-human-being monster who had awarded himself five top-ranking

positions such as Republican President in 1979, the head of the Revolutionary Command Council in 1979, Chief Commander of the Armed Forces, Prime Minister, and Secretary-General of the Ba'ath Party Country Leadership, committed numerous genocidal crimes against the people of Kurdistan. In addition to Saddam Hussein, there were also other principal offenders close to him who had major roles in the executions of the crime of genocide:

1) Ali Hassan Al-Majeed (notoriously known as Chemical Ali or Anfal Ali): Secretary of the Revolutionary Command Council and member of the Ba'ath Party Country Leadership (1986), Minister of Defense (1990), Minister of Local Government (1989), Director of General Security (1986-88), Governor of Kuwait (August-October 1990), and Secretary-General of the Northern Regulatory Bureau of the Ba'ath Party (29/3/1987). Al-Majeed had a major role in the issuance of directives and the implementation of all gassing attacks and Anfal campaigns, and for this very reason he was dubbed "Chemical Ali."⁽⁸⁾

2) Barzan Ibrahim Al-Hassan Al-Tikriti: Chief of Iraqi Intelligence Service (1979-1983), undercover Chief of Intelligence in Europe while serving as Iraq's Ambassador, Envoy of the Iraqi Government in the UN Human Rights Committee in Geneva (1989), advisor to the Republican President with a ministerial post (1993). While in the post of Chief of Intelligence, Al-Tikriti supervised the mass murder of the Barzani Kurds in Qushtapa and oversaw the production of poisonous agents in medical colleges for use against regime opponents and enemies.⁽⁹⁾

3) Taha Al-Jazrawi: member of the National and Country Leadership of the Ba'ath Party, member of the Revolutionary Command Council, Deputy Prime Minister, Vice President, Chief Commander of National Army. Being Chief Commander, Al-Jazrawi was responsible for all crimes against humanity committed by the national army against the people in Kurdistan Region. Additionally, Al-Jazrawi designed and implemented numerous mass executions.

4) Sa'adoon Shakir Mahmood: Chief of Interrogation Committee at the notorious Qasir Al-Nihaya prison following the 1968 coup d'etat, member of the Revolutionary Command Council (1977-1990), Secretary-General of the Ba'ath Party Vocational Office, Chief of Intelligence (1973-74), Minister of Interior (1979-1987). Having been close to Saddam Hussein and a member of the Revolutionary Command Council, Mahmood is responsible for all crimes against humanity and genocide the regime committed against the people of Kurdistan, let alone the atrocities of Anfal.⁽¹⁰⁾

5) Hussein Kamil Majeed: a cousin of Saddam Hussein who was given important positions within the government such as Minister of Defense and Chairman of Board of Military Craftsmanship. Majeed developed numerous methods of genocide and implemented many of them. He was later murdered as punishment by the regime dictator.

6) Oday and Qusay: the two sons of Saddam Hussein who personally implemented the murder and massacre of hundreds of people. Qusay was the head of the Private Intelligence Apparatus, and

ordered the execution by hanging of thousands of people without trial.

7) Saddam Kamil Al-Majeed: Al-Majeed held high positions within the Sarokh Legion and the Ministry of Military Craftsmanship. Similar to Hussein Kamil, Majeed was also murdered as punishment by the president of the former Iraqi regime.

8) Izzat Al-Douri: Deputy Commander of Revolutionary Command Council. He was responsible for mass executions by hanging without trial.

9) Mohammed Hamza Al-Zubaidi: Prime Minister for awhile. He was responsible for mass executions by hanging in 1991.

10) Sabhawi Ibrahim: Chief of Security and Intelligence. He supervised parts of many executions without court trial and personally massacred hundreds of people.

11) Lt. Gen. Sabir Al-Douri: Director of General Security and a former Chairman of Military News Agency. Al-Douri took part in the chemi-

cal bombardment of the Kurdish city of Halabja in March 1988.

12) Fadhil Zilfich Mohaimmad Al-Azzawi: member of the Revolutionary Command Council, Iraq's envoy and ambassador. Al-Azzawi succeeded Fadhil Barrak as the Director of General Security, and supervised the arrest and torture of numerous civilians within the prison cells of the intelligence apparatus.

13) Lt. Pilot Hameed Sha'aban Al-Tikriti: Chief Commander of Aviation Artillery.

14) Maj. Gen. Sultan Hashim Ahmed: Deputy Chief of the Iraqi army and Iraq's Minister of Defense.

15) Tariq Aziz: Deputy Prime Minister and a former Minister of Foreign Affairs. Aziz had direct involvement in crimes and felonies orchestrated jointly with Saddam Hussein.

16) Sa'adoon Hammadi: former Prime Minister, member of the Revolutionary Command Council and Ba'ath Party Country Leadership. Hammadi

was involved in directives to execute people without trial.

17) Mohammed Younis Al-Ahmed: member of the Revolutionary Command Council and Secretary of Central Regulatory Office. Al-Ahmed had a major role in executions by hanging and torture.

18) Lt. Gen. Talih Al-Douri: Being the Commander of the Fifth Legion, Al-Douri oversaw massacres in Kurdistan Region during the Iraq-Iran War.

Among other principal offenders of the crimes against the people of Kurdistan are: Hassan Ali Al-Hamiri, who served as a member of the Revolutionary Command Council and a former Minister of Trade; Abdullah Fadhil, who served as a former Minister of Religious Endowments; Hatim Al-Azzawi, who served as director of Saddam's office; Nisaif Jassim, who served as the Minister of Culture; Sabbah Mirza, a companion of Saddam Hussein; Mahir Abdul-Rasheed, a former Commander of the First Legion; Abdul-Rahman Al-Douri, a former Director of General Security; Abid Himood Hameed, Saddam's personal secretary with a ministerial position; Ma-

zhar Munti Al-A'awad, a member of the Revolutionary Command Council; and all other members of the council.⁽¹¹⁾

As mentioned earlier, and because acts such as incitement, stimulation, and cooperation have accessory and major roles in the execution of a felony and genocide, the International Convention on the Prevention and Punishment of the Crime of Genocide has clearly stated that criminal acts such as complicity and conspiracy to commit genocide are as punishable as the crime of genocide itself, as they can stand as independent crimes on their own. Additionally, Article 6/C of the Constitution of the International Military Tribunal states that leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan. Apparently, the major crimes cover all acts that constitute the crime of genocide.⁽¹²⁾ For example, Yolyous Stricher was among 12 people punished by hanging on charges of committing crimes against humanity during World War II. Stricher was charged with crimes against humanity because he incited the massacre of Jews through a weekly publication where he

worked as an editor.⁽¹³⁾ In order to elaborate on acts that have accessory roles in the crime of genocide, we will classify them into three items:

1. Instigation: the act of encouraging and influencing the criminal to commit a certain crime and providing guidance so that the felony takes place exactly as the instigator wishes. Usually, the instigation has a physiological impact such as influencing people through rewards or prizes and intimidation or threats.⁽¹⁴⁾ This form of criminal role is considered an independent felony on its own regardless of whether genocide takes place. Thus, we can consider the president of the former Iraqi regime and his henchmen the “provokers” of genocide and their foundations and agencies the “provoked” or the parties that handled the physical execution of the crimes. For example, at the start of the displacement and relocation operations to evacuate and destroy Kurdish villages and towns (following 1975), the Iraqi regime offered financial incentives to its army to facilitate the operations and made them believe that to cooperate was to protect and serve Arab nationalism. Meanwhile, high-ranking military and Ba’ath Party personnel were financially indulged to enforce the practice

of chauvinistic ideologies within their lines. Moreover, tribal leaders supportive to Saddam's regime were also rewarded with cash and other incentives to resettle in evacuated Kurdish areas and assist with the policy of genocide in Kurdish areas as per the directives and resolutions coming from Revolutionary Command Council. In addition to using the security, military, intelligence, and other Ba'ath Party members to incite and implement genocide, the regime also used its media to prepare and brainwash its followers with its oppressive policies.

2. Conspiracy: This is the process where two or more individuals or parties with similar intentions join forces to commit a certain crime. Conspiracy has a psychological nature too, but it can have verbal or written or even referential manifestations.⁽¹⁶⁾ Similar to incitement, conspiracy too can stand as an independent felony on its own. For example, the unanimous agreement among the members of the Revolutionary Command Council and the issuance of their treacherous resolution on 29/3/1987 to commit genocide against the people of Kurdistan via the use of gassing and the ill-famed Anfal Campaign was a conspiracy. Because of the fact

that even the issuance of the resolution means agreement by the signatories to implement a crime, the agreement is considered a genocidal crime.

3. Collaboration: It is possible that major crimes are difficult to pull off without assistance and cooperation. Thus, the International Convention of Genocide has classified collaboration as an independent felony in terms of punishment. Collaboration means the provision of material or spiritual support to the criminal throughout all the phases of performing a certain felony or paving the way for the crime to be accomplished.⁽¹⁷⁾

Based on that definition, countries that have knowingly and willingly provided the former Iraqi regime with weapons of mass destruction or have provided the raw material needed to produce these arms are subject to punishment as determined by the convention of genocide. Thus, all European and American states and companies that have assisted the former Iraqi regime in the procurement of arms are partly responsible for the genocide committed against the people of Kurdistan since--if not because of their help--the Iraqi regime may not have been able to commit

the crimes. Confirming that, Professor Oban Hendricks, a specialist in toxic agents from Belgium, admits: “Unfortunately, most of the material provided to Iraq was from Western countries. For example, I am aware that my country, Belgium, exported huge amounts of chemicals via the Antwerp and Zeebrugge ports. We very well know that that material ended up in Iraq.”⁽¹⁸⁾

Further in this regard, in one of its editorials dated 26/1/1989, the German-based newspaper “Tag Chaitonge” issued in Berlin states that “Akashat Factory” is one of the biggest factories in Iraq in terms of producing chemical gasses. The major provider to the factory is the American Bechtel Corporation.⁽¹⁹⁾ The paper also mentioned that up until 1982, the American company was managed by George Choltuz, who later became the secretary of the U.S. Department of State. Moreover, the former Soviet Union did not fail in supplying Akashat Factory with 30 personnel, among them engineers, specialists, and technicians to assist with the production of chemical agents. The same editorial also mentions the involvement of companies from other countries such as Italy, Belgium, Switzerland, Austria, France, the former Yugosla-

via, Brazil, Spain, and both Koreas in the provision of raw materials to the former Iraqi regime to arm itself with chemical weapons. Additionally, in one of its published pieces of news dated 31/1/1989, the German magazine "Der Spiegel" reveals the involvement of German factories in the production of chemical and biological warfare for Iraq, such as Sigma Chime and Plato Koln firms.

It is worth mentioning here that Kurdish mercenaries to the former Iraqi regime had an active role in the destruction of Kurdish villages and towns and the disappearance of tens of thousands of civilians as a result of displacement and the Anfal Campaign. Initial aggressions of the regime on the Kurds allowed for the survival of some people as the regime army was not quite familiar with the geography of Kurdistan Region; thus, people were able to escape attacks and seek hideouts. However, the use of Kurdish mercenaries in consequent aggressions for their familiarity with the geography and demography of the target areas left no opportunities for survival. Therefore, these mercenaries are guilty of compliance and collaboration with the regime in the crime of genocide against the people of Kurdistan starting

from the gassing of Sheikh Wasanan in 1987, which left hundreds of civilians severely wounded. Moreover, the fact that hospital doctors refrained from treating the wounded because of fear of retribution from Ba'ath Party officials was a factor that paved the way for regime officials to bury the victims alive in the Rashkeen Military Camp in Erbil.⁽²⁰⁾ This refrainment was also a crime on its own.⁽²¹⁾

References of Chapter III:

- 1) Dr. Ali Hussein Al-Khalaf, Summary of the Analysis of Penal Codes (general theory), Al-Zahraa Print House, 1st edition, Baghdad 1968, page 440.
- 2) Previous source, page 444.
- 3) Previous source, page 450.
- 4) Dr. Abbas Al-Husni (public department), Analysis of the New Iraqi Penal Code, Al-Azhar Print House, Baghdad 1969-1970, page 145.
- 5) Dr. Ali Hussein Al-Khalaf, pages 588-589.
- 6) Previous source, page 639.
- 7) More evidence to support the fact that genocide, whether committed or attempted, is the same in terms of its punishment, is a recorded statement dated 1988 by the representative of the former Iraqi regime, Ali Hassan Al-Majeed, to his associates and mercenaries in which he said that once the Iraq-Iran War was over, he would not leave anyone alive to speak Kurdish. The tape was uncovered during the liberation of Kirkuk (19/3/1991).
- 8) Human Rights, "Crimes Against Humanity," part 7, issue 42, November 1994, page 2.

- 9) Previous source and page.
- 10) Human Rights, "Project to Indict Saddam Hussein and Iraqi Regime Officials," issue 38, May 1994, page 7.
- 11) For a list of all names, refer to Human Rights, issue 38 of March 1994, page 7; issue 39 of June 1994, pages 6-7; and issue 45 of May 1995, page 2. You can also refer to the people, who can serve as the best references.
- 12) Dr. Abdul-Wahab Humid, International Crimes, page 306.
- 13) For the complete list of the 12 people and other relevant information, see the previous source, pages 175 and 216.
- 14) Dr. Ali Hussein Khalaf, page 670.
- 15) Resolution number 83, dated 10/1/1982, issued by the oppressive regime of the Iraqi government is a perfect example of instigation. The content of the resolution promises reward to all military personnel who kill those who try to escape. The promises include promotion, an outstanding prize, and a one-month leave of duty on condition that the corpse of the victim is turned in. See Human Rights, issue 27, June 1993, page 6.
- 16) Dr. Ali Hussein Al-Khalaf, page 677.
- 17) Previous source, page 7683.
- 18) Oben Hendricks, "Halabja Catastrophe," Kurdish Studies, issue 4, 1993, page 96.
- 19) In addition to Akashat Factory, per news circulated within the Kurdish society, there have been numerous other

Iraqi factories supported by American, Russian, and European states such as Samarah Factory, Salman Pack Factory, Beiji Factory, Mosul Chemical Laboratory, and the clandestine Sa'ad "16" Military Factory.

20) In a statement he gave in Erbil regarding the chemical gassing of the Balisan and Sheik Wasanan areas (16/4/1987), a former member of the Iraqi intelligence agency stated: "The wounded--there were about 380 of them, including women, children, and elderly--were transported in a special vehicle to Komari Hospital in Erbil. They were being closely monitored by government-designated guards. Regime officials decided that the wounded should not be treated and all visits to them must be stopped. On the second night, they were moved to another building within Erbil where they were jailed. After spending a couple of days in the new building, they were later moved to an unknown place." According to eyewitnesses, they were moved to a nearby location where they were all buried alive. Also, see Human Rights, issue 37, April 1994, page 2

21) Dr. Ali Hussein Al-Khalaf, page 689 onward.

Chapter IV

The Trial and Punish-
ment of the Regime:
How?

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The Trial and Punishment of the Regime: How?

The Convention on the Prevention and Punishment of the Crime of Genocide is one of the resources for the international legislation that was also ratified by the Iraqi government on 3/3/1958. The convention has not clearly addressed one of the most important issues in terms of the trial and punishment of the criminals.⁽¹⁾ While most of its articles (3, 4, and 5) talk about punishment, the nature of the penalties has not been determined. In Article 1, the convention defines genocide as a criminal act, and apparently the punishment for criminals could range between execution by hanging or life imprisonment. In terms of the trial of criminals, according to Article 6 of the convention, suspects of genocide or other types of felonies as described in Article 3 will be referred to the expert court of the country

where the crime has been committed or to an international tribunal court, provided that relevant parties recognize the credibility of the court. Such a court of the international caliber has not been set up since the enactment of this convention (1951) or immediately after World War II. Meanwhile, there have been hundreds of repeated cases of genocide or other crimes against humanity. Therefore, due to the absence of an international tribunal court for genocide, committers of the crime have always managed to get away with it.⁽²⁾ It would have been only fair if common sense was used to deal with genocide and to recognize it as a crime that threatens the peace and security of nations and degrades the dignity of mankind. Criminals who manage to escape the country where they commit genocide should be chased and arrested and brought to justice no matter where they end up. Therefore, the responsibility of finding and capturing fugitives of genocide rests on the shoulders of the international community that has charged an international police force (Interpol) to facilitate cross-border police cooperation, and to support and assist all organizations, authorities, and services whose missions it is to prevent or combat international

crime.⁽³⁾ Meanwhile, in the 59th round of the UN General Assembly (1955), member countries agreed on finding and capturing criminals of genocide wherever they might be and turning them over to the country in the territory of which the crime was committed for court trial or to other States where they would be brought to justice. However, it is wondered how feasible that would be in reality?!

When we talk about an international tribunal court to deal with genocide, it does not mean that individual countries should let go of their responsibilities and watch the international court do the work for them. In fact, local courts and legislators should exert every effort to bring criminals to justice locally. The international option is only for when local courts run out of options.⁽⁴⁾ The International Security Council issued resolution number 808 dated 22/3/1993 regarding the setup of an international court to specifically address war crimes committed in the former Yugoslavian state in order to try to oust Radovan Karovich and others who were defined as war criminals. Being the first of its kind since World War II, the foundation of this court was a significant step in

warning other criminals or individuals who violate the terms and conditions of the convention on genocide as one of the permanent members of the council stated.⁽⁵⁾ However, the court was temporary and was set up specifically to handle the trial of criminals of Serbia. It was not a universal court either. Moreover, it was set up to handle war crimes only, and did not cover crimes against peace and humanity. For example, war criminals of World War II were brought to justice by courts in Nuremburg, Tokyo, and others.

However, while the most vicious regime was that of Saddam Hussein, his crimes and felonies were deliberately overlooked by the international community. Saddam blatantly violated all international agreements and protocols that ban war crimes and crimes against peace and humanity let alone genocide. Therefore, it is important that the Security Council issues another resolution similar to resolution number 808 to immediately bring to court the regime and its officials. The council already issued resolution 688 in 1992 that designated Mr. Max Van Der Stoel the chair of a UN human rights committee ordered to investigate the conditions of human rights in Iraq.

Mr. Van Der Stoel and his committee have achieved a lot in this regard. Even if it is not just for Iraq, it is imperative that an international tribunal court is set up to address human-rights issues. Any further delay in the foundation of the court will mean more bloodshed and enable more criminals to get away with their criminal acts. This proposed court should be universal and permanent. In other words, it should be an international court whose first duty should be the trial of Saddam Hussein and his henchmen. Unfortunately, it does not seem that world superpowers are serious in terms of creating the recommended court as the International Legislation Committee already laid the foundations for the court and submitted the proposal to the UN Security Council in 1994. Moreover, in order for the potential court to be independent and use its authorities fairly and effectively, Amnesty International has already recommended some guidelines for the court such as that the court should have the absolute authority in terms of selecting issues to handle, how to handle them, and guaranteeing full justice.⁽⁶⁾

Following the occupation of Kuwait on 2/8/1990 and the mass exodus of millions of people from

Kurdistan in April 1991, former UK Prime Minister Margaret Thatcher, while in office, UK Prime Minister John Major, UK Foreign Minister Douglas Hurd, UK Attorney General Lord Shawcross in the Luxemburg trials, and European foreign ministers in Luxemburg requested that Saddam Hussein and his associates be brought to court for trial.⁽⁷⁾ More effectively, former German Chancellor Helmut Kohl revealed the criminal records of Saddam Hussein, which resulted in wide repercussions in the world media. However, at the request of U.S. officials who believed the Iraqi people should overthrow their regime and capture the president, the case was closed again.⁽⁸⁾

It is also possible that the request to try Saddam Hussein was prompted mainly by Saddam's aggression to invade Kuwait and economic interests involved, and not the genocide and massacre of the people of Kurdistan. The evidence is when the U.S. President was informed about the uncertain fate of Kurds in the mass exodus of 1991; he said it was an Iraqi interior issue--implying that Washington did not have the authority to intervene. This is when coalition forces were in the heart of Iraq and it was a situation where the

principle of humanitarian intervention was certainly an option. Nevertheless, was it not for the sympathy and opinion of the world's general public and the European states and their determination to help us, bigger disasters would have had occurred. A relative comparison between documented facts about the crimes of the former Iraqi regime, especially genocide and documentation presented in the Nuremburg Court against World War II war criminals, shows that if the crimes of Saddam Hussein were not more severe than those committed by the criminals of World War II, they were not less serious. For instance, the Nuremburg Trials lasted 11 months and 20 days (20/11/1945 through 1/7/1946). During that period, 96 witnesses testified, 143 written testimonies were read aloud, and a special committee was formed to investigate parties that were accused of crimes. The committee later listened to statements from 101 witnesses and studied 1,809 written testimonies, and it came out with evidence and numerous documentations that were later translated and probed.⁽⁹⁾ The Nuremburg Trial was conducted in 400 sessions during which a total of 15,000 pages of documentation were studied and 22 Nazi leaders were indicted.

More importantly, the documents that prove Saddam Hussein and his associates guilty have credibility as they were issued by the Revolutionary Command Council of the regime and were published in "Facts About Iraq." They are diverse and consist of millions of pages that were uncovered from the repressive offices and foundations of the regime during the 1991 uprising of the Kurds. In addition to these documents, the remnants of 4,000 Kurdish villages, the concentration camps, prisons, the Anfalization of 182,000 victims (of which the names of 17,000 are with Mr. Van Der Stoel), the disappearance of 8,000 Barzani Kurds and their mass murder preceded by displacement and torture, the exiling of more than 200,000 Faili Kurds, chemical bombardments, and executions without trial are living proof to the crimes of the former Iraqi regime against the people of Kurdistan. The documentation of most of these crimes and felonies are preserved by Mr. Van Der Stoel and organizations such as Middle East Watch, Amnesty International, and the Arab and Iraqi Organization for Human Rights. Additionally, mass graves that cover most parts of Kurdistan Region, the testimonies of those who were injured and those who survived Anfal and gassing aggres-

sions, audiotapes and videotapes found in the offices and foundations of the regime, and the recorded statements of Ali Hassan Al-Majeed that palpably mention genocide and the Kurds are among other evidence that can be used to try Saddam Hussein and his associates. Based on that, sessions needed to try criminals of crimes against the Kurds can be much more than those of Nuremberg, and any member of Kurdish society subjected to repression by the Ba'ath Party could be used as a witness to testify.

Nonetheless, after manuals were developed for the International Tribunal Court and resolution number 808 was issued by the UN Security Council to try to punish the Serbians, there is great hope that the International Tribunal Court will actively come forward to address further international war crimes. Once it does so, it will see how creative the former Iraqi regime was in terms of committing genocide and other types of felonies. Thus, this time the International Tribunal Court will be different than that of Nuremberg.

Chapter V

Genocide and the Principles of the Extradition of Criminals

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Are perpetrators of genocide guilty of political or penal crimes?

The principle of turning in criminals is one of the facades of international cooperation in order to put an end to felonies and major crimes. It is a request by a State in the territory of which the crime has been committed to another State to turn in a certain criminal to be tried and punished on the territory where the felonies were committed.⁽¹⁰⁾ This principle was originated by the fact that criminals used to commit a certain crime in a given State, and before they were tried or indicted they would flee to another State where there were no penalties for their charges. And because the authority of a given State cannot trespass its

recognized territories, these criminals used to get away with their criminal acts.⁽¹¹⁾ Apparently, this is not applicable to all crimes or criminals. For example, as far as those who are guilty of political crimes are concerned, they are not to be turned in as per special legislation outlined in the constitution of certain States or terms and conditions of other international agreements and protocols the State--to which the criminals have resorted--has ratified. Regarding genocide, however, the International Convention on the Prevention and Punishment of the Crime of Genocide has already classified this felony as a regular crime regardless of whether it was a political crime. This classification was aimed at preventing the escape of criminals of genocide from being handed over or punished under the pretext of political crimes. For instance, Article 7 of the convention clearly states that contracting parties, of which Iraq is a member, pledge to grant extradition in accordance with their laws and treaties en force.

This principle of no turning in of criminals is also applied in the case where a criminal commits a certain form of genocide within the territories of another State and then returns to his original

country to avoid punishment. This kind of protection (the principle of no turning in of nationals) is based on the concern of States that their nationals will not receive fair judgment in a foreign territory and that nationals are the standing and dignity of a State. However, in respect to the issue of human rights and considering the barbaric nature of the crime of genocide, some States have already done away with this tradition of not turning in nationals, such as the United Kingdom and the United States.⁽¹²⁾ The Italian Republic, on the other hand, in its constitution of 1967, candidly states that the principle of not turning in nationals is not applicable to Italians who have committed genocide.⁽¹³⁾ Therefore, it is imperative that all world States follow the example of Italy, as the crime of genocide is a blatant violation of the dignity of mankind and any effort to shelter criminals of this crime (whether or not it is a citizen of the sheltering State) is a collaboration to the crime of genocide.

Based on that, territories where Saddam Hussein or his regime committed genocide or other types of felonies, or territories that have suffered damages as a result of the commission of these

crimes, are entitled to request the handover of Saddam Hussein and his henchmen so that they can be brought to justice.⁽¹⁴⁾ Moreover, Article 3 of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (26/11/1968) guarantees the commitment of contracting countries to adopt all necessary domestic measures--legislative or otherwise--with a view to making possible the extradition, in accordance with international law, of the persons referred to in Article 2 of this convention as per the following:

- 1) Representatives of the State authority and private individuals who, as principals or accomplices, participate in the crimes.
- 2) Persons who directly or indirectly incite others to commit any of the crimes.
- 3) Persons and individuals who conspire to commit the crimes.
- 4) Representatives of the State authority who tolerate their commission.

Additionally, Article 5 of the General Assembly Principles of International Cooperation in the Detection, Arrest, Extradition, and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity (number 3074 28/D of 3/12/1973) states that persons against whom there is evidence that they have committed war crimes and crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall cooperate on questions of extraditing such persons. Therefore, in respect to the ethics of law and humanity, it is necessary that all countries cooperate in terms of providing relevant documentation and evidence to convict Saddam Hussein and his associates of committing genocide and secure the handover of the criminals to the States or parties that have suffered the damage.

Chapter VI

Nonprescription Rule Applies to the Crime of Genocide Irrespective of the Date of Its Commission

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Nonprescription Rule Applies to the Crime of Genocide Irrespective of the Date of Its Commission

Statutory limitations is not applicable to the crime of genocide.

Prescription means the passage of a certain period of time on the commission of a crime during which no petitions or legal suits are filed against the perpetrator of the crime in question. After the designated period has passed, neither the plaintiff nor the court will have the right to investigate the crime. Moreover, after the passage of a designated time on the date of ruling a certain verdict, the charges would automatically drop off if the verdict is not carried out in time. From this perspective, even if prescription is logical for ordinary felonies, it is absolutely not acceptable for the most appalling crimes against humanity such as geno-

cide or extermination. On the contrary, there should be no time line or expiration for the trial and punishment of perpetrators of such major crimes.

Apparently, the international community came to realize the danger and graveness of the crime of genocide and other crimes against humanity through the criminals of World War II. For example, when Germany dropped the charges against Martin Ludwig Bormann--the first assistant of Hitler who was sentenced to execution by hanging along with several others for crimes against humanity during World War II--under the excuse that 25 years had passed on the implementation of the judgment per the German legislation,⁽¹⁶⁾ the UN General Assembly issued the unprecedented resolution number 2391(23-D) of 26/11/1968 under the name Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. This important move from the UN General Assembly was in response to the seriousness of the crimes and in line with other previous international agreements and declarations on war crimes and crimes against humanity that adopted the policy of nonprescription as well. Article 1/B of the

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity states that statutory limitations is not applicable to the following crimes:

- a) crimes against humanity--whether committed in time of war or in time of peace--as they are defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August, 1945, and confirmed by resolutions 3 (I) of 13 February, 1946, and 95 (I) of 11 December, 1946, of the General Assembly of the United Nations;
- b) eviction by armed attack or occupation and inhuman acts resulting from the policy of apartheid; and
- c) the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts do not constitute a violation of the domestic law of the country in which they were committed.

The most important characteristic of the international principle of no prescription for trial and punishment for genocide and crimes against humanity is that it applies a system of zero exceptions--equality in terms of trying to punish criminals. In other words, while local legislations may

spare criminals such as heads of State, ministers, or policymakers from due punishment or stage superficial trials for them, the international law equally tries all criminals regardless of their ranks or positions. This is because only rulers and tyrants can pull off major crimes. This fact has also been confirmed by Article 4 of the International Convention on the Prevention and Punishment of the Crime of Genocide, which states that persons committing genocide or similar crimes will be punished whether they are constitutionally responsible rulers, public officials, or private individuals, a fact that has been more clearly stated by Article 2 of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. As far as Iraq is concerned, Saddam Hussein and his associates, who maintained the regime and took part in the planning and designing of various forms of genocide against the people of Kurdistan for over 20 years, had the principal role in the implementation of the crimes. Among these guilty parties were members of the Revolutionary Command Council, members of the Ba'ath Party leadership, most of the government ministers, members of both the legislative and executive boards of the autonomous Kurdish region, and officials in the intelligence and the public and

private security apparatus of the regime. Whether these people continue to remain in power or are no longer in their offices, their criminal charges remain intact due to the crime's being of a universal caliber. Additionally, no matter where they end up, they should be found and brought to justice through international cooperation. Meanwhile, according to Article 1 of the General Assembly Declaration on Territorial Asylum issued on 14/12/1967, the right to seek and enjoy asylum should not be granted to any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity. Additionally, Article 7 of the Principles of International Cooperation in the Detection, Arrest, Extradition, and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity dated 3/12/1973 also states that, in accordance with Article 1 of the Declaration on Territorial Asylum of 14 December, 1967, States shall not grant asylum to any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity.

References of Chapters IV, V, VI

- 1) Dr. Hassanin Ibrahim Salih Abid, *International Crimes*, page 269.
- 2) Bayar Sanji, "Let's Move Together Towards the Foundation of an International Tribunal Court," the London-based *Al-Hayat Newspaper*, issue 11906, 27/9/1995.
- 3) Dr. Abdul-Wahab Humid, *In-depth Studies on Comparative Criminal Jurisprudence*, pages 118-119.
- 4) Bayar Sanji, "Let's Move Together Towards the Foundation of an International Tribunal Court," the London-based *Al-Hayat Newspaper*, issue 11906, 27/9/1995.
- 5) Human Rights, "Contributions to Bringing Saddam Hussein and Officials of His Regime to an International Tribunal Court," issue 26, April 1993, page 7.
- 6) Bayar Sanji, "Let's Move Together Towards the Foundation of an International Tribunal Court," the London-based *Al-Hayat Newspaper*, issue 11906, 27/9/1995.
- 7) Human Rights, "Project to Indict Saddam Hussein and Iraqi Regime Officials," part 7, issue 35, February 1994, page 7.
- 8) The people of Kurdistan must have noticed this, especially if they listened to world radios such as VOA, London, and Monte Carlo in April and May of 1991.
- 9) *Al-Insan Magazine*, "Contributions to Bringing Saddam Hussein and Officials of His Regime to an International Tribunal Court," issue 26, April 1993, page 6. Also, see Dr. Abdul-

Wahab Humid, *International Crimes*, pages 150-151.

10) Dr. Hamid Al-Sultan, *General International Legislation in Time of Peace*, Arab Renaissance Establishment, 6th edition, Cairo 1976, page 308.

11) Dr. Ali Hussein Khalaf, *Summary of the Analysis of Penal Codes*, page 232.

12) Previous source, page 204.

13) Dr. Abdul-Wahab Humid, *International Crimes*, page 244.

14) There are certain crimes that, when committed, the human community across the globe is hurt and the security and peace of the world is threatened. Such are the crimes of Saddam Hussein and his henchmen. For example, the trafficking of women, teenagers, and children, and forcing them into degrading and shameful jobs, the restriction on the means of communication, the distribution of drugs, etc. Thus, the responsibility of bringing to justice these perpetrators rests on the shoulders of any State that manages to capture the criminals. For more information about the meanings and implications of the all-inclusive specialty, see *Summary of the Analysis of Penal Codes* of Dr. Abbas Al-Hussni, page 40 onward.

15) The Minister of Justice of the regime, who acted as one of those who covered up the crimes of the dictator, personally confessed the existence of torture within government prisons. Apparently, confession is the king of evidence. Nonetheless, the minister had the excuse that the torture was practiced against individuals (including persons in the line of government) and that it was not intended as a means of extermination. See *Human Rights*, issue 35, 1994, page 4.

16) Dr. Hassanin Ibrahim Salih, page 142.

Conclusion

The presentation of this short study within the framework of some chapters with sections and subsections enables us to conclude the following facts that cannot be argued: The former Iraqi regime and its officials not only failed to bring an end to the people of Kurdistan through the planning and implementing of hideous schemes that aimed to eliminate the physical existence of the Kurds, their language, culture, political ideology, economy, infrastructure, geography, and ethnography. But also their aggressions against the people of Kurdistan helped the reinforcement of the Kurds' faith and confidence in their national cause and legitimate rights, and enabled them to strengthen their position in the course of history, world civilization, and sacred humanitarian values. At the height of the aggressions of the former Iraqi regime that hoped to bring an end to the people of Kurdistan, this authentic nation not only did not give in to the repression, but it also stood up and fought back with the 1991 uprising

and managed to dismiss the regime from a large portion of Kurdistan Region. This indicates that repression cannot wipe out authentic nations; instead, it enables them to be further determined and faithful to their cause. What Saddam Hussein and his associates, who are guilty of committing war crimes and crimes against peace and humanity, did to the people of Kurdistan was unprecedented in history. And when the people of Kurdistan stood up for their rights, the regime had no respect for hundreds of thousands of the victims of genocide and the families and relatives of the martyrs. The total of the 182,000 Anfalized Kurds, the disappearance of 8,000 Barzani Kurds, and tens of thousands of Faili Kurds is equal to the number of the population of many States that enjoy full sovereignty and membership with the UN.

On the other hand, when the Chechens announced the killing of 130 Russians in Chechnya (the Russian count was 350) in early August of 1996, the Russian state announced the official mourning for the victims within an area of 17 million kilometers inside Russian territories and flew its flag at half-staff. In Kuwait, meanwhile, the government dedi-

cated several government offices and foundations to jointly work in order to determine the fate of the 600 Kuwaitis who were taken captive during the Iraq invasion on the country. However, neither the Kurdish Parliament nor the government exerted such efforts to determine the fate of thousands of people who fell victim to the repressive polices of the former Iraqi regime! Additionally, the very International Convention on the Prevention and Punishment of the Crime of Genocide of 1948 has shortcomings not only in terms of determining the penalties and the founding of the permanent international tribunal court, but also in recognizing the creative genocide methods the former Iraqi regime used against the people of Kurdistan--methods that were not practiced in World War II. The weakest point of this convention is that it is not implemented unless there are political interests involved.

Thus, only through peaceful thinking, constitutions, and international human-rights protocols can the rights of all be granted and secured. For unfortunately, the international declarations and agreements--particularly the strongest of them--that world States signed and pledged to adopt, ended up being overlooked due to the changing

climate in the politics of those countries. To support this claim, when the gassing and the Anfal Campaign of the former Iraqi regime against the people of Kurdistan reached its climax and its tragic developments were being picked up by the satellites of both Europe and America, these States turned a blind eye and a deaf ear to the whole situation simply because their then political interests with Baghdad would not allow any kind of intervention. Only did the international community wake up when the former Iraqi regime used chemical weapons of mass destruction against the people of Kurdistan. However, when they finally woke up, it was not for the Kurds. To prove that, a conference held in Paris on 7-11 January, 1989, on chemical warfare made no mention whatsoever of the Kurds even though they were the most recent victims of the weapons. However, following the Gulf War and the Kuwait invasion by Iraq, the balance of the economic and political interests of these countries shifted; that change was not for the Iraqi regime.

Index

In order to cast more light on the subject matter of this study and support its contents, I believe it is necessary to provide references to several international treaties and declarations.

International Treaties

The following are international protocols that I depended on for the writing of this study, such as the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and other international documents.

The International Convention on the Prevention and Punishment of the Crime of Genocide

Adopted by Resolution 260 (3-D) A of the United Nations General Assembly on 9 December 1948.

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (1-D) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world, recognizing that at all periods of history genocide has inflicted great losses on humanity, and being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required,

Hereby agree as hereinafter provided:

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, 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 conditions of life 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.

Article 3

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.

Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6

Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article 10

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article 11

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly. The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations. After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 12

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article 13

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a process-verbal

and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in Article 11. The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession. Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article 14

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force. It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period. Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article 15

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article 16

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article 17

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article 11 of the following:

- (a) Signatures, ratifications and accessions received in accordance with Article 11;
- (b) Notifications received in accordance with Article 12;
- (c) The date upon which the present Convention comes into force in accordance with Article 13;
- (d) Denunciations received in accordance with Article 14;
- (e) The abrogation of the Convention in accordance with Article 15;
- (f) Notifications received in accordance with Article 16.

Article 18

The original of the present Convention shall be deposited in the archives of the United Nations. A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in Article 11.

Article 19

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

Convention on the Non-
Applicability of Statutory Limita-
tions to War Crimes and Crimes
Against Humanity

Preamble

The States Parties to the present Convention

Recalling resolutions of the General Assembly of the United Nations 3 (I) of 13 February 1946 and 170 (2) of 31 October 1947 on the extradition and punishment of war criminals, resolution 95 (1) of 11 December 1946 affirming the principles of international law recognized by the Charter of the International Military Tribunal, Nurnberg, and the judgment of the Tribunal, and resolutions 2184 (21-D) of 12 December 1966 and 2202 (21-D) of 16 December 1966 which expressly condemned as crimes against humanity the violation of the economic and political rights of the indige-

nous population on the one hand and the policies of apartheid on the other, and resolutions of the Economic and Social Council of the United Nations 1074 (39-D) of 28 July 1965 and 1158 (41-D) of 5 August 1966 on the punishment of war criminals and of persons who have committed crimes against humanity, noting that none of the solemn declarations, instruments or conventions relating to the prosecution and punishment of war crimes and crimes against humanity made provision for a period of limitation, considering that war crimes and crimes against humanity are among the gravest crimes in international law, convinced that the effective punishment of war crimes and crimes against humanity is an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of cooperation among peoples and the promotion of international peace and security, noting that the application to war crimes and crimes against humanity of the rules of municipal law relating to the period of limitation for ordinary crimes is a matter of serious concern to world public opinion, since it prevents the prosecution and punishment of persons responsible for those crimes, recognizing that it is necessary and timely to affirm in international law, through this

Convention, the principle that there is no period of limitation for war crimes and crimes against humanity, and to secure its universal application, Have agreed as follows:

Article 1

No statutory limitation shall apply to the following crimes, irrespective of the date of their commission:

(a) War crimes as they are defined in the Charter of the International Military Tribunal, Nurnberg, of 8 August 1945 and confirmed by resolutions 3 (1) of 13 February 1946 and 95 (1) of 11 December 1946 of the General Assembly of the United Nations, particularly the "grave breaches" enumerated in the Geneva Conventions of 12 August 1949 for the protection of war victims;

(b) Crimes against humanity whether committed in time of war or in time of peace as they are defined in the Charter of the International Military Tribunal, Nurnberg, of 8 August 1945 and confirmed by resolutions 3 (1-D) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, eviction by armed attack or occupation and inhuman acts resulting from the policy of apartheid, and the crime

of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts do not constitute a violation of the domestic law of the country in which they were committed.

Article 2

If any of the crimes mentioned in Article I is committed, the provisions of this Convention shall apply to representatives of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the State authority who tolerate their commission.

Article 3

The States Parties to the present Convention undertake to adopt all necessary domestic measures, legislative or otherwise, with a view to making possible the extradition, in accordance with international law, of the persons referred to in Article 2 of this Convention.

Article 4

The States Parties to the present Convention undertake to adopt, in accordance with their respec-

tive constitutional processes, any legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of the crimes referred to in articles 1 and 2 of this Convention and that, where they exist, such limitations shall be abolished.

Article 5

This Convention shall, until 31 December 1969, be open for signature by any State Member of the United Nations or member of any of its specialized agencies or of the International Atomic Energy Agency, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

Article 6

This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 7

This Convention shall be open to accession by any State referred to in Article 5. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 8

1. This Convention shall enter into force on the ninetieth day after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after the date of the deposit of its own instrument of ratification or accession.

Article 9

1. After the expiry of a period of ten years from the date on which this Convention enters into force, a request for the revision of the Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 10

1. This Convention shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention

to all States referred to in article 5.

3. The Secretary-General of the United Nations shall inform all States referred to in Article 5 of the following particulars:

- (a) Signatures of this Convention, and instruments of ratification and accession deposited under articles 5, 6 and 7;
- (b) The date of entry into force of this Convention in accordance with Article 8;
- (c) Communications received under Article 9.

Article 11

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 26 November 1968.

Principles of International Cooperation
in the Detection, Arrest, Extradition
and Punishment of Persons
Guilty of War Crimes and Crimes
Against Humanity

*Issued as per General Assembly resolution
number D (28) 3047, dated 3/12/1973.*

The General Assembly

Recalling its resolutions 2583 (24-D) of 15 December 1969, 2712 (25-D) of 15 December 1970, 2840 (26-D) of 18 December 1971 and 3020(27-D) of 18 December 1972, taking into account the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity, having considered the draft principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of

war crimes and crimes against humanity, declares that the United Nations, in pursuance of the principles and purposes set forth in the Charter concerning the promotion of cooperation between peoples and the maintenance of international peace and security, proclaims the following principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity:

1. War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation, and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment.
2. Every State has the right to try its own nationals for war crimes against humanity.
3. States shall cooperate with each other on a bilateral and multilateral basis with a view to halting and preventing war crimes and crimes against humanity, and shall take the domestic and international measures necessary for that purpose.
4. States shall assist each other in detecting, ar-

resting and bringing to trial persons suspected of having committed such crimes and, if they are found guilty, in punishing them.

5. Persons against whom there is evidence that they have committed war crimes and crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall cooperate on questions of extraditing such persons.

6. States shall cooperate with each other in the collection of information and evidence which would help to bring to trial the persons indicated in paragraph 5 above and shall exchange such information.

7. In accordance with Article 1 of the Declaration on Territorial Asylum of 14 December 1967, States shall not grant asylum to any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity.

8. States shall not take any legislative or other measures which may be prejudicial to the inter-

national obligations they have assumed in regard to the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

9. In cooperating with a view to the detection, arrest and extradition of persons against whom there is evidence that they have committed war crimes and crimes against humanity and, if found guilty, their punishment, States shall act in conformity with the provisions of the Charter of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

Names of Kurdish areas and villages that were under attack from chemical weapons of mass destruction by the former Iraqi regime in August 1988 within a time line of five days only:

Name of village/area	Date of attack
1. Warmile/Barwari Bala/Amedi	25/8/1988
2. Babire/Barwari Bala/Amedi	25/8/1988
3. Karakra/Barwari Bala/Amedi	25/8/1988
4. Jaqala/Barwari Bala/Amedi	25/8/1988
5. Hesse/Barwari Bala/Amedi	25/8/1988
6. Ekmala/Barwari Bala/Amedi	25/8/1988
7. Asse/Barwari Bala/Amedi	25/8/1988
8. Moska/Barwari Bala/Amedi	25/8/1988
9. Toshambeek/Barwari Bala/Amedi	25/8/1988
10. Baze/Barwari Bala/Amedi	25/8/1988
11. Merga Chiya/Barwari Bala/Amedi	25/8/1988
12. Kani Ballav/Barwari Bala/Amedi	25/8/1988
13. Ekmala/Bare Gara/Amedi	25/8/1988
14. Gizze/Bare Gara/Amedi	25/8/1988
15. Balite/Bare Gara/Amedi	25/8/1988
16. Bawarka Kavri/Bare Gara/Amedi	25/8/1988
17. Girka/Bare Gara/Amedi	25/8/1988

18. Gofling/Bare Gara/Amedi	25/8/1988
19. Reediniya/Bare Gara/Amedi	25/8/1988
20. Sarkis/Bare Gara/Amedi	25/8/1988
21. Zewka/Bare Gara/Amedi	25/8/1988
22. Sherana/Bare Gara/Amedi	25/8/1988
23. Sware/Barwari Zheri/Amedi	25/8/1988
24. Spindare/Barwari Zheri/Amedi	25/8/1988
25. Kaniya Baska/Amedi	25/8/1988
26. Navooki/Amedi	25/8/1988
27. Bemna Nish/Amedi	25/8/1988
28. Bresa/Akre	25/8/1988
29. Jazgira/Akre	25/8/1988
30. Jam Jali/Akre	25/8/1988
31. Jam Shirte/Akre	25/8/1988
32. Jam Rabatke/Akre	25/8/1988
33. Merooki/Akre	25/8/1988
34. Bilmbas/Akre	25/8/1988
35. Twika/Zakho	25/8/1988
36. Balijan/Zakho	25/8/1988
37. Zirhawa/Zalho	25/8/1988
38. Bourjin/Duhok	25/8/1988
39. Dakalashen/Duhok	25/8/1988
40. Zinava/Duhok	25/8/1988

41. Dabange/Duhok	25/8/1988
42. Barozh area/Barzan/Erbil	25/8/1988
43. Mizuri Bala area/Erbil	25/8/1988
44. Hiran and Nazanin/Shaqlawawa/Erbil	25/8/1988
45. Khate/Rawanduz	25/8/1988
46. Warte/Rawanduz	25/8/1988
47. Sare Amedi/Amedi	27/8/1988
48. Sber/Amedi	26/8/1988
49. Sina/Amedi	26/8/1988
50. Nerwa/Amedi	26/8/1988
51. Kharkool/Amedi	26/8/1988
52. Kocharzga Kharab/Amedi	26/8/1988
53. Zewa/Amedi	26/8/1988
54. Bajee/Amedi	26/8/1988
55. Kani/Amedi	26/8/1988
56. Darkani/Amedi	26/8/1988
57. Sere/Amedi	26/8/1988
58. Skere/Amedi	26/8/1988
59. Sarkal/Amedi	26/8/1988
60. Mirstak/Amedi	26/8/1988
61. Surroundings of Amedi	26/8/1988
62. Chiya Rashk/Amedi	26/8/1988
63. Rosheen area/Mizuri/Erbil	28/8/1988

64. Shiftti/Nerwa and Rekan	28/8/1988
65. Hetot/Nerwa and Rekan	28/8/1988
66. Kaniya Bing/Nerwa and Rekan	28/8/1988
67. Bashi/Nerwa and Rekan	28/8/1988
68. Sarne/Nerwa and Rekan	28/8/1988
69. Ara/Nerwa and Rekan	28/8/1988
70. Karw/Nerwa and Rekan	28/8/1988
71. Bawanki/Nerwa and Rekan	28/8/1988
72. Zewa/Nerwa and Rekan	28/8/1988
73. Gali Kutki/Nerwa and Rekan	28/8/1988
74. Bazi/Barwari Bala	29/8/1988
75. Banka/Barwari Bala	29/8/1988

Directives and Edicts of the Iraqi Former Regime Revolu- tionary Command Council and Other Regime Foundations

The following are some directives and edicts by the former Iraqi regime that aimed to exterminate the Kurdish people. The orders to destroy, kill, and massacre outlined in the directives were carried out to the fullest, and in many instances caused much more damage than what the content of the edicts initially ordered. For example, directive number 1203 dated 12/11/1983 is worded to be only against government opponents and deserters. However, when the directive was implemented, it targeted much more than opponents and deserters. This and many other similar directives led to the killing and execution of hundreds and thousands of Kurdish youths. Due to the direct relevancy of these decrees to the subject matter of this study, I would like to publish them here as references.

Resolution

In its session on 29/3/1987, the Revolutionary Command Council decided on the following:

First: Party Compatriot Ali Hassan Al-Majeed, member of both the Regional Leadership of the Socialist Ba'ath Party and Revolutionary Command Council, is assigned official of the entire northern parts of Iraq, including the autonomous Kurdish region, in order to secure orderliness, peace, and security, and enforce autonomy in the area.

Second: Compatriot Member of the Regional Leadership has been granted absolute authorization to issue obligatory directives to all civil, security, and military foundations of the State, particularly powers bestowed on the Council for National Security and Northern Affairs Bureau in the north.

Third: The following parties shall, from now on, be tied to and should report directly to the Compatriot Member of the Regional Leadership:

- (1) Executive Council of Autonomous Kurdistan Region.

(2) Governors of provinces and heads of administrative units of the Ministry of Interior Governance.

(3) Intelligence agencies, local security forces, and military intelligence.

Fourth: Military leaders in the area are required to adhere to all orders of the Compatriot Member of Regional Leadership in all issues and matters.

Fifth: Until further notice, this resolution is effective from the date it is issued. The resolution will only be annulled if there is a further directive the points of which contradict with those in the current resolution.

Saddam Hussein
Chairman of the Revolutionary
Command Council

مجلس الوزراء
الجمهورية العربية السورية
دمشق 2019

مجلس الوزراء

في إطار حرصنا على تعزيز وتطوير قطاع التعليم العالي والبحث العلمي، وبناء على توجيهات السيد الرئيس، وبالتعاون مع وزارة التعليم العالي والبحث العلمي، تم إعداد الخطة الاستراتيجية للقطاع التعليمي، والتي تهدف إلى تحقيق الأهداف التالية:

- 1- تعزيز وتطوير البنية التحتية للقطاع التعليمي.
- 2- تحسين جودة التعليم والبحث العلمي.
- 3- تعزيز التعاون الدولي في المجال التعليمي.
- 4- تطوير المخرجات العلمية والبحثية.
- 5- تعزيز الابتكار والريادة في القطاع التعليمي.

الخطة الاستراتيجية للقطاع التعليمي هي الوثيقة التي توضح رؤية ورسالة وأهداف القطاع التعليمي، وتحدد السياسات والمبادئ العامة التي يجب اتباعها في تنفيذ هذه الخطة.

نأمل من السيد الرئيس ومجلس الوزراء اتخاذ الإجراء اللازم لتنفيذ الخطة الاستراتيجية للقطاع التعليمي، وذلك من أجل تحقيق أهدافنا ومبتدئنا.

السيد الأستاذ الدكتور /
عبدالمجيد النوري
وزير التعليم العالي والبحث العلمي

Directorate of General Security

Date: 11/5/1987

Subject: Demolition of House

Today the destruction of the houses of the following felons was completed and their belongings were confiscated:

- a. The house of perpetrator Hoshyar Goron Ahmed in Rizgari quarter situated near the house of the governor. The belongings in the house were transferred to the warehouse of the local administration.
- b. The house of perpetrator Bahaddin Marouf Mihiyaddin in Daroogha quarter. The belongings in the house were transferred to the warehouse of the local administration.
- c. The house of perpetrator Jabbar Mohammed Qadir in Malkandi quarter. The belongings in the house were transferred to the warehouse of the local administration.
- d. The belongings in the house of perpetrator Jaza Mohammed Salih Faraj were confiscated

and transferred. The house is the property of the government and will be returned to the Tobacco Factory.

We also took possession of belongings in the house of perpetrator Taha Haji Hassan Nabi who, along with his family, was deported on 4/4/1987. The perpetrator had rented the house to a traffic police.

For your information.

Sincerely,

Major in Security



**Republic Presidency
Secretary
Directorate of General Security
To: Erbil Security/SH 1
Date: 3/6/1988
Number: 3360
Subject: Information**

Per telegram number 1345 dated 2/6/1988 from Koya Security Officer, we have received the following information:

Perpetrator Aisha has been arrested by Erbil Security. The arrested is the mother of perpetrator Mohammed Halaq, an agent of Communist Party in Koya sector. The information we have indicates that Halaq has a major role in the activities of the so-called party and frequently visits Smaquli areas. Moreover, he is the tying knot between the vandals and their supporters both locally and amongst the governorates of Erbil, Suleimaniyah, and Baghdad. He collects ransom from families in return for securing the release of their kidnapped members.

For your information.

**Sincerely,
Security Colonel
District Security Chief**

مكتبة
جامعة
البحرين
البحرين



سنة ١٤٣٨ هـ
٢٠١٦ م

مكتبة
البحرين
البحرين

١- مكتبة تميم بن صالح - اسكندرية

٢- تميم بن ميمون بن بشار

تم تكميل سرور بندي ٥٠٥٧ ق ١٦/١٨٨٨
تم اشغال الرتب ٥٥ - ٥٦ منه ٥٥
التي هي ملك البرية مانتة تار يونس اللقبه بنت
علي بن ابي طالب بن جرحوت الازم فان تاملت
بنته بقرية ابيات وكانت بقرية ٣ الاله البرية
العهده - وروضا على بنوع الاله الكعب التميمية
(تمتيد ميمون بن بشار) وقد اختلف استواء العصور
التي كانت التميمية والقرية العفرية الهمية ٨٤٨٨
كانت سنة ١٨٨٨/١٨٨٨ ق ١٦ - ق ١٦
التي هي ملك البرية مانتة تار يونس اللقبه بنت
علي بن ابي طالب بن جرحوت الازم فان تاملت
بنته بقرية ابيات وكانت بقرية ٣ الاله البرية
العهده - وروضا على بنوع الاله الكعب التميمية
(تمتيد ميمون بن بشار) وقد اختلف استواء العصور
التي كانت التميمية والقرية العفرية الهمية ٨٤٨٨
كانت سنة ١٨٨٨/١٨٨٨ ق ١٦ - ق ١٦

Directorate of General Security
Directorate of Erbil Security
Number: Sh1
Date: 8/8/1988
To: Northern Regulatory Bureau-Secretariat
Subject: Public Ruling

Reference to your urgent and classified telegram number 2057 dated 16/8/1988, we informed Compatriot Jabbar of the arrest of perpetrator Aisha (nicknamed Aisha Gule) who is the mother of Communist member Mohammed Halaq, whose daughter had kidnapped a student named "Iman" who had been left at the house of the so-called mother overnight.

After we presented the option of implementing public ruling for the case, Compatriot Jabbar gave his consent and pledged to report to the execution site. However, due to the impulsive situation preceding 8/8/1988 and concerns about a potential uproar by the Communists to protest the execution, the penalty was carried out clandestinely.

For your information.

Brigadier General
Chief of Directorate of Erbil Security

الجمهورية العربية السورية
التعليمية
لوزارة الأوقاف
مديرة أورشليم



سنة ١٩٥٦

عدد الأوراق ١٥٩
الرقم ١٠١ / ١٩٥٦
من ١١١٠ / ١٩٥٦

المراسلة من أورشليم التعليمية

في أورشليم التعليمية

تمثل العلم حشدنا بيننا وبين الله ورسوله صلى الله عليه وآله وسلم
والتعليم نيلنا من العلم والجاه والرفعة والهدى والهدى والهدى
والهدى والهدى والهدى ..

هذا الأمر

من السيد مدير أورشليم التعليمية

١٠١ / ١٩٥٦

الأمانة

١- قاعة الاجتماعات - مبنى الأمانة

٢- على السجل - مبنى الأمانة

**Republic Presidency
Secretariat
Directorate of General Security
Directorate of Erbil Security
Number: Sh.S/15101
Date: 22/10/1989**

Private and Classified

**To: Erbil Teaching Hospital
Subject: Sending Corpses of Vandals**

We are sending you the dead bodies of two vandals whose names are listed below. You are kindly requested to receive the corpses and issue death certificates for them. After the death certificates are issued, inform the Directorate of Erbil Municipality for the burial of the bodies so that they can get back to us on this.

**Security Colonel
Chief of Directorate of Erbil Security**

The names:

- 1. Qanih Ibrahim Ahmed Muhyaddin**
- 2. Ali Ismail Peerdawood**

Resolution

Resolution number: 114

Date: 28/2/1990

Per paragraphs of item A of Article 42 of the Constitution, the Revolutionary Command Council decided on the following:

First: The confiscation of the houses and their re-registration as the property of the Ministry of Finance:

Serial number/Name	Location of house
1. Ali Hayder Aziz	Sector 4/Erbil governorate
2. Ahmed Aziz Rasoul	Sector 4/Erbil governorate
3. Hashim Said Saeed	Sector 3, house #182/Erbil governorate
4. Fattah Qadir	Sector 5, house #135/Erbil governorate
5. Sleman Abdullah Alyas	Sector 5/24/Erbil governorate

Second: Relevant ministers and parties are required to implement the items mentioned in the resolution.

Saddam Hussein
Chairman of Revolutionary
Command Council

التي أعدت جامعة امير الشعراء في ٢٠٢٠
 وأسماها جامعة الامراء التي صدرت لقرار



المجلد الثاني لسنة ٢٠٢١ في ٢٢٢١
 بولطير الثانية ٢٠٢١ في ٢٠٢١

- ٢١. بامسيرة الكلية ٢٠٢١ من ليليسم ٢٢٢١ في ١١٤٢/٢٢/٢١ مناه التخصيصة
 مناه من امراء امير الشعراء والمنظمة في هذا الصنف في انا بعد مناه
 يستلم مناه مناه مناه ٢٠٢١
- ٢٢. وفيه مناه مناه مناه من امير الشعراء من امير الشعراء من امير الشعراء
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Republic of Iraq
Ministry of Interior
Urgent, Private, and Confidential
Number: Sh 3/66
Date: 8/1985
Directorate of Public Security
Directorate of Political Security

To: Directorate of Kirkuk Security-Sh 3
Subject: Increase of Kurds' Immigration to Kirkuk

Reference to your recent informative telegrams last of which was 3679 dated 30/7/1985 and the confirmation 3886 dated 10/8/1985:

1. Regarding item 1 of telegram number 2382 dated 9/5/1985 on coordinating efforts with the leadership units of the party and other organizations, this is to confirm the coordination has been completed. We are still following up on this issue and once we have been able to confirm the names, we will inform you.

2. The existence of some families settling in the area, please note that the one family who had joined the thugs has already returned to the national side and this family is a native settler in the govern-

orate. At the same time, we are sending you a list of names to double check and see if the resolution applies to them so that we can act accordingly.

3. We have requested all neighborhood chiefs to advise the families in their areas not to rent their houses or rooms to anyone unless they show residency approval from the relevant office within the governorate. We are still working on this item.

4. We have completed what is necessary regarding stockbrokers. We have collected signed statements from the brokers who have certificated that they will not involve in any real estate purchase or selling deals unless approved by the security departments.

5. Ten families who had settled within the governorate and who had members within the lines of the thugs were deported and a list of their names and number of family members was sent.

(Note: In the rest of this document, the main words had faded and therefore could not be translated.)

Security Director
Al-Janib Al-Sakhir

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

رقم القرار / ١٢٠٢
تاريخ القرار / ١٤١٢/١١/١٥



قرار

مجلس
القيادة العامة

استناداً إلى أحكام الفقرة (١) من المادة الثانية والأربعين من الدستور المؤرخ
١٤٠٣/١١/١٥ م بملي : -
١٤١١/٧/١١ وقرراً على التوجه التالي :-

١ - تسخى العالم ودوائر التفرقة من مساع أية معرى ضد الشارز الكلفة
بمعييب العارين والتكتلين من أداء الخدمة العسكرية في حانة الحطرا
ذاء الشارز إلى استعمال التفرقة بهدف التواء التلبس على العارين
والتكتلين اذاً ترتب على ذلك ونوع الحطرا مادية أو أمابات بدهسة
ولو تسخى حنا موت الصاب .

١٤١١ - تكتز جميع القطايا الثامة ضد حناسر الشارز التفرقة بأحكام هذا القرار
وتوقف الاجراءات القانوية التخلفة بحليم بصورة نهائية .

١٤١١ - يتولى الوزراء المتعمول تنفيذ هذا القرار .

صالح
رئيس مجلس قيادة التفرقة

Resolution

Resolution number: 1203

Date: 5/11/1983

Per paragraphs of items A of Article 42 of the interim Constitution of the Revolutionary Command Council and per a session held on 15/11/1983, the following was decided:

First: The wording of item 1 of the Revolutionary Command Council resolution number 986 dated 21/7/1981 will be amended to be read as per the following:

Courts and the police are prohibited to accept or to listen to complaints submitted by people against security patrols and raids that aim at finding and capturing fugitives in case those operations cause material and property damage or injuries or even death as a result of force being used.

Second: All complaints and charges against individuals or members working with the aforementioned tour of duty operations shall be immediately dropped and the case permanently closed.

Third: Relevant ministers should take the responsibility of enforcing this resolution.

Saddam Hussein
Chairman of the Revolutionary
Command Council

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

رقم القرار / ٦٦٦
تاريخ القرار / ١٤٤٠/٠٦/٢١



مجلس
قيادة الثورة

قرار

- استناداً إلى أحكام الفقرة (٢) من المادة الثانية والأربعين من الدستور المؤقت
فقد مجلس قيادة الثورة بجلسته المشقة بتاريخ ١٤٤٠/٠٦/٢١ ما يلي :-
- ١ - تسليط الجبهة الثورية من كل طرفي من اسلح اجنبي اذا تبين عدم ولاءه
لشروط والنسب والاعداد الثورية والاجتماعية العليا للثورة .
 - ٢ - على وزير الداخلية ان يأمر بإجلاء كل من اسلحتت من الجبهة الثورية
بحسب الفقرة (١) ما لم يقتض بناء على اسباب كافية بان يتواءم في السران
أمر لتتبع سرورية لتتالية او ثانوية او حلف حثول التبر الوثيقة رسمياً .
 - ٣ - يتولى وزير الداخلية تنفيذ هذا القرار .

صالح
رئيس مجلس قيادة الثورة

Resolution

Resolution number: 666

Date: 7/5/1980

Per paragraphs of item A of Article 42 of the interim Constitution of the Revolutionary Command Council and a session held on 7/5/1980, the following was decided:

(1) The nationality of Iraqis who are originally foreign nationals will be dropped if they are found unfaithful to the people of Iraq, the country of Iraq, and the supreme objectives of the revolution.

(2) The Minister of Interior is responsible for ordering the exile of all persons whose Iraqi nationality has been taken away per item 1 of this resolution, unless their stay is imperative for reasons associated with judicial or legal necessity or relevancy to the protection of others rights.

(3) The Minister of Interior shall enforce this resolution.

Saddam Hussein
Chairman of the Revolutionary
Command Council

Resolution

Resolution number: 150

Date: 28/1/1981

Per paragraphs of item A of Article 42 of the interim Constitution of the Revolutionary Command Council and a session held on 28/1/1981, the following was decided:

(1) Any Iraqi woman who marries a man of a foreign nationality will be denied the opportunity to serve in the official and semi-official offices of the government and the establishments of the socialist sector.

(2) This resolution is effective 19/1/1980.

(3) This resolution will be published in the official newspapers and relevant ministers shall enforce its implementation.

Saddam Hussein
Chairman of the Revolutionary
Command Council

Resolution

Resolution number: 700

Date: 27/8/1988

Per paragraphs of item A of Article 42 of the interim Constitution of the Revolutionary Command Council and a session held on 27/8/1988, the following was decided:

(1) A. The penalty of execution by hanging will be carried out by a regulatory unit of the party against any person confirmed to have deserted the military or guilty of tardiness in reporting to military service. Deserters or latecomers, who return to their duties after 8/8/1988, will be pardoned on the condition that they complete their service. B. Deserters or latecomers who repented their nonattendance and returned to their positions after 8/8/1988 shall fulfill their service and adhere to all military rules and regulations.

(2) Terms of Revolutionary Command Council resolution number 10 dated 3/1/1988 will be applied to deserters and latecomers who repented and turned themselves in or were arrested before 7/8/1988.

(3) A. The penalty of execution by hanging will be carried out by a regulatory unit of the party against any member of the Ba'ath Party security and police forces against whom there is evidence that they have failed to take reprimanding action against deserters or latecomers in their areas of responsibility that they were aware of or failed to notify relevant authorities. B. Officials who deliberately fail to penalize deserters or latecomers or do not report these cases to their superior authorities will be brought before the chief of security in their areas and the president of the republic to determine reprimanding action as they see fit.

(4) This resolution is effective from the date it is issued and relevant parties shall ensure its implementation.

Saddam Hussein
Chairman of the Revolutionary
Command Council

Directorate of Suleimaniyah Security
Number: 1002
Date: 15/1/1988
To: Suleimaniyah Military Hospital
Subject: Issuance of Death Certificates

We are sending you the corpses of the following felons who were executed per orders from supreme authorities for their presence in security-driven prohibited areas. You are kindly requested to prepare death certificates for them and get back to us accordingly.

Sincerely,

Brigadier General
Director of Suleimaniyah Security

The names:

1. Mahmood Ahmed Aziz faqe Mohammed Sorani
2. Hama Tahir Hassan Abdul-Rahman Sorani
3. Abdullah Salih Rasheed Gorani
4. Jamal Ibraheem Hussein Qadir Gorani
5. Mohammed Najim Aziz Mahmood Zandi
6. Karwan Hussein Abdul-Rahman Hassan Sorani
7. Abu Bakir Othman Said Fathulla Sorani
8. Mohammed Faraj Fattah Mahmood Sorani
9. Mustafa Hama Shareef Shaswar Gorani


صبر و صبر و صبر

صبر و صبر و صبر
۱۰۰۰
۱۳۳۱

استاذ اسلامیه اسلامی

یا تنجیل لؤلؤ

توسل ایلم البرین اولدوم مسالیم اولدوم
نیاز اولدوم اولدوم اولدوم اولدوم
برجیا تنجیل شؤرت دنا اولدوم اولدوم



عبدلن

صبر و صبر و صبر

۱۰۰۰

- ۱- محمد اولدوم اولدوم اولدوم
- ۲- محمد اولدوم اولدوم اولدوم
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The following are only the describable examples of torture and killing methods the Ba'ath Party of the former Iraqi regime practiced as means for genocide and annihilation in its prisons and death cells against the people of Iraq in general and the people of Kurdistan in particular:

1) The brutal use of chemical weapons of mass destruction against all, particularly women, children, and the elderly: These weapons were first deployed in the bombardment of Balisan valley and Sheikh Wasanan on 16/4/1987; they led to the killing of hundreds of people and injured many more who were later buried alive. Consequently, these weapons were used on 27/5/1987 in Rawanduz, Malakan village, and the surrounding areas, resulting in the killing of the majority of the populace. The town of Halabja was the next victim. On 16/3/1988, the gassing of this town killed and injured nearly 5,000 people. In August 1988, thousands of innocent civilians in Gale Baze in Duhok governorate were eliminated. The attacks involved the use of multiple chemical agents such as mustard gas, nerve agents, sarin, soman, and tabun. Neither in World War I or World War II did dictators use such weapons of mass destruction against their own people. Saddam Hussein and his henchmen were the pioneers to use these weapons against their very own citizens.

2) Mass murder and mass burial: There are mass graves in all the governorates of Kurdistan Region, a fact that has been documented with evidence by human-rights advocate organizations

such as Amnesty International, Middle East Watch, and others.

3) Food poisoning: There was a mass exodus of nearly 100,000 people attempting to escape the Anfal operations in Bahdinan (1988-89) who resorted to borderline areas in Iran and Turkey. These people who survived the gas attacks still did not escape the regime. Even beyond Iraqi borders, the regime managed through its agents to poison dough and bread in the refugee camps within Turkey, a catastrophe that led to the death or disability of nearly 2,000 people. It is possible that Turkey was assisting or at least was aware of the commission of this abhorrent crime, since Turkish authorities did not allow treatment to be given to those wounded and denied world media and international human-rights and relief organizations access to the victims to investigate the crime.

4) The use of thallium: Thallium is a lethal poison that--when mixed with water, yogurt shake, juice, or other types of food--causes a slow death (within three to 16 days). Normally, this toxic agent is used to get rid of harmful domestic creatures such as rats and mice. When consumed by humans, it affects both the metabolism system and the brain, and causes paralysis, difficulty in breathing, and

loss of hair. Examples of individuals killed with thallium include Salih Tahir (1981), Tahir Aziz Khanqini (inside prison, 1987), Ali Mandalawi (1987), Bestoon Mala Omer, Sari'a Mala Muharram (1987), Dr. Kamaran (1986), Joqi Yazdi (1985), and Shawkat Akrayi.

5) The use of yellow arsenic and nitrate: Since the time of Qasir Al-Nihaya, the former Iraqi regime used these toxic agents to kill people. Hussein Sherwani was a student who lost his life as a result of exposure to yellow arsenic poison in 1972 in the Qasir Al-Nihaya. Due to its yellowish color, tastelessness, and ability to blend with food and disappear, this poison cannot be detected; thus, its symptoms feel more like an inflammation in the stomach or the intestines rather than poison.

6) The use of various toxic agents in medication: Through its medical centers in the remote and rural areas, the regime poisoned many people by blending poisonous agents with prescribed medication. Khidir Hussein, a laborer who died in 1981, and Ali Ibrahim, a student who died in 1982, in the Warte area of Erbil governorate were only two victims among hundreds of others who lost their lives as a result of being subjected to poisonous medication.



7) The use of potassium cyanide: Potassium cyanide is a powerful organic compound that can cause immediate death.

8) Killing an individual and accusing other people of the murder: Following 1975, within the framework of a preplanned scheme to eliminate the people of Kurdistan, the Iraqi regime began randomly killing individuals and dumping their bodies by a river, alley, orchard, or caves. Consequently, security members would stage a mock discovery of the dead body and begin rounding up scores of people on charges related to the murder. This evil strategy was aimed at terrorizing people and executing as many people as possible inside government prisons and jails. This tactic was practiced regularly up until the evacuation of the villages.

9) Clotting of the blood: The regime committed this crime inside its jails. Jail officials would use a syringe to inject milk into the body of the prisoners to cause clotting of their blood and eventual death.

10) Forcing prisoners to drink gasoline and benzene or kerosene: These liquids poison the body, cause extreme pain, and often result in eventual death. Drinking too much of these liquids causes the skin to turn bluish, headaches, burning of the

interior of the mouth and intestines, disorder of heartbeats, coughing, malfunction in the breathing system, disappearance of red blood cells, appearance of hemoglobin in the urine, and ultimate death from an extremely painful experience.

11) Compelling prisoners to drink urine or vomit.

12) Coercing prisoners to overdose on alcohol, particularly beer, to the point of being poisoned, and tying of the testicles to prevent urination. This method of torture causes the accumulation of urine in the body, which in turn leads to the swelling of the lower part of the belly, pain in the kidneys, and inflammation of the urinary tract. It was intended to inflict psychological damage on the prisoners. Arrested religious individuals were also forced to drink alcohol.

13) Sticking sizable needles in the tongue of prisoners with their hands and feet tied so that they could not remove the needles.

14) Boiling of the prisoners: Prisoners were placed inside large and wide pots and literally boiled to death. Others would be made to drink boiling water or other liquids to cause damage to the stomach, intestines, and organs.

15) Torturing prisoners by making them thirsty for long periods of time.

16) Throwing prisoners into barrels with boiled tar.

17) The use of acid pools (with concentrated sulfur and nitric acids), which causes the body and bones to melt and dissolve. The dictator personally and on many occasions threw people into acid pools to entertain himself. Some prisoners would have part of their body dipped in the acid as a method of torture.

18) Gouging of the eyes: gouging one or both eyes through the use of special torture machines such as an instrument with magnetic power that within just seconds cause they eyes to pop out, and placing acids and other chemical agents in the eye sockets.

19) The cutting of the tongue or branding it with cigarettes, application of electrical shocks, or excessively heated metal rods.

20) Extraction of finger nails and toenails or both, and sticking needles under the nails.

21) Use of carpentry tools to torture prisoners.



22) Pumping prisoners through the use of an injection through the anus to the point of unconsciousness or snapping open of the belly.

23) Cutting part of the nose of the prisoner and burning or smashing it with a metal hammer.

24) Use of heavy-duty lamination machines to pressurize the head or the feet of detainees to the point of cracking the skull or the bones of the feet.

25) Cutting of the lips or burning them or breaking of the teeth or the jaws by subjecting the face to repeated blows.

26) Burning of various parts of the body such as the face and genitals with fire, electrical iron, or extremely heated metal rods.

27) Pulling off hair of prisoners from the scalp, beard, mustache, eyebrows, armpits, and genitals to where flesh was also extracted.

28) Abusing prisoners by sitting them naked with their hands and feet tied in a chair on which there was a broken bottle and pressing on their shoulders to force the bottle into the anus to cause bleeding and disable them from walking.



29) Sexually abusing men and women in indescribable ways; in many instances, a tortured prisoner would be made to rape another tortured detainee.

30) Abusing and humiliating parents in front of detainees to cause psychological damage and to force them to confess to a crime they did not commit. Also, wives would be brought in to watch their husbands being tortured to extract confessions.

31) Insertion of heated metal rod in the anus of men and shoving boiled eggs into the vaginas of women.

32) Use of electrical canes or cable to electrocute sensitive parts of the detainee's body, such as the back of the eyes, the nose, armpits, the soles of the feet, hands, fingers, and genitals to a point that most of the tortured detainees would faint from pain or suffer other kinds nervous disturbances.

33) Throwing detainees into 150-cm ditches filled with feces and forcing the tortured to taste the excrement.

34) Application of salt on detainee injuries from torture or infested wounds that causes the decomposition of the skin and flesh.

35) Piercing of the ears with nails or hanging prisoners on the wall with nails pricked through their hands in such a way that minimum movement by the prisoners would cause maximum pain.

36) Hanging of female detainees: Tortured women were hanged with their hair after their hands and feet were tied, a form of torture that may exist only in hell. Moreover, women on their periods were hanged naked and upside down so that the blood stayed in their bodies or gushed out from their mouths.

37) Branding with heaters: Prisoners were forced to take off their clothes and sit on gasoline or electrical heaters to the point that their skin was burned. Others would be placed near several operating heaters with their hands and feet tied to the point where their backs, bellies, or genitals were burned.

38) Falaqa (the hitting of the soles of the feet with leather belts): This conventional form of torture was used innovatively by the former Iraqi regime. Executers would tie the prisoner to two wooden poles (80 to 100 cm) and then beat the soles of the feet with hosepipes, leather belts, or cable to the point where the feet were swollen

with the concentration of blood; then, the prisoner would be asked to walk up and down in the room or dip his feet in salty water and then run.

39) Burning of facial hair such as beard and mustache. This method of torture was particularly carried out on detained religious men.

40) Hanging to the ceiling fan: Detainees were hanged by hands or feet to the ceiling fan for hours and then beaten in the face or abdomen; sometimes, fire would be set underneath them or they would be electrocuted while dangling.

41) Use of electrical drills to pierce the hands, feet, or other parts of the body. Drills or nails were also used to prick the head of the detainees.

42) Making detainees run on wild wire while blindfolded.

43) Making the detainees run on sizzling oil while blindfolded.

44) Cutting open of the lips or tongue.

45) Pouring hot and boiled water into the lungs of tortured detainees.



46) Forcing detainees to punch and beat another detainee.

47) Throwing detainees in a room filled with bees and wasps so that they would be stung, thus causing a disturbed psychological state.

48) Burning detainees alive under a variety of excuses.

49) Placing fingers or toes in the crack between a frame and a door, and then slamming the door shut to snap the bones.

50) Leaving the corps of executed detainees in cells to terrorize other detainees and cause the spread of diseases resulting from the decay of the body.

51) Tying detainees facedown to four stands to extract genitals or mockingly sending trained dogs and cats at them from beneath.

52) Applying ingredients like pepper and vinegar on the injuries of tortured detainees.

53) Tying the hands and feet of tortured prisoners during meals, if any, so that they assumed the position of a dog while eating.



54) Stripping religious detainees such as scholars and imams of their clothes, and making them dance before other prisoners.

55) Making political prisoners mimic the sound of cats, dogs, donkeys, and other animals.

56) Exposing detainees who were held in dark cells for an extensive time to extreme light.

57) Exposing detainees to extremes of heat or cold. Detainees would be placed in a room or cellar especially designed to be filled with high temperatures of hot steam, then the temperature would abruptly be lowered to the freezing point, causing the clothes of the detainee to ice up. Boiled water was poured on detainees, and then they were placed next to water-operated coolers to the point of death. Detainees were also thrown into pools of freezing water.

58) Hitting the head: This torture method was used to cause detainees nervous complications and disturbances.

59) To psychologically torture and humiliate families, prison officials would strip prisoners of their clothes and tie together, face to face, a



father with a daughter or a brother with a sister, or make other tabooed pairs.

60) After detainees would suffer wounds from torture, a prison official--without using any sterilization or anesthesia--would sew up the wounds to cause infestation of the injuries.

61) Increasing cell temperatures to above 50 degrees Celsius in summer so that detainees would lose conscious and pass out or even die.

62) Using vicious and trained police dogs to terrorize detainees; spreading all kinds of insects and creatures such as scorpions, cockroaches, snakes, and mice, and other things in the detainee cells.

63) Flowing of cold water in winter and warm water in summer into the rooms of detainees.

64) Castration of men, particularly those young and unmarried, by pinching their testicles with metal instruments or tying testicles together with thread.

65) Tying the hands of detainees from behind and dipping them in water repeatedly to cause breathing difficulty.



66) Making detainees eat insects and rats during meals.

67) Tying detainees to two cars moving in opposite directions to cause the prisoner to snap in two.

68) Extracting detainees' organs such as the eyes, kidneys, or blood to sell.

69) Times and methods of arrest: To terrorize people, regime authorities would break in houses via scores of armed men in the middle of the night to humiliate families and round up people. Persons arrested in those raids would be put in vehicles without plate numbers and then hurried to jails or killed.

70) Extinguishing cigarettes on the body of detainees. Prison authorities would extinguish cigarettes on the most sensitive parts of the detainee's body or use the naked body of women (dead or alive) as tables to gamble and drink on.

71) Using of chains to hang detainees to the ceiling with their hands tied behind them for extensive periods of time. A less-painful experience from this method of torturing was when the hands were tied from the front, which was also practiced.



72) Complete shaving of the head of the detainee and then subjecting it to extremes of hot and cold drops of water.

73) Torturing children in front of their parents.

74) Depriving detainees of sleep for days by placing them in chairs high enough not to allow their feet to touch the floor. Detainees who fell asleep would be awoken by torture.

75) Preventing detainees from going to restrooms, or making them hold it and allowing them to go only if the temper of the security guards allowed it.

76) Detained intellectuals, scholars, and writers were made to kiss the shoes of security officials to cause them humiliation and psychological damage.

77) Tying of the prisoner to an iron pipe installed on a speedy spinning metal disk.

78) Subjecting men to humiliation and psychological torture by bringing in their sisters, wives, or daughters, and raping them in front of their eyes.

79) Threatening tortured detainees with death and then throwing them, blindfolded and with



their hands and feet tied up, into a room equipped with large loudspeakers and playing the sound of wild animals or a moving train to terrorize the detainees. Many prisoners tortured with the method either passed away from fear or had their eardrums damaged.

80) Throwing detainees into 40-by-160-cm rooms so that they could not sit down but only stand.

81) Tying the hands of detainees with two gas capsules and making them carry the capsules to the point of collapse.

82) Making detainees lie down facing up so that an overweight security staff could stand on their chests and strangle them.

83) Using toxic and agricultural chemicals to burn or deform body parts.

84) Dying half of the face of detainees with permanent colors or shaving half of the head or the beard for mockery and psychological torture.

85) Tying detainees to a chair with a hole underneath it, where the testicles would be extracted or beaten or placed within a bowl filled with harm-

ful insects. This method would be continued to the point where the detainee would faint from pain; it would also cause permanent complications to the organ.

86) Injecting masculine hormones in women, especially hormones that help the growth of facial hair.

87) Sealing the nose of detainees to cause difficulties in inhaling and exhaling via the mouth.

88) Tying up the hands and feet of detainees and then knocking them off from high stairs to roll down and get injuries or bone fractures.

89) Torturing detainees by stripping them of their clothes and taking photographs of them with groups of other naked men or women. These detainees would later be released with the threat that if they refused to work with the intelligence agencies, their photos would be made public.

90) Prison doctors and medics who were members of the Ba'ath Party prescribed false medication to detainees to cause them further complications.

91) Spraying the body of detainees with ethyl and methyl alcohols, setting fire to where the alcohol

was applied, and then extinguishing the fire, a process that would be carried out over and over. Moreover, to maximize the pain of the wounds and the swollen parts, salt, pepper, and vinegar were also applied.

92) Tying up the hands and feet in a variety of ways both from the front and behind, such as tying the left arm with the right leg, or the left leg with the right arm, or both hands with the neck and so on.

93) Torturing ill detainees: For example, detainees who had diarrhea were not only not given medication, but also prevented from going to the restroom.

94) Tying two shafts of aluminum to the body of the detainees, one to the spinal area and the other to the lower part of the backbone, and connecting the aluminum to electricity.

95) Application of electrical shocks to genitals.

96) Making detainees drink hot and boiling liquids.

97) Slapping detainees on the ears so violently as to cause damage to the eardrums, and then executing them.



98) Jailing detainees in 50-by-50-cm cells with minimum food for days without letting them out.

99) Piercing the nose of detainees (who were sentenced to execution by hanging) for nose rings and pulling the rings to cause pain, then parading them before other prisoners and eventually executing them individually or as a group in front of other detainees.

100) Placing one leg of a chair on the cheek or jaw of a detainee with a security official sitting in the chair.

101) Sending healthy detainees to hospitals for the mentally disabled to cause them psychological damage.

102) Using electrical canes to apply repeated electrical shocks to the backbones of detainees.

103) Detainees who were tortured to the point of death to confess to crimes they did not commit were later shown on TV to justify their executions. Another method used to extract confessions for false charges was to bring in the wives, mothers, or sisters of detainees and threatening to rape them before the detainees' eyes.

Some Photographic Evidence



Houses demolished by the former Iraqi regime using bulldozers and TNT. Article 22 of the regime's interim Constitution states: "Homes have their sanctity. It is inadmissible to enter or search them, except in accordance with the rules of the law." This is the regime's understanding of sanctity!



The use of conventional arms such as phosphoric napalm, artillery, and missiles is banned. There are three universal protocols and one agreement internationally signed to prohibit the deployment of these arms, as they inflict massacres and most victims tend to be civilians. Per these images, however, it looks like the Iraqi regime did not fail to use these weapons.







"Confirming the directive, deportees who may try to return to Iraq should be shot to death..."

Classified telegram

Iraqi Ministry of Interior

Number 2884 dated 10/4/1988



Article 18 of the Universal Declaration of Human Rights states: "Everyone has the right to freedom of thought, conscience and religion." Article 19 of the same declaration states: "Everyone has the right to freedom of opinion and expression." This picture shows how the chauvinistic and terrorist regime of Iraq responded to "freedoms" of the Kurdish thought!



Article 12/1 of the International Covenant on Civil and Political Rights states: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Meanwhile, Article 3 of the Universal Declaration of Human Rights states: “Everyone has the right to life, liberty and security of person,” and Article 17/2 of the same declaration states: “No one shall be arbitrarily deprived of his property.” The Iraqi regime's way of implementing these principles was by commencing its displacement, deportation, and forceful relocation operations within Kurdistan Region of Iraq, marking the launch of the scheme of elimination.



Article 26/1 of the Universal Declaration of Human Rights states: "Everyone has the right to education...", and Article 26/2 of the same declaration states: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups...." Thanks to the oppression resistance revolution of the Aylool Revolution, this was secured to the extent possible. But under the Iraqi regime, what kind of rights? What form of education? And what agenda?



"Crimes against humanity, wherever they are committed, are subject to investigation and punishment. Persons against whom there is evidence that they have committed grave felonies are subject to detention and punishment if convicted...." from an international protocol.



"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."--Article 7 of the International Covenant on Civil and Political Rights (1966).



Cultural genocide of children (the cornerstone of society)--Article 1/1 of the Declaration of Principles of International Cultural Cooperation issued 4/11/1966 clearly states: "Each culture has a dignity and value which must be respected and preserved," and the second part of the same article states: "Every people has the right and the duty to develop its culture." The following are some pictures from a school curriculum developed for the autonomous Kurdish region, but they depict and promote Arab culture!

جيش الثورة

ثورة الوحدة العربية^١
 من كتاب - البعث والوحدة -
 للواء الرئيس الأسبق ميشيل عفلق

البعث والتران
 من كتاب - البعث والتران -
 للواء الرئيس الأسبق ميشيل عفلق

اخلاية البعث
 المرأة في منظور حزب
 البعث العربي الاشتراكي

لكن جيش حُرٍّ مَقْدَمٌ
 هو جيش القائد ضدام
 الدرس السادس






(القراءة العربية) للصف السادس الابتدائي *
وهو أحد كتب المرحلة الابتدائية لمنطقة الحكم الذاتي
الدرس السابع عشر

من قصص قديمية سدّام الحميدة



رسالة من حبهة القتال



Article 11/1 of the International Covenant on Economic, Social and Cultural Rights (1976), in which Iraq is a signatory State, states: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing....”



Chemical weapons (though under different names) have been banned by numerous international treaties and protocols such as San Pittsburg Declaration (1868), Lahay treaties (1899 and 1907), Versailles Agreement (1919), and the Geneva Protocol (1925). While these weapons may have always been deployed against the enemy, the Iraqi regime was the first State to use them against its own people!





Article 25/2 of the Universal Declaration of Human Rights states: "Motherhood and childhood are entitled to special care and assistance." In a confirmation, principle 2 of the Declaration of the Rights of the Child (1959) necessitates the protection of the child. These images show how the Iraqi regime adhered to these principles!



Article 16/3 of the Universal Declaration of Human Rights states: "The family is the natural and fundamental group unit of the society and is entitled to protection by the society and the State." Meanwhile, Article 1 of the Iraqi interim Constitution (that of the former regime) states: "The family is the nucleus of the society. The State secures its protection and support...."



"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."--Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide.



Nonetheless, the Kurds have survived and continue to exist for they are an indigenous and authentic nation. They take pride in their position and share in the depth of history and the living of mankind.

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The advocate, Hazhar Aziz Surme:

- Born in Gelale belonging to Choman in the area of Balakayeti.

- Since his childhood from the 1970's, started reading and writing. His first published material was sent in 1979 but was published in 1981.

- Has graduated from the College of Law at the University of Mosul.

- Is member of Kurdistan Advocate's Syndicate and the Lawyers Association.

- Was member of Kurdish Writers Association.

- For the first time he had run a 40 minutes radio program in Kurdish by the name of "The Voice of Law and Justice in 1993 and 1994 which had organized and run in the name of the Supreme Body of Kurdistan's Lawyers Association which were 22 series. And meanwhile in those years, in assistance with the advocate Ibrahim Doghregi he had run the public affairs of the Supreme Body.

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- * International and Humanitarian Legislations and Human Rights (previously published in nine parts in the newspaper Haremi Kurdistan).
- * Means to Eliminate Torture (sitting in Brayati center since 15/8/1997).
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