



## **April 14: The Annual Memorial of Anfal Genocide Kurds are Victims of Iraq's Post-Saddam Policy**

14 April 2008 marks 20 years of the genocide of Anfal. However, the repercussions of the Anfal genocide still trouble the Kurdish people. Little has been done; many important issues have been forgotten, and furthermore, there are continued injustices, abuses, and offences against the victims of genocide and the Kurdish nation in general. Victimized families lack the critical needs of life, and compensations still have not been given to them. With a few exceptions that have shown up recently due to the annual event of Anfal, the promises generated from several conferences arranged by the Kurdistan Regional Government (KRG) and its president are not practiced yet. Kurdish mass graves in southern Iraq are still waiting to be exhumed and investigated, and the victims' families are still waiting for remains of their loved ones. No authorities seem concerned about the young girls who were sold to Arabic countries under the genocide. For instance, the case of some 18 Kurdish girls sold to Egypt in 1988 was rejected by the Egyptian authority, and no authority investigated that or similar cases. Permitting Tariq Hashmi, the former Baathist, to visit Halabja and demand freedom on behalf of Sultan Hashim, one of the main perpetrators of genocide, was insulting to Kurds and victims' families in particular.

Giving the sensitive case of Anfal genocide to an Arabic, Iraqi, dependent, partial, and weak court (the Iraqi High Criminal Court, or IHCC) is an historical injustice against Kurds and the victims' families. IHCC is a part of the political rebuilding process that has put limits on the legal process. Interests of victims have been ignored, the law of the court includes critical and pro-Arab Iraqi laws. Arabization

and its specific characters are not named in the law, Arab judges led the Anfal trial, and Arabic is the official language of the court. Chemical companies and foreign traders are not prosecuted, much like the agreement between the UN and Iraqi regime in 1993, which agreed not to prosecute the chemical companies. Kurdish witnesses and complainers did not get fair treatment, and many perpetrators were protected and were not charged with crimes.

Instead of taking care of the interests of the victims, Kurdish leaders have protected and even defended perpetrators. For instance, they defended Nazar al-Xazeaji, Wafiq al-Samariy, and now Sultan Hashim. Furthermore, they protected and hid local perpetrators “the Jash.” They are too involved in the courts’ decisions.

Unlike other victimized nations of genocide, the Kurdistan Regional Government does not have any special local court designed to prosecute the perpetrators living in Kurdistan territory, and it does not have any future plans to create one, in spite of the fact that the courts in Kurdistan regions, like other courts in Iraq, are not independent and are under the influence of the political parties.

From the beginning of the Anfal trial, there have been frequent problems of weakness, incapability, partiality, and political interference. Political interests of Iraq, an Islamic and Arabic mentality, and national and ethnic interests were all evident throughout the trial and ultimately affected the legal proceedings. IHCC started the trials by focusing on the Dujail case, which is a small and insignificant case compared to the Anfal genocide. IHCC sentenced Saddam Hussein, the former Iraqi president, to death on the Dujail crime. Thus, the court assured a quick death to Saddam, as was planned in the law of the court. Somehow, in a political agreement, Saddam ended up in the Muqtada al-Sadr militia’s hands and was killed soon after, while the Anfal trial was ongoing. IHCC dropped the charges on Saddam Hussein in connection with the Anfal crime; thus, the court freed the main perpetrator of genocide legally. The guilt of genocide was removed from the Iraqi state and its

president and transferred to some Baath leaders. IHCC denied attributing the genocide to Iraq as a state and institution. IHCC and Iraqi politicians intentionally planned this from the beginning.

The Anfal trial was in Arabic, a language that is disliked by many Kurds. Many do not understand Arabic, which was the case for many Kurdish witnesses and complainants. The public prosecutor was weak and affected by the political interest of Iraq. He also demonstrated an Islamic and Arabic mentality, as evident in his speeches and reports. Abdullah al-Amry, the first judge of the Anfal trial, was obviously partial to Saddam Hussein. Al-Amry made several irrelevant and biased comments, such as, “Who said Anfal is genocide?” and, talking to Saddam, “Who said you are a dictator?” He defended Iraq’s integrity by saying, “Iraq cannot be separated,” and so on.

Interference in the court’s final decision permitted Tahr Tofiq Yusif al-Ani to be freed, and both Sabr Abd al-Aziz al-Dury and Farhan Mtlag Salh al-Jbury escaped the death penalty. Three perpetrators, Ali Hasan al-Majid (“Chemical Ali”), Sultan Hashm Ahmad al-Taiy, and Hussein Rashid al-Tikrity, were found guilty of crimes of genocide and sentenced to death. The latest scandal of political involvement in the court’s decision involves attempts to change the verdict and save the lives of Sultan Hashim and Hussein Rashid, two Sunni Arab leaders. According to the law of IHCC and the Iraqi constitution, the verdict cannot be changed and must be implemented within 30 days. American, Sunni Arab, and some Kurdish leaders are involved in that. It seems that political interests are more important than the implementation of the biased laws that Iraqi politicians and America itself has made. The public prosecutor, who demanded the death penalty before, has now changed his mind and supports overturning the sentence. The political game is ongoing, and it is not clear what the destinies of the perpetrators will be.

The attempts to change the verdict are insulting to Kurdish people, especially victims’ families. It is strange that the Kurdish leaders are also involved in this

scandal; rarely are political leaders from a victimized nation trying to save the lives of the primary perpetrators of the genocide of their own people. If America and the Arabs are acting on behalf of their own political interests and committing injustices against the Kurdish people, what are the Kurdish leaders trying to prove by allowing it? No matter who is involved in this scandal, this is a cruel offence against the Kurdish nation, the victims of the crime of genocide.

Prior to the establishment of the IHCC, the Center of Halabja against Anfalization and Genocide of Kurdish People (CHAK) required a neutral international tribunal for crimes committed against the Kurds. However, this demand was ignored, and now we witness scandal after scandal in which the Kurds are the main victims. In other words, the Kurds are victims of the political interests of post-Saddam Iraq. Therefore, the legal and political injustices make an international tribunal more necessary than ever before.

What's more, the Iraqi government has not yet apologized to the Kurdish people on behalf of the Iraqi state. As an institution, the Iraqi state is guilty of the crime of genocide, and it must apologize to the Kurdish nation, regardless of who is governing Iraq.

CHAK supports both the requirements of victims' families and the following demands:

- Interference in court must stop.
- Stop insulting the Kurdish victims of genocide and the Kurdish nation in general.
- The KRG must react, condemn, and prohibit political interference in court.
- Kurdish politicians who are involved in saving perpetrators must be stopped and prosecuted.
- All the Kurdish Jash who participated in the Anfal genocide must be put on trial.

- Other Anfal perpetrators, such as Nazar Khazraji, Wafiq Samaraity, and other known or high-level Iraqi officers must be prosecuted.
- Special teams to uncover and dig up the mass graves of victims must be established.
- A monument for Anfal victims in the Germian region, where the highest number of people were victims of genocide, should be erected, along with a corresponding museum.
- Compensation for all of the victims' families should be paid immediately.
- Victims' families must receive psychological, social, and economic help.
- All of the areas that endured the genocide and are now outside the Kurdish region must be part of the Kurdistan administration again, and the area must have sufficient defence and protection.
- Iraq must give an apology to Kurdish people now; any further delay is a denial of Iraq's guilt in the genocide.
- The political interference and the faulty Iraqi court cannot be accepted any more; thus, the KRG must demand an international tribunal for the crimes committed by the Iraqi regime against the Kurds.
- The KRG must establish local courts for the prosecution of perpetrators living in the Kurdish region. To secure an impartial court and trials, the UN must monitor a court that is either lead by neutral, professional, foreign legal jurists, or it must have mixed personnel of Kurdish and international jurists.
- Kurdish civil organizations of genocide must have observer status in relation to the trials of the perpetrators, compensation of victims' families, and other matters related to genocide.

14 April 2008

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