

ECHOES OF GENOCIDE

FINDING JUSTICE | FROM ANFAL TO ISIS | SURVIVOR STORIES





ECHOES OF GENOCIDE

CONFERENCE ON THE 30TH ANNIVERSARY
OF THE HALABJA GENOCIDE

HOSTED BY THE KURDISTAN REGIONAL GOVERNMENT
REPRESENTATION IN THE UNITED STATES

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Photograph by Zardasht Osman

STATEMENTS ON THE 30TH ANNIVERSARY OF THE HALABJA GENOCIDE

SOMETHING WE CAN NEVER ESCAPE

NECHIRVAN BARZANI

Prime Minister
Kurdistan Regional Government

I warmly welcome you all, especially those who have come from far away and abroad to participate in this important conference. You are here for a valuable and noble purpose. You have gathered today to remember the atrocities that were inflicted on the city of Halabja on March 16, 1988 by the Baathist Regime of Saddam Hussein. More than 5,000 civilian Kurds—women, children, and elderly—died instantly, and thousands more were injured and survived only to suffer long-term effects from the chemicals they were exposed to.

The endless savagery toward the land and people of Kurdistan through Anfal operations and chemical attacks

were aimed at eliminating the Kurdish national identity. We can never forget that, for decades, a systematic attempt was made to eradicate the Kurdish people from the state of Iraq. It is something that we can never escape; it lives on in our memories, our literature, our culture, and our politics. It is a part of all that we think and do. Every day in our region, families sit at dinner with empty seats at the table, once filled by loved ones who were slaughtered by the previous regime.

Those of us who lived through those horrific times know that the objective of Hussein's systematic attacks was nothing less than the complete and total destruction of Kurdish culture, institutions, and people. We also know that these crimes were committed against others in Iraq, and while the focus of our work here is specific to the Kurds, we must not forget that we were not the only victims.

Since the 2003 liberation of Iraq, mass graves continue to be found in



> the deserts and other parts of Iraq. There have been several cases where we have returned the remains of newly discovered victims for reburial in their homeland. Despite the years that have passed, the memory of the genocide is very close.

Following the liberation of Iraq in 2003, we thought the dark days were behind us. We were excited to build a new, prosperous, and democratic Iraq. A country where the rights of all different religious and ethnic groups were protected and guaranteed. Unfortunately, we were wrong.

The brutal and sudden emergence of ISIS in Iraq led to unspeakable atrocities against ethnic and religious minorities, particularly in the Nineveh Plains. The genocide committed by ISIS against Yezidis, Christians, and others will haunt us for many years to come. While the ISIS threat hasn't been destroyed completely in Iraq, we face many serious problems with the current Iraqi authority. The principles of accord and partnership, which were the basis of the new Iraq, have been ignored; moreover, the Kurdistan Region's constitutional rights are being violated by the Iraqi government.

Following the incidents of October 16, the Kurdistan Regional Government has shown full readiness to solve the outstanding issues based on the Iraqi constitution. Even though a dialogue has started, and despite our hopes for this to be a new beginning for solving all issues, unfortunately no serious

steps have been taken by Baghdad to solve them, and this makes the Kurdistan people doubtful of their future.

We all have to make the memories of our sacrifices a driving force to encourage us to build a prosperous, stable, and bright future. We must and will continue to do our best to not only recover but also to look forward and offer our people security, peace, and prosperity. We must be confident that the blood of hundreds of thousands of victims will not have been shed in vain. We are a forward-looking and optimistic people but we will never forget what befell our people.

We must ensure that those who died in the genocide would be proud of what we are creating with their legacy. History must show that the Kurdish people suffered great losses, but achieved great things.

I want to thank the organizers of this conference and those individuals and groups who have helped us to shed more light on the darkest times in Kurdistan's history.

Again, thank you very much for attending and I wish you all success. □

STOPPING THE CYCLE OF ATROCITIES

BAYAN SAMI ABDUL RAHMAN

Kurdistan Regional Government
Representative to the United States

Over the last three decades, the suffering of the people of Halabja has come to symbolize all of the atrocities committed against the people of Kurdistan.

The attack was not an isolated incident, but part of a carefully planned and executed genocide campaign by Saddam Hussein aimed at exterminating the Kurdish people. During his rule, 182,000 Kurds were killed in the Anfal campaign; 8,000 Barzani men and boys were murdered; thousands of Faylee Kurds disappeared, and thousands more were oppressed, abused, and killed by the Baathist regime. The genocide also saw the destruction of 4,500 villages and the razing of cities such as Qala Diza, tearing at the fabric of Kurdish society and economy. It was not only Kurds who suffered under Hussein.

For in Iraq, violence and genocide is cyclical. In 2014, it was the Yezidis, Christians, and people of other faiths in Nineveh who suffered. This time the perpetrators were ISIS terrorists, some of them former friends and neighbors of their victims.

All of it raises a question: How can people across Iraq and the international community ensure that we halt the cycle of mass atrocities?

Since the term “genocide” was coined in the 1940s, we have heard cries of “never again.” But still genocides continue and chemical weapons are part of the arsenal. As I write this, innocent civilians have been gassed and starved in Syria while Rohingya flee violence in Myanmar.

We hear about the “responsibility to protect.” But ironically, protection often arrives too late—if at all—as a response rather than as a safeguard. Early warning signs tend to go unheeded, perhaps because the inclination to protect is often hindered by political expediency and self-interest.

We hear talk of reconciliation. But how can the past be reconciled without justice? Those who were targeted by ISIS have received little justice. And there have been precious few cases where enablers and executors of decades-old atrocities in Iraq have been punished.

The people of Halabja, for example, have yet to be compensated for what they have endured. The companies and individuals who sold chemicals to Hussein's regime continue to make profits and have put the guilt of their complicity in genocide behind them. Even Frans van Anraat, the Dutch businessman convicted of complicity in war crimes for selling chemical weapons to Hussein, will be freed in four years. Meanwhile, the victims of his profiteering are dead, struggling with psychological trauma and ill health, or mourning loved ones who were killed. >



Photograph by Marco Di Lauro, Getty Images

> Justice has, by and large, evaded our country. In its absence, the culture of impunity that has been Iraq's hallmark has continued. It will leave more wounds to fester as the years go by. The international community must act more quickly when seeds of genocide, ethnic cleansing, and mass atrocities are sewn.

Despite the adversity we face and on this 30th anniversary of the Halabja chemical attack and genocide, I am heartened by the resilience of the people of Kurdistan. Our history is strewn with tragedy and we all have our own loved ones to mourn. And yet, we continue to look ahead, to strive for a better future for our children and justice for all who have suffered. Just as the Halabja anniversary falls on March 16 and Newroz, our new year, falls on March 21, we mourn and honor the victims of atrocities and then look forward to a new day of hope. □

KURDS STILL FACE IMMINENT THREATS

ALI OSMAN ALI

Governor
Halabja Governorate

On behalf of the people of Halabja, we would like to send our sincere greetings and express our appreciation to those in attendance of the Halabja Conference in Washington D.C. on March 13, 2018.

On the dawn of March 16, 1988, we the people of Halabja were preparing

ourselves for the beginning of a new day in the city that we call home. Little did we know that within a few short hours, something would occur that would change our city forever. On that day, fighter jets under the command of Saddam Hussein's authoritarian regime conducted chemical attacks against our innocent and defenseless people. The bombardment resulted in 5,000 deaths and the injury of thousands more. Others were forced to flee to Iran.

The attacks that took place on that day were the most brutal attacks that had been conducted at the hands of Hussein's regime up until then. In just a few short hours, Hussein had gassed an entire city using weapons banned by the international community. Thirty years after the chemical attacks, the city's people continue to suffer from a variety of social and economic difficulties, health problems, trauma, and the irreversible pain resulting from the loss of loved ones.

The chemical attacks conducted against Halabja came with many other consequences. Aside from the lost souls of innocent civilians, the attacks have taken a significant toll on the city's beautiful nature and environment. They damaged an area stretching more than 1,000 square kilometers.

The attacks conducted on March 16, 1988 were not the only atrocities committed against the Kurdish people. The Kurdish people have suffered from mass killings, the destruction of some 4,500 villages, the forced displacement

of villagers, and relocation to collective camps.

Hussein's regime tried time and time again, using aggressive action, to exterminate the Kurds. It did not succeed. Following the Halabja chemical attacks, more chemical attacks were carried out in other areas in Kurdistan. In addition, the Hussein regime conducted the Anfal campaign's extended military attack where 182,000 civilian Kurds were killed. They were buried alive in the deserts of Iraq only to be found when mass graves were exhumed following the toppling of Hussein's regime in 2003.

Both the chemical attacks and Anfal were considered genocide by international criteria. The brutality of these attacks was similar to what the Jews, Armenians, and others have endured. The Iraq High Tribunal, when trying leaders from the Hussein regime, recognized both operations as genocide. Regardless, the current Iraqi government has not abided by the settlements or provided much-deserved compensation to the victims and survivors of the chemical attacks or the Anfal campaigns.

The United Nations General Assembly banned genocide in its Resolution No. 260 on December 9, 1948. The agreement has been formally in place since January 12, 1951. Further, the Rome Statute established on July 17, 1998, with the formation of the International Criminal Court, defines genocide under Article 6. The Halabja

chemical attacks are considered genocide under the terms of the treaty.

After 30 years, we continue to ask the international community to support us in recognizing the chemical attacks as genocide. Further, we ask the international community to continue to aid us in bringing justice to those involved in the attacks in addition to those responsible for providing the Hussein regime with the raw materials that made the attacks possible.

We continue to urge the international community, humanitarian, and environmental organizations to actively work toward preventing authoritarian regimes, terrorist groups, and other malevolent actors from accessing chemical weapons in addition to the resources necessary to assemble them.

We greatly appreciate the solidarity and support given by our friends in the U.S. We hope that you will continue to work with us to prevent the future use of chemical weapons and the recurrence of genocide around the world.

Those who suffered from Hussein's actions in Kuwait have been compensated by the Iraqi government. Now, it is the government's responsibility as the successor of the previous government to compensate its own people for the hardship they endured at the hands of the Hussein regime.

Thirty years after the chemical attacks in Halabja, the Kurds still face significant threats from their enemies. >

> The fight against ISIS was the latest example of brutality against the people of Kurdistan in which our Yezidi and Christian brothers and sisters were faced with new hardship. Hundreds of Yezidi girls are still under the control of ISIS. Some 1,800 Kurds were killed in the fight against ISIS and some 10,000 were injured. It is the international community's duty to ensure that the rights of the Kurds are respected. The international community cannot remain silent. □

WE STILL WITNESS DEATHS

MAHMOUD HAJI SALIH

Minister of Martyrs and Anfal Affairs
Kurdistan Regional Government

On behalf of the Ministry of Martyrs and Anfal Affairs, I would like to thank the Kurdistan Regional Government Representation in the United States for holding this conference in Washington, D.C. to commemorate the 30th anniversary of the Halabja Genocide and all the genocides that were committed by the successive Iraqi regimes starting in the 1960s, from the pan-Arabists to the Baathists and even continuing to the recent genocides committed by ISIS terrorists.

The genocides took a large toll and left many victims; these included genocides against Faylees, Barzanis, the Halabja chemical attacks, Anfal

campaigns, as well as the ISIS genocide of the Yezidis and Christians. There was the destruction of 4,500 villages and towns, scorched-earth policies, the looting of livestock and property.

The Kurdistan people are a peaceful people. We are the largest nation without a state, and this is one of the key factors as to why all these crimes are committed against us. The Kurdistan people were partitioned among four countries (Iraq, Iran, Turkey, and Syria) by the agreement of the super-powers. Unfortunately, this caused a lack of stability, disrupting the peace and coexistence in the region.

While you are at this conference in Washington, we too are marking the 30th anniversary of the chemical attacks on Halabja, which was carried out on March 16, 1988, by the Baath regime. The attacks resulted in the deaths of 5,000 civilians—including women, elderly, and people with special needs—as well as the injuries of thousands of others in addition to the complete destruction of the city and the contamination of the environment and the air. All of this still has negative effects on the people of the city today.

After the 1991 uprising, the people of Halabja started the reconstruction process but it is worth noting that we still witness deaths from the wounds people sustained in 1988. The KRG works on providing help to injured people, sending them abroad for treatment since they require special care. We built a hospital in Halabja to treat these cases,

but were unable to open it due to the lack of experts, trained staff, and special equipment needed.

We would like to take this opportunity to ask you to support us through the relevant agencies of the United States and other countries by:

1. Providing treatment for the injured by sending them to hospitals in the U.S. or any other country that can provide treatment for people harmed by chemical weapons.
2. Providing doctors, staff, and equipment to open the hospital in Halabja for those who have been injured due to the chemical attacks.
3. Providing experts on monuments and museums in order to structure and organize the Halabja Monument according to international standards.
4. Allocating a spot for genocide crimes committed against Kurdistan people in both the Holocaust Museum and National Museum of the American Indian. I have spoken before with the head of the International Council of Museums.
5. We hope you can support the work of our Ministry and the families of martyrs according to Kurdistan's Aid Funding Law to Support and Help the Families of the Martyrs, Anfal, and the Victims of the Genocide Crimes in the Kurdistan Region-Iraq.

Finally, we wish you success at this conference. □

PEACE AND COEXISTENCE

HALABJA CHEMICAL VICTIMS SOCIETY

On behalf of the Halabja Chemical Victims Society—which represents the family members of the victims in the city's chemical attacks, including the dead, injured, and disappeared—we welcome you during the 30th anniversary of this crime, which was conducted by the previous Iraqi regime against its own citizens. Your participation in this commemoration is very important to the victims and their families.

When the Baath regime committed this crime, it didn't let the world hear about it. That is why it is very important to commemorate the event and to take the opportunity to make the commemoration a platform for sending messages of peace and coexistence. To make mutual understanding a principle to prevent the recurrence of tyranny and to avoid the problems that our people face.

We would like to take the opportunity to salute the families of the American troops who made the ultimate sacrifice, and who with their blood, freed Iraq as a whole and Kurdistan in particular. We, the families of the victims of Halabja, shall bear in mind their sacrifices and never forget them on this day of commemoration for Halabja's victims.

We hope you can help to save the Kurdistan people from the crimes

>



Photograph by Feriq Ferec, Anadolu Agency/Getty Images

> committed against them. We will need our friends' support until we attain our rights in a federal Iraq. We all need to work together to prevent the use of chemical weapons around world so that the crimes of Halabja, Anfal, Sinjar, and Tuz Khurmatu are never repeated.

As you know, the Peshmerga fought alongside coalition soldiers, contributing greatly to the goal of degrading and destroying ISIS. The Peshmerga were at the forefront of the fight against ISIS terrorists. We must never forget the Kurdistan people in any situation.

Finally, we would like to thank the organizers of this event for remembering the victims. □

JUSTICE, THE ONLY WEAPON

PARI IBRAHIM

Founder and executive director
Free Yezidi Foundation

On March 16, 1988, Saddam Hussein's warplanes perpetrated one of the single worst mass atrocities in recent memory. The chemical bombing of Halabja, and the thousands of innocent civilians killed that day, must remain in the collective memory of all citizens of the Kurdistan Region of Iraq and the international community at large. The Halabja attack was but one horrific day, symbolic of a systematic campaign conducted by the former regime to

terrorize and destroy the innocent, with particular brutality aimed at Kurds, Shia, and those who did not fall in line with the Baath regime.

We express solidarity with the innocent victims of that attack—the blameless—and we have sympathy for families of all Iraqis who were subjected to such violence. Those of us from Iraq and Kurdistan always knew, and now the world well understands, that almost every family here has felt the pain of violence, often in the form of systematic murder. We all must fight to maintain hope and optimism for a brighter future.

For us Yezidis, attacks have come with frightening regularity, occurring 74 times in our history. In 2014, we faced a well-planned, publicly announced, militarily orchestrated attempt to eradicate our people. This time, the world has witnessed the horrors we have experienced and the wounds that have been inflicted upon our people.

It is no secret that Yezidis are now, more than ever, skeptical about the ability and the willingness of anyone to stand by promises to protect us. Yezidis are skeptical of all parties and political leaders in all of Iraq and Kurdistan. And many of us remain unconvinced that the international community is interested in action, as opposed to statements and words.

But despite our disappointment, bitterness, and a deep sense of betrayal by the actions of our friends and neighbors, we as Yezidis must retain our tradition of goodness and support for the

downtrodden. Surely that includes the victims of Halabja, their families, and all those who suffered from the violence and the crimes committed by the previous regime, no matter their ethnicity or religion. Although this will provide no assurance that others will stand with us in our time of need, it is the right thing to do—for us and for everyone.

On August 3, 2014, ISIS terrorists committed genocide against Yezidis. It was genocide in planning and preparation, in publication, and in execution. It is ongoing, as we all await news of our missing women, girls, and children. For people in Iraq and Kurdistan and for advocates of human rights around the world, there is always the glimmer of hope that this sort of behavior will eventually end, once and for all. There is only one weapon to effectively combat such atrocities. Justice. □

STANDING WITH VICTIMS

MURAD ISMAEL

Executive director
Yazda

Mass crimes against a people with a distinct identity, be it by region, religion, or culture, will have a lasting impact that goes beyond the physical harm of the acts themselves. Pain and suffering never ends as it moves through society from one generation to another.

That is why it is essential to stand for human decency and to stand with the victims.

Our responses to genocides like Halabja are not only important for the victims, but they are an essential part of preventing future atrocities. Unfortunately, the international community has not been able to put an end to these capital crimes.

Nor has it been able to establish a clear pathway for timely, meaningful justice when such crimes have been committed. The accountability system remains largely broken on local, national, and international levels.

Perhaps if there had been a recognition of the atrocities committed in Halabja and other large-scale attacks in Iraq, by now our country would have built a resilient social and political system to protect all ethnic and religious groups. Perhaps it would have prevented the genocide of Yezidis and Christians by ISIS in 2014.

Today we see and feel how genocidal violence and crimes against humanity cast a long shadow down the corridor of our country's past. It is our collective responsibility to grapple with these crimes and to seek to prevent them from happening again in the future. □



WHAT IS GENOCIDE?

A crime without a name, the term did not exist before 1944.

In a book documenting inhumane Nazi policies that year, Polish lawyer Raphael Lemkin combined the Greek prefix *genos*, meaning race or tribe, with the Latin suffix *cide*, meaning killing.

BECOMING A LEGAL TERM

In 1946, the United Nations General Assembly recognized “genocide” as a crime under international law.

In 1948, the Convention on the Prevention and Punishment of the Crime of Genocide codified it:

[G]enocide 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.

Photograph by Levi Clancy

THE TEN STAGES OF GENOCIDE

BY GREGORY H. STANTON

Genocide is a process that develops in stages that are predictable but not inexorable. The process is not linear, though later stages must be preceded by earlier stages. And the stages may occur simultaneously and continue to operate throughout the process.

By understanding the logic of genocide, people can recognize the early warning signs. Leaders can design policies to counteract the forces that drive each of the stages.

Ultimately, the movement that will end genocide must rise within each of us who has the courage to challenge discrimination, hatred, and tyranny. We must never let the wreckage of our barbaric past keep us from envisioning a peaceful future in which law and democratic freedom rule the earth.

1

CLASSIFICATION

All cultures have categories to distinguish people into “us and them” by ethnicity, race, religion, or nationality: German and Jew, Hutu and Tutsi. Bipolar societies that lack mixed categories are the most likely to have genocide.

2

SYMBOLIZATION

We name people or distinguish them by colors or dress, and apply symbols to members of the groups. When combined

with hatred, symbols may be forced upon unwilling members of pariah groups—the blue scarf for people from the Eastern Zone in Khmer Rouge Cambodia.

3

DISCRIMINATION

A dominant group uses law, custom, and political power to deny the rights of other groups. The powerless group may not be accorded full civil rights or even citizenship.

4

DEHUMANIZATION

One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects, or diseases. Dehumanization overcomes the normal human revulsion against murder. Hate propaganda in print, TV, and radio vilify the victim group.

5

ORGANIZATION

Genocide is always organized, usually by the state and often with militias to provide deniability

of state responsibility. Sometimes the organization is informal or decentralized.

Special army units or militias are often trained and armed. Plans are made for genocidal killings.

6

POLARIZATION

Extremists drive the groups apart. Hate groups broadcast polarizing propaganda. Laws may forbid intermarriage or social interaction. Extremist terrorism targets moderates—intimidating and silencing the center.

Moderates from the perpetrators’ own group, who are most able to stop genocide, are the first to be arrested and killed.

7

PREPARATION

National or perpetrator group leaders plan the “Final Solution” to the targeted group “question.” They often use euphemisms to cloak their intentions, such as referring to their goals as “purification” or “counter-terrorism.” They build armies, buy weapons, and train their troops and militias. They indoctrinate the populace with fear of the victim group.

8

PERSECUTION

Victims are identified and separated from the community. Death lists are drawn up. In state-sponsored genocide, people may be forced to wear identifying symbols. Their property is often expropriated. Sometimes they are segregated into ghettos, deported into concentration camps, or confined to a famine-struck region and starved. Genocidal massacres begin.

9

EXTERMINATION

It quickly becomes a mass killing, what is legally termed “genocide.” To the killers, it is “extermination” because they do not believe their victims to be fully human. When it is sponsored by the state, armed forces often work with militias to do the killing.

10

DENIAL

The perpetrators of genocide dig up mass graves, burn bodies, and intimidate witnesses. They deny that they committed any crimes and often blame what happened on the victims. They block the investigations of crimes and continue to govern until driven from power by force, when they flee into exile. There they remain with impunity, like Pol Pot or Idi Amin, unless they are captured and a tribunal is established to try them.

Updated and adapted from a briefing paper presented at the U.S. State Department in 1996.

Gregory H. Stanton is the founding chairman of Genocide Watch, and the research professor in Genocide Studies and Prevention at the School for Conflict Analysis and Resolution of George Mason University.



Photograph by Aziz Othman

BROTHERHOOD OF THE SHAKEN

A shared memory of genocide

BY
BERNARD-HENRI
LÉVY

There are very few genocides in contemporary history.

There are a great many massacres but, fortunately, very few genocides. There was the Armenian extermination. That of the Jews. The auto-genocide of Cambodia.

The atrocious genocide of Rwanda. And there is another people who share this terrible destiny, this cursed privilege: the Kurdish people.

The 4,500 villages destroyed from the 1970s through 1988, their names have haunted me for decades. These are the places—Halabja, Qara Dagħ, Sergalou, and many others—where children, women, and men were eliminated just because they were Kurdish. These are the sites of remembrance, horrific and painful, where 182,000 people were assassinated during the Anfal campaign—not for what they did, but for who they were.

Of the reasons that I am so deeply committed to the Kurdish cause, there is, of course, the fact that the Kurds were on the frontlines against ISIS.

There is the democratic example and exception that they incarnate in this region of the world. There is the equality between men and women which extends to the battlefield and which I show in my two documentaries, *The Battle of Mosul* and *Peshmerga*.

But there is also this idea of a shared memory of genocide.

And an active solidarity which unites all the women and men who defend this flame of remembrance for a genocidal massacre.

A Czech philosopher, Jan Patočka, wrote in 1968 about *la solidarité des ébranlés*, the brotherhood of the shaken—the community of fate of all those who have been denied their very belonging to Mother Earth: this is what I feel, today, when I happen to be among my Kurdish brothers in Erbil, Duhok, Kirkuk, Halabja, and Slemani. □

Bernard-Henri Lévy is a French philosopher, activist, and filmmaker. His documentary, Peshmerga, a special selection at the 2016 Cannes Film Festival, portrayed the struggle on the thousand-kilometer frontline separating the Kurds from ISIS. His subsequent film, The Battle of Mosul, explored the fight to retake the city.



Photograph by Safin Hamed, AFP/Getty Images

THE POLITICS OF GENOCIDE

Finding the evidence, making the world care

**BY
GWYNNE
ROBERTS**

For Iraqi Kurds, the early to mid-1980s marked the beginning of the most tragic period in their history. In 1983, thousands of Barzani boys and men disappeared. In 1985, peace negotiations between the Patriotic Union of Kurdistan (PUK) and the Iraqi government in Baghdad broke down and thereafter Saddam Hussein's repression of the Kurds increased exponentially. His army went on to launch a ferocious campaign against the Kurds, destroying an estimated 1,500 villages over a two-year period.

Sadly, this was just the beginning. In early 1987, Iraq's war against the Kurds entered a new phase and the Baathist regime ordered the mass deployment of chemical weapons against Kurdistan's rural population. The first attacks occurred on April 15 and 16 in the Jafati and Balisan valleys. It was one of the few times in human history that a sovereign state had used poison gas on its own civilian population, but it would not be the last in Iraq.

In February 1988, Hussein's regime embarked on what became known as the Anfal military campaign against rural Kurdish civilians, launching a massive chemical attack on the PUK's main headquarters in the Jafati valley. Led by Ali Hassan al-Majid, the Anfal campaign contained eight sustained military phases and lasted just over six months, laying waste to rural areas of Iraqi Kurdistan. Hundreds of villages in other Kurdish regions were gassed, including 70 communities in Kurdistan Democratic Party areas just south of the Turkish frontier.

Western governments remained silent about this onslaught but news of one massive chemical attack did reach the outside world—the gassing of the city of Halabja in 1988. Some 5,000 civilians died and thousands more were injured after Iraqi jets dropped mustard gas and the nerve agents sarin and tabun on the city's predominantly civilian population. Dead bodies lined the streets.

Yet despite reports of the attack reaching Western news agencies, the United >

- States Defense Intelligence Agency produced a classified report claiming the attack had been orchestrated by Iran, and not Iraq, which at the time was an American ally. In the months following the bombing of Halabja, no hard evidence emerged to establish Iraqi culpability in the gassing of the Kurds, and the Iraqi government denied any involvement.

I made it my mission to find this evidence. I firmly believed that if the wider world learned the truth about Iraq's massacre of Kurdish innocents, western governments might be shamed into pressuring Hussein's regime to cease its inhuman persecution of civilians.

I was well acquainted with the region and its people. I had crossed Iraqi Kurdistan twice on foot—in 1981, from Syria while reporting for *The Financial Times* and filming for Thames Television, and four years later from Iran on assignment for Britain's Independent Television News.

In October 1988, I crossed the Zagros Mountains into Iraq from Iran in search of proof that Hussein's regime had indeed deployed chemical weapons. My preparations for the trip had been thorough. I carried with me a chemical suit, gas mask, and atropine injectors to protect myself against highly toxic nerve agents that I might encounter.

Traveling to a region in the far northeastern corner of Iraqi Kurdistan and filming as I went, I managed to obtain soil samples from underneath an Iraqi bomb casing. I then returned to London with the samples and had them tested by Porton Down, Britain's secret military research facility.

The scientists there found traces of actual mustard gas in the soil samples. One leading civilian scientist described the evidence of Hussein's chemical genocide against the Kurds as "the smoking gun" that proved Iraqi involvement beyond reasonable doubt. This footage later appeared in the documentary film *Winds of Death*, which was broadcast on Britain's Channel 4 Television and in 15 other countries around the world.

Much to my frustration, the scandal triggered by the film, which proved Hussein was lying about his deployment of chemical weapons against the Kurds, did not lead to an immediate change in Western policy toward Iraq. The United States would not acknowledge Iraq's full responsibility for the genocide for several years.

In the aftermath of the Iraqi military campaigns against rural Kurdistan—in which 4,500 villages were destroyed over four years and an estimated 182,000 Kurds lost their lives in just six months—Hussein's government stepped up its 'Arabization' policy, in effect an ethnic cleansing of the Kirkuk region.

This process continued for another 15 years. After the Gulf War of 1990 to 1991, which saw the United States, Britain, and France establish a 'safe zone' in Kurdish regions of northern Iraq, the Iraqi government relentlessly targeted the oil-rich Kirkuk region, which was south of the new border line.

Tens of thousands of Kurdish families still living there were forcibly displaced from their homes, with little choice but to seek refuge in the newly established Kurdistan Region to the north.

As they attempted to travel through Iraqi government checkpoints, people were routinely harassed and humiliated. At the side of the road, Iraqi officials burned their personal belongings and food supplies. Their vehicles were also detained, so that those wishing to reach their destination were forced to ride the final five kilometers in the backs of garbage trucks.

Within Iraqi-controlled Kirkuk, Kurds—along with Turkmen and Assyrians—were told they could only remain if they officially registered themselves as 'Arabs' in a census.

The Iraqi government's policies for the forcible resettlement of non-Arabs continued for years afterwards. Between 2001 and 2003, Hussein's government expelled from Kirkuk an estimated 1,000 people per month to the Kurdistan Region.

In the 15 years following the American overthrow of Hussein's regime in 2003, Kirkuk has remained a disputed territory. In response to Kurdistan's independence referendum of 2017, the region has been re-occupied by the Iraqi government, now led by Shia Iraqi parties with the backing of Iran. Arab designs on the region predate this event by nearly a century.

As the days pass by and instability persists, I am reminded of the words of General Mullah Mustafa Barzani upon my first visit to Kurdistan, almost 44 years ago. "If there was no oil here, it would have saved us a lot of pain and suffering. We would have been granted our autonomy long ago."

And yet, the many attempts of successive Iraqi regimes to ethnically cleanse the Kurdish regions of Iraq have all failed.

There is a reason for this. Efforts to forcibly subjugate the Kurdish identity through acts of repression and violence can never succeed. Why? Because the human heart cannot be nourished by fear and coercion, just as the inalienable human desire to connect with the culture of our ancestors cannot be denied.

My experiences documenting the cruelty and injustice suffered by the Kurds have led me to create the Kurdistan Memory Programme (KMP). Much of the Kurdish story has not been told to the outside world, and it is only now that the genocidal scope of Hussein's Anfal and the repression in Kurdish regions across the Middle East is becoming clear. It is essential that the history of the Kurds, so dominated by national tragedy, be recorded, verified, and widely acknowledged by the international community. In doing this work, the KMP seeks to enlighten fellow nations and encourage a vital debate on the future of the Kurdish people. □

Gwynne Roberts is the co-founder of RWF World and the Kurdistan Memory Programme.



Photograph by Gwynne Roberts © Kurdistan Memory Programme



Photograph by Zardasht Osman

PESHMERGA UNDER ATTACK

A legacy of chemical bombardment

BY
**HAMISH
DE BRETTON-GORDON**

That day in 1988, when warplanes and artillery pounded the city of Halabja with mustard agent and sarin and when 5,000 people died and thousands more were injured, that day was replicated decades later. The methods used in Syria's Ghouta gas attack on August 21, 2013 were identical. First came the conventional pre-bombardment, to break windows and doors to lure people underground. That was followed by deadly chemical weapons, sarin and mustard agent.

Heavier than air, and without windows and doors as barriers, the gas found its victims helpless and unprotected in their cellars and air raid shelters. And then these crimes against humanity were followed up with conventional bombardment to destroy the evidence.

Of course, as Hitler and Saddam Hussein found out, there are always survivors of gas attacks despite their aims of annihilation. The truth seeps out and justice may find its perpetrators.

RAINING CHEMICALS

But three decades after Halabja's chemical attack, the Kurds of Iraq were once more under chemical bombardment. This time it was the so-called Islamic State.

There have been more than 20 occasions in the last two years in which the Peshmerga—the elite fighting forces of the Kurdistan Region of Iraq—have been under chemical bombardment from ISIS. Using mustard agent and other toxic chemicals, this “homemade” and “dusty” mustard—though not as toxic as the liquid produced by Hussein and the Syrian regime—has taken a number of lives and injured many more. Last year, ISIS also used mustard agent numerous times against the Peshmerga in the Mosul dam area.

PESHMERGA UNDER ATTACK



> Sadly, because of their past, the Peshmerga are accustomed to attack from chemical weapons. Many soldiers survived Halabja or some of the 44 other major chemical attacks during Hussein's Anfal campaign. And when they faced this most terrifying of weapons again, at the hands of ISIS, they did so with little or no protection.

I lobbied the British and U.S. governments to give the Peshmerga gas masks. And while it is my understanding that at least a third of the 37,000 gas masks that the U.S. intended for the Peshmerga never reached them, I personally gave their forces 500 gas masks from old AVON stocks. The level of military equipment the Peshmerga had was generally basic.

DEFEATING ISIS

Even without advanced equipment, the Kurdish Peshmerga forces put up the sternest fight on the ground against ISIS. When the Iraqi Army capitulated in Ramadi and Tikrit in 2014, it was the Kurds who held firm and prevented ISIS from taking northern Iraq in totality. Kurds, in effect, saved Iraq from ISIS.

But if it was not for the no-fly zone and safe havens imposed by the U.S.-led coalition in 1991, which arguably preserved the Iraqi Kurdish ethnicity, the Peshmerga may not have been able to push ISIS back toward Mosul and then into Raqqa.

Without this no-fly zone, it is highly likely that the world would have seen mil-



Photograph Courtesy of Hamish de Bretton-Gordon

lions of Iraqi Kurdish refugees in Europe, since Hussein was bent on their extermination starting in the 1980s.

I was a young British tank commander in the first gulf war. I saw the setup of the no-fly zone. In 2012, I started advising the KRG Minister for Martyrs and Anfal Affairs on how to decontaminate Halabja and identify the 5,000 bodies in contaminated mass graves. People are still dying from the effects of the 1988 attack today.

Since 2014, I have worked with the Peshmerga, advising them on how to deal with chemical weapon attacks from ISIS. Both male and female officers impress me with their determination and bravery. And they strike me as honest brokers who stick to the rules of war and treat their vanquished as they should be treated.

WHAT'S NEXT FOR THE KURDS?

ISIS is no longer a threat in Iraq, yet the future of the Kurdistan Region remains uncertain.

At this 30-year anniversary of the genocide in Halabja, as the international community grapples with another dictator bent on using chemical weapons to suppress his people, we should rightly applaud the bravery, resilience, and humility of the people of Kurdistan and ensure they have a safe future. □

Hamish de Bretton-Gordon is a former commander in NATO's Chemical Biological Radiological Regiment and a chemical weapons adviser to the Peshmerga.

DESTROYING CHEMICAL WEAPONS

States that have declared chemical weapons

8

Albania, India, Iraq, Libya, Russia, Syria, the United States, and another State Party

States that have completed destruction of declared chemical weapons

6

Albania, India, Libya, Russia, Syria, and another State Party

World's declared stockpile of chemical agent that has been verifiably destroyed

96.27%

or 69,610 of 72,304 metric tonnes

States that have declared chemical weapon production facilities

14

Bosnia and Herzegovina, China, France, India, Iran, Iraq, Japan, Libya, Russia, Serbia, Syria, the United Kingdom, the United States, and another State Party

Declared chemical weapon production facilities that have been either destroyed or converted for peaceful purposes

91 of 97

68 destroyed and 23 converted

Source: Organisation For The Prohibition of Chemical Weapons



Photograph by Sasha Ingber

THE LAST 'FIRMAN'

ISIS' genocide of Yezidis in Sinjar

BY
GÜNEŞ
MURAT TEZCÜR

A quarter century after the Anfal operations which resulted in the deaths of tens of thousands of Kurdish citizens in Iraq, the country witnessed another genocidal campaign. In the early hours of August 3, 2014, the so-called Islamic State staged a coordinated attack against Sinjar—the heartland of the Yezidi community and one of the disputed areas between the Kurdistan Regional Government and the Iraqi central government.

ISIS was emboldened by its swift defeat of several divisions of the Iraqi army and by its swift capture of Mosul. Kurdish forces defending the area were overwhelmed and withdrew. Many Yezidis fled for the folds of Mount Sinjar, where they waited for days to be rescued, without food and water.

The elderly who couldn't run to the mountain were captured. Militants executed men and older women, and they enslaved young women and children. At least 10,000 people were killed or kidnapped out of a population of less than 400,000.

The so-called Islamic State's premeditated campaign of violence against the Yezidis was a genocide that involved mass executions and abductions, forced conversions, and sexual enslavement, according to numerous international organizations including the European Parliament and the United Nations Human Rights Office of the High Commissioner.

A HISTORY OF PERSECUTION

A predominantly Kurdish-speaking ethno-religious minority, the Yezidis number some half a million across northern Iraq, northern Syria, western Iran, Turkey, Armenia, and Germany. Their main place of worship is Lalish, in the Kurdistan Region of Iraq. Their beliefs and traditions have been transmitted orally across generations. Historically, the group has practiced strict endogamy, restricting marriage to members of the same class. >

THE LAST 'FIRMAN'



> As a result of their distinct identity and beliefs, a widespread, inaccurate perception that Yezidis are “devil worshippers” has been a major factor in facilitating their stigmatization on a societal level. It is also why the Yezidis have a long history of persecution at the hands of local rulers and imperial authorities.

In Yezidi vernacular, the violent campaigns since the Ottoman times became collectively known as “firmans.” The Yezidis continued to be marginalized with the establishment of the state of Iraq in the 1920s. Under Saddam Hussein, they were subject to Arabization drives.

The U.S. invasion in 2003 resulted in the fall of Hussein’s regime, which was responsible for the Anfal. High-ranking members of the Hussein regime were found guilty for their role in genocidal crimes. Yet, the post-Hussein era in Iraq has been characterized by a state of perpetual human insecurity involving aggravated sectarian and ethnic tensions.

In this political context, the Yezidis have had a particularly precarious existence. While most Yezidi areas fall under de facto Kurdish control after the invasion of Iraq, the lawlessness prevailing in the post-invasion period has contributed to their insecurities.

The ISIS assault pushed the community to the brink of survival. Its anti-Yezidi campaign was unprecedented even by its own vicious standards, and it was primarily driven by an extremist ideology that dehumanized the Yezidi people.

SURVIVING THE SUFFERING

In the aftermath of violence, the Yezidi community continues to face grave challenges. While Sinjar was liberated by a counteroffensive led by the KRG forces in November 2015, most of the area lays in ruins and remains uninhabitable. Many Yezidis continue to live in camps for internally displaced people in Kurdistan. They are dependent on humanitarian aid. Others seek or have already found refuge in Western countries. And several thousand still remain unaccounted for, having never returned from captivity at the hands of ISIS. The survivors—including Yezidis who spent months and years as captives—suffer trauma and depression.

Sinjar remains a zone of contention among various military forces. In October 2017, Iraqi forces and affiliated militias took over the entire region of Sinjar. Many Yezidis have no intention of returning, feeling too traumatized and lacking confidence in reconstruction efforts. While various international and local organizations are leading efforts to document the crimes against Yezidis, the prospects of prosecuting individuals responsible for these crimes, and an end their impunity, remains far-off and uncertain.

Despite the dire circumstances, the Yezidi community is resilient. Religious leader Baba Sheikh welcomed back into the community women who were held cap-

tive and sexually assaulted by ISIS. The act signifies a major transformation in collective gender relations.

Several women shared their painful stories of survival, becoming human rights activists and international advocates for their community—especially Nadia Murad, today the first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking of the United Nations.

Many other Yezidis work with members of international organizations and NGOs to inform the global community about the atrocities they experienced. The increasing global visibility and activism of members of the Yezidi community could be one of the most important factors that contribute to their long-term survival.

‘NEVER AGAIN,’ AGAIN AND AGAIN

The dynamics of mass violence in Halabja and Sinjar differ in the details. In Halabja, the perpetrators were high-ranking officers of a secular sovereign state pursuing a policy of ethnic cleansing during a war with a neighboring state. The choice of murder weapon involved chemical weapons in addition to massive air and artillery bombardments, mass deportations, rape, and executions. The Western complicity in Hussein’s campaign against the Kurds was a result of its ongoing war against the revolutionary regime in Iran. Because Hussein was perceived as a bulwark against the Iranian influence, his violence against his own citizens was deemed acceptable “collateral damage” for the Western countries.

ISIS violence in Sinjar could not differ more in terms of guiding ideology and the international reactions it generated. Lacking access to weapons of mass destruction, their extermination campaign had an intimate nature. Enslaved Yezidis were forced to endure daily abuse as they lived with their captors. The atrocities committed against the Yezidis were condemned globally and led to U.S. military involvement that eventually brought the demise of ISIS as a territory-ruling entity.

These differences, however, should not obscure the fact that the crimes reflect an enduring feature of the international system. “Never again” is an oft-repeated promise in reaction to mass atrocities and genocidal violence. It has also been a hollow one in the absence of a supra-national body to enforce human rights in global politics.

As violence continues to tear apart communities and promote extremism in Iraq, Syria, and other parts of the Middle East, the willingness and capacity of the international system to prevent and stop genocidal campaigns continues to be dubious. The crimes of Halabja and Sinjar, which took place in the same lands across two generations, are a macabre reminder of an enduring source of human insecurity in our times. □

Güneş Murat Tezcür is the Jalal Talabani Chair of Kurdish Political Studies at the University of Central Florida.

‘THEY KEEP RE-LIVING WHAT THEY FACED’

Yezidi women’s experiences with the press

BY
**SHERIZAAN
MINWALLA
AND
JOHANNA
FOSTER**

For more than three years, we have seen numerous media reports about horrific acts of rape and enslavement of Yezidi women and girls in ISIS captivity. In writing “Voices of Yazidi women: Perceptions of journalistic practices in the reporting on ISIS sexual violence” for the *International Women’s Studies Forum*, we were concerned about risks to the safety and well-being of survivors who were repeatedly asked by journal-

ists to talk about atrocities they suffered.

Our research looked into how Yezidi women perceived the ways that Iraqi and international journalists have covered their stories. Of the survivors who interacted with the media, 85 percent describe what could be defined by guidelines in the United Nations and Columbia University’s Dart Center for Journalism as unethical journalistic reporting practices.

That includes clear violations in the form of *quid pro quo* promises of money or aid, disclosure of identity without consent, or pressure to reveal details of their experiences of rape and sexual assault.

This and other experiences put them at risk of being stigmatized and re-traumatized.

The research included interviews with 26 Yezidi women, 13 of whom had been abducted and held captive by ISIS in August 2014. The interviews—full of hope, pain, despair, and courage—revealed five major findings shared by Yezidi women regardless of whether or not they were abducted by ISIS.

First, women voiced concerns about the pressures survivors face from journalists, camp managers, and community leaders to talk about their experiences in captivity.



Photograph by Sasha Ingber

> “I said no at the beginning, but they said, ‘This is for your own benefit. One day you will benefit.’ So this is the only reason I talked to them. We have no benefit, no change in our situation. We talked to journalists many times. The camp management office is far. I walked so far two times because they said I have to, even though I didn’t want to. They said, ‘It’s good for you.’”

Second, women shared their beliefs that journalists’ disclosure of identifying information compromised the safety of survivors as well as those still in ISIS captivity. The majority, 80 percent, felt that if journalists were reporting details of respondents’ identities, including names, photographs, or descriptions of tattoos and other markings, then survivors and captives would be put in grave danger of retaliatory violence and even death. One survivor who endured a year with ISIS said, “They know me and I have family still with ISIS.” She added:

“We were in homes for 10 months and they had TVs—women who were rescued went on TV and said things about ISIS and how badly they treated them and how the KRG rescued them—then ISIS would beat us really badly.”

Third, both survivors and displaced Yezidi women expressed a view that the experience of being interviewed by journalists triggered substantial psychosomatic responses, including intrusive thoughts and flashbacks.

More than half of all respondents and almost 70 percent of survivors felt that women who had escaped ISIS experienced strong, negative emotional and physical responses during interviews about their experiences. Of the survivors who granted interviews, half of them described having flashbacks, wanting to cry, feeling sadness, fatigue, self-flagellation, and fainting during or after interviews. “They can’t talk. They just cry,” said a respondent named Bayan. “They keep imagining what they faced.”

At the same time, women also said that the act of speaking to journalists brought some relief. The sentiment was intertwined with a belief that it was, and still is, important to speak out about the attacks so that the world will help them.

Despite the mental, physical, and emotional difficulties, 75 percent of women reported that engaging with journalists was worthwhile. For 31 percent of survivors, they left the interviews with positive feelings:

“We could tell [the journalists] no, we will not tell you, but we tell them our stories and we tell them what happened with us just to get help for our people! And we want protection, and Sinjar, and we want to go back to our home. We want people to help us. We want them to listen to us, and to what happened to the Yezidi community. And we just want to get help for our people.”

HIDE AND SEEK IN BERGALU

By Nazand Begikhani

A fresh summer morning
on the lower slopes of *Bergalu* village
two children played hide and seek
women planted trees in their garden

When a warplane roared in
rushed us face-down to the ground

After four heavy circles
and a shower of shells
a thick line of smoke
billowed from the land

Eighteen years on
on the lower slopes of a village
an old woman can be seen
circling around an empty hole
chasing the shadow of two children
playing hide and seek in *Bergalu*

From Nazand Begikhani’s book, *Bells of Speech*.

Nonetheless, our research raises serious questions about the standards of ethical journalism and its application. It also raises questions about the role of the United Nations and NGOs that provide humanitarian relief, suggesting that empowering women with media training would be useful.

Ultimately, most women expressed strong feelings that journalists betrayed them after they gave their harrowing stories but did not receive help in return. The majority also expressed major dissatisfaction with the global response to the crisis—in the wake of widespread media attention.

One respondent, Alifa, told us, “No one helps us. We just feel sad and tired, and they leave, they just leave.” □

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Photograph by Stephen Rasche

‘N’ FOR NAZARENE

The remnants of Iraq’s Christian community

**BY
NINA
SHEA**

In the Nineveh Plains, only a third of the Christian population that was driven by ISIS from their homes nearly four years ago has returned. A traumatized community is struggling to overcome the daunting reality of rebuilding an area left in a post-apocalyptic state.

An area that is still insecure.

Years ago, Iraq was home to one of the Middle East’s most robust Christian communities. They numbered 1.4 million at the beginning of the 21st century. Today fewer than 250,000 Christians remain in the country—a near 80 percent drop.

Like the Yezidis, a distinct religious minority in Iraq, the Christians have suffered massive atrocities at the hands of ISIS. Both the Trump and Obama administrations officially recognized that ISIS bore responsibility for genocide against these populations.

In late July 2014, ISIS commanded the Christians to “leave or be killed.” There could be no mistake: ISIS aimed to erase the Christians from its caliphate in northern Iraq. It struck a Christian community that was already extremely fragile, having faced severe persecution throughout the previous decade.

ISIS’ TOLL

ISIS terrorists waged a bloody blitz through Iraq’s Nineveh province, including its capital of Mosul, where Christian homes were stamped with the red Arabic letter “n” for “Nazarene,” and throughout the Christian towns of the Nineveh Plains. Their assault on the Plains included crucifying, beheading, raping, kidnapping, torturing, and enslaving people. ISIS drove out every member of the region’s 2,000-year-old Christian community.

Monasteries and churches were burned and destroyed—45 churches in Mosul alone. In January 2016, satellite imagery showed the complete obliteration of >

'N' FOR NAZARENE



- > Mosul's massive, stone-walled monastery of St. Elijah, which dates back to the 6th century. The photos confirmed reports that the monastery had been pulverized into gray dust by ISIS fanatics, evidently using a determined application of sledgehammers, bulldozers, and explosives.

ISIS' international propaganda magazine *Dabiq*, threatened: "We will conquer your Rome, break your crosses, and enslave your women." The cover photo showed St. Peter's Basilica in Vatican City with a black flag replacing the cross atop its dome.

The terrorist organization claims that it offered an option to Nineveh's Christians to live peacefully under its control, a so-called "jizya" or tax option. This proved to be false—a publicity stunt to appear more caliph-like, according to former State Department counter-terrorism adviser Ambassador Alberto Fernandez. By the time ISIS consolidated its power over Nineveh in August 2014, there were no functioning churches, priests, pastors, or intact Christian communities remaining. The ancient Christian presence had been all but eradicated.

Rev. Emanuel Adelkello is a Syriac Catholic priest who directly dealt with ISIS over the fate of the Nineveh Christians that July. He related to me that the Christian leaders of Nineveh refused ISIS' demands to assemble at a Mosul civic center, purportedly to hear the groups' jizya demand.

They decided it was a trap and that they would "likely be killed if they showed up." The priest added, "There was specific concern that the intention was to keep women there so that they could be taken freely by the ISIS fighters."

When the Christians failed to follow ISIS orders to assemble, the militants told them to "leave or be killed." Everyone who could fled in a panic, after being stripped of their valuables.

Syriac Catholic Patriarch Ignatius Joseph III Younan estimates that ISIS killed more than 500 Christians. It showed no mercy. Typically, a male was taken hostage in exchange for their families to leave. These men were never seen again.

An Iraqi Catholic priest told me that in early 2016, he spoke with an Iraqi Christian woman who, displaced in Kurdistan, had witnessed jihadists crucifying her husband to the front door of their home before she fled.

Mosul's Chaldean Catholic Archbishop Amel Nona wrote an open letter stating that a "huge number of Christians" from Mosul and the Nineveh Plains were killed. He gave an example of four children from a Qaraqosh family—ages four, six, eight, and 15—who were all killed.

SEXUAL SLAVERY

ISIS' sexual enslavement has been mostly associated with Yezidis, yet scores of Christians were also enslaved. The group published a price list of enslaved Christian



Photograph by Sasha Ingber

and Yezidi females on sale at slave markets, with captives aged one to nine being the most expensive.

A Nineveh family from Qaraqosh had their three-year-old daughter, Christina, snatched by ISIS militants. As reported in a *New York Times* magazine cover story, they learned she was detained in a holding pen with other women and girls and later sold at a Mosul slave market. Thankfully, little Christina was rescued during the liberation of Mosul.

A disturbing story of a Christian mother who escaped ISIS enslavement is recounted in a June 2016 report of Minority Rights Group International. As a captive, she was brutally tortured and then taken to a sex slave detention center under the direction of an ISIS "sheikh" who performed eight "marriages" in one night between her and ISIS fighters, in accordance with their strict rules.

Rita Ayyoub, a 30-year-old Christian woman, told journalists that she was taken to a slave market in Mosul and sold, along with three Christian children, to ISIS "emirs." A local Sunni man bought her and a 14-year-old Yezidi girl. "He raped the both of us over and over again," she says. She was sold twice more, including to a jihadi with a violent Moroccan wife.

Ayyoub relates her ordeal in that family: "I was beaten and tortured by [the >

> jihadi's wife] every day. She would not give up until I was bleeding, from my head, for example. They made me read the Quran and threatened to kill me if I did not convert to Islam." In November 2017, Ayyoub was rescued by Syrian Democratic Forces.

ISIS also forced a father to watch his twelve-year-old daughter and her mother be raped by ISIS militants, causing him to commit suicide. Iraqi lawyers documented 68 Christians who were still in ISIS captivity as of August 2017.

FORCED CONVERSIONS

There are multiple reports of forced conversion. *World* magazine editor Mindy Belz interviewed Christians from Nineveh who fled ISIS. She wrote that in Qaraqosh, some one hundred Christians who were left behind ended up being held hostage in their homes. "One father described being tortured while his wife and two children were threatened after the family refused to deny their faith."

A group of 14 Christian men reportedly converted when jihadists threatened to take a nine-year-old girl as a "bride." In another press account, a family of 12 Assyrian Christians, trapped in Bartella after ISIS arrived, was robbed and forcibly converted to Islam by a Mosul court. After the family members escaped, they said they saw one Assyrian who had not converted and was badly beaten—his hands were tied behind his back and he was driven off in a truck, they surmised, to be killed.

The vast majority of Nineveh's Christians fled to Iraq's Kurdistan Region or to neighboring countries for safety. With cars and bus fare stolen by ISIS militants, many had to walk across miles of desert-like terrain in the peak of summer, with 120-degree-Fahrenheit temperatures and no water or food. How many sick or weak walkers died on this march remains unknown.

CHRISTIAN PERSECUTION

ISIS has not been the only persecutor of Christians. They have been relentlessly targeted by fanatics since a coordinated bombing of churches in Baghdad in 2004. Mosul's Bishop Rahho was assassinated in 2008. Two years later, a catastrophic suicide attack killed worshippers who filled the pews of a Catholic church in Baghdad.

Such assaults were solely for religious reasons; the Christian minority lacks political power and has not taken up arms for any side in the region's numerous conflicts. Ordinary Christians were targeted for "un-Islamic" dress, speech, behavior, worship, and businesses. Thousands were taken hostage and tortured or killed.

By 2008, Christian kidnappings in Iraq became so common, Belz reports, that "ransom notes simply demanded *daftar*, slang which everyone knew meant \$10,000."

Christians have become vulnerable to kidnappings for ransom payments because of their ties to Western churches with deep pockets. But even when ransoms are



Photograph by Stephen Rasche

paid, sometimes hostages are still killed. On July 10, 2015, the Vatican press *Fides* reported that, after families paid ransoms of up to \$50,000, Christian hostages in Baghdad were killed instead of freed.

Relatives have also been murdered when paying ransoms for loved ones. Iraqi Chaldean priest Douglas Bazi told me that he was held hostage for nine days in Baghdad, deprived of food and water for four days, and severely beaten with a hammer, which broke his back, skull and facial bones. In keeping with the times, his attackers acted with impunity.

Today Christians and Yezidis are at an historic crossroads. What remains after ISIS are weakened, demoralized, remnant communities. Either Iraq's non-Muslim minorities receive help to leave their displacement shelters in Kurdistan and to rebuild their shattered towns or, in despair, they must emigrate. In that case, we will all see the extinction of their ancient communities, along with Iraq's religious pluralism. □

Adapted from a chapter in The Persecution and Genocide of Christians in the Middle East.

Nina Shea is the director of Hudson Institute's Center for Religious Freedom.

STORIES OF SURVIVAL

HALABJA: 'I ASKED GOD, WHY HAS THIS HAPPENED TO ME?'

ZIMNAKO MOHAMMED

as told to Sasha Ingber



"The chemical bombardment of Halabja happened on March 16, 1988. I was three months old. I cannot remember anything from that day but that day and that moment changed my whole life.

In the morning, my family—my mother, father, four brothers, and sister, with some other relatives—were in the basement of our house. They heard loud bombardment and fighting between the Iraqi regime and the Iranian army. After some hours, the sounds of the bombs decreased so my father told my mother that it was an opportunity to escape the city.

They started running in the street. They smelled gas and they saw a bomb that was dropped close to our house.

Gases were coming from the bomb. My father realized that it was a chemical bomb. They ran back to the house, and when they got to the yard, my father told my mother, 'Let's go to the roof. There we will find clean air.'

While they were running up the stairs toward the roof, my father fell. And behind him my oldest brother, who was around 11 years old, also fell. He called my mother to help him. He was saying, 'My face burns.' I was in my mother's arms. So my mother put me somewhere in the yard and brought wet clothes for my brother's face. In the chaos that followed, I was separated from my

mother and she didn't see me again. My mother told me this story years later—this is from her side.

On the other side of my life, an Iranian woman adopted me. She was working in a nursery as a volunteer. One day, the authorities brought a baby. They said, 'This baby has lost his parents in the chemical bombardment of Halabja,' and then my Iranian mother said, 'Okay, I can take care of this baby.'

My Iranian family, they did their best. They accepted me as a member of their family. During all of those years, I had no idea who my real family was and what my identity was. And then I lost my Iranian mother. When I was around 16 years old, she had an accident with a motorcycle.

And I always had this question: Why has all of this happened to me? I lost one family in Halabja when I was three months old, and now I lost another family when I was 16. I was asking God all of these questions.

The most difficult times of my life started when I lost her. My biggest problem was that I didn't have Iranian nationality, even though they gave me the Iranian family name. I couldn't find a job. I couldn't continue my education. I didn't have rights.

So I was searching in Google to find a solution. I found an organization for the victims of chemical weapons. I got a reply from Dr. Shahriar Khateri, who was working there. He showed me some pictures of Halabja. From the pictures, I started making up stories for myself. In

one of the pictures, there is a woman and she has this small baby in her arms. She had passed away, but I always looked at that picture and I told myself, 'Maybe this is my mother. And this is me next to her.'

I thought that my parents had probably died in the chemical bombardment. Because I never thought that a small baby could be separated from its family—a three-month-old baby is always in its parent's arms. They could not be alive. If they were alive, I should be with them.

The only way to find my real family was through a DNA test. A blood sample was taken from families in Halabja who were looking for their children. It was sent to a lab in Jordan. It took around one month for the result to come back.

One day, the organizers invited families to the Monument of Halabja where the results were read out. The moment that I was waiting, I had my cell phone in my hand and I was looking at my Iranian mother's picture. She always told me, 'I will not give you away to anyone except your real parents.' During that moment, the moment that I would find my real family, I felt that her soul was with me.

I was told my real mother was Fatima Hama Saleh and that she was standing in our group. I just ran and hugged her. Everyone started crying, including myself. I felt I was reborn." □

CHRISTIAN: 'THEY WANTED TO CHOP OFF MY ARM BECAUSE THE VIRGIN MARY WAS TATTOOED ON IT'

MUKHLIS YOUSSEF YACUB

as told to the Kurdistan Memory Programme



"I come from Qaraqosh, near Mosul. I am a guard at St. Jacob's Church.

On August 5, 2014, my wife, Imtiaz had undergone surgery in Erbil, and she called to say everything had gone well. I told her to stay at the hotel until she felt better. I heard shooting the next morning at 5:30 a.m. and walked outside in my shorts to see what was happening.

I knocked on several doors but no one answered. They had all fled. I returned home, got changed, and then headed to the police station and local security offices. They were all empty. Then I tried to run away myself but bearded men in a white SUV caught me near the hospital. They had weapons in their vehicle.

They asked me whether I was Christian or Muslim. 'I'm Christian,' I said. The moment I said that, they handcuffed me and started beating me up. They insisted I convert to Islam but I said I would never change my religion. They offered to release me if my wife or daughters surrendered to them. 'Impossible,' I told them. 'I would rather die.' Then they beat me with iron chains.

I was aware of them yelling at a

passing civilian as they tortured me. But he ignored them and tried to flee. They shot him dead and his car was burned.

They continued beating me until I lost consciousness. I regained consciousness outside a church. The men told me they wanted to chop off my arm because the Virgin Mary was tattooed on it but I managed to stop them. I would rather have been beheaded than have my arm cut off. 'Just kill me with one bullet and let me die,' I told them.

They beat me with iron chains. I regained consciousness around 6 p.m. and found myself soaked in blood with my clothes ripped off. I started walking in my underpants to Wardak village [outside Mosul] where a bearded man gave me 10,000 Iraqi dinars. A driver who was transporting tomatoes then gave me a lift to the checkpoint. I was taken to a hospital the next day. The medical team who operated on my damaged eye said it would never heal, even with treatment." □



YEZIDI: 'WE DIDN'T EXPECT OUR NEIGHBORS TO TURN AGAINST US'

SHIREEN IBRAHIM

as told to Sasha Ingber

"The happiest time in my life was when I was with my brothers, sisters, and parents. When ISIS invaded Ranbusi village [in Sinjar] on August 3, 2014, we were on our way to the mountain. Three ISIS cars came and stopped us. They captured all of us—our entire family. There were 47 of us. Uncles, cousins, siblings.

They took all of us to Sinjar City. They divided women from men. At first, we didn't expect anything would happen to us. And we didn't expect that our neighbors would turn against us. They were Muslim friends from the city that we had seen before, and they spoke Kurdish just like we did. We thought they would protect us from

our enemies, but it didn't turn out that way.

I remember the first girl they chose was from Kocho village. I started crying. I didn't want to be taken. But this guy came in, hit me with his gun, and one of my aunts advised me to stay quiet. Then they started taking more girls.

We were thirsty and hungry. Some days they would give us food, some days not. I had one of my nephews with me. I told them this was my son and that I was married.

I was 24 years old and I was sold to five individuals.

From the very beginning to the end, no one was ever kind to me. All of them were the same. Each of them was taking me to doctors because he thought I wasn't feeling well. One would say, 'As soon as you get better, I will marry you.' He would bring his family members to encourage me to talk, but I wouldn't talk. I knew as soon as I talked, he would take me. One of them was slapping me on the feet, and he was telling me that I was lying. He also poked me with needles in my feet.

I was in Mosul when they performed surgery on me—I was confused when I woke up. I saw stitches on my stomach. Why did they do a surgery, what kind of surgery was it? Even right now, I'm not sure what they did. In Syria, they electrocuted me.

I realized that the only way to escape was to pretend that I wasn't feeling okay. I heard that those who were not feeling well would be released.

➤ Eventually, they brought us to Kirkuk. I didn't believe I was released.

I was with ISIS for nine months. When I was free, I found out that my uncles and my cousins were still with ISIS. I thought they had all been released by then. I feel heartbroken to know that my relatives are still captive.” □



BARZANI: ‘MY CHILDREN NEVER GOT THE CHANCE TO KNOW WHAT IT MEANS TO HAVE A FATHER’

RAGHDA SLEMAN SHAKIR

as told to Niroj Rekani

“In February 1980, the government decided to relocate the Barzanis from the displacement camps in the south of Iraq to Qushtapa. We were happy about moving to Qushtapa after spending five

years in the south—it was very exciting to be back in Kurdistan. We thought it was a new beginning for us.

My husband, like all the other Barzani men, was doing labor work to support his family. On the morning of July 31, 1983, like every other morning, he woke up early and got ready to go to work. On his way, he saw that armed forces and military trucks had surrounded the camp. He was told by security forces to go home.

As I was hand-washing laundry outside the house, I saw a military truck driving around the camp, calling on all the men to come outside and threatening to shoot anyone found inside their house. As soon as I heard, I rushed back home in a panic and told my husband, father-in-law, and brother-in-law to get ready and stand in front of the house. I quickly prepared some take-away food for them.

All the men were loaded onto the buses. The other women and I carried our children and followed the buses by foot. The security forces began firing over us, [but] we continued to follow. The scenes were tragic; our loved ones were taken from us, we were completely broken and in despair. It was by far the darkest day in my life.

Shortly after the men and teenagers were taken, the government discontinued our monthly food rations. Water and electricity were cut off. The school and hospital at the camp were also shut down. I still remember them

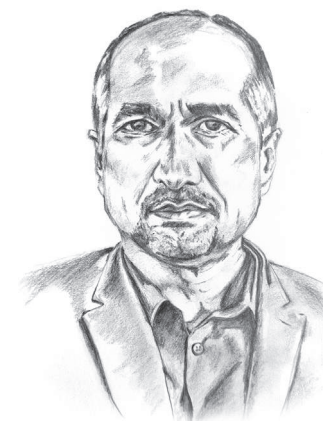
destroying the wells that provided water for the camp.

Life continued to become more difficult to bear with each passing day as the government cut off all services. Women began carrying knives for protection and kept watch at night to guard their children.

After a few months, we had spent the last of our savings. I began to sell my house appliances. I sold the refrigerator, sewing machine, and carpets in exchange for some food and supplies. We began looking for labor work. At night, we knitted socks and sweaters, hoping to sell them and provide food for our families. Sometimes we had to carry cement and bricks to the second and third floors of construction sites.

At the time, we did not care so much about the difficulty or the nature of the work; for us it was about survival. Now decades later, many of us are suffering from back pain and spinal problems. Several women lost their lives at the construction sites. They would fall off the buildings or get buried while digging water wells. We did not have any young men left in the camp to help us bury the dead.

My children never got the chance to know what it means to have a father.” □



ANFAL: ‘I’M THE ONLY ONE WHO SURVIVED’

JUMAA BARANY

as told to Sasha Ingber

“In the Duhok area, they started the evening of the 24th of August, 1988. I was back from high school for summer break. When I woke up, I saw the air force coming and they were bombing the village. I saw a kind of white smoke coming up and going down slowly. My family walked to the highway, close to the Turkish border.

When we got there, we saw that the highway was controlled by Iraq's army, and there was no way you could cross the street. So our family came back to our village. It was nighttime, about 11 o'clock. We knew we had no more chances to escape.

I told my mom, ‘I can't stay here, I'm going somewhere to hide.’ Me and my two friends, we tried to escape on the same road. It was daytime when we got to the highway. ➤

> I was just trying to survive. We went all the way into a mountain and almost got lost. It's a huge mountain. We had never been there. When I was at the top, me and my friend were looking out and the region was all smoke—they had burned the whole region.

I had no food, no money, the only thing I had were the clothes I was wearing. I was worried about my family because back then we didn't have phones. There was no way to communicate. Finally we crossed the border into Turkey.

I didn't know what had happened until three months later. One guy, he came from our region, and he told me, 'Your father, your brother, your uncles, everybody—they took them somewhere to kill them.' My mom and my sisters and my two little brothers, they took them close to [the Kurdistan Region capital of] Erbil. It was too hot and there was no water, no shade, no nothing. A lot of people died. Kids died and old men died.

I called my mom from Turkey over the next few years. She said, 'Our life is difficult. We don't have anybody to take care of us.' So I came back in 1991.

It was a difficult moment when I saw her and my sister, my little brothers. It was happy but at the same time it was sad because we knew what had happened before. Somebody who has seen that day can never forget.

I lost my father, my brother, my three cousins, and all friends my age. I'm the only one who survived. From my village, altogether about 73 people...nobody knows where they are." □



FAYLEE: 'FROM THAT MOMENT, I LOST MY CHILDHOOD'

THANA ALBASSAM

as told to the Kurdistan Regional Government Representation in the United Kingdom

"I was born to a very well-known Faylee Kurdish family living in a small, calm town located 140 kilometers south of Baghdad. My family lived there since 1910.

The government in Iraq started to remove them in 1970. And in 1980, after the start of the Iran-Iraq war, the Baath regime started implementing Revolutionary Command Council resolution number 2884 in which young Faylees were separated from their families.

I was seven years old around that time. I still remember every single detail of that night. I was asleep with my grandparents and my little sister because my mom went to Baghdad to see a doctor.

I woke up during the night.

I recognized that my aunties, my uncles, and my grandma were really terrified and they didn't know what to do. And I saw huge masked men wearing Baathist security uniforms and holding guns.

One of them, he pointed to me and to my sister and shouted at my auntie, who was 17 years old. He asked her, '[Do] these girls belong to you?' And she replied quickly, 'No, they belong to our neighbors.' And she came to me and tried to put me back to sleep and said, 'Don't worry, nothing happened. Just go back to sleep.'

When I woke up in the morning, I didn't find anyone in the house except my father. He was sitting, his eyes full of tears, red. I didn't understand what had happened. My father couldn't answer my questions. Without knowing or understanding, I just felt I wasn't going to see them again.

From that moment, I lost my childhood.

I had to watch my mom cry every single day. My mother never saw her family again and she lived all her life mourning their loss until she died of a heart attack in 1999. Life under Saddam Hussein—I don't know how can anyone describe it. Nothing was normal at that time.

We expected they were going to attack us at any moment. Many years went by in fear and terror. One of my father's friends hid us on his small island. We left our schools, we left everything.

Youth and men between the ages of 18 to 45 were taken and thrown into prisons. A lot of women and young children were placed on pickup trucks and thrown to the Iraq-Iran border where they roamed aimlessly for days in the harsh environment and amid minefields. Some of them were raped and murdered, their husbands and older sons detained in prisons, their assets liquidated, their properties confiscated, and their names wiped off the civil records. Their hometowns and villages were wiped out.

In my family, we lost 22 young men.

It's very difficult to decide what's more painful; to kill someone in one minute or to see some people living with their tragedy and dying every day." □

FOLLOW THE MONEY

Suing businesses that funded or profited from genocide

BY
GAVRIEL
MAIRONE

Money is oxygen for terrorism. It breathes life into the deeds of fanatics by providing them with incentives and capabilities.

So in October 2000, I decided to form a new law firm in Chicago that would seek compensation not from the perpetrators of terrorism, crimes against humanity, and other international crime, but from the people and businesses that funded or profited from them.

Unlike various models adopted by nongovernmental organizations where the lawyers work pro bono on clients' cases, we work on a for-profit basis and will be compensated only if we are successful. We receive a percentage of the money that our clients win. We fund all the costs of litigation from our own pockets. That means that if we lose a case, our clients owe us nothing and we bear the losses.

It took ten years for the firm to win our first lawsuit, a case against Arab Bank laundering money for Hamas. Since then, we have won cases for more than 2,000 clients. Victims of the Al Qaeda bombings at U.S. embassies in Kenya and Tanzania, funded by Iranian agencies, have already received \$237 million out of the \$1.9 billion judgment we obtained. Additional compensation will be received in 2019.

JUSTICE FOR THE KURDS

Between 2005 and 2010, I visited Iraq many times in search of documents and evidence of the illegal kickbacks paid to Saddam Hussein in violation of international sanctions on Iraq. My team found documents from the Ministry of Transportation that showed each shipment of oil, the exact amounts that were paid as kickbacks, and by whom. Then my firm sued several international oil companies for illegally funding Hussein's incentive-payments to suicide bombers. We won preliminary court decisions in Texas, two oil companies settled and paid our clients, and the case against another company is continuing.

In 2008, we turned our attention to chemical weapons that were used to wipe out Kurds in Iraq. We have invested more than \$1 million and tens of thousands of hours of lawyers' and researchers' time to document the cases of more than 4,000 clients. We have tracked down witnesses and evidence of European companies that conspired with Hussein to provide the chemical weapons that killed thousands of people in Halabja and Kurdish villages.

A MULTI-BILLION-DOLLAR LAWSUIT

In 2013, we filed a criminal complaint in Paris against three French companies for complicity in this genocide. That investigation is slowly proceeding. We needed to provide the court with a certified copy of the Iraq High Tribunal's judgment against notorious defense minister Ali Hassan al-Majid, who led the genocide. Even today, neither the Kurdish nor the Iraqi governments have provided us with a simple certified copy of that judgment. We still need it.

The biggest perpetrators are in Europe. Because laws in some countries protect companies from accountability for funding and assisting in genocide and crimes against humanity, and because Iraqi Law 10 provided immunity for corporations, we decided to use a different tactic: To try them in Iraq. We drafted a proposed law for Kurdistan Parliament. It would give authority to courts in the region to try the perpetrators and those who were complicit.

The draft law was agreed to in principle by the leaders of all three major political parties, the Kurdistan Regional Government's Ministry of Justice, the Ministry of Martyrs and Anfal Affairs, the President of the Civil Courts, the speaker of Parliament, and the Bar Associations of Erbil and Slemani. Yet despite unanimous agreement, the draft law languished in Parliament without action.

Only in the last few weeks is the draft law now being seriously considered. Victims have been promised by parliament members that the law will be enacted by late spring or early summer.

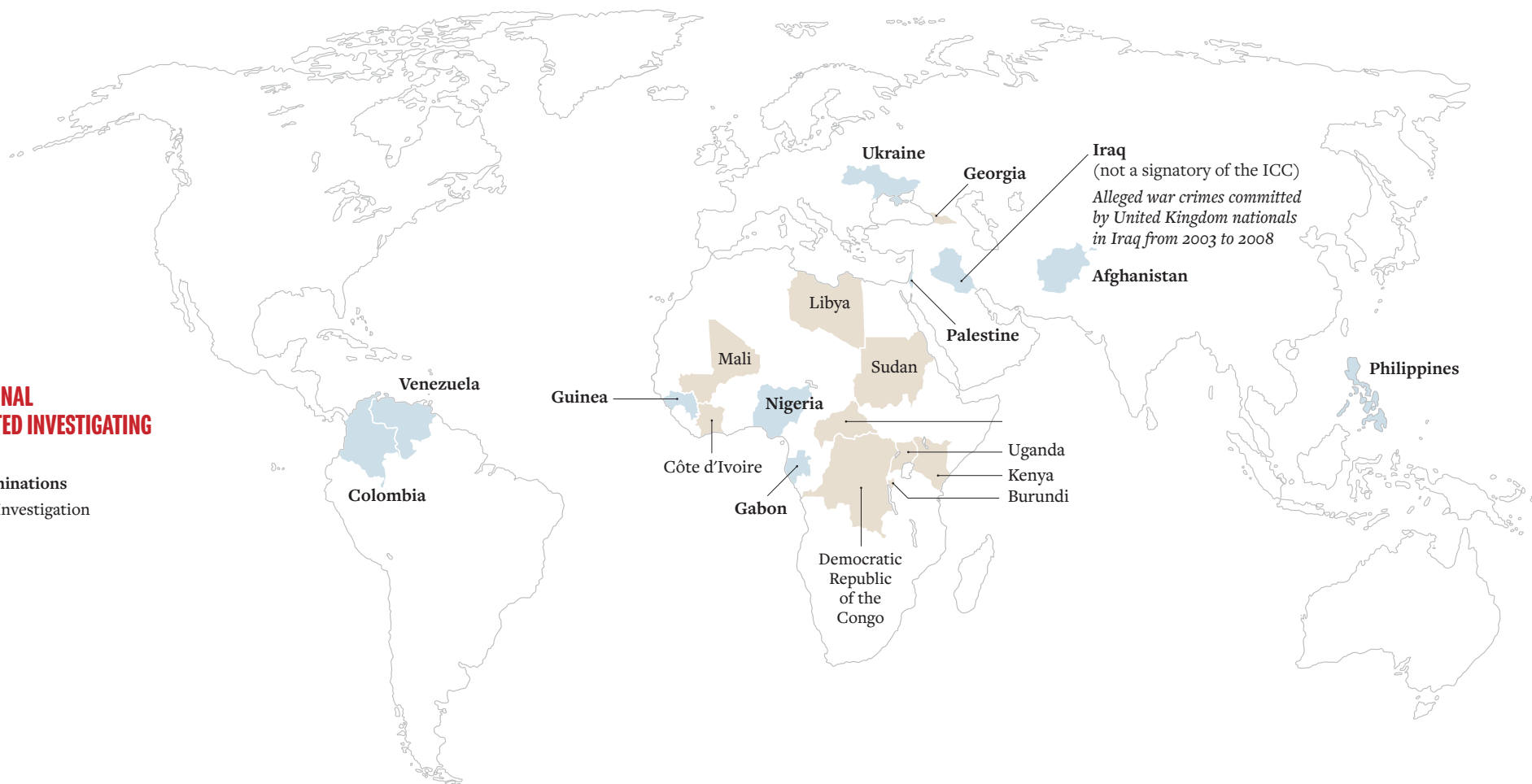
But after two years, we aren't waiting for the law anymore. On March 14, 2018, my firm plans to file a multi-billion-dollar lawsuit against German, French, Dutch, and Luxembourg companies and banks for their conspiracy to arm Hussein—even while he was using chemical weapons of mass destruction.

This road is long and difficult. And just now, we are only at the end of the beginning. But I believe we will provide much-deserved compensation to the victims we represent—a too-small measure of justice, albeit much delayed, and an historical record of the genocide against the Kurds. □

Gavriel Mairone is the founder of MM-LAW LLC, a firm that advances private human rights law.

WHERE THE INTERNATIONAL CRIMINAL COURT STARTED INVESTIGATING

■ Preliminary Examinations
■ Situations Under Investigation



Source: International Criminal Court

HELP FOR THE SICK, INJURED, AND GRIEVING: LAW NO. (37)-2007

In 2007, the Kurdistan Region enacted a law to address the needs of people who were affected by Saddam Hussein's brutality—from forced conscription to chemical attacks. In summary, the goals and principles of the "Aid Funding Law for Supporting and Helping the Families of Martyrs, Anfal, and Victims of Genocide Crimes in the Kurdistan Region-Iraq" are:

First: To investigate and document the economic, educational, cultural, health, and social ramifications for the victims of genocide and the families of martyrs. To

provide them with financial help to improve their life conditions.

Second: To employ the unemployed members of this group by proposing and planning programs

in coordination with the relevant ministries, international agencies, private companies, and organizations.

Third: To organize skill-improvement training for members of this group so that they may participate in the economic growth and prosperity of the region.

Fourth: To provide health and social services, as well as facilities, to treat people who are handicapped and with chronic diseases inside and outside the region.

Fifth: To work with the relevant establishments to

open houses for the elderly and handicapped so that their needs are met with dignity.

Sixth: To offer an interest-free, marital loan for families of martyrs and victims of genocide crimes. The maximum amount of the loans will be 2,000,000 Iraqi dinars.

Seventh: To participate in establishing cultural and scientific centers that

support and improve the capabilities of youth and students of this group.

Eighth: To strengthen relations and to benefit from the capabilities of government establishments, private companies, international organizations, and aid funding agencies.

Ninth: To raise funds and collect aid inside and outside the region.

PURSuing SADDAM'S CHEMICAL FIXER

The obligation of the international community

BY
SIMON
MINKS

After fleeing Italy to Iraq and then returning to his native Netherlands, Dutch businessman Frans van Anraat was interviewed on local television in 2004 about his possible role in the delivery of chemicals to Iraq, chemicals that Saddam Hussein's regime used to annihilate

Kurdish citizens. He appeared proud of his accomplishments as a businessman. He denied involvement and said the chemicals were meant for the textile industry. But that conversation led to an investigation and his arrest later that year. He was the first person to be convicted of war crimes against the Kurds in Iraq and against Iran.

During the investigation we, the Dutch prosecution, found out that van Anraat had operated in the Netherlands, Iraq, Italy, Singapore, and Switzerland. We also learned that he and his business partner lied about where the chemicals they purchased were being sent—from Italy's port city of Trieste to Baghdad.

They took steps to maximize profits and to cover up their involvement. For payments and deliveries, van Anraat used an offshore company in another country with huge tax benefits, which proved especially useful in obscuring who really was in charge. The payments ultimately went through a Swiss bank used by Hussein.

Through his business dealings, van Anraat directly supplied the regime with thousands of tons of base materials. After the chemicals arrived in Iraq, most of them were transported to a factory where they were transformed into chemical weapons. When they were released, thousands of people died in a single day and thousands more were injured.

SENTENCING

"This is a very complicated case," an official from the Dutch public prosecutor's office told *The Guardian* in 2005. "It's the first time that a person is being prosecuted in the Netherlands for involvement in genocide that took place in another country a long time ago."

A full picture of the case and its practical and legal complications traces back to November 1983, during the Iran-Iraq war. The Iranian government sent a letter to the United Nations saying that Iraq had bombed several places in Iran with chemical weapons. A U.N. commission confirmed the accusations and discovered that mustard gas and tabun had been used.

As a result, the United States, the Netherlands, and other countries prohibited the delivery of chemicals to Iraq and Iran. But Hussein had no intention of halting his chemical weapons program. His regime moved forward with its plan to eliminate its Kurdish citizens. And did van Anraat stop his deliveries after the world learned of the fate of innocent Halabjans? No. We found evidence that he was continuing to deliver chemicals to the regime even after the attack.

He was charged with complicity in genocide in several places in the north of Iraq for the years 1986, 1987, and 1988. He was also charged with complicity in war crimes in Iran for the years 1986, 1987, and 1988. In both cases, he had knowingly supplied base materials that were intended for the production of chemical weapons.

My colleagues and I had also argued that there was compelling evidence of a genocide against the Kurds in Iraq. The Iraq High Tribunal qualified the facts as genocide.

But the court of appeal in The Hague decided that charges of complicity in genocide could not be substantiated. It ruled that "whether certain actions by certain

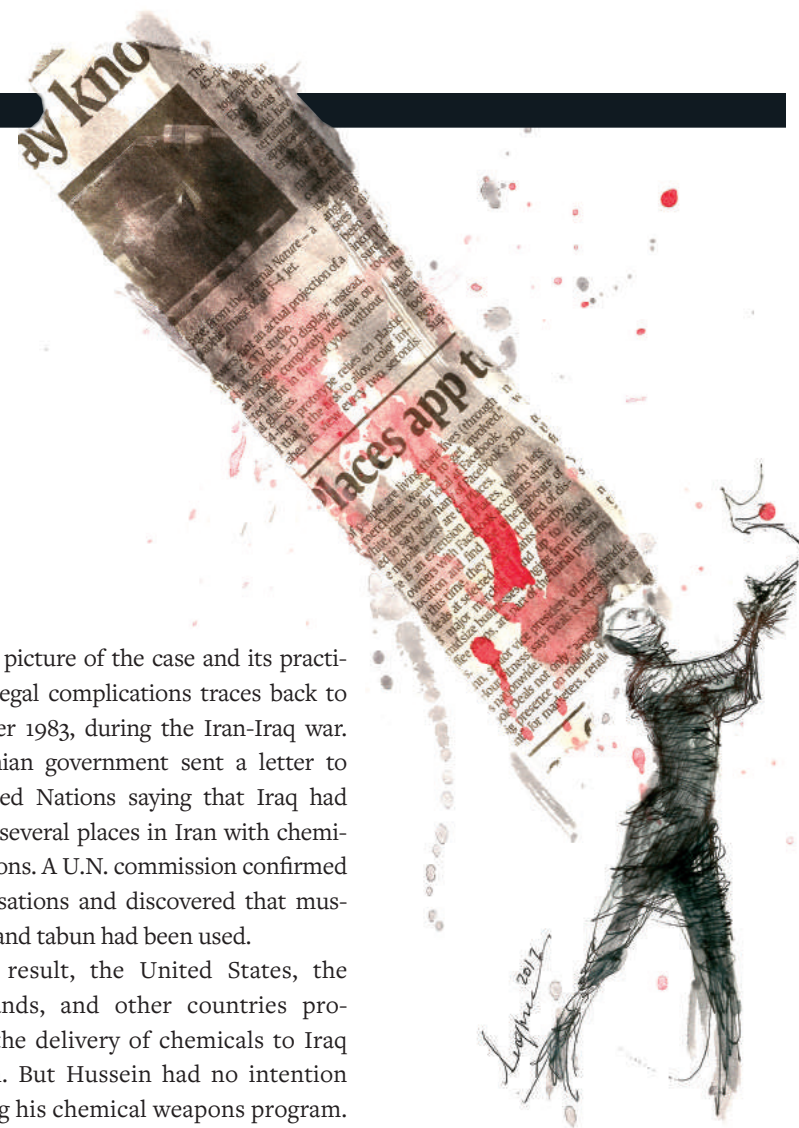


Illustration by Lukman Ahmad

> persons as mentioned in the charges should be designated as genocide, deserves a better motivated judgment (which should be based on conclusive evidence) than the one on which the court was able to establish its observation.”

In the end, van Anraat was sentenced to 17 years in prison for complicity in war crimes.

It was a very frustrating outcome. We had presented a lot of evidence of the genocide and several national parliaments later recognized the genocide against the Kurds. After this and other international cases, one can only be left to conclude that proving a genocide in court is difficult.

LOOKING BACKWARDS AND FORWARDS

What can be learned from this case? First, it is important to prosecute the most serious crimes not only at the International Criminal Court and international tribunals, but also in domestic courts; the ICC and the tribunals often have limited possibilities to prosecute.

Apart from Iraq, the Netherlands remains the only country in the world where people involved in Hussein's chemical program have been successfully prosecuted.

In the Netherlands, we have experience in prosecuting international crimes. In fact, the country has a specialized national police team that investigates them, along with specialized prosecutors, judges, lawyers, and one investigation judge who will hear witnesses in the Netherlands and abroad. We have prosecuted Somali pirates and terrorists, former Afghan generals who committed war crimes, and Rwandans who perpetrated genocide, among others.

I believe we have an international obligation to investigate and prosecute serious crimes—not only to bring justice to victims but also to prevent perpetrators from living with impunity in safe havens.

Van Anraat was used to fleeing. In 1989, a year after the Halabja chemical attack and when an Italian court was weighing a U.S. extradition request, he managed to leave Milan for Baghdad. And he left Iraq before the U.S. Army arrived in 2003. When he was arrested in the Netherlands in 2005, his travel bags were packed and he had a plane ticket in his pocket.

Today there are new genocides to think about. We must address the atrocities committed by ISIS. It is imperative that we collect as much evidence to document the genocide of the Yezidis and Christians.

We have an international obligation to bring the guilty to justice within a reasonable timeframe. Otherwise, the world runs the risk of forgetting. And I do not want keep asking: Do you remember what happened in Halabja, Sinjar, or eastern Ghouta? □

Simon Minks is a Dutch senior prosecutor who specializes in prosecuting international crimes related to the Netherlands.

A LEGAL MAZE

The complexity of determining atrocities as genocide

BY
MICHAEL A.
NEWTON

The reality of what happened to Kurdish families in Halabja, regardless of age or political affiliation, remains a poignant symbol of the barbarity of the Baathist regime. But the events between March 16 and 19, 1988, represent only one strand

of a larger pattern of genocide across the Northern Bureau of Saddam Hussein's Baathist regime.

Halabja was one of dozens of documented chemical attacks that Iraqi forces, under the authority of Ali Hassan al-Majid, used to kill innocent people. No living being was safe from the poison that spilled from the sky. It is both unjust and historically inaccurate to cleave Halabja from the larger genocidal context of the Anfal campaigns.

Nevertheless, the Halabja trial before the Iraq High Tribunal was prosecuted as a distinguishable case from the larger Anfal trial, albeit with a number of common defendants. Some academics mistakenly place Halabja into a special category of criminality through a superficial assessment that it was a different trial handled in the Iraq High Tribunal.

The reality that the perpetrators in the Halabja case were initially convicted of Crimes Against Humanity—rather than genocidal offenses—remains a source of confusion and consternation to many Kurds. Ultimately, the Court of Appeal judged that it was an act of genocide, but the question remains: Why did the Iraq High Tribunal at first opt for a different decision?

THE RATIONALE OF THE IRAQ HIGH TRIBUNAL

The crimes committed in Halabja are distinguishable from the Anfal campaigns for two important reasons which help to explain the decision that the judges had reached. First, attacks on Halabja were, in some sense, an aberration. The Anfal >

- targeted whole areas and was accomplished through coordinated and sweeping military operations. Ordinary Iraqis made extraordinary sacrifices and risked a great deal to preserve the evidence of crimes committed by the regime as well as personal accounts that would later support the quest for justice.

Second, because Halabja was targeted with precision and persistence and the world knew of the chemical weapons attacks almost as soon as Iraqi planes began to drop their lethal loads, the regime actively disseminated rumors that the military had been in contact with Iranian armed forces in the area. Deliberate propaganda efforts by the regime began almost immediately, clouding the chemical attacks of Halabja with disinformation.

For example, on March 22, 1988, Peter Jennings made the first public reporting about Halabja on the ABC evening news. The program began to show some of the early pictures and offer descriptions of its horrors. But then it framed the attacks in the context of the Iran-Iraq war. Such reporting served to shift the narrative away from the truth and into what we now know with certainty was a skewed account.

As a result, the historical narrative of what happened on the ground changed from nearly the first moment that the chemical bombs exploded. One of the lasting contributions of the cases in the Iraq High Tribunal has been to provide the evidentiary backdrop and factual basis for documenting the truth about what happened.

Clearly, Halabja did not represent an unfortunate catastrophe in the context of an ongoing war between Iraqi forces and Iranian elements. Rather, it represented a coordinated and calculated attack on the Kurdish people. Reading the Halabja and Anfal verdicts together makes that plain to the world. The attack on Halabja was genocide.

But no court operates in isolation. Events in another part of the world impacted the thinking of the judges in Iraq.

In legal terms, the convictions for genocide in the Anfal decisions are fully warranted by the facts and evidence. In contrast, the decision related to crimes committed in Halabja represented a cautious ruling amidst global, legal uncertainties at the time.

WHAT HAPPENED IN SUDAN

Around the time that judges in Iraq were hearing the evidence related to Halabja, the Pre-Trial Chamber of the International Criminal Court confirmed the initial arrest warrant against Omar al-Bashir of Sudan. Ultimately, it rejected the Prosecutor's charges of genocide in that case. In a ruling issued on March 4, 2009, the chamber decided not to include the counts of genocide listed in the prosecution's application.

The logic of that decision was controversial but rested on the finding that "genocidal intent is only one of several reasonable conclusions available on the materials provided by the Prosecution." One judge dissented because of her conclusion that the inference of genocidal intent must be "a reasonable one" but not that it be "the *only* reasonable conclusion" based on the evidence.

The crimes committed by the Bashir regime against civilians in Sudan followed a well-documented pattern to defeat a simmering insurgency against the Sudanese government. Like the attacks on Halabja, the crimes were committed in the context of an ongoing armed conflict.

The ICC prosecutor's appeal was granted on February 3, 2010. This ruling is significant. It meant that the ICC could try cases even if genocide was one of several intentions of the perpetrator and not the sole intention. In the case of Halabja, Hussein's propaganda had tried to deflect the evidence of genocidal intent by attempting to show that Halabja was just part of the Iran-Iraq war.

TOO LATE FOR HALABJA

That ruling came too late to clarify the legal standards in the Halabja verdicts. Iraqi judges, assessing evidence related to crimes committed during attacks on Halabja, could have decided to push the boundaries of extant criminal law at the time of their decisions. But it might have invited cries of illegitimacy and irregularity from international experts.

Instead, the judges based their convictions on clear evidence of well-founded charges, and relied upon the separate Anfal proceedings to support convictions for genocide. □

Michael A. Newton is a professor of the practice of law at Vanderbilt University.

THANK YOU TO OUR SPONSORS



May the Halabja Genocide never be forgotten! On the 30th anniversary, Kurdistan 24 joins in honoring the victims and consoling the survivors of all the atrocities endured by the people of Kurdistan. All must remember, so that the cycle of suffering will end.

Raad Ayar

On the 30th anniversary of the Halabja Genocide, the Ayar Family pays its respects to the victims and survivors of this and all other genocides.



Today we solemnly reflect on one of the worst mass atrocities of the 20th century—the Halabja Genocide—when thousands of Kurdish people, mostly civilians, were brutally gassed by the Hussein regime as part of a larger initiative to terrorize and exterminate the people of Kurdistan. The U.S. Kurdistan Business Council pays its respects to those victims who have died, those who survived and all of their loved ones.



What happened 30 years ago to the Kurdish people in Halabja helps us understand their struggles for freedom in the past and today. The tragedy of the Kurdish people warrants acknowledgment by the international community and it should never be forgotten.

BOOK CREDITS

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MASS GRAVE

By Nazand Begikhani

The earth has stood up again
It stood up as a desert
with its face covered in red
holding a skull in its hands

The earth stood up
to speak of a child smiling
while shot to death

The earth stood up
to speak of the screams of a girl
about to be raped

The earth stood up
to speak of the prayers of an old man
being scorched

The earth stood up
to speak the words of a poet
while he was being buried alive

The earth stood up once again
It stood up to break the silence
around the burning body of Kurdistan

Illustration by Lukman Ahmad