

“Anfal”

The Iraqi State’s Genocide Against the Kurds

The Center of Halabja against Anfalization and genocide of the Kurds
(CHAK)

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1. Introduction

The Kurdish people comprise a large nation without their own state; their land is divided between four countries (Turkey, Iran, Iraq and Syria). The division of their land occurred against their wishes after the First World War. After the division, the Kurdish people never have enjoyed freedom or even a minimum level of minority rights; on the contrary, they have faced oppression, discrimination, assimilation, ethnic cleansing and genocide.

Map 1.1 Kurdish territory divided among the regional states



The southern part of Kurdistan, which was officially annexed to Iraq in 1925, like other parts of Kurdistan suffered under the ongoing oppression and ethnic cleansing policies carried out by the Iraqi Arab regimes. The ethnic cleansing policy escalated after the Arab nationalist Baathists took power in 1968.

The Baathists adopted the ideology of Baathism, which was based on pan-Arabism, expansionism and ethnic nationalism; they followed a systematic assimilation, Arabization and ethnic cleansing policy against the Kurds in the Kurdish territory. During the 35 years of the Baath regime, many brutal atrocities and mass killings took place. More specifically, Saddam Hussein and his regime carried out the Arabization of the Kurd-Arab border areas from 1968 onward; the cleansing of the Faily Kurds in the 1970s and 1980s; the Arabization and cleansing of Yazidi Kurds; the bombardment of Qalladze in 1974, which killed around 400 civilian Kurds; the mass deportations of border villagers close to the Iranian and Turkish borders in 1975-77; the mass killings of around 8000 Barzani Kurds in 1983; the bombardment of Kurdish villages from 1983 onwards; the chemical bombardment of Kurdish villages in 1987-1988; the chemical attacks on Serdasht in 1987; the chemical attacks on Halabja in 1988, which killed 5000 people; and the ethnic cleansing attacks culminating during the Anfal genocidal campaign in 1988, which resulted in the disappearance of approximately 182,000 Kurds and the destruction of around 4000 Kurdish villages.

This paper is an attempt to describe and explain the Baath regime's so called Anfal military attacks on Kurdish villagers from February to September of 1988. It will detail the explanation of the Anfal; the road to the Anfal campaign; how the mass killings and atrocities happened; and written documents concerning Iraqi regime's intentions. This paper will also present the arguments of several professional organizations, which assert that the intention behind the Anfal campaign was to destroy the Kurdish people in the southern part of Kurdistan (Iraqi Kurdistan).

1.1 What is Anfal?

Anfal means spoils/booty of war. The word is the title of the eighth chapter (*Sura*) of the *Qur'an*. This *Sura* contains 75 verses (*Aia*) of the words of Allah. Some of the verses are about war and its spoils. The *Sura* calls the Muslim prophet Muhammad and his followers to fight against non-believers, until the final triumph is reached. The final victory would mean either eradicating the enemy or forcing them to accept the Muslim faith and rituals, and give up their old faith and religious rituals (see appendix 1). The *Anfal Sura* justifies the Islamization of unbelievers/non-Muslims and was used for the first time against Arab non-Muslims in the battle at *al-Badir* in 624.¹ Islamization reached Kurdish areas around 637, when Arab Muslims overpowered the Kurds and Islamized them after a bloody and atrocious war.

The Iraqi military adopted the name *Anfal* in 1988 for its genocidal campaign against the Kurds in northern Iraq. The Iraqi regime was used to adopt old Arabic Islamic names for its wars, battles or other related subjects. For instance, the regime named a battle against Iran “the battle of Saad bn al-Waqass,” named a division as “the division of Qahqah,” and the like. In addition, the eight year long war against Iran was called the “*al-Qadissiat al-Saddam*.” *Qadissia* is an Arabic name and the name of a battle against non-Muslims from the early Islamization period. Baath ideology looked at the early Islamic hegemony or the *Caliphate* period as the golden age of the Arab nation.²

The Baath regime justified and gave religious explanations for the genocidal policy by adopting the Islamic name *Anfal* from the *Qur'an* for its genocidal campaign. *Anfal* and the Islamic attacks against the unbelievers during the early Islamization periods are known as the liberation battles by Muslims. In this way, the Iraqi government compared the Kurds with non-Muslims/unbelievers and tried to justify the campaign from an Islamic view. The old *Anfal* from the seventh century demanded victory over unbelievers; encouraged the destruction of their faiths and religious cultures; and

¹ Human Rights Watch (1994), “Bureaucracy of Repression: The Iraqi Government in Its Own Words”, section VIII, available at <http://www.hrw.org/reports/1993/iraqanfal>.

² Aflaq, Michel (1978), *For the Sake of the Baath*, available at <http://albaath.online.fr/VolumeV-Chapters/index-VolumeV.htm> (Arabic).

permitted prowling, looting and possession of the enemy's articles, items and material goods (see appendix 1). The Iraqi Baath regime practiced a similar style against the Kurds from the forbidden areas. They looted the items and other material goods of the villagers, killed or prowled house animals, destroyed and burned the villages, and brought the villagers to complexes, jails and killing places as witnesses describe.³

The very concept "Anfal" under the Baath rule, and according to Saddam's regime's decrees, directives and actions, could be defined as a military campaign in geared toward entirely annihilating the Kurds in prohibited areas, which were large rural areas where Kurdish partisans could be found. The 1988 Anfal campaign was initiated by Saddam Hussein, the president of Iraq (1979-2003). A cousin of Saddam Hussein, Ali Hassan al-Majid ("Chemical Ali"), led the implementation of the military campaign. The campaign included eight comprehensive military offensives that lasted from February 23 to September 6, 1988. During the offensives, the Iraqi Army used chemical weapons and other heavy artilleries.

1.2 The road to Anfal operations

The early mass deportations of Kurdish villagers from the border areas of the Iranian and Turkish border in 1975-1977 represented the first serious phase to cleanse the Kurdish rural areas of human beings. This is significant in connection with the later obliteration of the Kurdish population from the officially declared "prohibited areas" (*al-Manatq al-Muharama*), which occurred in the Anfal genocidal attacks of 1988.

During the Iran-Iraq war in the 1980s, the northeast part of Iraqi Kurdistan was affected by the war, and involved the Kurdish parties⁴ with their partisans (*Peshmargas*) in the war against the Iraqi forces.⁵ Most of the Kurdish parties received military and

³ Qurbani, Arif (2002), *The Witnesses of Anfal*, first addition, Sulemani (Kurdish).

⁴ Kurdish parties such as: the Patriotic Union of Kurdistan PUK, Kurdistan Democratic Party KDP, Kurdistan Socialist Party KSP, Iraqi Communist Party ICP, etc.

⁵ The Kurdish partisan war against the Iraqi regime had already started in 1976, only one year after the Kurdish defeat in 1975.

other material aids from Iran, and at times in some war zone areas, they fought side by side with Iranian troops against the Iraqi forces.

However, the large rural population suffered under the war from both sides. Villagers' lives in the countryside were tough, uneasy and dangerous. The villagers had no other reliable alternatives concerning a place to live; furthermore, they had lived in those villages for many generations. They had been used to their way of life and circumstances for decades; thus, the majority of them preferred remaining in the villages.

Kurdish involvement in the Iran-Iraq war seems to have made Iraq's genocidal enterprise possible. It gave the Iraqi regime the green light for the cleansing campaigns against the rural Kurdish territories. With different levels of intensity, the campaign against these countryside areas began in 1983, escalated from 1985 and culminated in 1988.

The Iraqi government found an excuse for its brutal annihilation of Barzani men and boys when the Kurdistan Democratic Party "KDP" entered the war in 1983 in the Haji Omeran district. In the summer of the same year, the Iraqi forces and Baath militias surrounded the compulsory settlement complexes in Qushtapa, Diana, Bahirke and other places. They captured all the males from the age of 12 and older. They also captured other Barzani males, from towns and anywhere else they could be found. The Iraqi regime was determined to cleanse all the Barzani males without exception. The victims were civilian and defenseless people; in addition some of the heads of the clan were loyal to the Baath regime. Thus, approximately 8000 powerless Barzanis disappeared in August 1983. They were killed because they were members of the Barzani clan and belonged to the same tribes as the leadership of the KDP. The government accused them of being traitors and agents of Iran.⁶ Saddam Hussein in his own words – recorded on videotape – confirms the execution of the Barzanis. He states that "they helped the

⁶ The Barzanis were deported from the Barzan region and resettled in the compulsory complexes in Arbil province after the Kurdish defeat in 1975. See Van Bruinessen, Martin (2000), "Kurdish society, ethnicity, nationalism and refugee problems", in Sperl and Kreyenbroek, p. 61.

Iranian enemy, those who call themselves *Barzanis*, they got their harsh justice and went to the hell.”

Bombardments on villages in rural Kurdish areas took place frequently, especially from 1985 onward. The Iraqi regime used Kurdish partisan activity as an excuse. As a result, civilian casualties increased in the rural areas.

The Iraqi regime legally prohibited these rural areas in 1985, in a confidential decree dated June 29, 1985, signed by Sahdi Mahdi Salih, the secretary general of the Northern Bureau Command, and sent to top military and security leaders (see section 1.4). The decree orders necessary measures and actions against people from the rural Kurdish areas. It imposes a wide-ranging sanction on all the villages. As a consequence, the government cut electricity, water, transport, and other essential supplies. It prohibited transportation of food supplies and any other items to and from the countryside areas, which became known as the prohibited areas (*al-Manatq al-Mahzura* or *al-Manatq al-Muharama*, see section 1.3).⁷ The residents of the villages faced an administrative and legal boycott, even if they were living outside of the prohibited areas. They lost their judicial rights, the right to buy and sell, and so forth. The regime authorized the use of any weapon against the peshmargas and the people inside the areas, which had in fact become a free fire zone.

Another decree of September 1985 ordered harder measures, and stamped all the villagers as saboteurs and traitors. It stressed the end of the saboteurs and their activities in those countryside areas.⁸

In April 1987, Iraqi warplanes bombarded several villages north of Arbil with chemical poison and killed several hundred civilian villagers in Balisan and the Shekh Wesan valley.

⁷ See section 1.3 and 1.4 for a translation of the two documents into English.

⁸ See section 1.3 and 1.4.

In summer 1987, Saddam Hussein decided to bring an end to all life in the Kurdish rural areas, and his first step was to install his cousin Ali Hassan al-Majid, “Chemical Ali,” as the Secretary General of the Northern Bureau Command. He gave him absolute power over all state military and civilian units in the North.⁹

Chemical Ali took this responsibility extremely seriously and started executing the needed steps promptly. During the Baath party meetings, he made clear to any one belonging to the inner circle of the top Baath leaders that all human and animal life in the Kurdish rural areas should be exterminated. He did not hesitate to mention chemical poison in the meetings and the essential importance of this weapon in the military campaign against the Kurds. He did not have any kind feelings toward Kurdish people as a whole, and regarded the whole Kurdish autonomous region as a free fire zone. This is clear from the tapes of his speeches recorded in 1987-1988 (see section 3.5).

In a decree dated 23 June 1987 and signed by Chemical Ali,¹⁰ he ordered heavy bombardment with every kind of heavy artillery, including chemical poison, against all the prohibited areas with the purpose of killing the greatest number of Kurds possible. He ordered the demolition of all human beings and animals inside those areas. Even if the people surrendered themselves to the Iraqi army units, they were sentenced to death.

Chemical Ali ordered the final comprehensive military operations against the rural areas from 23 February 1988; this lasted until 6 September of the same year. In eight military phases, using heavy artillery and chemical weapons, the Iraqi army managed to complete the mission.

Thus, from an overall view, the Anfal campaign can be seen as a final solution to a longstanding anti-Kurdish policy carried out by the Iraqi regime under the Baath regime.

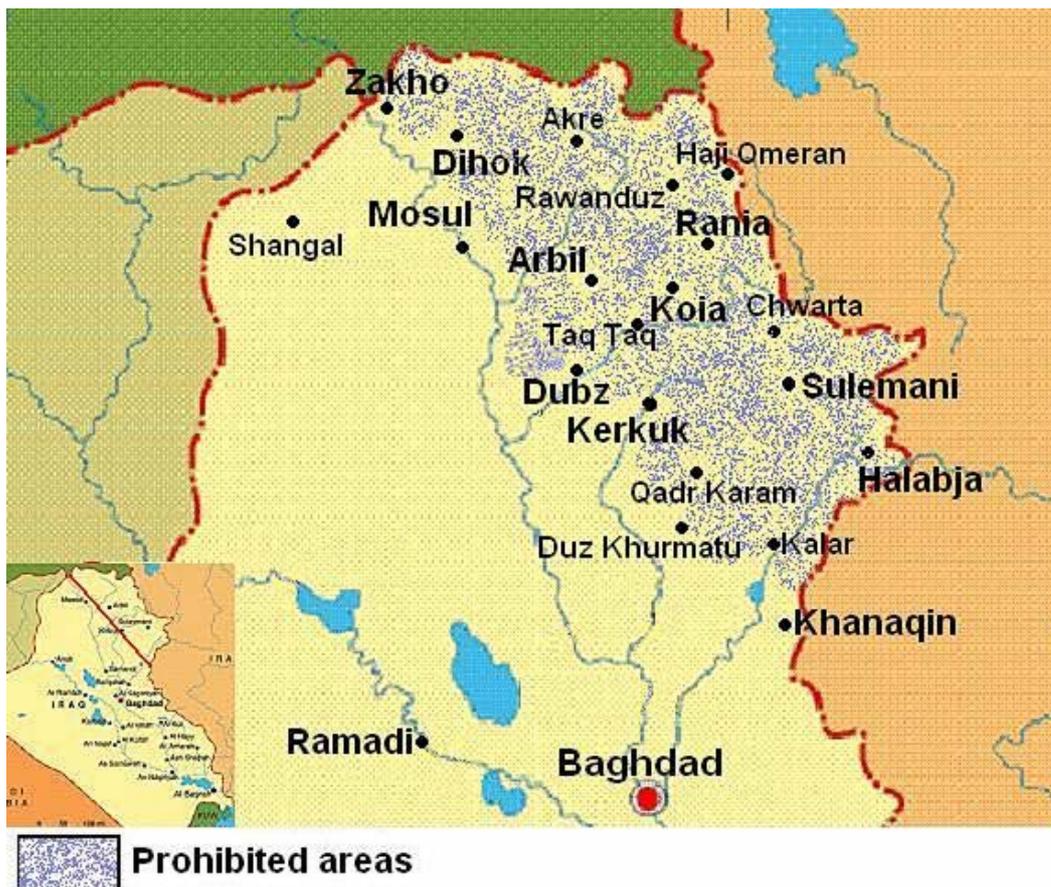
⁹ See the documents in section 3.1. Read more: Human Rights Watch (1994), “Bureaucracy of Repression: The Iraqi Government in its Own Words”, Document 13. Available at <http://www.hrw.org/reports/1994/iraq/TEXT.htm>.

¹⁰ *ibid.*

1.3 The prohibited areas (al-Manatq al-Muharama)

The prohibited areas contained a huge portion of the Kurdish autonomous region; they made up almost the whole rural area, except for the government controlled main roads and cities. Many of the villages close to the big cities were touched by the sanction as well. There were thousands of villages inside the prohibited areas; many of these had been destroyed or burned in mid-1970s and during 1985-87 before the Anfal military campaign. The government regarded every village visited by Kurdish partisans as prohibited. Peshmargas could in fact reach all of the rural areas and even the areas with Arab residents inside or south of the Kurdish territory. The Arab villages were excluded from this prohibition and embargo policy. Map 1.2 illustrates the prohibited areas.

Map.1.2 illustration of the so called prohibited areas



1.4 Written documents concerning the prohibition of the Kurdish countryside

There are two documents that illustrate the Iraqi government's decision to sanction and prohibit the Kurdish rural countryside.

DOCUMENT 1

PAGE 1

One Arab Nation with an Immortal Message
The Arab Socialist Baath Party
Iraq Region

Northern Bureau Command

Ref.: 28/4684

Date: 29/6/1985

To:

Leading Comrades of the Security Committees
Command of the First Corps
Leading members of the Bureau

Subject: Measures

Greetings,

In accordance with the executive policy aimed tightening the sanctions on saboteurs and traitors, implement the following:

1. Distributing basic necessary foods (meal, sugar, tea, oil) by ration, taking into account the necessary portion to every family based on their member's number. Military advice can be taken for measuring the exact portion of food for a person daily.
2. Prohibiting material transport from a province to another province; only transportation by specialized officials is permitted.
3. Taking measures to prevent food materials and other sorts of materials from reaching the villages wherein the saboteurs and traitors have office.
4. Taking necessary measures to prevent smuggling of food materials either to the saboteurs or outside of the country, and to prevent the transportation of any materials from neighboring countries into the country.
5. Cutting every sort of service (water, electricity, health, school) to the villages where there are constantly saboteurs.

6. Prohibiting transportation of the local production of the villages where there are saboteurs into the local market, and prohibiting any transport moving between villages, cities and farms regardless of the reason.

PAGE 2

7. Canceling all permissions of persons with even a second degree family relationship with saboteurs.
8. With the intention of the exact distribution of food by rations, establishing a committee in every administration unit and complex. The committee members are representatives of the party, intelligence and security (those currently existing). The committee distributes the ration-cards and oversees the distribution of the food materials.
9. Cutting the phone lines of families that have relations with the saboteur force and those who could have members among the saboteurs – except the families have martyrs and hostages [in relation to Iran-Iraq war],¹¹ for now.
10. Cutting the electricity and water supply of those families in the suburbs.
11. Preventing the distribution of ration-cards to saboteurs' families.
12. Confiscating the properties of the saboteurs and selling them in an open auction.
13. Expelling the saboteur families from the government suburbs in cities, local suburbs or the complexes built by the government.
14. Erasing soil contracts with those saboteurs.
15. Having a committee write a monthly report and send it to the higher administrations directing the processes.
16. The organizations of the Party, popular and official apparatuses must explain the reasons for these measures aimed to create a common rejection against treachery, cooperation with the enemy and cooperation with the force of saboteurs...etc.

For your information and taking necessary measures ... the fight continues.

Comrade

Sahdi Mahdi Salh
Secretary General of the Northern Bureau Command,
Leader of the Central Association of Security

¹¹ Square brackets indicate insertions by the author of this paper.

This is the first declared decision, as found to date, aimed at sanctioning the rural Kurdish areas, especially in villages with saboteurs' bases. Areas harmed by this decree comprised a large rural territory, including a large number of villages with tens of thousands of residents. From that date, every village that had visits from saboteurs (*Peshmargas*) could be regarded as prohibited; later this became a usual stamping by the regime (as made clear in the next document). The governments accused the villagers of helping and cooperating with the saboteurs. The villagers could not prevent the visits of peshmargas; they were powerless and, in addition, had to struggle for their daily survival.

DOCUMENT 2

PAGE 1

One Arab Nation with an Immortal Message

The Arab Socialist Baath Party

Commands of Sulah al-Din unit

Commands of al-Sidiq Division

Ref.: 16/2731

Date: 27/9/1985

To:

All in the Party Organization

Subject: Directions

Greetings,

The following are the original directions of the comrade member of country leadership / Secretary General of the Northern Bureau Command, which were sent on 9/1/1985.

For your information; take necessary measures to execute the contents exactly. Let us know about the performance in this regard, with regards.

And the fight continues.

Comrade

Husam Mohamad Abid
Secretary General of al-Sidiq Division

(in handwriting: two other signature)

1. Implement economic sanctions to and from the prohibited villages for security reasons.
2. There can be no median solution with the saboteurs and their crimes must end.
3. The villages assisting the saboteurs are to be regarded as the saboteur villages.
4. Prohibit driving of cars in the prohibited villages, and confiscate cars being driven there or petrol being given to the saboteurs.
5. Confiscate all agricultural produce of the saboteurs and prohibited villages. Distribute part of this to members of the armed forces, popular army and confiscate the rest for sale.
6. Establish cooperation between all the apparatuses of the organization in a hard merciless strike on the saboteurs.
7. The treatment of those who assist the saboteurs is the same as that ordered against the saboteurs; the same treatment should be carried out against their families.
8. There should be rapid implementation as regards the people in custody and concerning the deportation of the saboteurs' families.
9. Cut all services and schools in villages wherein saboteurs are visiting.
10. The families cooperating with the government inside the prohibited villages should be moved to secure places.
11. Establish a secure and relaxed environment for the obedient citizen and implement the will of justice.
12. Take steps to release those in custody and to return services to the villages only after our consent.
13. Investigate the identities of official administrative workers, and workers who are leaders of administrative units.

PAGE 2

14. Initialize the mobilization of a special striker force made up by the security apparatus, the military and the popular army in your districts; after they are fully trained.
15. We confirm that you should distribute your administrative units into districts in order to execute the security plan.
16. Pursue the deserters [deserters from military service], capture them, and inform the party organization in case they surrender themselves regretfully.
17. There must be exactness in reporting information.

The so called prohibited villages and rural areas generally expanded to all the places in which saboteurs (peshmargas) could be found or visiting. Those prohibited areas extended from the border of Turkey and Iran to the border that separates the Arab-Kurd territory. Residents of those areas were also victims of the regime's economic, political and administrative sanctions.

In August 1986 the Iraqi Presidential Cabinet decided to intensify the sanctions on the rural Kurdish countryside (see section 3.2).

Residents from the prohibited areas living in the big cities were not free from economic, political and administration sanctions. Generally, the Kurdish people living in the cities were terrified and unsure of their security, because almost everyone had some sort relationship with peshmargas, military deserters or people who had fled Iraq. Persecution was constant and unrelenting. Destruction of civilian homes in the Kurdish towns was common after 1985. Some were accused of cooperation with saboteurs, some were accused of having family members outside Iraq, and some were accused of having peshmarga visitors and the like.

2. The military campaign

On 23 February 1988 Saddam Hussein's regime began a wide scale military campaign against the Kurds in the prohibited areas, which lasted until 06 September 1988. This campaign was carried out systemically in eight phases. The first phase started on 23 February 1988 and finished on 19 March 1988; the final phase started 28 August 1988 and finished on 6 September 1988. Every phase was led by an army chief officer, who oversaw the other Iraqi forces and military operations in the targeted areas. Military chiefs such as Sultan Hashim, Ayad Khalil Zaki and others were under Chemical Ali's command. The military activities were reported to Iraqi president regularly.

The forces participating in the Anfal campaign and the whole performance of the genocidal enterprise consisted of different weaponry forces such as The National Defense Contingents (*Afwaj al-Difa' al-Watani*) the pro-government Kurdish militias known as *Jash* forces, the commands of regular army divisions, including the First Corps (*Faylaq al-Awwal*), the Fifth Corps (*Faylaq al-Khames*), some Divisions of Four and Six Corps, the Special Commando forces (*Quat al-Khasa*), The Emergency forces (*Quat al-Tawari*), Special Battalions of the Corps, the Special Brigades, Mercenary Battalions, Infantry Brigades, the Party Militia forces, Divisions of Heavy artilleries and the Iraqi Air Forces. Units such as the Republican Guard (*Quat al-Aras al-Jimhuri*), Party Intelligence (*Dairat al-Mukhabarat*), State Internal Security (*Dairat al-Amn*), Military Intelligence (*Dairat al-Istikhbarat al-Askaria*), and the Party Militia forces participated mainly in the last stages of the deportations and mass executions in different capacities.

2.1 The Anfal phases

The First Anfal, known as the Anfal of the Valley of Jafety: 23 February – 19 March 1988 (Halabja attacked Friday, March 16, 1988). The military attacks targeted villages and districts such as Surdash, Bingird, Mawat, Qaywan, Wlaxlu, Sekaniyan, Sergalu, Bergalu, Haladn, Maluma, Yakhsamar, Gewrede, Galala, Gomezl, Shanakhseh and other villages as well as the surrounding mountains.

Box 2.1 The forces involved in first Anfal

The forces involved in first Anfal were units of Badr Forces Commando, units of Qahqah Forces Commando, units of Mutasam Forces Commando, unit 47 of mercerise, Special Force 1 of the First Corps, Special Force 2 of the Fourth Corps, Special Force 1 of the Sixth Corps, Infantry Brigades 19, 445 and 26, several National Defense contingents, etc. The forces were supported by heavy artillery divisions and the Iraqi Air Force. Sultan Hashim, the chef commander of the First Corps, led the first Anfal (Resool, 146-151).¹²

Map 2.1 shows the places attacked by Iraqi forces at the first Anfal¹³



¹² Resool, Shorsh M. (2003), *Anfal: The Kurds and The Iraqi State*, London. (Kurdish)

¹³ The maps shown here are from HRW's report. The maps are available at

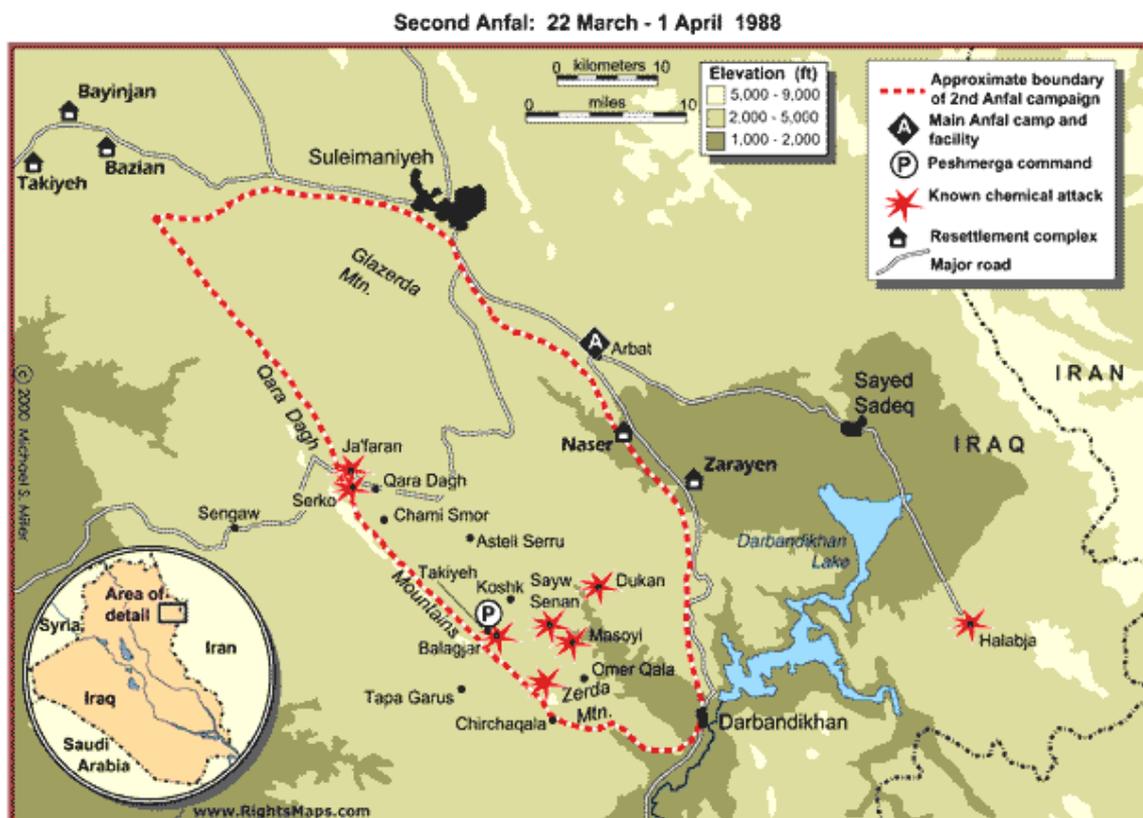
<http://www.rightsmaps.com/html/anfalbeg.html>.

The Second Anfal, known as the Anfal of Qaradagh district: 22 March – 1 April 1988. Military attacks occurred on Gomezerd, Sagrma, Jafaran, Qara Dakh, Koshki Saru, Takya, Sewsenan, Masoiy, Dukan, Zarda, Omer Qala, Balagjar, Darbandikhan, Nasr and other villages as well as the surrounding mountains.

Box 2.2 The forces involved in the second Anfal

The forces involved in the second Anfal were: Army Corps 50, Brigades 65, 66 and 68 of Corps 43, Infantry Brigades 1, 20 and 22 of the First Corps, Vehicles Division of the First Corps, National Defence units, Commando Force 1, the Commando Army units of Qaradaqh, the Emergency Forces of Sulaimani, Special Forces 29, 68, 87 and 119, and so on. The forces were supported by heavy artillery and the Air Force. Ayad Khalil Zaki led the second Anfal attacks (Resool, 151-153).

Map 2.2 illustrates the places attacked by Iraqi forces at the second Anfal

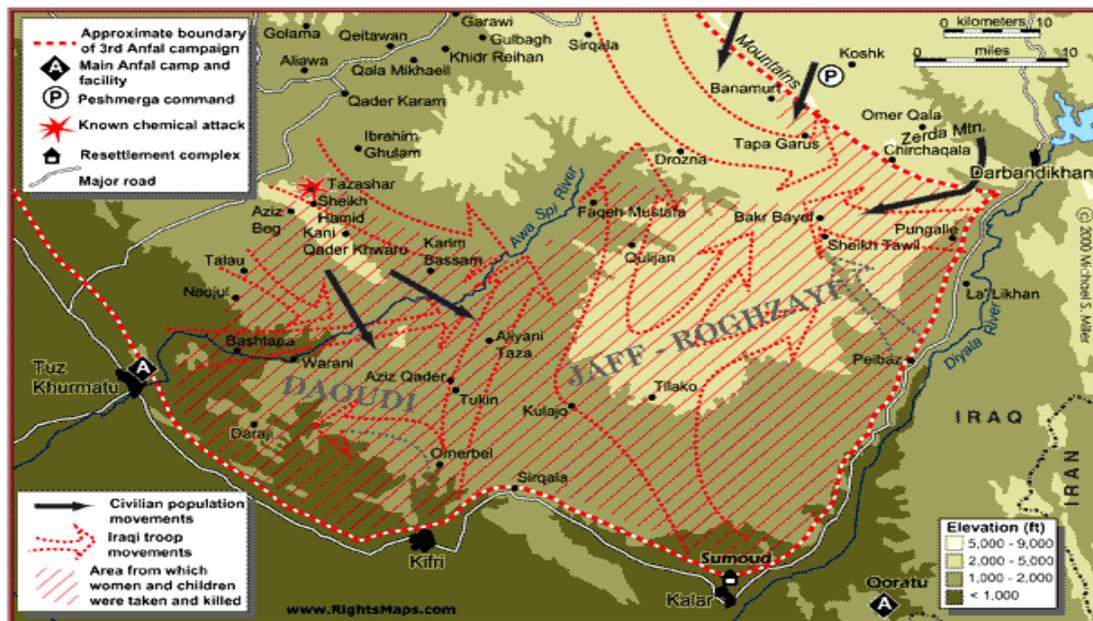


The Third Anfal, known as the Anfal of the Germian district: 7-20 April 1988. The military attacks targeted Talaban, Chiman, Sangaw, Pungala, Hanara, Drozna, Charmg, Qadr Karam, Tazashar, Nawbarik, Aziz Qar, Ibrahim Xulam, Kulajo, Tapa Sawz and other villages as well as the surrounding mountains.

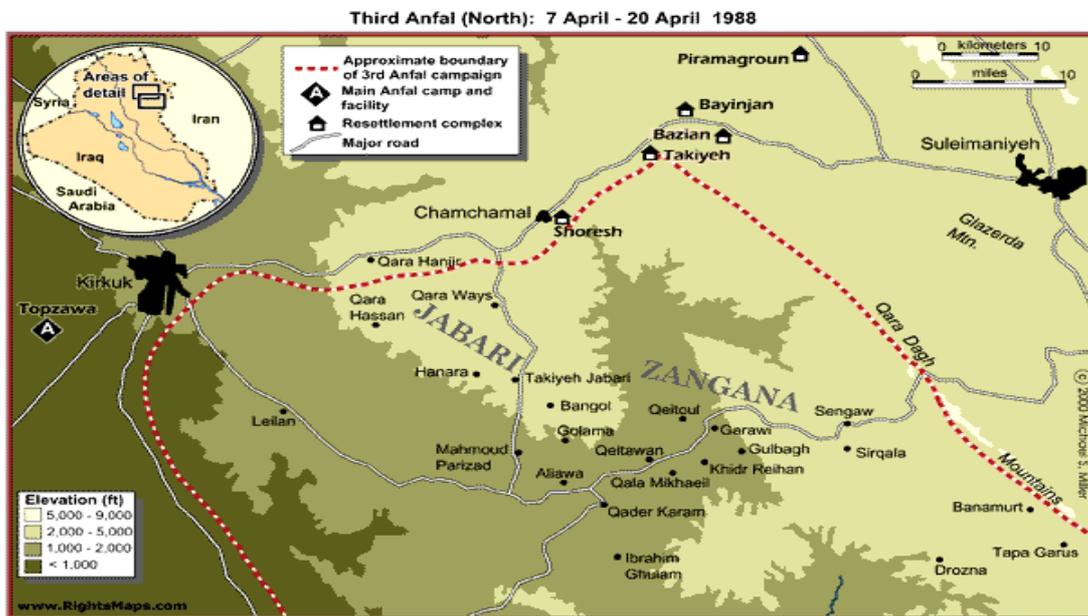
Box 2.3 The forces involved in the third Anfal

The forces involved in the third Anfal were Divisions 4 and 50 of the First Corps, Infantry Division 33, Divisions 21, 27 and 46, the Commando Forces of Oil Protection, Special Brigades 65, 66 and 68 of the Second Corps, Special Brigade 10 of the First Corps, Battalions 211, 212 and 213 of Division 32, Battalions 1, 2 and 3 of Infantry Brigade 444, Special Battalion 1 of Special Division 1, Battalion 18 and Special Brigade 70, Special Battalion of Division 7, Special Battalion 1 of Division 17, Armoured Unit al-Abbas, Tank Division al-Karama, the National Defence forces, the Special Detachments of Sulaimani, 37 Mercenary Battalions, etc. The forces were supported by heavy artillery and the Air Force (Resool, 154-160).

Map 2.3 and 2.4 illustrate the places attacked by Iraqi forces at the third Anfal



ANATOMY OF A CAMPAIGN Third Anfal (South): 7 April - 20 April 1988

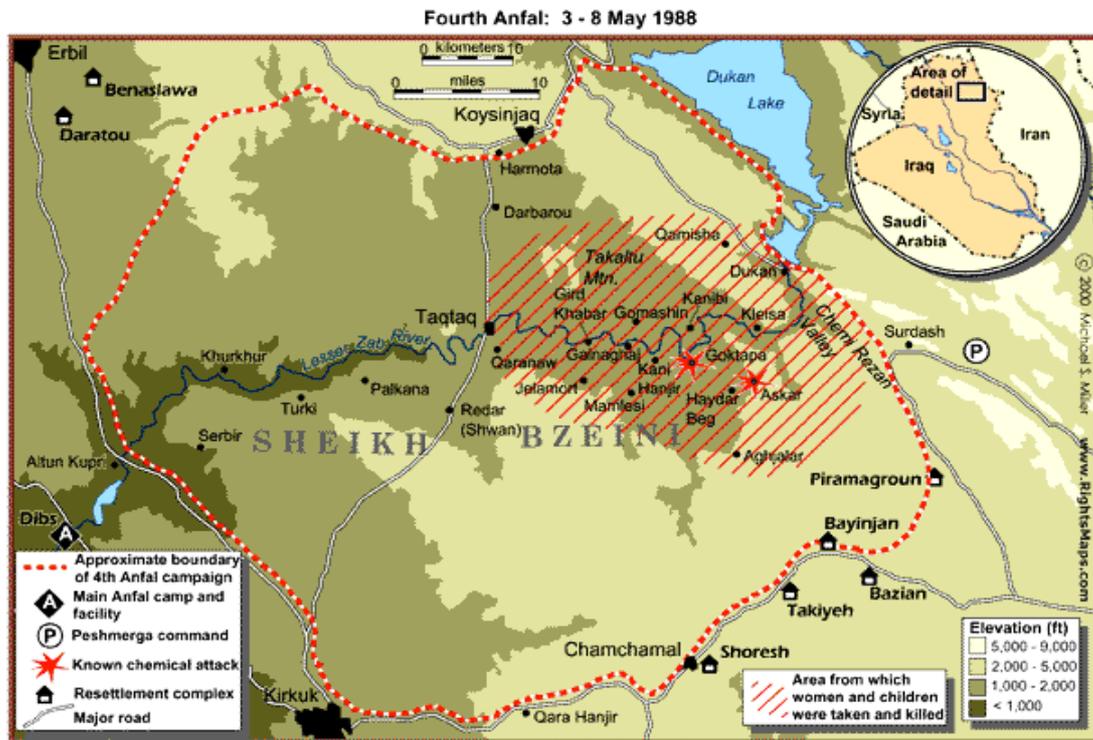


The Fourth Anfal, known as the Anfal of Koya and Kirkuk areas: 3 - 8 May 1988. The military attacks targeted the Koya areas, Shwan district, Shexbzeni, Neragin, Segrdkan, Sekany, Kaniresh, Serchnar, Taqtaq, Qaranaw, Qsrok, Baxeznar, Qzlu, Bogd, Goptapa, Kanibi, Chami Rezan, Askar, Kalasher, Kani Azaban and other villages as well as the surrounding mountains.

Box 2.4 The forces involved in the fourth Anfal

The forces involved in the fourth Anfal were Commando Nasr Forces, Commando Force 46, National Defence units, Commando of Oil Protection Forces, Commando Corps 1, Infantry Brigade 448, 110 and Infantry Vehicles Brigade, Special Brigade 1 of the First Corps, Special Division 10, Brigades 65, 66 and 68 of the Special Forces, Armoured Brigade 46, Special Battalion of Division 28 and 27, Battalions of Mercerise and other various forces. The forces were supported by heavy artillery and the Air Force (Resool, 160-165).

Map 2.5 illustrates the places attacked by Iraqi forces at the fourth Anfal

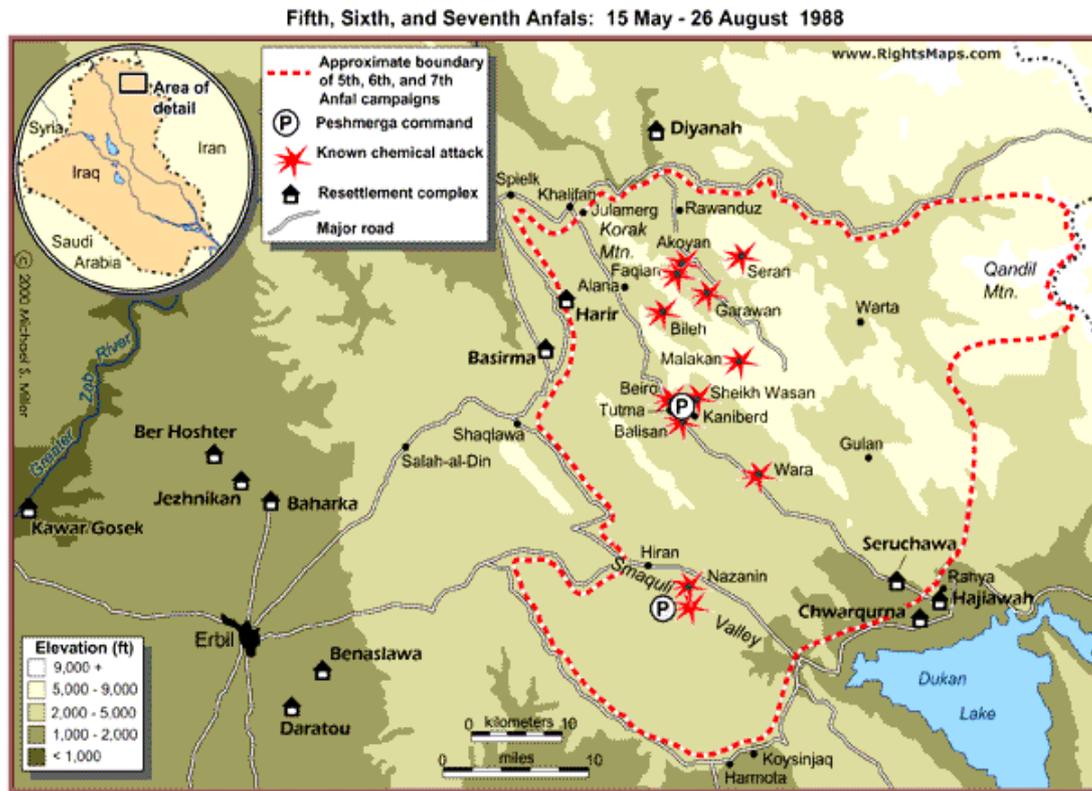


The Fifth, Sixth and Seventh Anfals, known as the Anfal of Khoshnawety and Balakayaty: 15 May – 26 August 1988. The military attacks targeted Aliawa, Keshke, Ziyarat, Qarasing, Smaquli Valley, Nazanin Valley, Jali, Sktan, Kamusak, Chiwa, Ware, Balisan Valley, Shekh Wasan, Malakan, Bla, Garawan, Akoyan, Saran, Komtan, Psht Ashan, Grnaqa, Xazna, Qalat, Balayian, and other villages as well as the surrounding mountains.

Box 2.5 The forces involved in the fifth, sixth and seventh Anfal

The forces involved forces in the fifth, sixth and seventh Anfals were Commando of Forces 37, Divisions 5, 45 and 46, Brigade 119 of Division 27 of the First Corps, Special Brigade 66 of the Second Corps, Special brigade 1 of the Fifth Corps, Brigade 36 of the Fifth Corps, Brigades 76, 82 and 98 of Division 40, Brigades 116, 420, 434 and 702, Special Battalions 1 and 2 of Division 2, Special Battalion 1 of the head office of the First Corps, Battalion of Commando 26, Armoured Brigade 80, Tank Division 7 Nisan, Tank Division Ahfady Karrar, National Defence units, etc. The forces were supported by heavy artillery and the Air Force (Resool 165-169).

Map 2.6 illustrates the places attacked by Iraqi forces at the fifth, sixth and seven Anfal

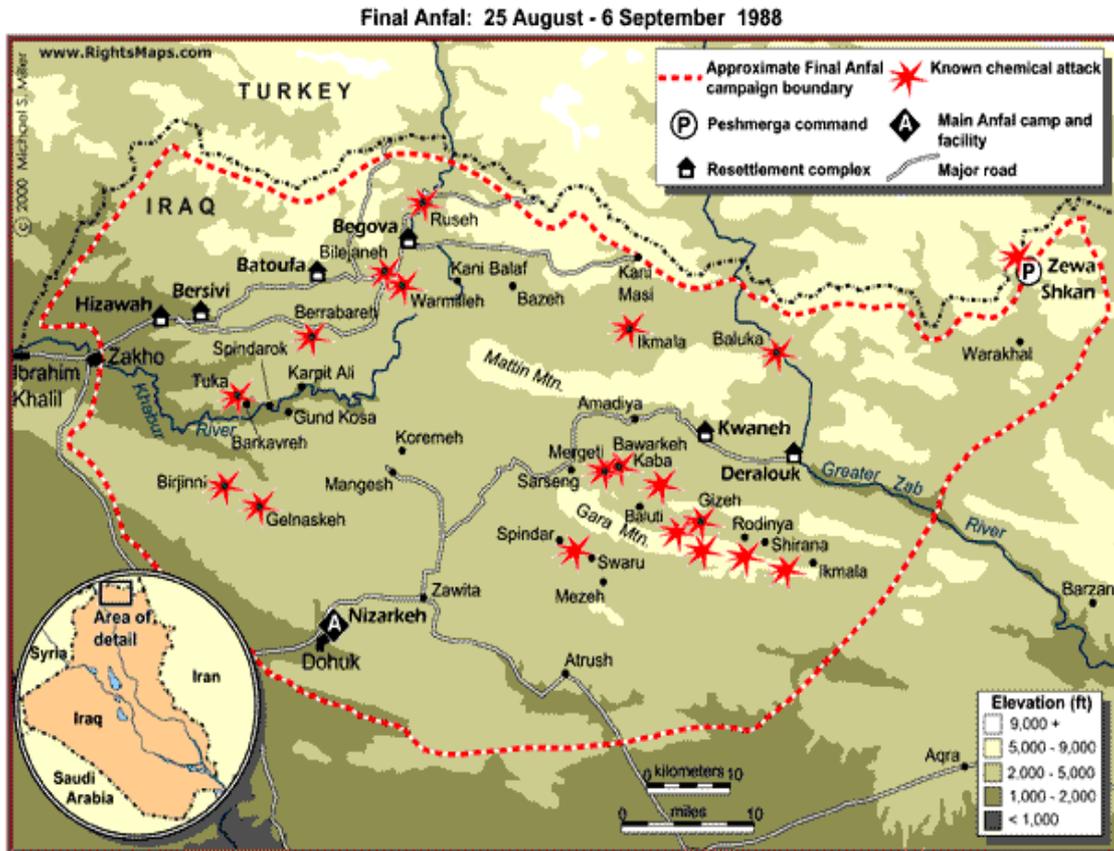


The Final Anfal, known as the Anfal of Badinan district: 25 August – 6 September 1988. The military attacks targeted Omer Aga, Sarko, Sedarok, Birjinni, Gelnaskeh, Tuka, Rwsu Shun, Kani Sard, Barwari Bala, Sar Qala, Bawarke, Ikmala, Baluka, Spindara, Wargatu, Saidan, Zewa, Sarka, Shirana, Sherwan Mazn, Ble, Barzan, Dinarta, Atrush and other villages as well as the surrounding mountains.

Box 2.6 The forces involved in the final Anfal

The forces involved in the final Anfal were Infantry Brigades: 2, 14, 29, 35, 42, 72, 77, 79, 84, 93, 102, 114, 118, 120, 238, 417, 418, 419, 420, 435, 436, 451, 501, 502, 503, 506, 509, 605, 606, 701, 702, 704, 706, 805, 846, Special Brigade 1 and 2 of the Fifth Corps, National Defence units, Special Brigade 1 of the Sixth Corps, etc. (Resool, 169-172).

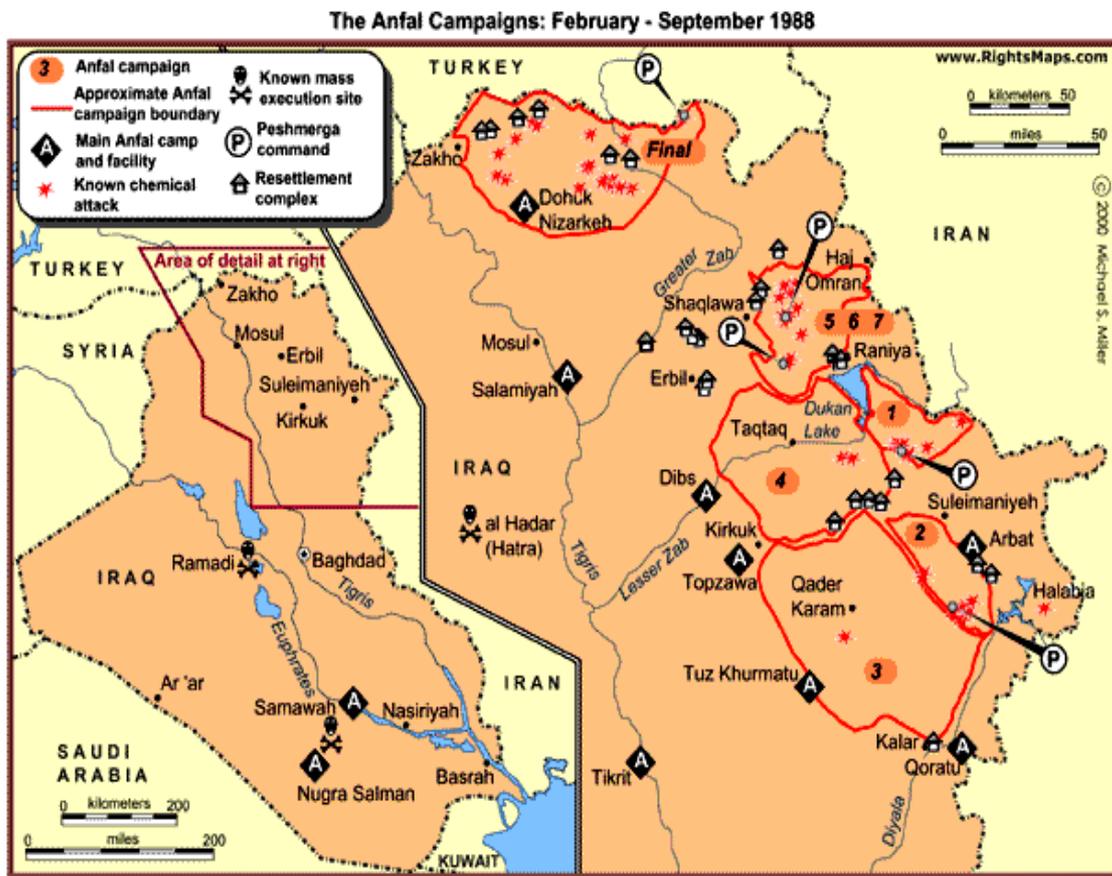
Map 2.7 illustrates the places attacked by Iraqi forces in the final Anfal



In all eight phases of the Anfal, the Iraqi army was supported by aircraft such as Mig fighters, Soxoy fighters, Pilatos war airplanes and fighter helicopters. The army also used heavy canons, katushas, tanks and armoured vehicles. Destruction and burning of the villages and looting the items and possessions of the villagers were fully allowed throughout the campaign. Thousands were killed; hundreds of thousands fled to Iran, Turkey or other countries, and tens of thousands were captured by the Iraqi forces. The capture of thousands of women, children and others, who were sent to concentration complexes such as Tobzawe, Dubz and Nezarke, took place systematically during the campaign. Many of the detainees were sent to other complexes in Iraq's western Sahara such as Nugra Salman and other places, or were sent directly to shooting pits in the Sahara or near the complexes.

In brief, the result of the Anfal campaign was the destruction and burning of hundreds of villages; the deaths and disappearance of around 182,000 men and women; the cleansing of human beings of a huge area; and the flight of hundreds of thousands of refugees into neighboring countries or into the towns to hide themselves from the regime.

Map 2.8 the illustration of the areas of the Anfal military operation



Source: <http://www.rightsmaps.com/html/anfalbeg.html>

After the Anfal campaign, huge Kurdish rural areas were empty of human beings and the destruction of small cities continued in 1989. The Kurdish people were not sure about their destiny and were expecting the worst outcome. The Anfal and its aftermath terrorised the entire Kurdish people; they were without protection and they knew they were easy prey.

2.2 Chemical attack on Halabja on 16 March 1988

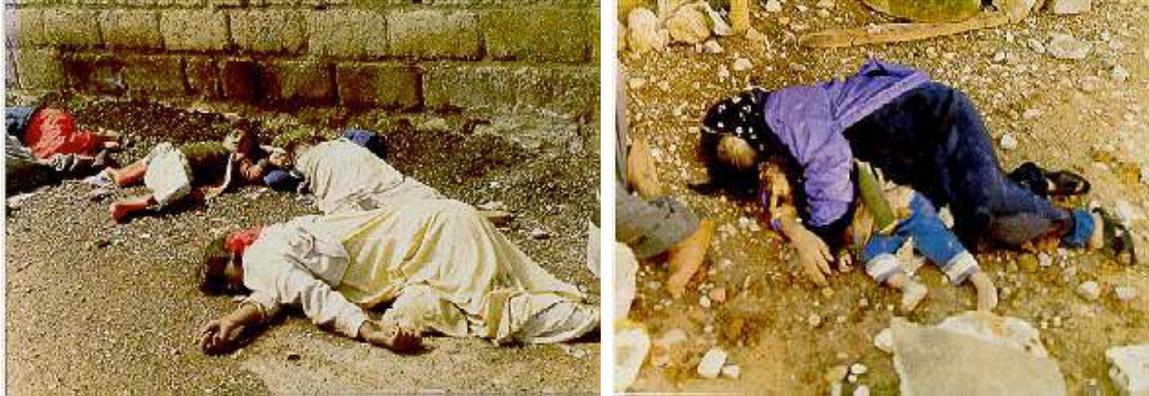


Photo 2.1 and 2.2, a woman with her child and children of different ages killed by the chemical attacks.

1988 was the last year of the Iran-Iraq eight year bloody war, and with help from the Kurdish peshmargas (from different political parties), Iranian troops on the northern front seized the town of Halabja on Thursday, 15 March 1988. The next day, 16 March, Iraqi aircraft began the heavy and long bombardment of the city, while the first stage of the Anfal genocidal operation was ongoing, including gas attacks in other Kurdish villages such as the Mawat, Qaywan, Wlaxlu, Sekaniyan, Sergalu, Bergalu and Surdash areas. The Iraqi Air Force dropped poisoned gas on the city of Halabja in a series of heavy attacks. The attacks involved multiple chemical agents, including sarin, tuban, VX and hydrogen cyanide (see appendix 3).¹⁴ These were mustard gas, nerve and blood agents, which can cause immediate death, long-term medical problems and birth defects. The attack was the largest-scale chemical poison attack against a civilian population in modern times.

The casualties included around 5000 people killed, more than 10,000 injured, and around 50,000 fled into Iran or other places.

¹⁴ <http://www.hrw.org/reports/1991/IRAQ913.htm#4>.



Photo 2.3, a man "Omeri Khawer" tried to rescue his child, but chemical poison forestalled them. This picture became a symbol of the Halabja chemical attack.



Photo 2.4, a child killed by chemical poison lies on the street.

A survivor tells us: "I got some gas in my eyes and had trouble breathing. You always wanted to vomit and when you did, the vomit was green." He said he passed "hundreds" of dead bodies. Those around him died in a number of ways, suggesting a combination of toxic chemicals. Some "just dropped dead" while others "died laughing."

Still others took a few minutes to die, first "burning and blistering" or "coughing up green vomit."¹⁵

Another survivor, Lamia Abdula Omar, describes the attack: "The planes continuing to bomb the whole day. In the Afternoon we [she and her four children were hiding in an underground room] learned from people shouting outside that there was poison gas. Then the sweet smell of apple came to us." They began to flee the city in their jeep. She continues: "It took us more than a half hour driving through the streets. We came slowly forward, because people lay everywhere on the streets."¹⁶



Photo 2.5, civilians killed by gas attack under their flight.

¹⁵ Read more at <http://www.hrw.org/reports/1991/IRAQ913.htm#4>.

¹⁶ Read the article at <http://www.kurdi.dk/Nyheder/Kristoffer/Kurder.htm> (in Danish).

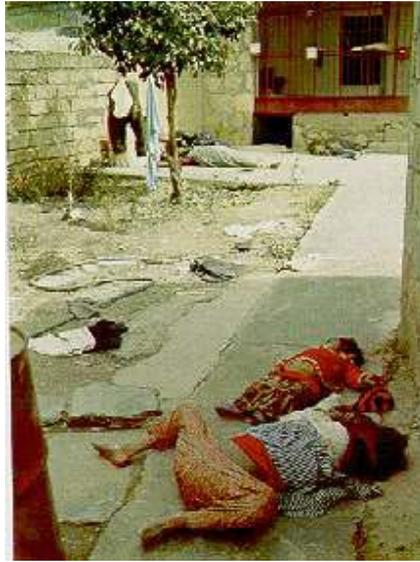


Photo 2.6, a family poisoned to death in their own home.

Another survivor, Nwri Hama Ali, who fled under the attack toward Anab, a complex outside Halabja, tells us: "On the road to Anab, many of the women and children began to die. The chemical clouds were on the ground. They were heavy. We could see them. When a child could not go on, the parents, becoming hysterical with fear, abandoned him. Many children were left on the ground, by the side of the road. Old people as well. They were running, then they would stop breathing and die."¹⁷

Christine Gosden, a British professor of medical genetics, traveled to Halabja in 1998 and founded the Halabja Medical Institute. She reaches some conclusions under her work, and in an article she writes:¹⁸

While these weapons had many terrible direct effects such as immediate death, or skin and eye burns, Iraqi government documents indicate they were used deliberately for known long-term effects, including cancers, birth defects, neurological problems, and infertility. Inexpensive in terms of death per unit cost, there is evidence that these weapons were used in different combinations by Ba'ath forces attempting to discern their effectiveness as weapons of terror and war." ... "Many of the people in Halabja have two or more major problems. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from ground zero in Hiroshima and Nagasaki, and show that the chemicals used in the attack have a general effect on the body similar to that of ionizing radiation.

¹⁷ Source: <http://usinfo.state.gov/products/pubs/iraq/warning.htm>

¹⁸ See the article at: <http://www.terrorismcentral.com/Library/Teasers/ChemIraq.html>

Saddam Hussein regarded chemical poison as the relevant effective weapon for destruction of the targeted people. The Kurdish parties' involvement in Iran-Iraq war gave him the green light for the destruction of the Kurds by extreme methods. The confidential official directives and decrees signed by himself and his cousin confirm this intention (see section 3).

2.3 A short description of the implementation of the genocidal campaign

How was the genocidal campaign implemented? A comprehensive eight-stage military campaign was executed from 23 February to 6 September on the so called prohibited areas; the goal was to wipe out the Kurdish population in those areas. The regular army, heavy artillery units, aircrafts, Kurdish Jashes, several types of Special Forces and Baath party militias carried out the following actions:

- Attacked and bombarded the areas with heavy artillery and chemical poisons. The Iraqi Air Force dropped sarin, VX and tabun chemical agents on the civilian population in the villages and the surrounding areas.
- Killed people running for their lives without differentiation.
- Killed every one who refused to surrender or somehow took a defensive position.
- Detained all inhabitants in the villages.
- Looted the villages completely and destroyed them entirely.
- Deported the detainees to concentration camps such as *Tobzawa* and *Dubiz* near Kirkuk, *Nizarke* near Dihok in the north and *Ar'ar* and *Nugra Salman* in the Sahara southwest of Iraq.
- Detained villagers who fled to other Kurdish cities.
- Detained villagers who surrendered themselves to government forces.
- Separated the men and boys from women and children in the concentration complexes.
- Sold hundreds of young Kurdish girls to Arab countries such as Egypt.

- Executed almost all the men and boys immediately, or gradually within days, in pits in the north and southwest of Iraq.
- Executed many women and children in pits in the north and southwest of Iraq.
- The executions were carried out in different ways; for instance, some were executed outside the pits and then thrown them into the pits; some were executed inside the pits. The pits were covered using bulldozers. Kalashnikov rifles were primarily used for the executions.
- Many women, children and elderly people died in the concentration camps due to illness, disease, torture and hunger.
- Hundreds of thousands of villagers and others escaped the Iraqi attacks and fled to Iran, Turkey and other countries.



Photo 2.7, a rare photo of the Anfal victims, while they were being deported to unknown destinations. Here are men and women sitting inside a bus as they are being deported. Source: www.kurdistan.net.

2.4 The documents, witnesses and mass graves

Huge number of Iraqi official documents, witnesses' tragic stories and hundreds of mass graves evidence what the Iraqi government did against the Kurdish people in the prohibited areas.

Documents

Hundreds of thousands of pages of official Iraqi state documents came into the hands of the people in the March 1991 uprising. In 1992-1993 eighteen tons of those documents were sent to the United States for protection, study and analysis.¹⁹

The documents illustrate the bureaucratic mechanism of, among others, the Anfal campaign. They also show systemic confidential decisions, decrees and performance of orders by the lower government units involved in different stages and levels of the genocidal process. The translated documents which are included in this paper in the next chapter are just a few examples from the huge number of documents. Human Rights Watch, which worked on part of the documents, describes them in this way:²⁰

The documents provide an extremely detailed view of the nature and scope of Iraqi intelligence operations in the Kurdish region over a period of thirty years (though most of the documents stem from the 1980-1991 interval), ... At least a third of the documents are entirely administrative in nature, chronicling the workaday world of government employees with their constant demands for vacations, promotions or appointments with senior officials. ... Through the mechanism of referencing, the documents are linked to one another in a vast and complex administrative web. Despite their variety, they display a remarkable consistency in style. The language is dry and formal, indicating rigid bureaucratic procedures. Generally, the documents we have found during our research constitute small pieces in a large puzzle.

Witnesses

Survivors from concentration complexes: There were thousands of villagers who survived the Anfal campaign. They were mainly women, children and the elderly. Many

¹⁹ Read more at <http://www.hrw.org/reports/1994/iraq/TEXT.htm>.

²⁰ *ibid.*

of them survived the concentration camps at Dubz and Nugra Salman. They narrate horrible stories of torture, hunger, and people dying daily, and the like.

Nasrin Majid Karim a woman born in 1952, from Ali Mustafa Village/Qadr Karam district. She has four Anfalized relatives, her husband among them. She and her family and relatives surrendered themselves to the Iraqi forces, which jailed them and sent them to Tobzawa complex; they were then sent to other complexes and unknown destinations. In Tobzawa the men were separated from women with children before taking them elsewhere. She was in custody for five and a half months in Dubz complex. Here are some of her words about the tragedy:²¹

“I don’t know why the government did not like that we could live a pleasant life. I don’t know if that tyrant was created by God in order to not leave Kurds alone... they brought us to a big and long hall that had space for all the residents of a village... there was a series of the halls... military trucks and minis and big buses brought other people continually.

“I cannot describe this situation and this sight to make you see how they brought other peoples and treated them as animals by beating them with Keble and threw them in the halls... you could see a soldier beating people with his gun, you could see a woman kissing a soldier’s shoes because her child was taken by him as he kicked the women back... we saw many things, we cannot describe them as they were...

“In the first night, they came and took the young men from our hall, throwing them outside, I don’t know to where? ‘God’ this night was horrible, I would not wish that this would happen to even the Gawrs [unbelievers] ... women’s screams and children’s cries could deafen heaven... the second night they came and took all the children...like wolves which attacks sheep, in this way they attacked us... we became crazy with fury... what kind of brutality... perhaps only Saddam did this in the world... the next morning they brought the children back... but children were terrified and freezing, they could hardly breath... in the night they sprayed them with water... I don’t know how God accepted it... half of them were ill...

“The third night they separated the elders from us, they put us in the covered buses... here many mothers and daughters, fathers and sons, women and men were separated...

²¹ This interview conducted by Arif Qurbani (2004) written in Kurdish, source: www.kurdistanpost.com.

after an hour the bus stopped in another complex similar to Tobzawa complex [that was Dubz complex].

“We were around 300 women plus the children in each hall... we had very little space, like we were sitting on each other like sheep and goats... think! in a few days they burn your house, separate your husband, take young girls, throwing you in a hall like dead bodies... people say that cats have seven lives, but this is not true, *we* have seven lives since we did not die...

“They frequently took people from the halls, we did not know where... a horrific disease hit people in the halls, the children were just dry bones... we were suffering under disease... some days 10 children would die... some women could die and leave two small children, the children were like weak birds in the hall... there were no one willing to help them, thus they soon would die due to this disease... When the government released us and we came back, people told us that we were Anfalized; we did not hear the word until that time.”

Survivors from mass graves: Remarkably there are few witnesses who survived the mass executions. They are the strongest witnesses of the mass killings in the pits.²² A farmer *Ferej Mohamad Aziz*, another Anfal survivor, born in 1950, from Topxane village/Qadr Karam district. He and the other men from his village surrendered themselves to the Iraqi government forces, which took them into custody, sent them to Tobzawa complex and then directly to the shooting places for mass execution. He is one of perhaps five survivors from the shooting pits from the Sahara southwest of Iraq. He remarkably survived in the face of certain death and managed to reach the Kurdish territory and hide himself until the March uprising in 1991. Before the Anfal campaign he was in jail for five years because he transported animal foods in his truck from Kirkuk to the village Qshlaxkon in 1985. Thus, he was jailed due to the government sanctions on the Kurdish rural areas. Here are some of his comments about the Anfal tragedy:²³

²² See “An interview with the Anfal survivor, Taimour,” (1992), by Kanan Makiya, available at <http://www.fas.harvard.edu/~irdp/reports/taimour.html>. This interview is one of many interviews conducted with Anfal survivors. The interviews help us to understand what really happened to those people.

²³ This interview, conducted by Arif Qurbani (2004), written in Kurdish, source: www.kurdistanet.com, 08.04.2004.

“Tobzawa... was very big with several big halls surrounded by military metal pins, they treated us like animals... they gathered people in front of the halls... women were separated, children were separated, men were separated... there were too many people, it is hard to say how many... they regarded people from 15 to 50 year old as young people...

“After they wrote our names and brought us to the halls, each one could contain 500-600 people, we were only men... the solders and officers swore at us all the time... nobody dared to say anything... they did not give us water or food during the first two days... we were terrified and about to die of thirst... during the two days I was there they took almost fifty groups of people... they brought people and took people out constantly... the vehicles which were used to take people were green or white in colour without windows... when they took the people out, sometimes they covered their eyes, but not every group... the second day in the middle of the night came some soldiers dressed in green, they read our names and took us outside the hall... my cousin ‘Salih’ and I were in the same group, my brothers’ name were not read, I don’t know when they took them...our group was around 100 people, I think... they put us in another hall, and the day after at 9.30, they took us out and put us into the special vehicles without windows... the number of the cars was around 20, the cars were similar to ambulances, I had never seen them before... every vehicle could take around 50-60 people... we could not see outside, therefore we did not know where we were heading... the car was like a coffin, like when you put a person in a coffin to put them in a graveyard... they put us into the coffins right to the death pits... the car was driving very fast... maybe they would take another trip that day... after many hours of driving, close to evening... then the cars slowed down and drove on a gravel road and after 10-20 minutes stopped... before we stopped we could hear shooting... a lot of shooting... we did not know what was going on... but after the opening of the door, we new that they would shoot us dead... after we stopped the soldiers in green uniforms took two of us at time... that was like hell you could hear shooting everywhere... there were two teenagers among us... very beautiful boys... they were seated in front of us... when their turn came, they were frightened, I could not bear to watch them... I would like shout to God and pray for

them... then I told my cousin, 'we will go before them, I will not see their death'... we did... when they took us down, although I was going to death, I was happy to see the outside world again even for one minute, due to the difficulty of breathing inside the car during the whole trip... as they took me down and until they covered our eyes, I could see many things... long pits... shovels... a lot of soldiers... a lot of dead bodies... in front of the pits they tied my hands and looked in my pockets they took everything they found... then they lay us [he and his cousin] down facing the ground... then they began to shoot us... Salih was hit and shook fast, his blood and the dust around us covered us... I thought I was hit too and dead... after awhile I knew I was not dead, but I was like a dead body... they pushed us into the ditch on the other dead bodies... blood was everywhere... some were not dead yet and screaming... now I knew where I was... I knew they are going to cover us with sand as I heard the shovel machines... I freed my hands and uncovered my eyes, first I did not dare to open my eyes... then I opened my eyes I could see many bodies around me, among them Salih and the two teenagers whose death I would not see... After an hour I guess I was still in the pit, and it was dark... then I tried to crawl out... and I ran without looking back... I fell into another pit full of bodies, and came out again... I saw empty pits... I was running without shoes... the first time I looked back I was quite far away from the shooting pits... I sat awhile... I could see car headlights... then I began to walk for around an hour... I did not know where I was heading... I was tired and frightened... I was walking, sitting sometimes until the early sunshine... then suddenly I saw a man... he scared me... he was a shepherd... fortunately he was a Kurd [Iranian refugee in Ramadi complex]....”

The man helped him, sent him to another man's home inside the refugee complex in Ramadi. The next day he went to Baghdad and then to Kirkuk and contacted his relatives there.

Witnesses from the perpetrator side: There are some individuals who participated in the crime, and now are willing to tell their stories.

Abdul al-Hassan Muhan Murad, born in 1961, from Kut, was a member of the Baath party and Iraqi security. He worked as a driver of trucks, bulldozers, shovels,

gravediggers and the like. He gave this interview freely to tell the truth of this tragic story. Here are some of his statements about the killing process as it happened in Kirkuk province:²⁴

“I worked as a driver of big machines such as trucks and gravediggers... security had many drivers that worked for the security administration... security used the drivers for internal and often secret jobs... I worked as a driver and did not participate in the torture and killings... the worst place for torture and killing was at General Security in Baghdad, it was like a slaughterhouse...General Security ordered my move to the Office of the Northern Bureau in Kirkuk at 17.07.1988... we were drivers from different administrations...we did not know each other... Mayor Abid was chief there... when we came there Mayor Nezhan Togan, the commander of the guard division of Ali Hassan al-Majid, ordered that we must not visit the town. He said “The Kurds would kill you because they knew you were from the security...” we didn’t ask why, we didn’t dare to ask! ... on 11.08.1988 Mayor Nezhan came and took Ferhan – another driver – and me with our gravedigger for a job... we did not dare to ask... we had to follow orders... when we reached the place... there were many soldiers belonging to guard division of Ali Hassan al-Majid...

Nezhan ordered us to dig in different places – a place between Yaychi and Tobzawa ... we started to dig from 9.30 a.m. to 8.00 p.m. ... as I remember we dug around 4-5 pits, each was 20-25 m. long and 2.5-3 m. deep...at that time we didn’t know what they were for...the next day on 12.8.1988 at 10.00 p.m. Mayor Nezhan came and took us for an important job, as he told us... he was not alone, there were 4-5 white Mercedes carrying special guards... they took us to the same place where we dug the night before, but today the place were surrounded by forces... Tahir Jalil Habush, the director of Northern Bureau organizations, was standing near the pits... we with our shovels were waiting for orders... then came a shooting team of 11 people, many from the security bureau, for instance officer Saib the bodyguard of Ali Hassan al-Majid, officer Saim from Anbar, officer Saud, mayor Abid and others... they had only pistols with silencers... they

²⁴ Qurbani, Arif (2003), “From Um Rehan to Topzawa”, interview with Abdulhasan M. Murad, a bulldozer driver who participated in the 1988-genocide by digging pits and covering the mass graves, 28.09.2003, kurdistanet.org.

came with the prisoners – people captured in the Anfal campaign – on special covered buses similar to ambulances but bigger and longer... then Tahir Abush ordered us to start all the cars and shovel machines and make them loud... every time they opened the doors of the special cars, two guards were at the doors... they gave one Kurd to a member of the shooting team, who brought the prisoner near the pits... made him ready for execution next to the other prisoners, and waited for orders... then they shot them together and threw them into the ditch... the hands and eyes of the prisoners were tied already... I didn't know where they took them from or why... this night six carloads of people, each with 50 prisoners, were shot to death, and 75 of them were thrown into each pit... after the shooting was finished, we started the covering of the pits with sand...

After this Mayor Nezhah gathered all of us and threatened that unless we kept this secret, we would meet the same destiny... after a few days I was ordered to do the same job in the Dubz area. ...

“I did this job from August 11 to November 15 of 1988... our job was between Tobzawa, Dubz and the Mountain of Hamrin... the next time our work was in a place between Dubz and Hamrin near the road to Dora... this time the victims were women, children, young and older people...their eyes and hand were not tied... the vehicles were the same special covered vehicles... they were pushed to the shooting places and shot together inside the pits by Kalashnikovs... the shooting team was the same team... the shooting was ordered by Mayor Abid... the bringing of the victims occurred faster...the young and older victims were from the Tobzawa complex, the women and children were from Dubz complex... after the shooting we covered the pits...once there was an eight week old child in a woman's arms; I think it had not been shot when we buried them. This hurt me...” He received an order to move to Tal al-Ward / Tikrit province after the digging job was finished on 15 November 1988, as he narrates.

Survivors of chemical attacks: Thousands of Kurds came under chemical attack but manage to escape and flee to neighboring countries. Many still suffer under permanent illness.

Survivors who fled Iraq or hid in the Kurdish cities: Thousands managed to escape the military attacks. Some fled to Iraq's neighboring countries; some fled to the big Kurdish cities and succeeded in hiding.

Mass graves

Around 300 mass graves were discovered after the fall of the Baath regime. In connection with the Kurdish victims from 1987-1988, most of the mass graves are in the Sahara provinces such Samawa, Diwania and areas close to the Saudi border. There are mass graves in the Kirkuk and Mosul provinces. The numbers of human remains from the mass graves vary.

The mass graves were dug by bulldozers and gravediggers; many were 1.50-3.00 meters broad, up to 25-30 meters long, and with different depths from 70 cm to 2.00 meters.

It is clear from the remains of the victims that some of the graves were used for men and boys, some for women and children, and some mass graves were used to bury men, women and children together. Generally, the mass graves testify to the brutality and genocidal intention of Saddam Hussein's regime.

One of the mass graves was discovered south of Samawa in Iraq's southern desert. It has been investigated and studied by Michael Trimble, a forensic archaeologist from St. Louis, and leader of a mass-grave team, who concluded that more than 600 automatic rifles rounds had been used to kill 114 victims, 85 of which were children (see photo 7).

Photo 2.8, a photo of a mass grave of Kurds south of Samawa in Iraq's southern desert



Pool Photo by Erik de Castro

Michael Trimble, third from left, leader of a mass-graves team.

Source: <http://select.nytimes.com/gst/abstract.html?res=FA0E10FA345A0C778CDDAB0994DE404482>

3. The Anfal campaign according to the Iraqi regime's documents and statements

Due to the importance of some documents, we find it relevant to quote them under this section. There are important decrees and directives in relation to military operations before, during and after the Anfal campaign. Some of the directives and decrees were personally signed by the top Baath leaders such as Saddam Hussein and Ali Hassan Al-Majid. We also quote speeches of both Hussein and al-Majid in relation to the campaign and the gas attacks. These documents are translated from the Arabic by Human Rights Watch.²⁵

3.1 Written documents concerning the genocidal decisions

DOCUMENT 3 (nr. 13 in HRW's report)

PAGE 1

In the Name of God, the Merciful, the Compassionate

[Emblem of the Iraqi Republic]

In the Name of the People

Revolutionary Command Council

Number of the Decree: 160

Date of the Decree: 29/3/1987

DECREE

In accordance with the provisions of Article 42, Paragraph (a), and Article 43, Paragraph (a), of the Constitution, and in order to execute what was decided in the joint meeting of the Revolutionary Command Council and the Regional Command of the Ba`ath Party on 18/3/1987,

The Revolutionary Command Council decided in its meeting on 29/3/1987 the following:

First: The Comrade Ali Hassan al-Majid, member of the Regional Command of the Ba`ath Party, will represent the Regional Command of the Party and the Revolutionary Command Council in implementing their policies in all of the northern region, including the Autonomous Region of Kurdistan, in order to protect security and order and guarantee stability and the implementation of the Autonomy Law in the region.

Second: The Comrade, member of the Regional Command, will have authority over all the state's civil, military and security apparatuses to carry out this decree, in particular the authorities of the National Security Council and the Northern Affairs Committee.

Third: The following authorities in the northern region fall under the Comrade's authority and must implement all the decisions and directives issued by him, as by this order:

1. The Executive Committee of the Autonomous Region of Kurdistan.
2. The Governors and the heads of the administrative units under the Ministry of Local Government.
3. The Foreign Intelligence apparatus, the Internal Security Force, and Military Intelligence.
4. The Commands of the Popular Army.

Fourth: The military commands in the region must respond to the Comrade, member of the Regional Command, concerning everything pertaining to the first paragraph of this decision.

PAGE 2

Fifth: This Decree goes into effect on the date it is issued until further notice, and any regulations contradicting this Decree are suspended.

[Signature]

Saddam Hussein

President of the Revolutionary Command Council

Accordingly Ali Hassan al-Majid got the absolute authority over every government units in Kurdish autonomous region. Installing of al-Majid was the first crucial step for implementation of the Anfal campaign.

DOCUMENT 4 (nr. 14 in HRW's report)

PAGE 1

One Arab Nation With an Immortal Message

The Socialist Arab Ba`ath Party

Iraq Region

Northern Bureau Command

Ref.: 28/3650

Date: 3/6/1987

Top Secret and Personal

To: Governorate of

Commands of First, Second and Fifth Corps

Commands of Branches of the Bureau

Command of the Salah al-Din Branch

Command of the Diyala Branch

Directorate of Security of the Autonomous Region

Directorate of Security of Erbil Governorate

Directorate of [Foreign] Intelligence.....

Directorate of [Military] Intelligence

Re: Decree

1. It is totally prohibited for any foodstuffs or persons or machinery to reach the villages that have been prohibited for security reasons that are included in the second stage of amalgamating the villages. Anyone who so desires is permitted to return to the national ranks. It is not allowed for relatives to contact them except with the knowledge of the security agencies.
2. The presence of people is completely prohibited in those areas of the villages prohibited for security reasons that were relocated in the first stage, and also in the areas included in the second stage until June 21, 1987.
3. Concerning the harvest: after the conclusion of the [harvesting of the] winter [crop], which must end before July 15, farming will not be authorized in [the area] during the coming winter and summer seasons, starting this year.
4. It is prohibited to take cattle to pasture within these areas.
5. Within their jurisdiction, the armed forces must kill any human being or animal present within these areas. They are totally prohibited.
6. The persons who are to be included in the relocation to the complexes will be notified of this decision, and they will bear full responsibility if they violate it.

PAGE 2

For your information and action, each within his jurisdiction. With regards.

Keep Up the Struggle.

[Signature]

The Comrade

Ali Hassan al-Majid

Secretary General of the Northern Bureau Command

This is the first important directive that indicates a genocidal intention. This Iraqi document reinforces the sanction on the areas regarded as prohibited. The decree permits the killing of residents inside the rural Kurdish areas. The annihilation of all life was permitted in those areas. This policy was practically in effect since 1985.

DOCUMENT 5 (nr. 15 in HRW's report)

PAGE 1

Northern Bureau Command

The Secretariat

Date [sic]: 28/4008

Ref. [sic]: 20/6/1987

[In handwriting:] Sh.3 810

23/6/87

From: Northern Bureau Command

To: First Corps Command / Second Corps Command / Fifth Corps Command

[Stamp:] 3

12533

23/6/87

Re: Dealing With the Villages That Are Prohibited For Security Reasons

In view of the fact that the officially announced deadline for the amalgamation of these villages expires on 21 June 1987, we have decided that the following action should be taken effective 22 June 1987:

- (1) All the villages in which the saboteurs -- the agents of Iran [i.e. the PUK], the offspring of treason [i.e. the KDP], and similar traitors to Iraq -- are still to be found shall be regarded as prohibited for security reasons.
- (2) The presence of human beings and animals is completely prohibited in these areas, and [these] shall be regarded as operational zones in which [the troops] can open fire at will, without any restrictions, unless otherwise instructed by our headquarters.
- (3) Travel to and from these zones, as well as all agricultural, animal husbandry and industrial activities shall be prohibited and carefully monitored by all the competent agencies within their respective fields of jurisdiction.

(4) The Corps Commands shall carry out random bombardments using artillery, helicopters and aircraft at all times of the day or night in order to kill the largest number of persons present in those prohibited areas, keeping us informed of the results.

(5) All persons captured in those villages shall be detained because of their presence there, and they shall be interrogated by the security services and those between the ages of 15 and 70 must be executed after any useful information has been obtained from them; keep us informed.

PAGE 2

(6) Those who surrender to the government or Party authorities shall be interrogated by the competent agencies for a maximum period of three days, which may be extended to ten days if necessary, provided that we are notified of such cases. If the interrogation requires a longer period of time, approval must be obtained from us by telephone or telegraph or through comrade Taher al-Ani.

(7) Everything seized by the advisers [*mustashars*] or fighters of the National Defense Battalions [i.e., the pro-government Kurdish militias] is considered theirs to keep, with the exception of heavy, mounted and medium weapons. They can keep the light weapons, notifying us only of the number of these weapons. The commands of the Battalions must promptly bring this to the attention of all the advisers and company and brigade commanders, and must provide us with detailed information concerning their activities in the National Defense Battalions.

cc. Head of the Legislative Council; Head of the Executive Council; [Foreign] Intelligence Agency; Chief of the Army General Staff; Governors (Chairmen of the Security Committees) of Nineveh, al-Ta'mim, Diyala, Salah al-Din, Suleimaniyeh, Erbil and Dohuk; [Ba'ath Party] Branch Secretaries of the above-mentioned Governorates; General Directorate of Military Intelligence; General Directorate of Security [*Amn*]; Directorate of Security of the Autonomous Region; Subdirectorates of Military Intelligence, Northern Sector; Subdirectorates of Military Intelligence, Eastern Sector; Security Directors of the Governorates of Nineveh, al-Ta'mim, Diyala, Salah al-Din, Suleimaniyeh, Erbil and Dohuk.

For your information and action within your respective fields of jurisdiction. Keep us informed.

[Signature]

The Comrade

Ali Hassan al-Majid

Member of the Regional Command, Secretary General of the Northern Bureau

This is the second important directive that indicates genocidal intention. This reconfirms the free fire order in the countryside Kurdish areas against any creature moving there. It permits looting of the villagers' items and belongings and orders day-night bombardments in order to kill the largest number of people present in those areas. The directive regards all human beings inside the areas as saboteurs and traitors. All the people who were captured in these areas were sent to several complexes, where the agents were ordered to carry out the "necessary measures" according to the directives of the Northern Bureau. The "necessary measures" were either to deport them to other complexes in the Sahara, or to send them to execution pits in different places.

3.2 Written document concerning the destruction of villages and towns

DOCUMENT 6 (nr. 6 in HRW's report)

PAGE 1

In the Name of God, the Merciful, the Compassionate

Confidential and Personal

Headquarters of the Security Committee in Shaqlawa

Ref.: /Security/55

Date: 5/4/1987

To: The Security Committee of Erbil Governorate

Re: Minutes of Meeting

Enclosed are the minutes of the meeting of the Security Committee of Shaqlawa district, held at 19:00 on Wednesday 1/4. Please be informed.

[Signature]

Colonel

The head of the Security Committee in Shaqlawa

cc. Command of Division 45 / For your information. Enclosures:

Minutes of the meeting

District Administrator of Shaqlawa }

Party Division of Shaqlawa }

Police Directorate of Shaqlawa }

The Security Directorate of Shaqlawa / For your information.

Enclosures: Minutes of the meeting

Confidential and Personal

[In handwriting:] 1440

9/4

Minutes of the Meeting of the Security Committee at 19:00

on Wednesday 1/4/1987

1. The Security Committee of Shaqlawa district held a meeting at 19:00 on Wednesday according to the directives of the Governor to the chairmen of the Security Committees and the Administrators of the districts and subdistricts in his meeting with them at 11:00 on Wednesday in the Governorate's Cabinet. The Security Committee studied the following subjects:

PAGE 2

5. The Villages Prohibited For Security Reasons

First: The villages which are prohibited for security reasons are those villages that are located outside the protective cover of the armed forces.

Second: Those villages became havens for the saboteurs and reconnaissance centers for sabotage activity inside the towns, as well as resting areas for their bands and a source of food, drink and clothing for them.

Third: For the above reasons, the Security Committee suggests that agreement be reached on the total elimination of all the villages that are prohibited for security reasons.

b. Villages Not Prohibited For Security Reasons

There are many villages that are not prohibited for security reasons, especially those that are close to the towns. The saboteurs use these as a source of supplies and a path to go back and forth. Some of their inhabitants provide assistance to the bands of saboteurs. The Security Committee therefore suggests the following:

First: To warn the inhabitants of the villages that are not prohibited for security reasons to prevent all types of assistance to the saboteurs for whatever reason.

Second: The villages that are not prohibited for security reasons are [to be] treated the same as the villages that are prohibited for security reasons if they do not implement the first [paragraph] above.

2. [Concerning] the letter of the Security Committee of Erbil Governorate, confidential and personal, ref. 870 of 15/3, and the letter of the Security Committee of Erbil Governorate, confidential and personal, ref. 1040 of 28/3, the Security Committee suggests the elimination of the poultry farms mentioned in the above letters, for the following reasons:

a. They have become havens for the saboteurs and reconnaissance centers because these farms are close to the town of Shaqlawa, and [thus] became places for their [i.e., the saboteurs'] nighttime rest.

b. The owners of these farms provide food and fuel to the saboteurs, and they are forced to do so in order to protect their property because the army bases are far away.

d. [sic]. The saboteurs used these farms to meet with [members of] the internal organization [i.e., the guerrillas' underground network].

c. [sic]. They have become stations for the loading of smuggled supplies during the night.

3. A plan has been prepared to eradicate the phenomenon of smuggling in the district.

PAGE 3

4. A plan of action has been discussed in the event any incident takes place in the sector of [our] jurisdiction. The following has been decided:

a. Communication will be established at once between the chairman of the Security Committee and the members of the Committee.

b. A decision will be made to act at once to deal with the incident.

5. The Security Committee discussed the matter of the necessity to ensure the complete protection of tourism during the year. It also discussed the holes in the protective cover during the past year. The Committee then discussed the force that is available and that which is required. It reached the conclusion that it is absolutely necessary to charge a section of the Popular Army with the creation of an internal security parameter for the town and the protection of tourist and government facilities in the center of the district [i.e., the town of Shaqlawa].

[5 signatures]

Major Lt.-Col. Mr. Mr. Colonel

Director of Director of Secretary District Chairman of

Security, Police, of Shaql. Administrator Security

Shaqlawa Shaqlawa Division Shaqlawa C'tee in

Shaqlawa District

3.3 Written documents concerning the use of chemical poisons

DOCUMENT 7 (nr. 9 in HRW's report)

PAGE 1

[Cover letter:]

In the Name of God, the Merciful, the Compassionate

[Emblem of Iraqi Military Intelligence]

[In frame:] Please refer to the full number

The Martyrs Remain More Generous Than All of Us

Presidency of the Republic

Secretary

The General Directorate of Military Intelligence

Subdirectorates of Military Intelligence, Eastern Sector

Intelligence Center of Kalar

Confidential and Personal

Ref.: Q.3/Qadissiyat Saddam/404

Date: 26/6/1988

[Stamp, partly illegible:] ref.: 12935

date: 27/6/1988

To: Subdirectorates of Military Intelligence, Eastern Sector (Sh.3)

Re: Quarterly Report About the Saboteurs

Enclosed is the quarterly report about the saboteurs' movements within our sector during the first half of 1988.

Please be informed.

Enclosures: 1 quarterly report

[Signature]

Captain

Director of the Intelligence Center of Kalar

[In handwriting:] To be shown, and ask the other centers

27/6

(1 of 1)

Confidential and Personal

PAGE 2

[Excerpt of quarterly report. Only the marked area on page 6 of the report has been translated here:]
Quotation; from HRW.

Top Secret

b. During the month of March 1988, our aircraft bombed the headquarters of the sabotage bands in the villages of Saywan (4596) and Balakajar (4294) in a chemical strike. This resulted in the death of 50 saboteurs and the wounding of 20 other saboteurs.

c. At 19:15 on 19/6, an unknown person threw a handgrenade at the house of the citizen Saleh Muhammad Aziz in Kalar district, Bengird neighborhood. There were no casualties or damage to the house.

[Etc.]

[Signature]

Captain

Kifah Ali Hassan

Director of the Intelligence Center of Kalar

Top Secret

This document directly names the use of chemical weapons, unlike many other Iraqi documents that use terms such as “special strike” or the use of “special ammunitions” instead of the terms chemical strike or chemical ammunitions.

DOCUMENT 8 (nr. 11 in HRW's report)

PAGE 1

[Cover letter:]

In the Name of God, the Merciful, the Compassionate

[Emblem of Iraqi Military Intelligence]

The Martyrs Remain More Generous Than All of Us

[In frame:] Please refer to the full number

Presidency of the Republic

Secretary

General Directorate of Military Intelligence

Confidential and Personal

Ref.: M.5/Sh.3/Q.2/9879

Date: 18 May 1988

To: The Subdirectorate of Military Intelligence, Eastern Sector

Re: Report

[Stamp:] Subdirectorate of Military Intelligence, Eastern Sector

Ref.: 1034

Date: 19/5/1988

Enclosed is our special report about the Northern Region for the month of April 1988.
Please be informed.

Enclosures: 1 report.

[Signature]

Brigadier-General

Deputy Director, General Directorate of Military Intelligence

[In handwriting:] For the information of the director when he returns.

[Signature]

Lt. Colonel

20 May 1988

(1 of 1)

Confidential and Personal

[In handwriting:] On vacation

21/5

PAGE 2

[Main document. From the 6-page report, only page 4 has been included here:] Quotation; from HRW.

Confidential and Personal

b. Once the pressure of the Anfal operation was focused on the band of the agents of Iran [i.e., the PUK], which caused them heavy losses, the organizations [i.e., members] of that band began discussing why the government was aiming to eradicate their band and not the other bands.

c. After the special strikes against the villages where the headquarters and bases of the agents were, their organization distributed a quantity of medical supplies against chemical strikes (injections and pills) among the inhabitants of those villages as well as neighboring villages.²⁶

d. The leadership of the agents established headquarters near the town of Halabja to coordinate [activities] with the Iranian enemy forces that were present in the Shahrzour plain. Their headquarters are now in Zammaki complex, Anab complex, Jalila village and Hawar village.

e. After the Anfal operations, the leadership of the band of the agents of Iran held a number of meetings and studied the status of their band in the wake of those operations. The following are the most important matters that were discussed:

First: the reasons for their defeat by our forces. They reached the conclusion that the reasons are the following:

(1) The false promises of the Iranian regime, who had promised to send them forces, weapons and ammunition in the event our forces were to attack them.

(2) The lack of concern on the part of some of the officials of their band, and their negligence during the operations.

²⁶ This is another confirmation of the use of chemical poison directly.

(3) [The fact that] the intensity of the artillery bombardment by our forces and the use of "the special ammunition" led to heavy losses among them.

(4) They reached the conclusion that they must utilize small detachments in carrying out their sabotage activities, and not face our forces directly.

(4 of 6)

Confidential and Personal

3.4 Written documents concerning the implementation of the genocidal campaign

DOCUMENT 9 (nr. 20 in HRW's report)

PAGE 1

[In handwriting:] Fatima Ahmad Omar

(Confidential and Personal Message)

To: The Security of Autonomous Region

From: Security Dohuk / Sh.S.64

Ref.: 13075

Date: 15/9/1987

According to the directives issued by the Northern Bureau Command regarding the deportation and detention of families of saboteurs, deserters and draft dodgers, the following is the situation today, 15/9/87, for those families who were deported and detained within our Governorate after their photographs were taken and all their official identity cards proving their Iraqi-ness were taken away from them. Please be informed. With regards.

[In handwriting:] 15154

[Signature]

Director of Security of Dohuk Governorate

First: The deportees who are from Sersank subdistrict in Amadiya district

1. The family of the criminal deserter Ibrahim Yusef Mustafa:

Miriam Abd-al-Rahman Abdullah / his mother / housewife / 1907 / She has been deported.

2. The family of the criminal deserter Muhammad Ali Abd-al-Majid:

Zimrud Abdullah Muhammad / his mother / housewife / 1930 / She has been deported.

3. The family of the criminal deserter Mustafa Saleh Omar:

Fatma Muhammad Alo / his mother / housewife / 1930 / She has been deported.

4. The family of the criminal deserter Hassan Taher Mirkhan:

Halima Birmus Hassan / his mother / housewife / 1916 / She has been deported.

5. The family of the criminal deserter Mustafa Abba-Bakr Hassan:

Hamra' Fakhri Birmus / his mother / housewife / 1917 / She has been deported.

6. The family of the criminal deserters Esmat and Iskan Muhammad Hassan Osman:

Zulekha Muhammad Mustafa / their mother / housewife / 1916 / She has been deported.

7. The family of the criminal deserter Ibrahim Rashid Budagh:

Guli Suleiman Amin / his mother / housewife / 1920 / She has been deported.

8. The family of the criminal deserter Ahmad Muhammad Abd-al-Qader:

Fatma Bapir Hassan / his mother / housewife / 1925 / She has been deported.

9. The family of the criminal deserters Zubeir and Ayed Muhammad Ali Sheikho:

Amina Yusef Hamid / their mother / housewife / 1936 / She has been deported.

(More)

[Only page 1 of the document has been included here. The full document lists 86 families. The document makes very clear how the policy enunciated in Document 16 above was being carried out. Quotation from HRW.

DOCUMENT 10 (nr. 21 in HRW's report)

PAGE 1

In the Name of God, the Merciful, the Compassionate

Command of the Fifth National Defense Forces

Administration

Ref.: A./3/163

Date: 26/4/1988

To: List (1) Contingent 81

Re: Implementing the Death Penalty

[Concerning] the memorandum from the Presidency of the Republic, the Secretary to the President for Party Affairs, ref. Sh./H./78 of 20/1/1988, conveyed in memorandum ref. 106 of 2 February 1988 from the Army Chief of Staff, as relayed in the memorandum of the Command of the First National Defense Forces ref. D.Q./2/1879 of 30/3/1988, which was a cover letter to the original memorandum of the Office of the Minister of Defense, Top Secret, ref. 2041 of 28 January 1988, and contained the agreement of the Comrade, the Struggling Leader, the Secretary-General of the country and Secretary-General of the Military Bureau (May God Protect Him) [i.e., Saddam Hussein], to implement orders issued by the Party headquarters and branches regarding the execution of the condemned: Army units must not make any delays in implementing these [orders], and they should not reopen the files.

Please be informed of this, and implement it accordingly.

[Signature]

Captain

Jiyad Mahdi al-Khadr

Dep. Commander of the Fifth National Defense Forces

DOCUMENT 11 (nr. 22 in HRW's report)

PAGE 1

One Arab Nation with an Immortal Message

The Socialist Arab Ba`ath Party

Salah al-Din Section Command

Rawanduz Division Command

Ref.: 52/461

Date: 19/4/1988

To: All Membership Cells

Re: Directives

Comradely Greetings:

Below are the directives issued by the Section Command. They are as follows:

1. The families who have arrived from the areas of the saboteurs should be treated in the same way as the saboteurs [are treated]. The Party organizations should carry out searches and gather information, and if families are found, they should inform the security authorities about this.
2. The Party apparatus is responsible for the expurgation of the geographic area in which it operates with regard to the families who are mentioned in Paragraph 1. Each mukhtar [village or neighborhood head, appointed by the government] should be informed that if any family lives in his area and he does not inform us about them, he and his family will be detained and his house will be demolished. If he was not aware [that there were families in his area], he will be detained for three days.
3. If five or more families are found in the neighborhood of the mukhtar's jurisdiction, the neighborhood mukhtar will be executed.
4. It is strictly forbidden to hand over any saboteur to the National Defense Battalions [the pro-government Kurdish militia]. They should only be handed over to the Security.

As for the Party agencies, they, too, should hand over saboteurs who surrender with their weapons to the Security.

5. Mobilize the religious leaders and meet with them so as to induce them to erode [the support of] the saboteurs and their collaborator commanders.

6. The Party organizations should collect information about those who have joined the saboteurs, using special lists on which all information should be written.

PAGE 2

The collection of information should include [members of] the internal organizations [i.e., the guerrillas' urban underground] and their families according to where they reside, and every family's survey form should be done separately. This form should be presented to the Division Command within one week.

Please be kindly informed. With regards.

Keep Up the Struggle.

[Signature]

The Comrade

Zaydan Atiyeh Akmoush

Dep. General Secretary of the Rawanduz Division

[Stamp:] Socialist Arab Ba`ath Party

Salah al-Din Section Command

Rawanduz Division Command

Unity, Liberty, Socialism

[In handwriting:] Bring it up in the meeting.

This document from the time of Anfal addresses two important matters. First, it defines all women and children fleeing the "prohibited areas" as "saboteurs." ... Second, it shows that the regime went after the

people from the "prohibited areas" even after they had managed to reach the towns and complexes. ...
Quotation from HRW.

DOCUMENT 12 (nr. 23 in HRW's report)

PAGE 1

[In handwriting:] 603

Sh.3

14/4

In the Name of God, the Merciful, the Compassionate

We Seek Justice, Not War

Command

Oil Protection Forces

General Staff

Intelligence

Ref.: 289

Date: 11 April 1988

Top Secret

[In handwriting:] 238

-----Q.2

14/4/88

[In handwriting:] 321

Sh.3 [Signature]

[Stamp:] Subdirectorate of Military Intelligence

Ref.: 7205

Date: 14/4/1988

To: Directorate of Security of al-Ta'mim

Re: Sending Families

We are sending you the families who surrendered to our military forces on 11 April 1988 and whose names are in the appended list.

Please take the necessary measures according to the directives of the Northern Bureau, and acknowledge receipt.

Enclosures: 11 lists with 307 names

[Signature]

Brigadier-General Q.Kh. [i.e., Special Forces]

Bareq Abdullah al-Haj Hunta

Commander of the Oil Protection Forces

PAGE 2

cc: First Corps Command (Sh.Id. and Is.) [i.e., Administrative Section and Military Intelligence]. Enclosed is a copy of the list. Please be informed.

M. Is. M. Eastern [i.e., Subdirectorate of Military Intelligence, Eastern Sector].
Enclosed is a copy of the list. Please be informed.

[In handwriting:] Mark for correspondence

[Signature]

15/4

The Captain

(1 of 1)

Top Secret

3.5 Saddam Hussein and Chemical Ali in their own words

This section focuses on some important talks and speeches of Saddam Hussein and Ali Hassan al-Majid “Chemical Ali” in connection with the chemical attacks and the Anfal campaign in the Kurdish territory.

The following are some of the recorded statements from a number of tapes that were heard in the Iraqi High Tribunal on 8 and 9 January 2007. The voices are identified by the prosecutors as Chemical Ali’s and Saddam Hussein’s voices.

1. Saddam Hussein discusses the killings of civilians and non-civilian people with a military chief.

“We attack those who live there, we do not differentiate between who has weapons or not, or who is civilian or not. They are saboteurs.”

2. Saddam Hussein discusses the efficiency of the chemical poisons on the targeted people in the Kurdish prohibited zone.

Chemical Ali asks Saddam: “Is the *special weapon* effective?”

Saddam answers: “Yes it's effective, especially on those who don't immediately put on a mask, as we understand.”

Chemical Ali: “Sir, does it exterminate thousands?”

Saddam: “Yes, it exterminates thousands and makes them unable to eat or drink; they will have to evacuate their homes without taking anything with them, until we can finally purge them.”

Ali Hassan al-Majid “Chemical Ali,” Secretary General of the Baath Party's Northern Bureau, made a lot of speeches in meetings with senior Baath members and leaders from 1987 to 1989. There are several audiotapes from these meetings recorded by the Iraqi Baath party. The speeches confirm the written documents and the intention behind the

Anfal military campaign. These tapes and others were also played in the Iraqi High Tribunal. The following are collected texts from Human Rights Watch's report.²⁷

The following are some selected remarks and comments by Chemical Ali:

1. *Meeting with members of the Northern Bureau and governors of the Autonomous Region of Iraqi Kurdistan, April 15, 1988.*

"For five years I won't allow any human existence there. I don't want their agriculture. I don't want tomatoes; I don't want okra and cucumbers. If we don't act in this way the saboteurs' activities will never end, not for a million years. These are all just notes, but with the help of God we will apply them very soon, not more than a month from now. In the summer nothing will be left...."

2. *Meeting with Northern Bureau members and directors of the Ba'ath Party headquarters in the northern governorates: tape is dated May 26, 1988, but from context appears to be 1987.*

"All those years and the saboteurs still existed. At a time when we had this huge military! I swear to God it was not done in that way. All the Iraqi troops couldn't have done what we did. But this [deportation] hurt them. It kills them...."

"I told the *mustashars* that they might say that they like their villages and that they won't leave. I said I cannot let your village stay because I will attack it with chemical weapons. Then you and your family will die. You must leave right now. Because I cannot tell you the same day that I am going to attack with chemical weapons. I will kill them all with chemical weapons! Who is going to say anything? The international community? Fuck them! The international community and those who listen to them...."

"If we can try to take two-thirds, then we will surround them in a small pocket and attack them with chemical weapons. I will not attack them with chemicals just one day, but I will continue to attack them with chemicals for fifteen days...."

3. *Meeting with unnamed officials, August 1, 1988.*

"We asked them to deport every Kurd who lives there and send them to the mountains to live like goats. Fuck them! "

"We deported them from Mosul without any compensation. We razed their houses. We said come on, go, go! But those who are already fighters, we tell them from the beginning that they must go and settle in the complexes. After that we will tell them to go to the Autonomous Region. We will not get into any arguments with them. I read the pledge for them and they must sign it. Then wherever I find [passage unclear], I will smash their heads. These kind of dogs, we will crush their heads. We will read the pledge for them: I the undersigned admit that I must live and settle in the Autonomous

²⁷ Read more at: <http://www.hrw.org/reports/1993/iraqanfal/APPENDIXA.htm>.

Region. Otherwise I am ready to accept any kind of punishment including the death penalty. Then I will put the pledge in my pocket and tell the *Amn* director to let him go wherever he wants. After a period of time, I will ask where is he? They will tell me, here he is. The Ba'ath Party director must write to me saying that the following people are living in that place. Immediately I will say blow him away, cut him open like a cucumber....”

”Do you want to increase the Arab population with these bloody people?... We must Arabize your area [Mosul]--and only real Arabs, not Yezidis who say one day that they are Kurds and the next that they are Arabs. We turned a blind eye to the Yezidi people joining the *jahsh* in the beginning, in order to stop the saboteurs from increasing. But apart from that, what use are the Yezidis? No use.”

4. *Northern Bureau meeting to review the campaigns of 1987 and 1988; the tape is undated, but is in a batch dated January 21 and 22, 1989.*

”All the successive commanders of the First Corps and the Fifth Corps: Lt. Gen. Nazar [al-Khazraji] and Sultan Hashem of the First Corps and Tali'a al-Durri, the martyr al-Hadithi, Muhammad and Ne'ama Fares and Ayad of the Fifth Corps... All these men that I mentioned are commanders who have been serving in the north of Iraq since they were lieutenants. The first one among them to join the Ba'ath Party was Tali'a al-Durri....”

”But take good care of them? No, I will bury them with bulldozers. Then they ask me for the names of all the prisoners in order to publish them. I said, "Weren't you satisfied by what you saw on television and read in the newspaper?" Where am I supposed to put all this enormous number of people? I started to distribute them among the governorates. I had to send bulldozers hither and thither....”

5. *Meeting to welcome Hassan Ali al-Amiri, his successor as Secretary General of the Northern Bureau, April 15, 1989.*

”When the [September 1988] amnesty was announced, I was about to get mad. But as a responsible party member I said OK. I said probably we will find some good ones among them [the Kurds], since they are our people too. But we didn't find any, never. If you ask me about the senior officials of the Kurds, which ones are good and loyal, I will say only the governors of Erbil and Suleimaniyeh. Apart from those two there are no loyal or good ones....”

”Kirkuk is a mixture of nations, religions and doctrines. The people we deported from May 21 to June 21, not one of them was from the prohibited areas. But they were under the control of the saboteurs, whether they were for them or against them....”

It is worth mentioning that both Saddam Hussein and Chemical Ali defended their actions during the Anfal campaign in the Iraq High Tribunal (when Saddam was alive).²⁸

Here are some of Chemical Ali's comments in the courtroom:

“All the orders given to relocate people were my decisions,” ... “I am not defending myself,”... “I am not apologizing. I did not make (any) mistake.” ... “If you asked me why have you done this, my answer is that we were compelled to do so to stop the shedding of Iraqi blood that was running for more than 25 years.” ... “the government attacked the Kurds because they were cooperating with the "Iranian enemy, with which we were at war.”²⁹

It is worth mentioning that Iran-Iraq war began at 1980, and the Kurdish uprising existed already before 1980. Kurdish involvement in the interstate war gave the Iraqi regime the excuse for their genocidal campaign. Al-Majid admitted this by saying: “negotiations did not work, and we had to end this rebellion forever even by extreme methods.”³⁰

When the judge asked al-Majeed what he ordered Iraqi troops to do if they captured anyone in the prohibited areas. “Interrogate him, then execute him” he answered quickly.³¹

The other Baath chiefs had either similar reactions or denied any participation and knowledge about the killings. Sultan Hashim – military commander of the First Corps under the Anfal campaign – argued often that the Anfal was a normal military operation in defense of Iraq.

²⁸ Saddam Hussein was executed as a result of the Dujail case, while the Anfal trial was ongoing and unfinished. The Halabja Center “CHAK” criticized the quick execution, and regarded the Iraqi tribunal action as an unfair and biased procedure. CHAK argued that Saddam Hussein should face justice for all of the major crimes he was mainly responsible for, before the implementation of any sort of punishment.

²⁹ Associated Press, 1/23/2007, ‘Chemical Ali’ trial hears taped threats, insults. Source: <http://www.kurdmedia.com/articles.asp?id=13938>, and Associated Press, 1/24/2007 ‘Chemical Ali’ defiant at trial. Source: <http://www.kurdmedia.com/articles.asp?id=13945>

³⁰ He made this comment on January 28, 2007 in the courtroom.

³¹ Associated Press, 1/24/2007 ‘Chemical Ali’ defiant at trial. Source: <http://www.kurdmedia.com/articles.asp?id=13945>

4. How the Anfal campaign constitutes the crime of genocide

In the following, the characteristics of the crime of genocide, as released by some professional organizations, will be summarized.

Box 4.1 Definitions of genocide and ethnic cleansing

*Genocide

Raphael Lemkin, 1944

- Genocide...is the destruction of the essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.

The United Nation's definition, 1948

- *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 (See appendix 2).

Irving Louis Horowitz, 1976

- Genocide is defined as a structural and systematic destruction of innocent people by a state bureaucratic apparatus.

Henry Huttenbach, 1988

- Genocide is any act that puts the very existence of a group in jeopardy.

Ethnic cleansing

Andrew Bell-Fialkoff, 1993

- At the most general level, however, ethnic cleansing can be understood as the expulsion of an "undesirable" population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these.

Wikipedia, the free encyclopedia

- The term ethnic cleansing refers to various policies of forcibly removing people of another ethnic group. At one end of the spectrum, it is virtually indistinguishable from forced emigration and population transfer, while at the other it merges with deportation and genocide.

*Source: Tatz, Colin (2003), *With Intent To Destroy, Reflections on Genocide*, pp. x–xi.

4.1 The genocide recognized by Human Right Watch

A team of experts led by Middle East Watch has conducted a thorough and detailed study of the many official Iraqi state documents connected with the Iraqi regime's decisions and actions between 1987 and 1989. The documents comprise some forty percent of eighteen tons of Iraqi state documents that came into the hands of the Kurdish people in the March 1991 uprising and were later shipped to the United States for protection and analysis. The team, which included Joost Hiltermann, Shorsh Resool, Andrew Whitley and Suzanne Howard, wrote their analysis in a report published under the title *Genocide in Iraq: the Anfal Campaign against the Kurds* in July 1993.³² This analysis represents the first serious and impartial research on the Anfal military campaign against the Kurdish people.

The study team argues that they have unearthed important documentary records on the gradual campaign aiming at the destruction of Kurdish villages and the cleansing of human beings in Kurdish rural areas. They claim that the campaign began from 1977-1978 and culminated in the destruction of most of the remaining villages in 1988. The villagers were forcibly resettled in government controlled complexes, or as happened under the Anfal campaign, the villagers were deported to jails in the Sahara of southern Iraq, where many disappeared.³³

According to the analysis, the Baath Party's regional headquarters in northern Iraq – the Northern Bureau of the Baath Party – had the overall authority and was responsible for the implementation of the Iraqi government's policies against the Kurds during the Anfal campaign. Ali Hassan al-Majid "Chemical Ali," was the Secretary General of the Northern Bureau Command and led the implementation.

The study team argues that there are clear matches between documentary and testimonial evidence in connection with the frequent use of chemical poison – called

³² Bureaucracy of Repression: The Iraqi Government in its own Words, Available at <http://www.hrw.org/reports/1993/iraqanfal/>.

³³ *ibid.* See section VII: What the Documents Say.

“special strikes” or “special ammunition” in the documents – against the Kurdish civilian inhabitants in the rural villages in 1987-1988. The documents are clear evidence of Iraq’s repeated use of chemical weapons against the Kurds. Furthermore, there are documentary records illustrating the measured and organized Iraqi campaign to destroy all Kurdish villages and deport their populations, as the report argues.

The study team explains that the villagers were treated as saboteurs and condemned to death. The report, for instance, refers to the Iraqi regime’s directive SF/4008 issued, on 20 June 1987, which gave orders to execute persons aged 15-70 who had been detained in the prohibited areas (section 3.1 above).³⁴

According to the report, there are two key documents that point to the genocidal decisions and decrees concerning the Anfal campaign.³⁵ The first key document, or as the report call it “the first smoking gun,” is the decree dated 3 June 1987; among other orders, it gave instructions to kill any human being or animal present within the prohibited areas, which included most Kurdish rural areas (section 3.1 above). The second key document or the second smoking gun is the decree – as also mentioned above – dated 20 June 1987. Besides the death penalty ordered for teenagers and adults, the decree ordered the Corps Commands to carry out bombardments using artillery, helicopters and aircraft, day and night, with the intention of killing the largest number of people possible in the prohibited areas.³⁶

Whether the Iraqi government had the genocidal intention of destroying a part of Kurdish people, the report states:

... we have found strong evidence of flagrant abuses of human rights, as well as the racial animus that was to inform the 1988 Anfal operation, throughout the period covered by the documents. In the view of Middle East Watch, the evidence is sufficiently strong to prove a case of genocidal intent.

Most notable perhaps among our findings is the unequivocal evidence we have been able to accumulate of Iraq's repeated use of chemical weapons against the Kurds. To

³⁴ *ibid.* See section VIII: A Narrative Road Map to the Discourse of Repression. See section 3.1 above.

³⁵ *ibid.* See section VII: What the Documents Say.

³⁶ See section 3.1 above.

summarize the evidence: we have found several documents that report on specific air and artillery attacks carried out by Iraqi forces with chemical agents against Kurdish villages in 1987 and 1988. These documents match in precise detail testimonial and forensic evidence collected by Middle East Watch in northern Iraq in 1992. The documents are crystal clear, for example, on the issue of culpability for the chemical attack on Halabja on March 16, 1988, in which some 5,000 Kurdish civilians were killed.

The team managed to collect elements that point to the genocidal intention of the Iraqi government against the Kurdish rural territory. The title of the book they published in 1993 and their analysis shows their confidence that the crime of genocide occurred in Iraqi Kurdistan.

4.2 The genocide recognized by The Hague Court

The Hague court of Nederland made its statement concerning the Anfal-campaign in relation to the case of the Dutch trader Frans Van Anraat. The Dutch trader was involved in selling thousands of tons of raw materials for chemical weapons used against the Kurds in 1987-1988.

In connection with the Frans van Anraat case, the Hague court declared its concluding remarks in the verdict of case nr. 09/751003-04 on 23 December 2005. The verdict concludes that the Iraqi regime's Anfal campaign against the Kurds was genocide.³⁷

The court states that according to articles number 48 and 57 of crime and punishment, and article 8 of the crimes of war, it has been confirmed that Frans van Anraat was well aware of the production of chemical weapons in Iraq in the 1980s. He engaged in trade only for his personal benefit. He participated in producing the chemical

³⁷ Judgment vs. Frans van Anraat, case nr. 09/751003-04, 23 December 2005. source: http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=ljn&ljn=AX6406&u_ljn=AX6406

weapons, and his participation enabled poison attacks on defenseless civilians. Those attacks embody the most serious crime of war.

Concerning whether the crime of genocide did, in fact, happen, and how to deal with the issue of genocide, the court argue that genocide occurs when the perpetrator has the intention to destroy in whole or in part a group protected by the Genocide Convention “GC.”

The Dutch court confirms that the Kurds living in northern Iraq are a group of people making up an ethnic group, which fulfills the requirements of the GC in connection with the protected groups.

To prove the existence of a special intent to destroy a group of people in part or whole, the court makes use of the methods of the International Criminal Tribunal in relation the former Yugoslavia “ICTY” and the International Criminal Tribunal for Rwanda “ICTR.” As the court writes, the characteristics which illustrate the Anfal as genocide include:

- The general frame wherein the actions took place
- The situation of the protected groups – protected by GC – as they frequently were victims due to the illegal acts committed against them.
- The scale of the crimes performed.
- The constant attacks on the victims because of their membership in a definite group.
- The repeated killing and discrimination against the targeted group.
- The methods used in the implementation of the crimes.
- The number of victims.
- The area wherein the perpetrators were active.
- The certainty concerning the intended killings of the victims by the perpetrators.
- The horrifying acts used to perpetrate the genocide.
- The number of repeated actions in a definite territory.
- The general political framework wherein the crimes have taken place.

Having examined different documents and testimonial evidence, the court states:

For proving genocidal intention, the court differentiates between constant oppression and ethnic discrimination against the Kurdish nation, and the escalating cruel campaign by the Iraqi government against the Kurdish people in northern Iraq in a specific time and period. In the latter case, the incidents create a picture which cannot indicate any other thing than proof of genocidal intent.

The court rejects the argumentation of the defense team, which claims that the Iraqi regime's attacks did not aim to destroy the Kurdish people; rather, the operations had a military aim, which was the elimination of Kurdish rebel groups. The court concedes that it is true that military operations can cause civilian casualties, and it is possible that there is no genocidal intent, by referring to a UN report concerning the Darfur crisis decision 1564 of 18 June 2004 in Geneva and 25 January 2005, paragraphs 513 and 514.

The court argues, however, the violent operations in Iraq at that time were much wider in scope than simply having a military aim. Even if the operations do have a military goal, it has been demonstrated that this can be a driving force for genocidal attacks.

The Hague court argues that general durable oppression methods such as Arabization, discrimination, deportation, executions, persecution and later the destructions of thousands Kurdish villages, as well as the culmination in mass killings and the use of chemical poisons in the Anfal operations, demonstrate the genocidal intent of the Iraqi regime.

The ruling states that in the Anfal operation a huge number of the victims were Kurds; the wide-ranging use of chemical weapons without differentiating between combatants and civilians would not only kill a large number of people but also make life impossible in those areas for a long time. The destruction of Kurdish villages and deportation of the residents and the decrees released by Ali Hassan al-Majid, who shows his hatred of the Kurds, also demonstrate that the Kurds were targeted for ethnic cleansing. In addition, the court refers to the report of the UN reporter Van Der Sol, who

claims that the general ethnic cleansing policy against the Kurds began in May 1985, when the Iraqi regime ordered the use of every kind of weapon against the saboteurs (*Kurdish Peshmargas*), and ended on 6 September 1988. Thus, the court argues that the operations and the military attacks carried out between May 1985 and September 1988 are clearly directed against the Kurdish people. The operations and actions that were carried out meet the requirements of article 1, paragraph 1, and section 1-5 of the GC. It argues that those attacks are part of the genocidal campaign, even if the attacks did not occur under the Anfal operations.

According to the question of whether the Iraqi regime intended to destroy the Kurdish nation in whole or in part, the court argues that it did have the intention to eliminate a definite part of the Kurdish people, and this is amply demonstrated. This is not only due to the numbers of the victims, but is also made clear because of the effect the genocidal operation had on the Kurdish people as a whole in Iraq.

The Hague court concludes: “The court has no other conclusion than that these attacks were committed with the intent to destroy the Kurdish population of Iraq.”

Thus, the Dutch court has no doubt about the genocidal actions by the Iraqi regime against the Kurdish people, and has approved the characterization of these crimes as genocide according international law and the judgments of other international tribunals such as ICTY and ICTR. The Hague court is the first court to recognize the Anfal campaign as the crime of genocide.

4.3 The genocide recognized by Genocide Watch

The international organization Genocide Watch works to end the crime of genocide in the world; in a special statement it has recognized the Anfal military operation in 1988 as the crime of genocide.³⁸

³⁸ <http://www.kurdmedia.com/news.asp?id=13471>

What follows is the full text of the statement, signed by the president of the organization, Dr. Gregory H. Stanton:

Saddam Hussein's Anfal against the Kurds Was Genocide

Statement by Genocide Watch

The Anfal campaign of the Saddam Hussein regime in the 1980's was unquestionably a genocide as defined by the International Convention for the Prevention and Punishment of the Crime of Genocide, also known as the Genocide Convention.

The Genocide Convention defines genocide as "the intentional destruction, in whole or in part, of a national, ethnical, racial or religious group." The intent of the Saddam Hussein regime was the destruction of a significant part of the Kurdish population of Iraq.

The killing was intentional state policy. The Anfal genocide was ordered by Saddam Hussein and directed by Saddam's cousin, Ali Hassan al-Majid, Secretary General of the Ba'ath Party's Northern Bureau.

The victims were killed because they were Kurdish, because of their ethnic identity. That is genocide. Ali Hassan al-Majid stated in a recorded speech, "Yes, I'll certainly look after the Kurds. I'll do it by burying them with bulldozers. That's how I'll do it."

The Anfal genocide murdered at least one hundred thousand Kurds, and destroyed over four thousand Kurdish villages. Kurdish men and boys were especially targeted, but the gas attacks on villages, such as the infamous chemical attack on five thousand people in the village of Halabja, also killed thousands of women and children.

The Anfal Campaign meets all of the legal requirements to be called "genocide." The Anfal genocide was a gross violation of the Genocide Convention, an international treaty which Iraq signed and ratified in 1959.

Saddam Hussein, Ali Hassan al-Majid and others now on trial for the Anfal mass murders should be convicted of committing genocide, the crime of crimes, the worst crime ever outlawed by international law.

5. Summary

The Iraqi Baath regime had a long term policy against the Kurdish countryside, starting in 1975 and ending with the Anfal campaign in 1988. Besides this, the Iraqi regime continued to Arabise, assimilate, oppress and persecute Kurds generally.

Iraq was used the name “Anfal” to refer to its final anti-Kurdish campaign. Anfal is an old Arabic-Islamic name from the Qur’an. The use of the name was meant to religiously justify and rationalise the attacks and mass killings by comparing the Kurds to the unbelievers from the early Islamization periods.

The Kurdish party’s involvement in the Iran-Iraq war, and the aid from Iran to many Kurdish political parties during the war, gave the Iraqi Baath regime a green light to escalate its anti-Kurdish policy against the Kurdish people. The augmentation of Iraq’s military actions against the Kurds started in 1983 with the murder of thousands of defenceless Barzanis. The regime’s action escalated in 1985 in the prohibition of large rural areas, which the regime sanctioned as well as allowing regular bombardments of the villages. In 1987 the regime began chemical bombardments of the Kurdish countryside, and in February 1988 it started its final crucial campaign to destroy the Kurdish people in those targeted areas. The Iraqi Baath regime completed its military and political plan at the end of 1988.

The military campaign started on 23 February and ended on 6 September 1988. The campaign comprised eight phases which targeted specific areas inside the so-called prohibited areas (*al-Manatq al-Muharama*). Many of Iraq’s military and militia forces, such as the regular army, special forces, national defence units (*Jash*), party militias and the like were involved in the implementation of the military plan. The Iraqi Air Force and heavy artillery units supported the army during the campaign. Chemical weapons were used widely and regularly. Large numbers of villages were burned or destroyed completely; thousands of men, women and children were killed in the attacks; villagers’ items and possessions were robbed and looted; tens of thousands were captured and

brought to complexes and large jails such as Tobzawa, Dubz and Nezarke in the north or Nugra Salman and Ar 'ar in the southwest of Iraq in the Sahara, where many never came back; thousands were sent to different places of execution in the north and the Sahara areas, and were been killed en masse.

The Anfal campaign cost approximately 182,000 Kurdish lives, mainly those of men and boys. Around one million people were displaced or fled to other countries, resulting in the total eradication of human life in the rural Kurdish areas.

According to the Iraqi official documents, the anti-Kurdish procedure took place systematically. The steps toward the destruction of Kurdish people in the rural areas were taken in accordance with confidential decrees and directives sent from the highest ranks of the state's authority and even the president of Iraq, Saddam Hussein.

The documents in this paper are just few examples – but important ones – of a huge number of the Iraqi official documents. The documents point toward the clear intention to annihilate Kurdish life in the so-called prohibited areas. They characterize every individual in these rural regions as saboteurs and traitors; order free fire shooting and bombardments by heavy artillery and chemical weapons; name directly or indirectly the use of chemical poisons against the villages; give arrest orders against those who surrender themselves to Iraqi forces; and praise the military chiefs for their successes in the destruction campaign.

Both Saddam Hussein and Ali Hassan al-Majid “Chemical Ali” made their genocidal intention clear according to the tapes recorded by the Iraqi Baath regime. They name the effectiveness of chemical poison in the destruction of the targeted groups stamped as saboteurs and traitors. They do not differentiate between civilians and non-civilians, between men and women or children in the destruction campaign according to the tapes. Chemical Ali was proud of the accomplishment of the Iraqi state's vital goal, which was the destruction of Kurdish people in the rural areas.

The Anfal campaign has been identified as the crime of genocide by Human Rights Watch, The Hague Court and the Genocide Watch.

HRW argues that they had found strong evidence of extensive abuse of human rights and racial hatred during the campaign. It considers that the evidence is strong enough to prove the existence of a special intent to destroy the Kurds in the rural areas. HRW argues that the documents concerning the use of chemical poisons are crystal clear, and that the Iraqi official documents match in precise detail testimonial and other evidence collected by Middle East Watch in the Kurdish territory in 1992.

The Hague Court from Nederland categorized the Anfal military campaign as the crime of genocide in relation to the trial of the Dutch trader France van Anraat, who sold chemical materials to Iraq in the 1980s. In its judgment concerning genocide, the court refers to procedures from international tribunals such as ICTY and ICTR. The Hague court argues that the cruel Iraqi campaign against the Kurds in the specific time and period of 1988 paint a picture which prove genocidal intent. Thus, the court concludes that these attacks were committed with the intent to destroy the Kurdish residents of Iraq.

The international penal organization for preventing genocide, “Genocide Watch,” also considers the Anfal campaign to be genocide. In its statement, the organization argues that the Anfal campaign was unquestionably the crime of genocide, as it was consistent with the definition from the UN Genocide Convention. Genocide Watch claims that the Iraqi regime’s intention was the destruction of a significant part of the Kurdish people. The organization argues that mass killing was the intentional state policy ordered by Saddam Hussein and implemented by his cousin Ali Hassan al-Majid. It concludes that the Anfal campaign fulfils all the legal conditions to be called *genocide*. That was a gross violation of the Genocide Convention agreement, which Iraq also signed.

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Appendixes

Appendix 1

Some of the Anfal verses from the Qur'an

Source: University of Southern California, available at
<http://www.usc.edu/dept/MSA/quran/008.qmt.html>

AL-ANFAL (SPOILS OF WAR, BOOTY) **Translations of the Qur'an, Chapter 8:**

Total Verses: 75

Revealed At: MADINA

Maududi's introduction

In the name of Allah, the Compassionate, the Merciful.

008.001

YUSUFALI: They ask thee concerning (things taken as) spoils of war. Say: "(such) spoils are at the disposal of Allah and the Messenger: So fear Allah, and keep straight the relations between yourselves: Obey Allah and His Messenger, if ye do believe."

008.007

YUSUFALI: Behold! Allah promised you one of the two (enemy) parties, that it should be yours: Ye wished that the one unarmed should be yours, but Allah willed to justify the Truth according to His words and to cut off the roots of the Unbelievers;-

008.012

YUSUFALI: Remember thy Lord inspired the angels (with the message): "I am with you: give firmness to the Believers: I will instil terror into the hearts of the Unbelievers: smite ye above their necks and smite all their finger-tips off them."

008.013

YUSUFALI: This because they contended against Allah and His Messenger: If any contend against Allah and His Messenger, Allah is strict in punishment.

008.036

YUSUFALI: The Unbelievers spend their wealth to hinder (man) from the path of Allah, and so will they continue to spend; but in the end they will have (only) regrets and sighs; at length they will be overcome: and the Unbelievers will be gathered together to Hell;-

008.037

YUSUFALI: In order that Allah may separate the impure from the pure, put the impure, one on another, heap them together, and cast them into Hell. They will be the ones to have lost.

008.060

YUSUFALI: Against them make ready your strength to the utmost of your power, including

steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly.

008.065

YUSUFALI: O Prophet! rouse the Believers to the fight. If there are twenty amongst you, patient and persevering, they will vanquish two hundred: if a hundred, they will vanquish a thousand of the Unbelievers: for these are a people without understanding.

Appendix 2

Convention on the Prevention and Punishment of the Crime of Genocide

**Approved and proposed for signature and ratification or accession by
General Assembly resolution 260 A (III) of 9 December 1948
entry into force 12 January 1951, in accordance with article XIII**

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) 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 co-operation 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 III 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 III.

Article 6

Persons charged with genocide or any of the other acts enumerated in article III 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 III 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 III.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, 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 nonmember 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 proces-verbal and transmit a copy thereof 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 XI 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 each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article 19

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

Source: <http://www.hrweb.org/legal/genocide.html>

Appendix 3

Chemical Weapons

Mustard: A liquid agent that gives off a hazardous vapor, causing burns and blisters to exposed skin. When inhaled, mustard damages the respiratory tract; when ingested, it causes vomiting and diarrhea. It attacks and damages the eyes, mucous membranes, lungs, skin, and blood-forming organs. Iraq used mustard gas numerous times between 1983 and 1988. The most serious of the long-term effects arise because mustard gas is carcinogenic and mutagenic; there is no antidote.

Tabun: A colorless to brownish liquid that is a non-persistent nerve agent similar to a pesticide. Depending on exposure, reactions include obstructed vision, difficulty in breathing, muscular twitching, sweating, vomiting, diarrhea, coma, convulsions, and absence of breathing, leading to death. It has been weaponized and used by the current Iraqi regime.

Cyanide: A highly poisonous chemical agent that, whether inhaled, ingested, or in contact with the skin, affects the body's use of oxygen. Reactions include difficulty in breathing, convulsions, coma, and possibly death.

Sarin: A colorless liquid or vapor that, depending on exposure, can cause obstructed vision, difficulty in breathing, muscular twitching, sweating, vomiting, diarrhea, coma, convulsions, and absence of breathing leading to death. High exposure may be lethal, as witnessed by the 1995 Aum Shinrikyo sarin gas attack in the Tokyo subway system. Iraq has admitted to producing 100 to 150 metric tons of sarin, weaponized in sarin-filled artillery shells, 122-millimeter rockets, and aerial bombs.

VX: An oily liquid that is persistent, clear, and odorless and is considered among the most toxic substances ever made. Airborne VX can kill in minutes, but the main uptake is through the skin. Reactions include obstructed vision, difficulty in breathing, muscular twitching, sweating, vomiting, diarrhea, coma, convulsions, and absence of breathing leading to death. The Iraq regime aggressively tried to hide the extent of its VX stockpile from U.N. inspectors. It produced about four tons of VX from 1988 to 1990. In 1998, U.N. weapons inspectors discovered evidence of VX on Iraqi missile warheads.

Source: U.S. Department of State, Bureau of Nonproliferation.

Available at: <http://usinfo.state.gov/products/pubs/iraq/weapons.htm>