



Genocide Watch

The Alliance Against Genocide

GENOCIDE WATCH REPORT ON THE KURDISH GENOCIDES

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Yazidi woman from Sinjar whose entire family was murdered or kidnapped by ISIS (Da'esh) in August 2014. photo by Theodore Stanton, 18 April 2023 © 2023 TedStantonPhoto

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Introduction

This report is the result of research from many historical sources and personal interviews with eyewitnesses in Kurdistan during trips by Genocide Watch in 2007, 2008, 2016, 2017, and 2023. The first section is an introduction to the seven major genocides in Kurdish history since 1980. The second section legally analyzes the evidence of intent necessary to prove genocide, based on the decisions of the Iraq Special Tribunal, the holdings of the Iraq Supreme Court, and the decisions of the Iraq High Criminal Court.

Historical Background

Some of the earliest human civilizations began in what is modern day Iraq.¹ Ancient Mesopotamian records refer to early Kurdish settlements as “the mountain tribes.”² Treatment of the Kurds as "outsiders" can be traced back thousands of years. For many centuries in Iran, Turkey, Syria, and Iraq, there was forced assimilation of the Kurds. The Kurds have sought their own independent nation for over 100 years. In 1920, a promise to create an autonomous Kurdistan was made in the Treaty of Sevres. However, this commitment was withdrawn in the 1923 Treaty of Lausanne.³ Kurdish rebellions in Iraq date back to the 1930's.⁴

The 1980-1988 Stripping of Citizenship and Deportation to Iran of over 22,000 Feyli Kurds

The Feyli Kurds are a Shi'a majority population that inhabits the Iraqi/Iranian borderlands. Today, the 1.5 million Feyli Kurd population lives in Baghdad and the Diyala, Wasit, Missan, and Basra governorates. Before the deportations of the 1980s, between 15 to 20 percent of Iraqi Kurds were Feylis.⁵ These forced deportations were among the major crimes against humanity committed by Iraq's Ba'athist government. The crimes also constituted genocide.

The Feyli Kurds have faced a long history of discrimination and dehumanization due to their Shi'a and Kurdish identities. Most of the Kurds are Sunni Muslims and non-Arabs, while most of the Feyli Kurds are Shi'a Muslims and Arabs. These classifications defined the genocidal campaigns perpetrated under the leadership of Saddam Hussein.

The 1924 Iraqi Nationality Law ‘othered’ the Feylis as *taba'iyya iraniyy*, subjects of Iran. This law classified the population of Iraq according to whether groups had historically been Ottoman or Persian subjects. Whereas Ottoman subjects who had habitually resided in Iraq were automatically granted Iraqi nationality, “Persians” had to acquire Iraqi nationality despite having

¹ Knowles, Catherine, S. “ARTICLE: LIFE AND HUMAN DIGNITY, THE BIRTHRIGHT OF ALL HUMAN BEINGS: An Analysis of the Iraqi Genocide of the Kurds and Effective Enforcement of Human Rights, *Naval Law Review* 45, n. 152 (1998): 154-156. March 6, 2023. ARTICLE: LIFE AND HUMAN DIGNITY, THE BIRTHRIGHT OF ALL HUMAN BEINGS: An Analysis of the Iraqi Genocide of the Kurds and Effective Enforcement of Human Rights, 45 Naval L. Rev. 152 (lexis.com).

² “Kurd”. Britannica. April 5, 2023. Kurd | History, Culture, & Language | Britannica.

³ *id.*

⁴ *id.*

⁵ Fattah, Ismail Kamandar. “The Deportations of the Fayli Kurds.” *Faylee Kurds Democratic Union* (2003), accessed April 4 2023, <http://www.faylee.org/english/articles/doc9.php>.

lived in Iraq for many centuries.^{6 7} The ideology of Arab nationalism underlying this nationality law equated Ottoman citizenship with guaranteed Iraqi nationality based on shared cultural and ethnic interests.⁸ Upon coming to power in 1963, the Ba'ath Party repressed the Feyli Kurds by introducing legislation based on the 1924 Nationality Law's discriminatory policy toward "Persians." Baathist legislation continued the distinction between those who had originated from Ottoman and Persian families.⁹ This legislation resulted in many Feyli Kurds being stripped of their Iraqi nationality, based on the presumption that they were of Iranian origin.¹⁰

Large-scale deportations of the Feylis occurred in 1968 following the second Ba'athist coup. One source estimated that around 70,000 Feyli Kurds were displaced between 1969 and 1971.¹¹ Scholars have posited that these government measures were a form of retaliation against the Feyli population for their opposition to Baathist rule. The Baathist regime also perceived Feyli social and economic influence as a threat to their authority.¹² Deportations enabled the Iraqi regime to change the social structure of Baghdad to ensure that the Arab and Sunni elite would become the dominant group in the city.¹³

Following the First Iraqi–Kurdish War (1961-1970), in order to consolidate its power over all of Iraq, the Iraqi government reached an agreement with the Kurdistan Democratic Party leader Mustafa Barzani that offered the Kurds a measure of self-rule through the Iraqi-Kurdish Autonomy Agreement of 1970. The fifteen-point peace program¹⁴ included a proposed Autonomy plan for majority Kurdish regions. The Agreement included only half of the territory claimed by Kurds as rightfully Kurdish. It also deliberately excluded half of Kurdistan's oil wealth.¹⁵ The Ba'ath Party began to enforce demographic changes in the oil-producing regions of Kirkuk and Khanaqin, replacing Kurdish farmers with Arab tribesmen from Iraq's south region.¹⁶ Under Saddam Hussein's leadership, the regime's program of Arabization and demographic engineering began to focus less on identity shifts and instead on the total

⁶ Saleh, Zainab. "On Iraqi Nationality: Law, Citizenship, and Exclusion," *The Arab Studies Journal* 21.1 (2013): 56. accessed April 5 2023, <http://www.jstor.org/stable/41968268>.

⁷ Campbell, Elizabeth "The Faili Kurds of Iraq: Thirty Years Without Nationality," *Refugees International* (2010), accessed via Relief Web April 4 2023, <https://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>.

⁸ Saleh, Zainab. "On Iraqi Nationality: Law, Citizenship, and Exclusion," *The Arab Studies Journal* 21.1 (2013): 50 and 55, accessed April 5, 2023, <http://www.jstor.org/stable/41968268>.

⁹ Minority Rights, "Minorities and Indigenous Peoples in Iraq: Faili Kurds," 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

¹⁰ National Legislative Bodies / National Authorities, *Law No. (46) of 1963 – Iraqi Nationality*, 1963, accessed via Refworld April 6 2023, <https://www.refworld.org/docid/3ae6b4ec38.html>.

¹¹ Minority Rights, "Minorities and Indigenous Peoples in Iraq: Faili Kurds," 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

¹² *Id.*

¹³ *Canada: Immigration and Refugee Board of Canada*, "Iraq: Information on the Kurdish Feyli (Faily/Falli) families, including their main area of residence and their relationship with other Kurdish groups and the Iraqi regime," 1996, accessed via Refworld April 5, 2023, <https://www.refworld.org/docid/3ae6ac008.html>.

¹⁴ Kaziwa, Salih, "Demographic Engineering, the Forcible Deportation of the Kurds in Iraq, and the Question of Ethnic Cleansing and Genocide," *State Crime Journal* 11.2 (2022): 197, accessed March 3 2023, <https://www.jstor.org/stable/48706339>.

¹⁵ Black, George et al, "The Anfal Campaign Against the Kurds: Introduction," *Middle East Watch* (1993), accessed April 4 2023, <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

¹⁶ *Id.*

destruction of Kurdistan and the Kurdish population.¹⁷ In 1974 the Second Iraqi-Kurdish War ended the Autonomy Agreement.

Arab nationalism and anti-Kurdish sentiments during Ba'ath rule portrayed the Feylis as traitors and contaminants of Arab civilization due to their putative Iranian origins.¹⁸ Arab nationalist propaganda asserting “one Arab nation with an eternal message” and “Arab oil for Arabs” excluded the Kurdish population.¹⁹ Iraqi policy institutionalized this exclusion in May 1980, when decree 666 stripped Iraq’s Feyli Kurds of their nationality and declared them to be foreigners. This decree was passed shortly after the April 1980 assassination attempt of Deputy Prime Minister Tariq Aziz. [Aziz was later convicted as a perpetrator of the Feyli genocide.] The decree permitted nationality to be revoked for “any Iraqi of foreign origin if it appears that he is not loyal to the homeland, people, higher national and social objectives of the Revolution.”²⁰ The decree permitted the expulsion of these individuals from Iraq, and for their property and belongings to be confiscated and redistributed to Ba’ath party members.²¹

Iraqi state agencies assisted in compiling lists of names for the systematic organization of Feyli Kurd deportations.²² Most expelled Feyli Kurds were forced to travel to Iran on foot, which resulted in significant numbers of deaths among women, children, the elderly, and the handicapped.²³ In Iran, the Feylis were treated as foreigners and were confined to camps as stateless refugees, unable to access education or employment for the following two decades. They were forced to live in conditions deliberately intended to destroy Feyli Kurds as a group.²⁴ Thousands of military-age young men were separated from their Feyli Kurdish families and detained in Iraqi prisons where they were subjected to torture.²⁵ The estimated number of missing Feyli Kurds ranged from 10,000 to 22,000.²⁶²⁷ These crimes constituted a genocide of the Feyli Kurds.

Decree 666 remained in place for 24 years. The decree was finally repealed by the 2006 Iraqi Nationality Law, which declared that all individuals denaturalized under the Ba’ath regime would have their Iraqi nationality reinstated.²⁸ However, the reinstatement process was long and

¹⁷Saleh, Zainab. “On Iraqi Nationality: Law, Citizenship, and Exclusion,” *The Arab Studies Journal* 21.1 (2013): 200, accessed April 5 2023, <http://www.jstor.org/stable/41968268>.

¹⁸ Minority Rights, “Minorities and Indigenous Peoples in Iraq: Faili Kurds,” 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

¹⁹ Kaziwa, “Demographic Engineering,” 199.

²⁰ National Legislative Bodies / National Authorities, *Iraq: Resolution No. 666 of 1980 (nationality)*, 1980, accessed via Refworld April 4 2023, <https://www.refworld.org/docid/3ae6b51d28.html>.

²¹ Minority Rights, “Minorities and Indigenous Peoples in Iraq: Faili Kurds,” 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Human Rights Watch, “Justice for Iraq: A Human Rights Watch Policy Paper,” 2002, accessed April 6 2023, <https://www.hrw.org/legacy/backgrounder/mena/iraq1217bg.htm>.

²⁶ Amnesty International, “Amnesty International Annual Report 1995,” *Amnesty International Publications* (1995): 168, accessed April 5, 2023, <https://www.amnesty.org/en/documents/pol10/0001/1995/en/>.

²⁷ Minority Rights, “Minorities and Indigenous Peoples in Iraq: Faili Kurds,” 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

²⁸ Campbell, “The Faili Kurds of Iraq.”

bureaucratic, and applicants were often required to bribe officials.²⁹ Requirements such as demonstrating registration during the 1957 Iraq national census greatly limited the number of reinstated individuals. Civil records were destroyed during the Iraq wars and many Feyli Kurds were excluded from the census altogether. They were thus unable to satisfy the requirements proving their Iraqi origins.³⁰ The requirements and process of reinstatement were inaccessible to a population victimized by a genocidal campaign.

Access to Iraqi public services such as education, employment, and healthcare required nationality certificates and other forms of identification such as birth, death, and marriage certificates.³¹ Since 1980, many Feyli Kurds were denied access to these documents and services. Those who managed to obtain nationality documents reported their identity cards as being issued in different colors than other Iraqis, thereby exposing them to discrimination.³² Denaturalized Feylis also experienced significant difficulty recovering confiscated property and compensation for their lost assets. The Property Claims Commission mandated the resolution of such disputes but failed to settle cases in which property deeds had been confiscated.³³

The state-sanctioned persecution of the Feyli Kurds ceased after the overthrow of the Ba'ath regime in 2003. **In 2011, the Iraqi parliament passed a resolution recognizing the crimes perpetrated against the Feyli Kurds as genocide.**³⁴ The Iraqi High Tribunal convicted four Ba'ath party officials, including Tareeq Aziz, for their roles in the deportations.

However, further progress is necessary to complete the reinstatement process and compensate the Feylis for lost property. Action must be taken to reintegrate the Feylis into Iraqi society since they were absent from Iraq for decades and anti-Kurdish sentiment in Iraq remains high. The Iraqi government should also investigate cases of missing persons and make efforts to uncover mass grave sites.³⁵

²⁹ Minority Rights, "Minorities and Indigenous Peoples in Iraq: Faili Kurds," 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

³⁰ Campbell, Elizabeth "The Faili Kurds of Iraq: Thirty Years Without Nationality," *Refugees International* (2010), accessed via Relief Web April 4 2023, <https://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>.

³¹ Tan, Vivian. "Feili Kurds in Iran seek way out of identity impasse," *United Nations High Commissioner for Refugees (UNHCR)*, 2008, accessed April 4 2023, <https://www.unhcr.org/uk/news/latest/2008/5/483d60872/feili-kurds-iran-seek-way-identity-impasse.html>.

³² *Id.*

³³ Minority Rights, "Minorities and Indigenous Peoples in Iraq: Faili Kurds," 2017, accessed April 4 2023, <https://minorityrights.org/minorities/faili-kurds/>.

³⁴ Campbell, Elizabeth "The Faili Kurds of Iraq: Thirty Years Without Nationality," *Refugees International* (2010), accessed via Relief Web April 4 2023, <https://reliefweb.int/report/iraq/faili-kurds-iraq-thirty-years-without-nationality>.

³⁵ Tan, Vivian. "Feili Kurds in Iran seek way out of identity impasse," *United Nations High Commissioner for Refugees (UNHCR)*, 2008, accessed April 4 2023, <https://www.unhcr.org/uk/news/latest/2008/5/483d60872/feili-kurds-iran-seek-way-identity-impasse.html>.



Xanzaad Tadoo Mustaf, Barzani woman from Baree, Barzan, Kurdistan, Iraq whose husband, father, father-in-law, brothers, uncle, and male cousins (33 men in her family) were taken away by bus in 1983 by Saddam Hussein's soldiers. They never came back. A few of their graves have been found in southern Iraq, where they were murdered.

Photo by Theodore Stanton 15 April 2023, Barzan, Kurdistan ©2023 TedStantonPhoto

The 1983 Genocide Against the Barzanis

In 1983, the Iraqi government abducted and executed 8,000 Barzani men and boys from the Barzani Kurds.³⁶ This mass "disappearance" and massacre began the "process of annihilating... the Kurdish people".³⁷ The factors leading to the disappearance of the Barzani men and boys can be linked to a history of animosity and warfare between Iraqi governments and the Barzani Kurds. This stemmed from the 1975 KDP revolt against the Iraqi government, led by General Mullah Mustafa Barzani and supported by Barzani Kurd Peshmerga militias.³⁸ However, when the revolt collapsed, many Barzanis fled to Iran. In 1979 Saddam Hussein welcomed them back. The Barzani relocated from the Barzan Valley to remote desert areas such as Qushtapa, the *Mujamma'at* at Harir, and Diyana.³⁹ This relocation was an effort by Hussein to halt another Barzani uprising against the Ba'ath Party.⁴⁰ This threat worried Hussein because Iraq and Iran were at war from 1980 to 1988.⁴¹ Due to links between the Shah of Iran and the KDP in 1975, Hussein feared that the KDP would support Iran during the war.⁴²

The destruction of the garrison town Haj Omran in July 1983 justified Hussein's fears. The KDP acted as scouts for the Iranian army, allowing for an Iranian assault to succeed.⁴³ The fall of Haj Omran led to Iraqi reprisals wherein non-combatant Barzani men and boys were also targeted. In August 1983 men and boys of "battle age" (between the ages of 12 and 70) were taken from the Qushtapa camp near Erbil and never seen again by the Barzani women and children in their families.⁴⁴ After the abductions of the Barzani men and boys, the Qushtapa camp was sealed for a year, with the remaining Barzani Kurds deprived of food, water, and electricity, resulting in their starvation.⁴⁵

³⁶ Sadiq, Ibrahim and Fattah, Media. "Gender Roles and Feminism: The Experience of Barzani Single Mothers". Review of Middle East Studies (2023): p. 5, accessed March 27, 2023, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/56D88AF98305451A8774AAC3F3E98E24/S2151348122000271a.pdf/gender-roles-and-feminism-the-experience-of-barzani-single-mothers.pdf>.

³⁷ *Ibid.*, 5.

³⁸ The Tragedy of the Missing Barzanis, The Kurdistan Memory Programme, 2023, accessed March 29, 2023, <https://kurdistanmemoryprogramme.com/the-tragedy-of-the-missing-barzanis/>.

³⁹ *Id.*

⁴⁰ Human Rights Watch, Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023, <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

⁴¹ The Tragedy of the Missing Barzanis, The Kurdistan Memory Programme, 2023, accessed March 29, 2023, <https://kurdistanmemoryprogramme.com/the-tragedy-of-the-missing-barzanis/>.

⁴² Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023, <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

⁴³ *Id.*

⁴⁴ "Anfal Campaign and Kurdish Genocide", Kurdistan Regional Government, 2023, accessed March 29, 2023, <https://us.gov.krd/en/issues/anfal-campaign-and-kurdish-genocide/>.

⁴⁵ Sadiq, Ibrahim and Fattah, Media. "Gender Roles and Feminism: The Experience of Barzani Single Mothers". Review of Middle East Studies (2023): p. 5, accessed March 27, 2023, <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/56D88AF98305451A8774AAC3F3E98E24/S2151348122000271a.pdf/gender-roles-and-feminism-the-experience-of-barzani-single-mothers.pdf>; Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023, <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.



***The Barzani Graveyard, Barzan, Kurdistan. © 2023 TedStantonPhoto
The gravestones are nameless because remains were mingled in mass graves.***

The fate of the Barzani men remained unknown for years, until after the Iraq war of 2003 when Kurdish militias and US troops conducted a search for the missing Barzani men. The Kurdish militia and US troops discovered that 2,225 of the Barzani men were initially taken to Nugra Salman, a prison in the Iraqi desert, then moved to Bedouin encampments and ultimately massacred near Bussia close to the Saudi Arabia border. Three mass graves were discovered with 500 bodies of Barzani men and boys.⁴⁶ Even though these bodies were discovered, the fate of the remaining Barzanis remains unknown, leaving a deep “psychological scar on the women whose husbands were kidnapped.”⁴⁷

The disappearances of the men and boys led to the “complete dismantling” of Barzani families. The trauma effects of this genocide are still present 38 years after the abductions.⁴⁸ The massacre of the Barzani men in 1983 was a precursor to the much larger genocide of the Kurds by the Ba’athist regime during the Anfal campaign in 1988.⁴⁹

⁴⁶ The Tragedy of the Missing Barzanis, The Kurdistan Memory Programme, 2023, accessed March 29, 2023, <https://kurdistanmemoryprogramme.com/the-tragedy-of-the-missing-barzanis/>.

⁴⁷ *Id.* at 4.

⁴⁸ *Id.*

⁴⁹ European Parliament, *The Kurdish Genocide: Achieving Justice through EU Recognition*, (2014), 2, accessed March 27, 2023. https://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-ig/dv/03_kurdishgenocidesofanfalandhalabja_/03_kurdishgenocidesofanfalandhalabja_en.pdf.

The abductions and executions of 8,000 Barzani men went beyond revenge for the fall of Haj Omran. It presented a clear case of the intentional destruction of a substantial part of the Kurdish ethnic group. It was genocide.



Mustefan Muhammed Amen, from Hamdala, Barzan, Kurdistan, Iraq. His father was taken away when he was eleven years old. 45 Barzani men were taken away from his village. Photo by Theodore Stanton in Barzan, Kurdistan, Iraq, April 15, 2023. © 2023 TedStantonPhoto.

The 1988 Anfal Genocide

The Anfal Campaign utilized all of Genocide Watch's Ten Stages of Genocide.⁵⁰ The Anfal was a systematic genocide against the Kurdish national and ethnic group. It resulted in the mass extermination of as many as 182,000 Kurdish people.⁵¹ Scorched earth assaults by Iraqi troops on Kurdish food and water sources starved thousands more.⁵² The Anfal Campaign was the culmination of decades of Arabization policies.⁵³ When Hussein took power in 1979, Arabization was a central policy of the Ba'athist Party. Kurdish demands for autonomy posed a direct threat to Arab nationalism.⁵⁴

Although mass deportations, destruction of villages, and Arabization policies had occurred prior to 1987, the Anfal Campaign's intentional attacks against the Kurdish people turned into all-out genocide in 1987 through Saddam Hussein's orders to Ali Hassan al-Majid, Hussein's cousin.⁵⁵ Al-Majid's appointment as Secretary General of the Ba'ath Party in Northern Iraq created a new era of massacres, torture, mass rape, and chemical attacks against the Kurds, with the aim to "eradicate subnational identities... and create a new Arab society."⁵⁶

The institutional foundations of the Anfal came from two directives published in 1987 by Saddam and al-Majid. Directive number 28/3650, published on June 3, 1987, established prohibited areas in Iraq. The directive prohibited foodstuffs, persons, livestock, and farming in many Kurdish areas of Iraq. It also issued a shoot-to-kill order for any persons present in a prohibited area.⁵⁷ On June 20, 1987, the procedures laid out in Directive 28/3650 created systematic processes of genocide against the Kurdish people. It explicitly ordered war crimes and mass crimes against humanity.

Directive SF/4008 laid out seven procedures to deal with individuals in prohibited areas. Procedure Four established the random bombardment of villages and towns using artillery, helicopters, and aircraft "in order to kill the largest number of persons present in those prohibited

⁵⁰ Stanton, Gregory, *The Ten Stages of Genocide*, (1996), accessed May 18, 2023.

<https://www.genocidewatch.com/tenstages>

⁵¹ Joost, Hiltermann, *The 1988 Anfal Campaign in Iraqi Kurdistan*, (Feb. 3, 2008), accessed, May 18, 2023.

<https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/1988-anfal-campaign-iraqi-kurdistan.html>

⁵² Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023,

<https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

⁵³ Craig Douglas Albert, "A History of Violence: Ethnic Group Identity and the Iraqi Kurds". *Iran & The Caucasus* 17. no. 2 (2013).

⁵⁴ Kirmani, Sherko and Rifaat, Aram "The Kurdish genocide in Iraq: The Security-Anfal and the Identity-Anfal". *National Identities* 23, no. 2 (2020).

⁵⁵ Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023,

<https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

⁵⁶ Voller, Yaniv "Identity and the Ba'ath Regime's Campaign against Kurdish Rebels in Northern Iraq". *Middle East Journal* 71. no. 3 (2017): 387.

⁵⁷ Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023,

<https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

zones.”⁵⁸ Procedure Five stipulated that any person between the ages of 15 and 70 captured in a prohibited area would be interrogated and executed. Directive SF/4008 demonstrated the intent to destroy the Kurdish national and ethnic group.

These Directives and resulting mass murders proved that Saddam Hussein and al-Majid did not wage a “conventional war” or “counterinsurgency” against the Kurdish people, as genocide deniers claim. Rather, Hussein, al-Majid, and Iraqi forces deliberately utilized mass murder, chemical gas attacks, starvation, destruction of entire villages, and other mass atrocities with the intent to destroy a substantial part of the Kurdish ethnic group.⁵⁹ The Anfal wasn't a “counterinsurgency.” It was a systematic, intentional genocide.

The Anfal Campaign was comprised of eight distinct “stages” [not to be confused with Genocide Watch's Ten Stages of Genocide]. Each stage had similar processes. Gross violations of human rights occurred at each stage. The eight-stage plan of the Anfal occurred from 23 February, 1988 to 6 September 1988, during which ninety percent (90%) of Kurdish villages were completely destroyed.⁶⁰ The use of chemical weapons, village destruction, poisoning of wells, destruction of civilian farming equipment, looting, arbitrary arrest, forced displacement, and the destruction of the entire Kurdish economy occurred in each stage of the Anfal.⁶¹

The Geneva Protocol of 1925 bans the use of chemical weapons. Their use during the Anfal Campaign marked a new level of wholesale barbarism by the Iraqi government against its own civilian population.⁶² The actions committed by al-Majid earned him the name “Chemical Ali” – a signature detailing his gruesome use of chemical weapons against Iraqi civilians. In audio tapes from 1987, Chemical Ali said of the Kurds that he would “bury them with bulldozers.” He did exactly that.⁶³ In his interrogation at trial, when presented with estimates that he had killed 182,000 Iraqis, he brazenly replied, “It could not have been more than 100,000.” Al-Majid's own statement showed his total absence of remorse. It makes one's blood run cold.

The first stage of the Anfal began in Dolli Jafayty; stage two started in the Qaradakh district; stage three was in the Garmyan district; stage four started in the Askar district, Goptapa, Shwan, Qala, Swaka, and Dashti Koya; stages five, six, and seven occurred in the Shaqlawa and Rewandiz districts; and stage eight was in the Badinan district.⁶⁴

During all these stages of the Anfal Campaign, Kurdish victims were tied together and shot in pre-dug mass graves. Towns and villages were attacked by chemical weapons, including

⁵⁸ *Id.*

⁵⁹ Albert, Craig Douglas “A History of Violence: Ethnic Group Identity and the Iraqi Kurds”. *Iran & The Caucasus* 17. no. 2 (2013).

⁶⁰ Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds: A Middle East Watch Report*, (United States of America: Human Rights Watch, 1993), accessed March 27, 2023, <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ “The Ali Hassan Al-Majid Tapes”, *Human Rights News*, 2003, accessed April 1, 2023, <https://www.hrw.org/legacy/campaigns/iraq/chemicalali.htm>.

⁶⁴ “Anfal Campaign and Kurdish Genocide”, *Kurdistan Regional Government*, 2023, accessed March 29, 2023, <https://us.gov.krd/en/issues/anfal-campaign-and-kurdish-genocide/>.

Sarin nerve gas. Women and children were taken to “transit camps” and murdered.⁶⁵ Exhaustive investigations before the 2007 trials for war crimes, crimes against humanity, and genocide showed that a total of 182,000 people were murdered during the Anfal; over 3,000 Kurdish villages were destroyed; and 200,000 more people were estimated to have “gone missing” and are presumed dead.⁶⁶ Under Hussein’s regime, the Kurdish people suffered “years of repression and genocidal violence” due to their identity as a distinct ethnic group in Iraq.⁶⁷

The Halabja Genocide

The Iran-Iraq War followed Saddam Hussein’s seizure of power. In 1980 Hussein invaded Iran to retake the control of the oil fields on the Iranian side of the Shatt al-Arab river and the Iran-Iraq border. Iraq had previously ceded that side of the river to Iran in a 1975 peace treaty with Iran.

Iran allied themselves with Kurdish forces in Halabja. The Kurdish forces controlled Halabja on the frontlines of the Iran-Iraq War.⁶⁸

On March 16, 1988, exposure to nerve agents killed 5,000 civilians after Hussein's Iraqi Air Force bombed the Kurdish town of Halabja with chemical weapons.⁶⁹ ‘Bloody Friday,’ the infamous name for the massacre,⁷⁰ was ordered by Saddam Hussein to target the Feyli and Shi'a Kurds in Halabja.⁷¹ The campaign included forced deportation, torture, and mass murder.⁷² In Hussein’s war against Iran, he murdered Kurdish civilians in revenge for the support of Kurdish Peshmerga forces for Iran.

Hussein's revenge included the chemical attack on Halabja.⁷³ 12,000 people died from the March 16, 1988 gas attacks due to exposure to the nerve agent sarin and mustard gas.⁷⁴ The medical effects included burns, disfigurements, blindness, neurological disorders, infertility,

⁶⁵ *Id.* “Story of Anfal”, *The Kurdistan Memory Project*, 2023, accessed March 29, 2023, <https://kurdistanmemoryprogramme.com/story-of-anfal/>

⁶⁶ Albert, Craig Douglas. “A History of Violence: Ethnic Group Identity and the Iraqi Kurds”. *Iran & The Caucasus* 17. no. 2 (2013); Paul Bolton et al “The mental health and psychosocial problems of survivors of torture and genocide in Kurdistan, Northern Iraq: A brief qualitative study”. *Torture* 23. no. 1 (2013); “The Kurds’ Long Struggle with Statelessness”, *Council on Foreign Relations*, 2023, accessed March 26, 2023, <https://www.cfr.org/timeline/kurds-long-struggle-statelessness>.

⁶⁷ Kelly, Michael J. “The Anfal trial against Saddam Hussein”. *Journal of Genocide Research* 9. no. 2. (2007): 241; Nahwi Saeed, “The Past Explains the Present: Dealing with Anfal in the Kurdistan Region”. *Review of Middle East Studies* (2023): 2.

⁶⁸ “Anfal and Halabja: A dark period of Kurdish History”. Kurdistan Regional Government-Iraq. November 14, 2013. Representation in Austria. [Anfal and Halabja: A dark period of Kurdish history – Kurdistan Regional Government-Iraq Representation in Austria \(krg.org\)](#)

⁶⁹ Unrepresented Nations and Peoples Organization, *The Kurdish Genocide: Achieving Justice through EU Recognition*, March 6, 2023, 3, https://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-ig/dv/03_kurdishgenocidesofanfalandhalabja_/03_kurdishgenocidesofanfalandhalabja_en.pdf

⁷⁰ “Anfal and Halabja: A dark period of Kurdish History”. Kurdistan Regional Government-Iraq. November 14, 2013. Representation in Austria. [Anfal and Halabja: A dark period of Kurdish history – Kurdistan Regional Government-Iraq Representation in Austria \(krg.org\)](#)

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ De Bretton-Gordon, Hamish. “Remembering Halabja Chemical Attack.” *Al Jazeera*, March 16, 2016, [Remembering Halabja chemical attack | Humanitarian Crises | Al Jazeera](#)

The future effectiveness of international law enforcement depends on prosecuting corporations and individuals who sold products to governments they knew intended to perpetrate crimes against humanity and genocide.

The Displacement and Massacres of Kurdish Christians after the American Invasion of 2003

Christians who live in Iraqi Kurdistan speak Kurmanji, an Aramaic language. The group presents themselves as Kurds.⁸⁷ The Hussein regime officially classified the group as Arabs in the 1977 census, a designation many Assyrians and Chaldeans indignantly reject.⁸⁸

Approximately 67% of Iraqi Christians are Chaldean Catholics (eastern rite of the Catholic Church), and nearly 20% are members of the Assyrian Church of the East. The rest are Syriac Orthodox, Syriac Catholic, Armenian Catholic, Armenian Orthodox, Anglican, and other Protestant denominations. Only 50 Evangelical Christian families reportedly remain in Iraq, down from approximately 5,000 in 2013.⁸⁹

In 2003, after Saddam Hussein's ouster, trial, and hanging, Iraq's new leadership struggled to establish a democratic government. Two decisions by the American administration occupying Iraq proved to be disastrous for Iraq's transition to democracy.⁹⁰

First, the U.S. decided to "bar the long-ruling Ba'ath Party" from any future in the Iraqi government. The American "viceroy," Paul Bremer, and the other American authorities ordered the firing of all Ba'athist officials with political power. By doing this, the American occupation created a political power vacuum. It also created instant leadership for an insurgency that would violently oppose American rule.

Second, the U.S. decided to disband the Iraqi Army, Air Force, and other Iraqi military services. This decision left thousands of militarily trained men without jobs. It also created an immediate void in public security.⁹¹ The unemployed, militarily trained Iraqi Army became an instant fighting force for an insurgency against American rule.

Iraqi Christians had been protected by Saddam Hussein to support Sunni Arab rule over the Shi'a majority population of Iraq. With the dissolution of the Iraqi Army, Christians lost their military protection. Hussein's overthrow meant that Iraqi Christians lost most of their power in the Iraqi government. Iraqi Shi'a expatriates, who had fled under Hussein to the USA, returned to Iraq to lead the new Iraqi government under American occupation.

After the American occupation in 2003, Christians were attacked and driven out of areas they had lived in for centuries, even for millennia. Assyrian, Chaldean, Armenian, Syriac and other Christians in Iraq numbered 1.4 million people before the 2003 American invasion. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the

⁸⁷ "11." n.d. Www.hrw.org. Accessed March 29, 2023. <https://www.hrw.org/reports/1993/iraqanfal/ANFAL11.htm>.

⁸⁸ *Id.*

⁸⁹ <https://www.kirkensnodhjelp.no/en/news/publications/1/protection-of-minorities/2/>

⁹⁰ Hamasaeed, Sarhang, and Garrett Nada. 2020. "Iraq Timeline: Since the 2003 War." United States Institute of Peace. May 29, 2020. <https://www.usip.org/iraq-timeline-2003-war>.

⁹¹ *Id.*

Iraqi census of 1987 indicated that 1,400,000 Christians lived in Iraq. By 2006, after five years of insurgency and civil war, there were only 550,000 Christians left.

Even before the 2014 invasion by ISIS, Christians, and other religious minorities such as the Yazidis, Shabaks, and Turkmen Shiites faced dire circumstances including “facing a long winter without homes,” a nomadic period which forced them to wander from village to village in northern Iraq and Kurdistan.⁹²

Archbishop Bashar Warda of the Chaldean Catholic Church warned that a growing number of Islamist groups asserted that the “killing of Christians and Yazidis help[s] to spread Islam.”⁹³

In 2014, ISIS (also called Da'esh or ISIL) invaded and conquered western Iraq. ISIS swept Christians off the Nineveh Plain where they had lived for nearly two thousand years. Between 2003 and 2019, Iraq’s Christian leadership reported a significant drop in Christians from 1.4 million to about 150,000 Christians in present day Iraq.⁹⁴ The US Commission on International Religious Freedom estimates that the number of Iraqi Christians fell from 1.4 million Christians in 2003 to 550,000 by 2008, to under 150,000 today.⁹⁵

The 2014-2018 Genocide by ISIS Against Yazidis, Shi’a, Christians, Turkmen, and Shabaks

Yazidis are “Kurmanji-speaking ethnic Kurds” and remain mostly within the hilly plains of Northern Iraq along the “southern edge of the Badinan mountains,”⁹⁶ at the base of the Sinjar Mountains.

The persecution of Iraqi Yazidis and Christians began before the 1991 Iraqi wars. The Iraq regime destroyed villages and left both groups vulnerable to the Anfal.⁹⁷ In 1973, several thousand Yazidis were displaced from their homes in Jabal, Sinjar. Along with their Muslim Kurdish neighbors, the Yazidis and Christians in the Sleivani and Sheikhan areas were removed from their villages during the Arabization campaign of the mid-1970s. The border clearance campaigns of 1977 destroyed a dozen Christian churches in Badinan.⁹⁸

In 2014, Islamic State (ISIS) jihadists displaced more than 125,000 Christians from their historic homelands. Iraq’s Christian leadership blamed the jihadists for their “existential Islamic extremists, including al-Qaeda in Iraq, Shi'a militias, and criminal gangs.”⁹⁹

⁹² *Id.*; n.d. Www.govinfo.gov. <https://www.govinfo.gov/content/pkg/CHRG-113hrg89741/html/CHRG-113hrg89741.htm>.

⁹³ Gardner, Frank. 2019. “Iraq’s Christians ‘close to Extinction.’” BBC News, May 23, 2019. <https://www.bbc.com/news/world-middle-east-48333923>.

⁹⁴ *id.*

⁹⁵ Refugees, United Nations High Commissioner for. n.d. “Refworld | Iraq: Overview of the Situation of Christians; Violence against Christians in Baghdad and the North; Displacement; Government Protection; Situation of the Christian Minority in the Kurdistan Region (2003-2008).” Refworld. <https://www.refworld.org/docid/49913b5e17.html>.

⁹⁶ “11.” n.d. Wwww.hrw.org. Accessed March 29, 2023. <https://www.hrw.org/reports/1993/iraqanfal/ANFAL11.htm>.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Refugees, United Nations High Commissioner for. n.d. “Refworld | Iraq: Overview of the Situation of Christians; Violence against Christians in Baghdad and the North; Displacement; Government Protection; Situation of the

ISIS jihadists labeled Yazidis “devil worshipping infidels.” ISIS massacred over 5000 Yazidi men. ISIS also kidnapped thousands of Yazidi women and forced them to become sex slaves. Over 2000 Yazidi women remain unaccounted for today. 500,000 Yazidis were forced out of their villages. Many Yazidis remain internally displaced in Iraq today.



Yazidi woman mourning the murders by ISIS of every male and abduction of every female in her family, Yazidi IDP Camp, Duhok, 18 April 2023. ©2023 TedStantonPhoto

Genocide Watch, the International Association of Genocide Scholars, the US Congress (unanimously), the European Parliament (all but two members), The US State Department, the government of the Netherlands, and numerous other governments have recognized these atrocities by ISIS as genocide.¹⁰⁰

Christian Minority in the Kurdistan Region (2003-2008).” Refworld.
<https://www.refworld.org/docid/49913b5e17.html>.

¹⁰⁰ Macintyre, James, *Iraq invasion ‘sounded death knell for Iraqi Christians’*, July 7, 2016, date accessed, May 18, 2023, <http://genocidewatch.net/?s=Yazidis>.

The Shi'a Militia Takeovers of Formerly Christian Villages on the Nineveh Plain

For millennia, the Nineveh Plain has been home to Turkmen, Shi'a, Shabak, Kakai, Yazidis, Sabean Mandeans, and Assyrian Christians.¹⁰¹ ISIS fighters seized this area in 2014, resulting in the forced displacement of over 500,000 people, more than ten thousand murders, and the mass rape of thousands of Yazidi women and girls.¹⁰² The occupation by ISIS resulted in the destruction of “over 70% of the towns.” on the Nineveh Plain.¹⁰³ Even after expulsion of ISIS, Shi'a militia have taken over many formerly Christian and Yazidi villages, resulting in thousands of displaced and homeless families.¹⁰⁴

Bartella, is a large, historically Christian town taken over by the Shi'a militia after its destruction by ISIS.¹⁰⁵ The Shi'a militia, the al-Hashd al-Sha'abi, also known as the al-Hashd al-Shabak, now occupies this town.¹⁰⁶ This militia is preventing Christians from returning to their former homes. The militia believes that both the Kurdish Christians and Kurdish Peshmerga forces are encroaching on territories that belong to the Shi'a.¹⁰⁷

The al-Hashd al-Sha'abi have attacked both Iraqi forces and U.S. forces.¹⁰⁸ The Christian militias and the Nineveh Plain Guard have attempted to force al-Hashd al-Sha'abi to withdraw from the Nineveh Plain, but all attempts have failed.¹⁰⁹ The Christian militias remain outnumbered. The Iraqi Army is controlled by the Shi'a government in Baghdad.¹¹⁰ The Baghdad government has refused to support Kurdish Christian return to their traditional towns. The al-Hashd al-Sha'abi have even invaded and occupied the Iraqi parliament in a recent uprising.

Kurdish Christians have been victims of both genocide by ISIS and forced displacement by Shi'a militias, led by the al-Hashd al-Sha'abi.

¹⁰¹ “Ethnic Cleansing on a Historic Scale: Islamic State’s Systematic Targeting of Minorities in Northern Iraq”. Amnesty International. 2014, 4, [mde14011 \(amnesty.org\)](https://www.amnesty.org/en/documents/mde14011/20140404/).

¹⁰² *Id.*

¹⁰³ Kailan, Yousif, “The Nineveh Plains and the Future of Minorities in Iraq”. Fikra Forum. February 7, 2017. [The Nineveh Plains and the Future of Minorities in Iraq | The Washington Institute](https://www.washingtoninstitute.org/policy-analysis/view/nineveh-plains-and-the-future-of-minorities-in-iraq).

¹⁰⁴ Shea, Nina, “How to Help Iraq’s Religious Minorities”. Hudson Institute. September 21, 2017. [How to Help Iraq’s Religious Minorities | Hudson](https://www.hudson.org/research/44444-how-to-help-iraq-s-religious-minorities)

¹⁰⁵ Abeulgasim, Fay. “Iraqi Christians fear returning home, wary of Shiite militia”. *Associated Press*. February 13, 2019. [Correction: Iraq-Christian Town story | AP News](https://www.washingtonpost.com/news/middle-east/wp/2019/02/13/correction-iraq-christian-town-story-ap-news/).

¹⁰⁶ *Id.*; Malik, Hamdi; Knights, Michael, “Profile: Hashd al-Shabak (30th PMF Brigade)”. The Washington Institute for Near East Policy. June 22, 2022. [Profile: Hashd al-Shabak \(30th PMF Brigade\) | The Washington Institute](https://www.washingtoninstitute.org/policy-analysis/view/profile-hashd-al-shabak-30th-pmf-brigade).

¹⁰⁷ Malik, Hamdi; Knights, Michael, “Profile: Hashd al-Shabak (30th PMF Brigade)”. The Washington Institute for Near East Policy. June 22, 2022. [Profile: Hashd al-Shabak \(30th PMF Brigade\) | The Washington Institute](https://www.washingtoninstitute.org/policy-analysis/view/profile-hashd-al-shabak-30th-pmf-brigade).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Abeulgasim, Fay. “Iraqi Christians fear returning home, wary of Shiite militia”. *Associated Press*. February 13, 2019. [Correction: Iraq-Christian Town story | AP News](https://www.washingtonpost.com/news/middle-east/wp/2019/02/13/correction-iraq-christian-town-story-ap-news/).

Legal Analysis

This section will show that the facts in the first section of this report prove that Saddam Hussein and his Ba'athist regime committed genocide in at least four campaigns. Since Hussein's overthrow in 2003, Christians and Yazidis have been victims of three genocides perpetrated by Sunni and Shi'a militias and by ISIS. Yazidis, Christians, and Shi'a have been victims of the ISIS genocide.

There were at least four separate genocides committed by the Iraqi government of Saddam Hussein: (1) the forced deportation and murder of more than 22,000 Feyli Kurds; (2) the 1983 abduction and mass murder of eight thousand Barzanis; (3) the Anfal campaign resulting in the murder of 100,000 to 182,000 Kurds; and (4) the 1988 chemical attack on Halabja.¹¹¹

Since 2003, there have been three more genocides: (1) the forced displacement and massacres of Christians on the Nineveh Plain; (2) the ISIS genocides of Yazidis, Christians, Shi'a and other religious minorities from 2014 to 2019; and (3) the forced displacement of Christians and Yazidis from the Nineveh Plain and Sinjar by Shi'a militias.

Evidence of Intentional Acts to Commit Genocide

To prove genocide, three elements of the crime must be proven:

1. The crimes must have been intended to destroy a group, in whole or in part.
2. They must be committed against a national, ethnic, racial, or religious group.
3. Acts of genocide must have been committed against the group.

There are five acts of genocide enumerated in the Genocide Convention. We will consider how they apply to the seven genocides depicted in the factual discussion *supra*.

Article II of Convention on the Prevention and Punishment of the Crime of Genocide states:

"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:"¹¹²

Article 2(a) "Killing members of the group"

Saddam Hussein's regime planned to destroy the Kurdish population through the mass killing of Kurds. This plan included rounding up Kurdish men, women, and children who were then divided into male and female groups.¹¹³ "Prohibited zones" were designated in Kurdistan, and anyone caught in these zones would be shot on sight. Many Kurdish villages were in prohibited

¹¹¹Ihsan, Mohammed. 2017. *Nation Building in Kurdistan: Memory, Genocide and Human Rights*; Gunter, Michael. 2018. "Book Review: Nation Building in Kurdistan: Memory, Genocide and Human Rights." *Genocide Studies and Prevention* 11 (3): 128–30.

¹¹² United Nations. 1951. *Convention on the Prevention and Punishment of the Crime of Genocide*: <https://doi.org/10.5771/9783845258911>.

¹¹³ Salih, Kaziwa. 2022. "Demographic Engineering, the Forcible Deportation of the Kurds in Iraq, and the Question of Ethnic Cleansing and Genocide." *State Crime Journal* 11 (2): 188–208. <https://doi.org/10.13169/statecrime.11.2.0188>.

zones marked for destruction. The intent was to forcibly displace Iraqi Kurds from the Kurdistan region. The Kurdish victims were transported to detention centers in the western desert. Many prisoners were transported to desert areas in the south of Iraq where they were executed or left to die of thirst.¹¹⁴ The Iraqi government of Saddam Hussein subjected numerous areas of Kurdistan to bombing. The bombings including chemical gas attacks by warplanes, helicopters, and heavy artillery. These attacks were intended to kill people and destroy villages and farms.

The Ba'athist military regime had the declared intent to destroy, in whole or in part, the Iraqi Kurd national and ethnic group.¹¹⁵ They falsely convinced Kurdish villagers that if they surrendered to Iraqi forces, no harm would befall them. After Iraqi troops took control of their villages, the Iraqi government designated Kurdish territories as “prohibited zones.”¹¹⁶ Iraqi troops implemented a shoot-to-kill policy if they found Kurdish people in these zones.¹¹⁷

Saddam Hussein's government planned and implemented the Anfal Genocide against the Kurds, resulting in the death of 100,000 to 182,000 Kurds whose bodies were buried in mass graves. Seventy percent (70%) of the bodies in these mass graves were male Kurds. Their bodies were found in July 2011 in southern and western Iraq. Firing squads murdered the men after forcing them to stand in their own mass graves.¹¹⁸

Article 2(b) "Causing serious bodily or mental harm to members of the group"

Ali Al-Majid gave explicit orders to interrogate, torture, and execute all captured Kurdish men between the ages of 15 and 70.¹¹⁹ In prohibited zones, farming was prohibited, thereby causing thousands of Kurds to die of starvation. Thousands of Kurdish villages were evacuated and destroyed.¹²⁰

The First Corps (Kirkuk HQ), Fifth Corps (Erbil HQ), Republican Guard units (in Anfal I), the Kirkuk-based Oil Protection Forces (in Anfal III), Special Forces (Quwwat Khaaseh), Commando Units (Maghawir) and Emergency Forces (Quwwat Taware') were created and deployed to destroy Kurdish "prohibited zones" with mortar, artillery fire, and chemical shells. They were ordered to round up fleeing villagers and transfer them to transit camps at Topzawa.¹²¹ There they tortured them and sent thousands of Kurds to western and southern Iraq, where they were murdered and buried in mass graves.

¹¹⁴ Khalid Farhan. 2007. “Kurdish Women and Children Executed, Saddam Trial Told.” Reuters. 2007. <https://www.reuters.com/article/uk-iraq-saddam/kurdish-women-and-children-executed-saddam-trial-told-idUKCOL03457420061130>.

¹¹⁵ UNPO. 2013. “The Kurdish Genocide Achieving Justice through EU Recognition.”

¹¹⁶ Order SF/4008 dated 20 June 1987

¹¹⁷ Human Rights Watch. 1993. “Introduction: GENOCIDE IN IRAQ: The Anfal Campaign Against the Kurds.” 1993. <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>.

¹¹⁸ Farhan, Khalid. 2007. “Kurdish Women and Children Executed, Saddam Trial Told.” Reuters. 2007. <https://www.reuters.com/article/uk-iraq-saddam/kurdish-women-and-children-executed-saddam-trial-told-idUKCOL03457420061130>.

¹¹⁹ Order SF/4008

¹²⁰ UNPO. 2013. “The Kurdish Genocide Achieving Justice through EU Recognition.”

¹²¹ Hiltermann, Joost R. 2008. “The 1988 Anfal Campaign in Iraqi Kurdistan.”

The incarceration of Kurdish women and the disappearance of their loved ones during the Anfal campaign left them with deep mental wounds and lifelong trauma.¹²² Surviving women especially found it difficult to overcome the trauma caused by food deprivation, illnesses, death of children, murders of their husbands, and sexual abuse.¹²³

The Saddam Hussein regime used chemical weapons¹²⁴ as collective punishment for the Kurdish rebel support of Iran. The Iraqi Army attacked Kurdish base camps and large groups of Kurdish people. Ninety percent of Kurdish villages, small towns, and cities were destroyed in the Anfal campaign. The Saddam Hussein regime attempted to capture and kill a large part of the civilian population of Kurdistan.¹²⁵

Article 2(c): "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part"

The Iraqi government organized "The Public Security Directorate" that prepared "kill lists" of people belonging to the two Kurdish political parties.¹²⁶ Such lists included their names, places and dates of birth, gender, military service, and gun handling experience.¹²⁷ Thousands of Kurdish detainees were in Halabja at the time of the gas attack by the Iraqi Air Force and Iraqi Army. 5000 Kurds were immediately killed by chemical weapons, including mustard gas and the nerve agent, Sarin.¹²⁸ Thousands more Kurds died after the bombardments from cancer, pneumonia, and other fatal diseases caused by physical deterioration caused by the chemical attacks.

The Kurdish people were forced out of their homes into internally displaced persons camps. They were then released from IDP camps into prohibited zones where the Hussein regime hunted them down and killed them.¹²⁹ The Iraqi Army and Air Force demolished Kurdish villages and homes. The rural Kurdish farming economy was destroyed, and thousands of Kurds died of starvation.¹³⁰

Article 2(d): "Imposing measures intended to prevent births within the group"

Kurdish women were taken to internment camps without men, so they could not conceive Kurdish children. No heat or clothing was provided, and many succumbed to the elements. Others

¹²² Choman Hardi. 2021. *Gendered Experiences of Genocide: Anfal Survivors in Kurdistan-Iraq*.

¹²³ Mlodoch, Karin. 2012. "'We Want to Be Remembered as Strong Women, Not as Shepherds': Women Anfal Survivors in Kurdistan-Iraq Struggling for Agency and Acknowledgement." *Duke Un* 08 (1): 63–91.

¹²⁴ Ali, Javed. 2001. "Chemical Weapons and the Iran-Iraq War: A Case Study in Noncompliance." *Nonproliferation Review* 8 (1): 43–58. <https://doi.org/10.1080/10736700108436837>.

¹²⁵ Editorial. 2018. "Remembering the Halabja Massacre." 2018. <https://editorials.voa.gov/a/remembering-halabja-massacre/4298678.html>.

¹²⁶ Security, General, and General Intelligence. 2002. "Iraq's Security and Intelligence Network : " 6 (3): 1–13.

¹²⁷ Hiltermann, Joost. 2008. "The 1988 Anfal Campaign in Iraqi Kurdistan, Mass Violence & Résistance," *ibid*.

¹²⁸ Miler, Stuart Adam. 2014. "ABSTRACT Iraqi Kurds: Road to Genocide."

¹²⁹ Aboulenein, Ahmed. 2018. "Iraq Returning Displaced Civilians from Camps to Unsafe Areas." Reuters. 2018. <https://www.reuters.com/article/uk-mideast-crisis-iraq-refugees-idUKKBN1EW074>.

¹³⁰ Zibar, Layla. 2022. "Planning for Forced Displacement in Chronic Conflict Zones between Temporary Camps and Permanent Settlements? The Case of Kurdistan Region of Iraq." <https://lirias.kuleuven.be/3992194?limo=0>.

committed suicide. Women who would not submit to rape by the male guards were immediately executed.¹³¹

Kurdish women were separated from their husbands. The Iraqi army sexually mutilated and gang-raped them. Such rapes were intended to result in pregnancies and births of non-Kurdish children who would then be shunned because in a patrilineal society they would belong to their Arab fathers' ethnic groups. This common method of genocide is intended to change the genetic makeup of the victim group.¹³²

Article 2(e): "Forcibly transferring children of the group to another group"

The Iraqi government of Saddam Hussein imposed a selection process upon Kurdish children at displaced persons' camps. Children were separated from their families and forced into adoptions by Arab parents.¹³³ Young children were separated from older children.¹³⁴ These multiple transfers increased the trauma caused by the forcible kidnapping of children from their Kurdish families.¹³⁵ The system of transfers exacerbated their fear of annihilation, powerlessness, loss of family members and torture. These forcible transfers of children from Kurdish ethnic groups to Arab ethnic groups were direct violations of Article 2(e) of the Genocide Convention.

To sum up, there is ample evidence that Iraq committed all five acts of genocide against the Kurdish people enumerated in the Genocide Convention.

Iraq Special Tribunal

The Saddam Hussein regime was overthrown in 2003. The Iraq Special Tribunal was created (with American legal guidance) to try Saddam Hussein, Ali Al-Majid, and other officials in the Hussein regime.

In 2005, the Dujail trial preceded the Anfal trials by nearly a year. The Dujail trial was for crimes against humanity committed by Saddam Hussein in revenge for an unsuccessful assassination attempt on Hussein in 1982. 148 Dujail men were massacred by Iraqi security forces under Ali Al-Majid. Thousands more of the town's residents were deported. The town was totally demolished.

¹³¹ Mojab, Shahrazad. 1970. "Kurdish Women in the Zone of Genocide and Gendercide." *Al-Raida Journal* XXI (103): 20–25. <https://doi.org/10.32380/alrj.v0i0.396>; UNICEF Iraq. 2022. "Mapping and Assessment of the Child Justice System in Kurdistan Region of Iraq- November 2022." <https://www.unicef.org/iraq/reports/mapping-and-assessment-child-justice-system-kurdistan-region-iraq-november-2022>.

¹³² Choman Hardi. 2021. *Gendered Experiences of Genocide: Anfal Survivors in Kurdistan-Iraq*.

¹³³ Mlodoč, Karin. 2012. "We Want to Be Remembered as Strong Women, Not as Shepherds': Women Anfal Survivors in Kurdistan-Iraq Struggling for Agency and Acknowledgement." *Duke Un* 08 (1): 63–91.

¹³⁴ Salih, Kaziwa. 2022. "Demographic Engineering, the Forcible Deportation of the Kurds in Iraq, and the Question of Ethnic Cleansing and Genocide." *State Crime Journal* 11 (2): 188–208. <https://doi.org/10.13169/statecrime.11.2.0188>.

¹³⁵ Human Rights Watch. 1993. "Introduction: GENOCIDE IN IRAQ: The Anfal Campaign Against the Kurds." 1993. <https://www.hrw.org/reports/1993/iraqanfal/ANFALINT.htm>; UNPO. 2013. "The Kurdish Genocide Achieving Justice through EU Recognition."

The Iraq Special Tribunal convicted Saddam Hussein in the Dujail trial and sentenced him to death. He was hanged on 30 December 2006.

The Dujail trial has become a source of frustration for Kurds. Before the Anfal trial could conclude, Saddam Hussein had already been hanged.

In the Anfal trials the Iraq Special Tribunal indicted Hussein and Ali Al-Majid for crimes against humanity.¹³⁶ The Iraq Special Tribunal also charged Saddam Hussein and Al-Majid with genocide due to their roles in planning the Anfal genocide.¹³⁷

The Iraq Special Tribunal dropped Saddam Hussein's charges in the Anfal trial after the Special Tribunal sentenced him to death in the Dujail trial and he was hanged.

The Anfal trial began in August 2006.¹³⁸ with five judges and six defendants.¹³⁹ The six defendants were central to the implementation of the Anfal campaign.¹⁴⁰ The charges against the defendants included crimes against humanity and war crimes, specifically, attacking protected buildings, destroying or appropriating property, and murdering and enslaving the Kurds.¹⁴¹

In the Complainant phase of the Anfal trial, the testimony of 27 complainants detailed chemical attacks, destruction of mosques, persecution, torture in the detention camps, and mass executions.¹⁴²

Following this phase was the Documentary Evidence phase lasting from December 2006 to late January 2007.¹⁴³ Each phase was divided into two parts: proof of the planned nature of the Anfal campaign and proof of the use of chemical weapons against civilian populations that were primarily Kurdish.¹⁴⁴

¹³⁶ Trahan, Jennifer. "A Critical Guide to the Iraqi High Tribunal's Anfal Judgement: Genocide Against the Kurds." *Michigan Journal of International Law* 30, 2 (2009): 309. [A Critical Guide to the Iraqi High Tribunal's Anfal Judgement: Genocide Against the Kurds \(umich.edu\)](#)

¹³⁷ "Saddam's Cousin Sentenced to Death." *Al Jazeera*. June 24, 2007. [Saddam's cousin sentenced to death | News | Al Jazeera](#).

¹³⁸ Trahan, Jennifer. "A Critical Guide to the Iraqi High Tribunal's Anfal Judgement: Genocide Against the Kurds." *Michigan Journal of International Law* 30, 2 (2009): 311. [A Critical Guide to the Iraqi High Tribunal's Anfal Judgement: Genocide Against the Kurds \(umich.edu\)](#)

¹³⁹ *Id.* at 310.

¹⁴⁰ The defendants were Saddam Hussein, Ali Hassan al-Majid, Sultan Hashim Ahmad, Hussein Rashid al-Tikriti, Sabir Abd al-aziz al-Douri, Farhan Multaq al-Jaburi, and Tahir Tawfiq al-'Aani. Ali Hassan al-Majid was the cousin of Hussein who commanded the Baath party Regional Command and oversaw the attacks in Halabja. Sultan Hashem Ahmed al-Tai was a General and Minister of Defense who was appointed as the chief in charge of the Anfal campaign. Hussein Rashid al-Tikriti was a leader in the Iraqi army. Sabird Abdul-Aziz al-Duri was the director of Iraq's military intelligence. Tahir Tawfiq was the governor of Mosul. Lastly, Farhan Mutlak al-Jubenn was the head of military intelligence in the eastern regional office.

"Profile: The Anfal trial defendants." *Al Jazeera*. June 10, 2007. [Profile: The Anfal trial defendants | News | Al Jazeera](#)

¹⁴¹ "Al Anfal." International Crimes Database. <https://www.internationalcrimesdatabase.org/Case/1233/Al-Anfal/>

¹⁴² *Id.* at 310-312.

¹⁴³ *Id.* at 312.

¹⁴⁴ *Id.*

The final stage of the Anfal trial was the presentation of evidence of each defendant's contribution to the genocide.¹⁴⁵ Counsel made closing statements in April 2007, with the prosecution arguing for the death penalty.¹⁴⁶

The Iraq Special Tribunal delivered verdicts in June 2007 sentencing three defendants to death and two to life imprisonment.¹⁴⁷ The High Tribunal convicted Ali Hassan Al-Majid (known as “Chemical Ali”) for war crimes, crimes against humanity, and genocide and sentenced him to death.¹⁴⁸ Chemical Ali was hanged on 25 January 2010.

Iraq Supreme Court

The Iraq Supreme Court presided over two sets of new trials for the Anfal genocide in 2011. The Court indicted seven defendants, “including Saddam Hussein and his cousin” ‘Chemical Ali.’¹⁴⁹ It dropped Hussein’s charges because he had been executed in 2006.

In 2011, the Iraq Supreme Court held that the Anfal Campaign was genocide. The Supreme Court found that beginning in 1988, Saddam Hussein as leader of the Iraqi government “launched a military campaign against the Kurdish population residing in northern Iraq.”¹⁵⁰ Between February 1998 and September 1998, eight operations deployed “both conventional and chemical weapons...against the citizens of Kurdish villages.”¹⁵¹

The Court found that the Hussein government killed and injured hundreds of thousands of Kurds. The government raided and looted the villages, executed their inhabitants, and burned their villages to the ground. Survivors were “transported to prison camps where they were starved and detained in inhumane conditions.”¹⁵² The campaigns were called “the Al Anfal campaign.”¹⁵³

The Supreme Court convicted all but one (who was acquitted for lack of evidence) and sentenced three to death sentences.¹⁵⁴ By 2011, the Iraqi Supreme Court utilized evidence, gathered by researchers in support of the charges brought against the defendants, for the second Al Anfal trial.¹⁵⁵

¹⁴⁵ *Id.*

¹⁴⁶ Trahan, Jennifer. “A Critical Guide to the Iraqi High Tribunal’s Anfal Judgement: Genocide Against the Kurds.” *Michigan Journal of International Law* 30, 2 (2009): 311, at p. 313-314, [A Critical Guide to the Iraqi High Tribunal's Anfal Judgement: Genocide Against the Kurds \(umich.edu\)](#).

¹⁴⁷ *Id.* at 314.

¹⁴⁸ “Al Anfal.” International Crimes Database. [ICD - Al Anfal - Asser Institute \(internationalcrimesdatabase.org\)](#).

¹⁴⁹ Ahmad, Mohammed. “From Blueprint to Genocide? An analysis of Iraq’s Sequenced Crime of Genocide committed against the Kurds of Iraq,” PhD diss., (University of Exeter, Jan. 2014).

¹⁵⁰ “Farhan Mutlak Ai Jibouri, Sultan Hashim Ahmad Ai Tae' e, Hussein Rashid Moharmned and Ali Hasan Ai Majid v. the General Prosecutor.” ICD - Al Anfal - Asser Institute. International Crimes Database. Accessed March 24, 2023. <https://www.internationalcrimesdatabase.org/Case/186/Al-Anfal/#>

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

Iraq High Criminal Court

On May 3, 2011, the Iraq High Criminal Court, Chamber 1, was formed under the Presidency of Judge Asso Mohammed Sofi. The Court was convened to try additional officials from the Ba'athist regime of Saddam Hussein for crimes against humanity and genocide.

The Court found the former Minister of the Interior and Member of the Revolutionary Command Council (RCC) Sadon Shakir Mahmud; Foreign Minister and Member of the RCC, Tarik Aziz; and the Director of Ba'ath Party North Branch and Member of the RCC, Hikmat Mozban, guilty of genocide under Article 11(1)(a) of the Iraq High Criminal Court Statute no. 10 (2005).

The defendants were also convicted of forced displacement as a crime against humanity under Article 12(1)(d) of the Statute, torture as a crime against humanity under Article 12(1)(j) of the Statute, and the commission of inhumane acts causing psychological and physical harm against humanity under Article 12(1)(l) of the Statute.¹⁵⁶

The court also convicted Sofyan Mahir Hassan, in charge of the Republican Guard Brigade of genocide under Article 11(a), and torture as a crime against humanity under Article 12(1)(j).¹⁵⁷ It convicted Hamid Yossif Hamadi, Special Secretary of Saddam Hussein, for committing inhumane acts causing serious psychological and physical harm as a crime against humanity under Article 12(1)(l) of the Statute.¹⁵⁸

Global Recognition of the Kurdish Genocides

Before the Feyli deportations of the 1980s, fifteen to twenty percent of Iraqi Kurds were Feylis. The Feyli forced deportations were among the major crimes against humanity committed by Iraq's Ba'athist government. The crimes also constituted genocide. The Feyli genocide, among other crimes, were not formally recognized as genocide until 2011. In August 2011, the Iraq Supreme Court, Iraq Council of Representatives, and the Iraq Parliament officially determined that the Fayli mass killings constituted genocide.¹⁵⁹

The Feyli genocide is still ignored or denied by many Iraqi and foreign scholars who dismiss the genocide as a war crime, a result of Iraq's ongoing conflicts with Shi'a Iran. A conference in Erbil led by Prof. Mohammed Ihsan on May 2 - 4, 2023 brought together genocide experts from Iraq and other countries to address the lack of awareness of this "forgotten genocide."

In 1983, the Iraqi government abducted and executed 8,000 Barzani men and boys. In 2010, the Iraq Supreme Court, the Iraq Council of Representatives and the Iraq Parliament

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Ahmad, "From Blueprint to Genocide?..." Pg., 188

¹⁵⁹ Minority Rights, "Minorities and Indigenous Peoples in Iraq: Faily Kurds," 2017, accessed April 4, 2023, <https://minorityrights.org/minorities/faily-kurds/>.

acknowledged the Barzani massacres as acts of genocide.¹⁶⁰ Unfortunately, most of the "international community," a mythical beast that lurks only in the fog of diplomatic and scholarly speculation, has also largely overlooked the Barzani Genocide.

It was not until the 1988 Anfal Genocide that there was global recognition of the Kurdish Genocides. The Anfal Campaign was a systematic genocide against the Kurdish national and ethnic group resulting in mass extermination. The campaign was the culmination of decades of Iraqi Arabization policies. Because at least 182,000 Kurds were murdered in this genocide, and it happened in a country of great strategic importance for the "great powers," it could not be ignored.

The Anfal genocide was a public relations problem for the West because the weapons and chemicals used to murder 182,000 Kurdish people were supplied by Western corporations. US Secretary of Defense Donald Rumsfeld famously visited Baghdad in 1983 and 1984. Rumsfeld shook hands with Saddam Hussein. [It is not known if Rumsfeld washed his hands afterwards.] Rumsfeld expressed US support for Iraq's war against Iran. US support included billions of dollars of economic aid, sharing of military intelligence, special operations training, and the sale of "dual use technology, including the \$200 million sale of 45 Bell helicopters in 1985. No research has yet been done to determine whether the helicopters were later used in the Anfal Genocide or the gassing of Halabja.

In 2008, the Iraqi government formally recognized the Anfal campaign as genocide through Parliamentary Resolution 26.¹⁶¹ In Sweden, the Committee of Foreign Affairs submitted a proposal to the Swedish Parliament recognizing the Anfal genocide. The Swedish Parliament officially adopted this proposal in 2012 due to the efforts of diaspora Kurds in the country.¹⁶² It was the first European country to recognize the Anfal Campaign as Genocide. Norway's foreign minister, Espen Barth Eide recognized the judgment of the Iraqi Supreme Court in a parliamentary debate during which Eide stated that the Anfal campaign constituted genocide.¹⁶³ In 2013, the United Kingdom's government welcomed a resolution to recognize the Kurdish Genocide. In 2013, in the US House of Representatives, Rep. Chris Van Hollen of Maryland introduced a resolution recognizing the Anfal Genocide. It was tabled and not brought to a vote.¹⁶⁴

Legislative bodies are not the only entities with the power to declare genocide. Frans Van Anraat was a Dutch businessman who knowingly supplied the chemicals used in the Halabja attacks. His trial took place in 2005 at the Supreme Court of the Netherlands. The Dutch court held that the attacks against the Kurds in the 1980s were genocide because the attacks were

¹⁶⁰ "Anfal and Halabja: A Dark Period of Kurdish History." Kurdistan Regional Government-Iraq. November 14, 2013. Representation in Austria. [Anfal and Halabja: A dark period of Kurdish history – Kurdistan Regional Government-Iraq Representation in Austria \(krg.org\)](#)

¹⁶¹ Kurdistan Regional Government. [Gobierno Regional del Kurdistán | Genocide \(krgspain.org\)](#).

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Ibid.*

explicitly directed against a specific group, defined as a wrongful act in the Dutch Genocide Convention Implementation Act.¹⁶⁵

Officially, there are only a few countries that have recognized the Anfal Campaign as genocide, even though government leaders and members of some governments have personally recognized the Anfal as genocide.

This absence of recognition is partially due to the widespread (and erroneous) belief that genocide can only be determined in courts of law, rather than by legislative or executive branches of governments. The UK, Swedish, and other governments, and even the UN Office of the Special Advisor to the Secretary General for the Prevention of Genocide have declared that determinations of genocide must first be judicial decisions. The Special Advisor's Office has even issued an opinion that use of the word "Genocide" is outside the purview of the legislative branch or executive branch of governments. Such a position ignores the very name of the International Convention for the Prevention and Punishment of the Crime of Genocide. How can anyone prevent genocide if no one can use the word Genocide until after it is over, and a Court has ruled that it was genocide?

Many nations have skirted their responsibility by attempting to pass the decision on recognition to the courts. Such nations reason that if they officially recognize a genocide, it will trigger an obligation under Article 1 of the Genocide Convention to prevent it.

The Convention does not prescribe what actions states must take to prevent a genocide. The Genocide Convention only requires that states punish perpetrators of genocide who are within their legal jurisdiction or extradite them when they are charged by another state that shows sufficient evidence to justify indictment. The Genocide Convention also requires that states-parties pass legislation to outlaw genocide.

As seen in the case of Frans van Anraat, who was sentenced to 15 years in prison for knowingly supplying Saddam Hussein with the chemicals used to gas Halabja, governments may even refuse to recognize a genocide until a court convicts one of the state's citizens of playing a role in aiding and abetting it.

In 2016, the genocides perpetrated by ISIS received global attention, prompting the quick response of nations to recognize ISIS genocides. The United States Congress and the US Department of State recognized the ISIS genocides after The United States House of Representatives unanimously voted that the atrocities perpetrated by ISIS against the Yazidis, Christians, Shi'a, and other groups were acts of genocide. Secretary of State John Kerry declared that the actions of ISIS constituted genocide based on the evidence that ISIS trapped and killed Yazidis, enslaved both Yazidi and Christian women and girls, and destroyed their communities.

Genocide Watch co-convened the Genocide Working Group that drafted the 2016 US Congressional Resolution that declared that ISIS was committing genocide and lobbied for its

¹⁶⁵ Unrepresented Nations and Peoples Organization, *The Kurdish Genocide: Achieving Justice through EU Recognition*, March 6, 2023, 4, https://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-iq/dv/03_kurdishgenocidesofanfalandhalabja_/03_kurdishgenocidesofanfalandhalabja_en.pdf.

unanimous passage. This was the first time that the United States had declared a genocide since Darfur in 2004.¹⁶⁶

Other governments have also recognized the Yazidi genocide. On April 2016, the House of Commons of the United Kingdom unanimously supported a motion that declared the treatment of Yazidis and Christians by the Islamic State as genocide and referred the issue to the UN Security Council. In doing so, the Conservative Members of Parliament (MPs) defied their fellow party members in the UK government, who had tried to dissuade the Tory MPs from making such a statement, because of the Foreign Office's long-standing (and legally unjustified) policy of refusing to give a legal description to potential war crimes and crimes against humanity. Foreign Office Secretary Tobias Ellwood personally believed such genocide had taken place, but stated it was up to the courts, not the politicians, to make this determination.¹⁶⁷

On December 6, 2016, the French Senate unanimously approved a resolution stating that acts committed by the Islamic State against “the Christian and Yazidi populations, other minorities and civilians” were war crimes, crimes against humanity, and genocide. The French Senate also invited the government to use all legal channels to have these crimes recognized and the perpetrators tried. The National Assembly adopted a similar resolution two days later.¹⁶⁸

On March 23, 2017, the Scottish Parliament adopted a motion that recognized the ISIS genocide.¹⁶⁹ This motion also encouraged the global recognition of the genocide and called on the British government to pressure UK allies to recognize the ISIS genocide.

The Higher Regional Court in Frankfurt, Germany convicted Taha Al J., an ISIS member, of genocide and crimes against humanity. This Court convicted him of genocide for purchasing a Yazidi woman and her five-year-old daughter as slaves, then murdering the little girl. The court held that the defendant intended to eliminate the religious minority of the Yazidis by purchasing and enslaving them. Meike Olszak, an Expert in International Criminal Law at Amnesty International in Germany stated that this historic verdict was the first time a court declared such brutal acts of the Islamic State against the Yazidi religious community as genocide.¹⁷⁰ Along with the German Court, the German Parliament also formally recognized the Yazidi genocide.¹⁷¹

¹⁶⁶ Labbot, Elise and Kopan, Tal. “John Kerry: ISIS responsible for genocide.” *CNN*. March 18, 2016. <https://www.cnn.com/2016/03/17/politics/us-iraq-syria-genocide/index.html>.

¹⁶⁷ Wintour, Patrick. “MPs unanimously declare Yazidis and Christians victims of ISIS genocide.” *The Guardian*, April 20, 2016. <https://www.theguardian.com/politics/2016/apr/20/mps-unanimously-declare-yazidis-victims-of-isis-genocide>.

¹⁶⁸ Assemblée Nationale. Proposition De Resolution. May 25, 2016. <https://www.assemblee-nationale.fr/14/propositions/pion3779.asp>.

¹⁶⁹ The Scottish Parliament. Meeting of the Parliament. March 23, 2017. <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=10860>.

¹⁷⁰ Amnesty International, “Germany/Iraq: World’s first judgment on crime of genocide against the Yazidis.” *Amnesty International Publications* (2021), accessed May 18, 2023, <https://www.amnesty.org/en/latest/news/2021/11/germany-iraq-worlds-first-judgment-on-crime-of-genocide-against-the-yazidis/>.

¹⁷¹ “German lawmakers recognize the Yazidi genocide.” *AFP*. July 8, 2022. [German lawmakers recognize Yazidi ‘genocide’ | Al Arabiya English](#).

In 2018, Armenia also recognized the genocide committed by ISIS.¹⁷² The Belgian Parliament followed suit in 2021.¹⁷³

Multinational institutions such as the European Parliament and the Parliamentary Assembly of the Council of Europe passed resolutions recognizing ISIS's atrocities as genocide. Genocide Watch played a role in this campaign. In 2016, Founding President Dr. Gregory Stanton, spoke to the European Parliament in favor of the resolution that declared ISIS was committing genocide. The European Parliament used the Rome Statute of the International Criminal Court as its basis to declare genocide.¹⁷⁴

The Office of the United Nations High Commissioner for Human Rights published a report in 2015 that classified the persecution of the Yazidi people as genocide.¹⁷⁵

The United Nations took a major step toward prosecutions of ISIS in 2017. In a UN Security Council Resolution first drafted by Dr. Stanton, and revised by Dr. Ewelina Ochab of the Coalition for Genocide Response, an Alliance Against Genocide member, the UK Foreign Office introduced UNSC Resolution 2379 (2017) that created the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) which has determined that ISIL's actions in Iraq constituted genocide.¹⁷⁶

Non-governmental organizations have been essential to recognition by providing the research and reports to support recognition of the Kurdish genocides. NGOs have collected the evidence used by legislative bodies and courts to determine that these genocides occurred. NGOs that currently recognize the ISIS massacres as genocide include [Genocide Watch](#), [Human Rights Watch](#), [Amnesty International](#), [Human Rights Advocates](#), The [Free Yazidi Foundation](#), The [Coalition for Just Reparations](#) and its Iraqi NGO members, and many of the 100 member organizations in the [Alliance Against Genocide](#).

Recognition is the first step in the reparations process. If nation-states and the UN do not recognize that a genocide has occurred, no steps will be taken to repair the destruction the genocide has caused. It is the responsibility of each nation to recognize the role it has played in genocides and to repair the suffering it has caused. It is only then that proper laws and

¹⁷² "Armenia recognizes genocide of Yazidis in Iraq." *AFP*. January 16, 2018.

<https://www.france24.com/en/20180116-armenia-recognises-genocide-yazidis-iraq>.

¹⁷³ "Belgian Parliament unanimously recognizes Yazidi genocide." *RUDAW*. July 15, 2021

<https://www.rudaw.net/english/world/15072021>.

¹⁷⁴ "MEPs call for urgent action to protect religious minorities against ISIS." European Parliament Press Release, April 2, 2016. [MEPs call for urgent action to protect religious minorities against ISIS | News | European Parliament \(europa.eu\)](#).

¹⁷⁵ United Nations General Assembly. Human Rights Council. "Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups." March 17, 2015.

file:///C:/Users/fred/Downloads/A_HRC_28_18-EN.pdf

¹⁷⁶ "ISIL committed genocide against the Yazidis: A UN Report." *Aljazeera*. May 11, 2011.

<https://www.aljazeera.com/news/2021/5/11/isil-committed-genocide-against-yazidis-un-investigation>.

institutions can be put into place to provide reparations and to provide genuine assurance that genocide will not happen again.

Genocide Watch continues to work for prosecutions of members of ISIS accused of committing war crimes, crimes against humanity, and genocide. Dr. Gregory Stanton, Ms. Kyla Lucey, Mr. Ted Stanton, and Mrs. Awring Shaways traveled to Kurdistan in April 2023 to continue their investigations and to complete this report by Genocide Watch. Dr. Stanton spoke at a conference on recognition of the Kurdish genocides in Erbil, Kurdistan on April 10, 2023. The Genocide Watch team interviewed survivors of the Kurdish Genocides. The team also conferred with officials from UNITAD, the Kurdistan Regional Government, the Iraq government, church officials, and Iraqi civil society leaders.



***Mrs. Awring Shaways, founder of KGLobby, with director of Barzani cemetery, Barzan
15 April 2023 ©2023TedStantonPhoto***

Genocide Watch seeks amendments to Iraqi laws so that case files assembled by UNITAD will become available to Iraqi courts. Amending Article 5 of Iraq's Anti-Terrorism Law could add as an "Extenuating Circumstance" the use of UNITAD case files in Iraqi trial courts. Such an amendment would require Iraqi Appeals Courts to commute death sentences to imprisonment, thereby permitting transfer of UNITAD case files for trials of ISIS detainees.

Conclusion

It is hoped that the International Association of Genocide Scholars will pass a resolution recognizing the Kurdish Genocides. A IAGS draft resolution accompanies this report. We believe that a resolution by the world's leading organization of genocide scholars will be given special weight by the government of Iraq and by other governments that have contributed to the suffering of the Kurdish people. We hope that this Genocide Watch report and this resolution of the International Association of Genocide Scholars will motivate governments to contribute to reparations and justice for the people of Kurdistan.

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Kyla Lucey being interviewed by K24 Television, Erbil, Kurdistan, April 10, 2023

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