

# **Genocide in the Middle East**

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## **The Ottoman Empire, Iraq, and Sudan**

**Hannibal Travis**

FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW

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# Treaties and Statutes

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- African [Banjul] Charter on Human and Peoples' Rights, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986
- Algiers Agreement of 1975
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- Statute of the International Court of Justice, 17 U.N.T.S. 1n, entered into force Oct. 24, 1945
- The North Atlantic Treaty, signed on April 4, 1949, entered into force on Aug. 24, 1949
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- Treaty of Alexandropol of 1920 (Armenia-Turkey)
- Treaty of Alliance of 2 August, 1914 (Germany-Turkey)
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- Treaty of Brest-Litovsk of 1918 (Germany, Austria-Hungary, Bulgaria, Russia, and Turkey)
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- Treaty of Frontier and Good Neighborly Relations (Iran-Iraq) of 1975
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- Treaty of Peace etc. of Jan. 26, 1699 (Treaty of Karlowitz/Carlowitz)
- Treaty of Peace with Turkey, signed at Lausanne, July 24, 1923 (Treaty of Lausanne)
- Treaty of San Stefano of 1878 (Russian Empire-Ottoman Empire), signed on Mar. 3, 1878
- Treaty of Territorial Integrity and Friendship of June 18, 1941 (Germany-Turkey)
- The Universal Declaration of Human Rights, U.N. General Assembly Res. 217A (III), U.N. Doc. A/810 (1948)

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G.A. Res. 49/205 (1994)	S.C. Res. 955 (Nov. 8, 1994)
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- Prosecutor v. Milošević et al., Case No. IT-02-54-T, Indictment (May 24, 1999), <http://www.un.org/icty/indictment/english/mil-ii990524e.htm>
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- United States v. Alstötter et al., *reprinted in* 3 TRIALS OF WAR CRIMINALS BEFORE THE NUERNBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 1010 (1949), *and* 6 TRIALS OF WAR CRIMINALS BEFORE THE NUERNBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 88 (U.S. Military Trib. 1948)
- United States v. Flick, *reprinted in* 6 TRIALS OF WAR CRIMINALS BEFORE THE NUREMBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 1198–1202 (U.S. Military Trib. 1952)
- United States v. Krupp, *reprinted in* 9 TRIALS OF WAR CRIMINALS BEFORE THE NUREMBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 1436 (U.S. Military Trib. 1950)
- United States v. Ohlendorf et al., Judgment of April 9, 1948, *reprinted in* 4 TRIALS OF WAR CRIMINALS BEFORE THE NUERNBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 411 (U.S. Military Trib. 1948)
- United States v. Pohl et al., Judgment of Nov. 3, 1947, *reprinted in* 5 TRIALS OF WAR CRIMINALS BEFORE THE NUERNBERG MILITARY TRIBUNALS UNDER CONTROL COUNCIL LAW No. 10, at 958 (U.S. Military Trib. 1947)

# Preface

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The field of genocide studies has grown rapidly in recent years, fueled by interest in the Armenian genocide, the international criminal tribunals for the former Yugoslavia and Rwanda, and the widespread massacres in Darfur. While several comparative studies of the Armenian genocide and the Holocaust have been published, and a number of such studies also address genocide in Cambodia, Bosnia, and Rwanda, none of these works devotes much analysis to the experiences of other victims of genocide in the Middle East and North Africa since the 1890s. This book will help fill this gap, by presenting a comprehensive history of genocide in the broader Islamic world, with a particular focus on the twentieth century. Among other episodes often ignored by other works on genocide and human rights, it describes the attempted extermination of the Greeks and Assyrians (also known as Chaldeans, Syrians, and Syriacs) of the Ottoman Empire in the nineteenth and early twentieth centuries, of the Kurds and other persons living in northern Iraq in the late 1980s, and of the Dinka, Nuba, Fur, Masalit, and Zaghawa peoples of Sudan from the 1970s to the present. This work will also represent an advance on the existing scholarship in that its legal analysis of genocidal episodes is informed by the jurisprudence of the international criminal tribunals for the former Yugoslavia and Rwanda, the International Court of Justice, and various national tribunals in Europe and Asia.

Genocide is the crime of destroying, or attempting or conspiring to destroy, a national, ethnic or religious group, whether in whole or in part. Although the term was coined in 1943, conceptual architect Raphael Lemkin and many scholars have applied it to events occurring before World War II. This book focuses on three genocidal episodes, each spanning several decades. After introducing the concept and the geography and history of the Middle East and North Africa, it begins with the Armenians, Greeks, and Assyrians of the Ottoman Empire in the late nineteenth and early twentieth centuries. Iraq is the second area of focus, particularly the Kurds and other persons living under Saddam Hussein in northern Iraq in the late 1980s, and the victims of the deliberate starvation and massacres of civilians from 1990 to the present. The third case study is Sudan, mainly the government's massacres, enslavement, rape, torture, and impoverishment of the Dinka, Nuba, Nuer, Fur, Masalit, and Zaghawa peoples of that country.

This book attempts to situate each of these criminal campaigns in its historical context, as outgrowths of intolerant religious traditions, imperialism and the rise of the modern nation-state, Cold War insurgencies and counterinsurgency strategies, and the global competition for resources and markets at the expense of indigenous peoples. This will require a more thorough investigation of the case law on genocide than has been attempted in the literature on genocide to date, including detailed accounts of the prosecutions of the leaders of the Ottoman Empire after World War I, of Saddam Hussein and other Iraqi officials after Operation Iraqi Freedom, and of President Omar Hassan al-Bashir and other leaders of Sudan by the International Criminal Court. Finally, the book explores the emerging problems of genocidal terrorism, cultural genocide, and structural



genocide due to preventable starvation and disease. A comparably sophisticated legal perspective is often lacking from works by experts on history, sociology, or area studies. Conversely, historical and sociological depth is often lacking from purely legal works. This book strives to be thoroughly interdisciplinary, and to transcend the limitations of existing work.

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# **Genocide in the Middle East**

# Introduction

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Genocide is the most serious crime known to humanity.<sup>1</sup> Nevertheless, its history and effects in the Middle East region is not well known, and remains controversial in many respects. This book attempts to fill the many gaps that remain in our knowledge of the crime of genocide, with a particular focus on the twentieth century and the greater Middle East, including North Africa. The three clearest cases in the literature as it stands today are the Ottoman Empire in the first quarter of the century, and Iraq and Sudan from the 1980s to the present. Less often analyzed, but very important to their victims and to world history, are the attempted genocide of all the Jews of the Middle East during World War II, the deportation of several Middle Eastern peoples to mass death by the Soviet Union, and mass murder in India, Pakistan, and Afghanistan.

Genocide is not a crime confined to Europe or central Africa, despite the disproportionate focus of books and articles on the subject on the Holocaust, Bosnia-Herzegovina, and Rwanda.<sup>2</sup> In the historical literature, the most copiously documented genocide in the broader Islamic world occurred in the Ottoman Empire of the late nineteenth and early twentieth century. But in terms of international criminal law, the most often litigated genocidal events took place in the territories of Bosnia and Herzegovina and Rwanda from 1992 to 1995. Only comparatively recently have criminal tribunals, as well as civil courts in foreign nations such as the U.S., begun to investigate genocide in late twentieth century Iraq and early twenty-first century Sudan. Other massacres of Middle Eastern peoples, such as in 1980s and 1990s Afghanistan, 1940s and 1950s Algeria, 1990s Chechnya, 1930s and 1980s Ethiopia, 1940s India, 1990s and 2000s Iraq, 1930s Kazakhstan, 1970s Nigeria, 1970s Pakistan, 1970s Uganda, and 1980s and 1990s Sudan, have never resulted in appropriate criminal charges. In this study, none of these cases will be ignored.

This book has five major themes: the economic and imperial foundations of genocide; the commonality of indigenous peoples' experiences of conquest and displacement; the escalation of counterinsurgency operations into genocide as oppressive regimes seek to prevent dissolution, partition, or successful foreign intervention in their territory; religious warfare and the eradication in many regions of animism, polytheism, and minority religions; and the obligation to restore the lands, cultural property and integrity of peoples subjected to genocide. These themes are connected insofar as a typical pattern of genocide throughout history is the "discovery" and overthrow of indigenous peoples

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1. See *Prosecutor v. Kambanda*, Case No. 97-23-S, Trial Chamber I, Judgement and Sentence (Sept. 4, 1998), at ¶ 16; *Prosecutor v. Stakic*, Case No. IT-97-24-T, Trial Chamber, Judgement (July 31, 2003), at ¶ 502.

2. See Omer Bartov, *Seeking the Roots of Modern Genocide: On the Micro- and Macro-History of Mass Murder*, in *THE SPECTER OF GENOCIDE: MASS MURDER IN HISTORICAL PERSPECTIVE* 85 n.33 (Robert Gellately & Ben Kiernan ed., Cambridge: Cambridge UP, 2003) (suggesting that most "recent scholarly or journalistic attention [to large-scale massacres] concern[s] the Holocaust, Bosnia, and Rwanda").

by less polytheistic conquerors, often imperial or aggressor nations or peoples, who then massacre or drive out indigenous peoples from their lands, cities, and cultural landscapes, and commence the intensive exploitation of those territories economically and militarily. Likewise, a classic response to genocide is the demand, sometimes successful, for the restoration of the land and its monetary proceeds, or at least of a particularly sensitive portion of a land or city, to its original occupants. This response illustrates another key principle of the international law of genocide: genocide occurs not simply when a group is totally annihilated or when an attempt is made to achieve that result, but in any situation in which an intent to destroy a group in whole or in part may be inferred from massive, systematic, or discriminatory atrocities against a group. Thus, it is unsurprising that there were survivors of nearly every genocide in recorded history, and that few human groups go totally extinct in a biological or genetic sense, as opposed to in a linguistic, religious, or political sense.

Just as war can be a form of politics carried on by other means, so can genocide represent economic policy carried out by means of mass murder. Genocide is often the outcome of acts designed to enrich a dominant racial, ethnic, religious, or political group at the expense of smaller, weaker, or supposedly “inferior” groups that possess valuable lands, monies, labor, or other resources. Accordingly, the division of territory, the occupation of land and settlements, and the allocation of oil and mineral exploitation rights play major roles in nearly all campaigns of genocide and ethnic cleansing. Human history is haunted by the ravaging of sedentary agricultural or pastoral communities by bands of raiding and pillaging tribes, armies, and militia. Regions that have no defensible borders but a high degree of agricultural and architectural civilization, like the coasts of Africa, Mesopotamia, Egypt, China, Poland, and Russia, tend to experience repeated invasions, massacres, and attempts to enslave their populations.

Indigenous peoples, virtually by definition, have suffered conquest and ethnic cleansing. This is most obvious in the Americas, whose conquest and depopulation starting in the fifteenth century CE represented a prime example of genocide according to the author of the concept, Raphael Lemkin, and many later scholars.<sup>3</sup> Australia and New Zealand have also attracted sustained scholarly interest as fields for widespread massacres of indigenous people by European colonizers.<sup>4</sup> Africa is less often discussed as a field of strug-

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3. See, e.g., NAPOLEON A. CHAGNON, *YANOMAMÖ: THE LAST DAYS OF EDEN* (San Diego, CA: Harcourt Brace Jovanovich, 1992); GUATEMALAN COMMISSION FOR HISTORICAL CLARIFICATION, *GUATEMALA: MEMORY OF SILENCE* (1999), <http://shr.aaas.org/guatemala/ceh/report/english/conc2.html>; DAVID E. STANNARD, *AMERICAN HOLOCAUST: THE CONQUEST OF THE NEW WORLD* 40–46, 294–95, 302–7 (New York: Oxford UP, 1992); David E. Stannard, *Uniqueness as Denial: The Politics of Genocide Scholarship*, in *IS THE HOLOCAUST UNIQUE?: PERSPECTIVES ON COMPARATIVE GENOCIDE* 163–208 (Alan S. Rosenbaum ed., Boulder, CO: Westview Press, 2001); RONALD WRIGHT, *STOLEN CONTINENTS: 500 YEARS OF CONQUEST AND RESISTANCE IN THE AMERICAS* 3–83, 143–199, 241–291 (Boston: Houghton Mifflin Harcourt, 2005); Richard Ahrens, *Death Camps in Paraguay*, 4 *AMERICAN INDIAN* J. 3 (1978).

4. See, e.g., Ann Curthoys, *Raphaël Lemkin’s “Tasmania”: An Introduction*, 39 *PATTERNS OF PREJUDICE* 162 (2005); Ann Curthoys, *Raphael Lemkin on Tasmania*, in *COLONIALISM AND GENOCIDE* (Dirk Moses & Dan Stone eds., Oxford: Berghahn Books, 2007); Ann Curthoys, *Genocide in Tasmania: The History of an Idea*, in *EMPIRE, COLONY, GENOCIDE: CONQUEST, OCCUPATION, AND SUBALTERN RESISTANCE IN WORLD HISTORY* 229–52 (A. Dirk Moses ed., Oxford: Berghahn Books, 2008); Robert Finzsch, “*The Aborigines Were Never Annihilated, and Still They Are Becoming Extinct*,” in *id.* at 266 n.11 (collecting sources); *GENOCIDE AND SETTLER SOCIETY: FRONTIER VIOLENCE AND STOLEN INDIGENOUS CHILDREN IN AUSTRALIAN HISTORY* (A. Dirk Moses ed., Oxford: Berghahn Books, 2004); CHADWICK ALLEN, *BLOOD NARRATIVE: INDIGENOUS IDENTITY IN AMERICAN INDIAN AND MAORI LITERARY AND ACTIVIST TEXTS* 2–4 (Chapel Hill, NC: Duke UP, 2002). Indigenous peoples exist else-

gle between indigenous peoples and conquerors from elsewhere, but many peoples such as the Dinka of Sudan or the Hutu of Burundi, the Congo, and Rwanda believe that they inhabited these territories prior to more recent aspirants to dominance, ethnic groups self-identifying as Arabs or Tutsis. Awareness is also growing that for many centuries throughout southern and western Asia, indigenous Copts, Phoenicians, Jews, Armenians, Greeks, Assyrians, Persians, and Dravidians inhabited lands now dominated by Turks, Arabs, Kurds, or “Aryans.” Scholarship has also proliferated documenting the widespread, systematic, and extremely brutal acts of genocide against these peoples by a succession of invading empires. In Europe, the history of Britain and the former Soviet Union reflect the persistent killing and displacement of Celts, Slavs, and other long-oppressed tribes and peoples, typically by nations or empires organized and led by Germanic peoples.<sup>5</sup>

Indigenous people are often massacred and deported from valuable lands during wars valorized by their prosecutors as divinely inspired or mandated. Ancient empires frequently memorialized their wars as proof of supernatural blessings and divine missions. Nevertheless, ancient kings accepted their former enemies into their armies, frequently rebuilt enemy cities, and even adopted enemy gods as part of the dominant pantheon.<sup>6</sup> The destruction of the Amorites and other peoples of Canaan proclaimed in the biblical Books of Deuteronomy, Joshua, and Numbers departed from this pattern, as the adherents of an exclusivist deity resolved to eliminate and even blot out the memory of their local rivals. Polytheistic and animistic peoples falling under the rule of Christian empires over the millennia often suffered a similar fate, as did many insufficiently monotheistic or even overly monotheistic “heretics.” The highest political and religious authorities repeatedly declared the lives and property of animists and polytheists to be a divine gift to the Christians. Similarly, Arab, Mongol, and Turkic rulers proclaiming adherence to Islam often viewed polytheists, Jews, and Christians as forfeiting their right to live, or to remain in their homelands, as long as they clung to their ancient ways.<sup>7</sup>

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where throughout the Pacific Rim, including in Malaysia, the Philippines, and Indonesia. See, e.g., Associated Press, *Borneo's Ancient Tribe Threatened by Loggers: Rights Group*, INT'L HERALD TRIB., July 27, 2007, <http://www.iht.com/>; Jose Mencia Molintas, *The Philippine Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts*, 21 ARIZ. J. INT'L & COMP. L. 269, 273–74 (2004); *West Papua*, in UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION: YEARBOOK 1996, at 127–29 (Christopher A. Mullen & J. Atticus Ryan eds., Boston: Martinus Nijhoff Publishers, 1997).

5. See, e.g., MICHAEL HECHTER, *INTERNAL COLONIALISM: THE CELTIC FRINGE IN BRITISH NATIONAL DEVELOPMENT, 1536–1966* (London: Taylor & Francis, 1975); GEOFFREY P. MEGARGEE, *WAR OF ANNIHILATION: WAR AND GENOCIDE ON THE EASTERN FRONT, 1941* (Oxford: Rowman & Littlefield, 2006); TADEUSZ PIOTROWSKI, *POLAND'S HOLOCAUST: ETHNIC STRIFE, COLLABORATION WITH OCCUPYING FORCES AND GENOCIDE IN THE SECOND WORLD WAR* (Jefferson, NC: McFarland, 1998); S. Harrison Thomson, *The Conflict of Slav and German*, in *A HANDBOOK OF SLAVIC STUDIES* 140–76 (Leonid Strakhovsky ed., Cambridge, MA: Harvard UP, 1949).

6. For example, the Assyrian Empire adopted the Babylonian god Marduk into its pantheon, and permitted citizens of new provinces to retain their ancestral gods, which is why those gods survived for many centuries after the rise of the Assyrian Empire. See, e.g., Simo Parpola, *International Law in the First Millennium*, in *A HISTORY OF ANCIENT NEAR EASTERN LAW* 1061 (Raymond Westbrook ed., Leiden, the Netherlands and Boston, MA: Brill, 2003) (discussing Assyrian tolerance of other religions within the empire); STEVEN WINFORD HOLLOWAY, *AŠŠUR IS KING! AŠŠUR IS KING!: RELIGION IN THE EXERCISE OF POWER IN THE NEO-ASSYRIAN EMPIRE 370* (Leiden, the Netherlands and Boston, MA: Brill, 2001) (describing incorporation of Marduk into Assyrian pantheon).

7. See, e.g., JAMSHEED KAIRSHASP CHOKSY, *CONFLICT AND COOPERATION: ZOROASTRIAN SUBALTERNES AND MUSLIM ELITES* (New York: Columbia UP, 1997); MICHAEL G. MORONY, *IRAQ AFTER THE MUSLIM CONQUEST 345–409* (Princeton: Princeton UP, 1984); SUHA RASSAM, *CHRISTIANITY IN IRAQ: ITS ORIGINS AND DEVELOPMENT TO THE PRESENT DAY* 35–45, 67–91, 180 (London: Gracewing,

Slowly, starting in the nineteenth century CE but with growing momentum after World War II, a movement developed to reverse these processes of indigenous displacement and extinction. Inspired by the American and French Revolutions, the otherwise very different Haitian, Latin American, and Greek wars of independence reclaimed local control from faraway empires. The rest of the nineteenth century saw similar movements in the Balkans, Lebanon, and Armenia. After World War I, many captive peoples from the Ottoman Empire gained their independence, and France and Belgium were awarded reparations for the devastation inflicted by the Second Reich. Dozens of countries won independence after World War II, and numerous colonies of Britain, France, Spain, and the Netherlands followed in the next thirty years. States, persons, and entities aggrieved by Iraq's invasion of Kuwait in 1990 obtained billions of dollars in reparations, and southern Sudan won compensation under a peace treaty with the north. Indigenous peoples increasingly obtained reparations payments from national parliaments and courts, and from regional human rights tribunals such as the European Court of Human Rights.

A common feature of genocides in the twentieth century is their origin and justification in counterinsurgency operations by which the rulers of a multiethnic state or empire sap the base of operations of a liberation movement by exterminating its leaders as well as large numbers of the civilian population out of which the rebellion grew. It is well known that genocide or attempted genocide in Bosnia, Rwanda, and Kosovo occurred due to insurgencies that enjoyed substantial foreign support or at least safe harbor.<sup>8</sup> By their very nature, rebel movements typically lack large well-defined armies that can present a distinct battle front, rely on sympathetic civilians rather than tax revenues for their financing, and prefer sabotage, ambushes, assassinations, and bombings often described as "terrorism."<sup>9</sup> The origin of many adjudicated genocides in insurgencies and rebel movements invalidates the frequent attempts of genocide deniers to defend massacres and devastation of civilian areas as legitimate counterinsurgency warfare, civil war violence, political chaos, or with other euphemisms.

A similar dynamic has played out in the Middle East and North Africa. In the Ottoman Empire, Interior Minister Talât Paşa issued orders describing the Armenian, Assyrian, and Greek subjects of the empire as saboteurs and dangerous insurgents allied to Russia who needed to be deported from their homes. The authorities then carried out deportations of civilians in conjunction with widespread massacres by the army and allied militia, as well as systematic rapes and protracted starvation and disease. There may also have been telegrams from the Interior Ministry ordering the extermination of Armenian civilians and the denial of humanitarian relief to Assyrians. Similarly, in 1980s Iraq the Revolutionary Command Council of the Ba'ath party issued orders that served as the basis of convictions for genocide and other crimes in the Iraqi High Tribunal. These orders declared that areas serving as a base of operations for Kurdish insurgents and pro-Iranian saboteurs should be rendered devoid of all life. Kurdish and Assyrian towns and villages were then destroyed, and the civilian population was massacred or forcibly deported from the area, with widespread enforced disappearances, torture, rape, and plunder. Finally, in the Darfur region of Sudan, as in southern Sudan before it, the president and interior minister issued orders to the army and allied militia to kill and drive out entire

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reprint ed. 2006); BAT YE'OR, *THE DECLINE OF THE EASTERN CHRISTIANITY UNDER ISLAM: FROM JIHAD TO DHIMMITUDE* (London: Associated Univ. Presses, 1996).

8. See, e.g., BENJAMIN A. VALENTINO, *FINAL SOLUTIONS: MASS KILLING AND GENOCIDE IN THE 20TH CENTURY* 77, 179–91 (Ithaca, NY: Cornell UP, 2004) (describing these genocides as partially "counterguerrilla" in motivation).

9. See *id.* at 197–98.



communities in regions seeking independence, autonomy, and/or political equality. Again, large-scale massacres, systematic rapes, and devastation of villages and communities ensued.

Alongside mechanisms to liberate and compensate victims of imperialist aggression, institutions emerged for the criminal prosecution and punishment of military leaders guilty of aggressive or inhumane attacks on neighboring states and civilian populations. The earliest prominent example of this trend was the trial and conviction of a warrior in the service of the Duke of Burgundy for murder and rape committed in fifteenth-century Austria. The trials of British soldiers for the Boston Massacre in 1770, and of Napoleon Bonaparte in the aftermath of his bid to take over Europe and North Africa, further developed international understanding of and demand for enforceable laws of war. The Hague Regulations of 1899 and 1907 outlawed murder, pillage, destruction of undefended towns or private property, and executions of wounded prisoners of war. After World War I, the trials of Ottoman Turkish officials in Istanbul for massacres and pillaging of Christian communities introduced “crimes against humanity,” a concept previously used to condemn, and even to prosecute, owners of African slaves in the U.S. The trials of German officers in Leipzig for abusing prisoners of war addressed the “command responsibility” of officers for the crimes of their subordinates. The Nuremberg trials and other European, Tokyo, and Far East trials in the aftermath of World War II solidified the crimes of aggression and crimes against humanity, including extermination of minorities. A few years later, in 1948, the Genocide Convention codified the existing crime of genocide.

Chapter I describes the development of an international law of armed conflict prior to and as the backdrop for the Genocide Convention. Chapter II describes historical evolution of the concept of genocide under international law, and the Genocide Convention itself. Chapter III is a theoretical and historical discussion about the concept of genocide within historical scholarship, and as a subject of criminal tribunals since 1946. Chapter IV describes the historical connection between monotheism and genocide, including a brief history of the concept of religious or “holy” war, including the accounts of the wars of Israel against the Amorite and Amalekite inhabitants of biblical Canaan; and the Christian holy wars against non-Christians and indigenous peoples in Europe, the Americas, Africa, and Asia. Chapter V details the rise and expansion of an “Islamic world,” from the conquest of multireligious Arabia; to the early Caliphate’s *jihad* against Christian, Jewish, and polytheistic peoples in the Middle East, North Africa, South Asia, and Europe; to the Crusades waged to “retake” parts of the Middle East; to the Mongol armies’ devastation of Asia, including Muslim-controlled Persia and Mesopotamia.

Chapter VI concerns the genocide of the Ottoman Armenians, which arguably began in the nineteenth century, reached a macabre climax in 1915–16, and continued to be waged until the mid-1920s. Chapter VII deals with the genocide of the Assyrians in Turkey, Mesopotamia, and Persia, again arguably starting in the 1800s and continuing through the 1920s or even the 1930s. Chapter VIII focuses on the genocide of the Anatolian Greeks, particularly along the coasts of the Black Sea and the Aegean Sea, but also in Thrace, eastern Anatolia, and elsewhere.

Chapter IX explores the aftermath of the Ottoman Christian genocide, the League of Nations system, the Italian invasion of Ethiopia, and the preparations by the great world empires in the Middle East for the next mass mobilization, World War II. Chapter X deals with World War II and the Holocaust, and especially with its impact on the Islamic world, including the British, Soviet, and indigenous Christian repulsion of Nazi German inroads into the Middle East.



Chapter XI analyzes Cold War genocides and alleged genocides. It will start with East Asia at the close of World War II, with the collapse of the Empire of Japan and the rise of the Soviet Union and the U.S. as Pacific powers. This new array of forces led to the partition of North and South Korea; withdrawal of Britain from India and the massacres of Hindus and Muslims during the separation of Pakistan; the Chinese revolution and Great Leap Forward and ensuing annexation and colonization of Tibet; the independence struggle and international armed conflict in Vietnam; the U.S. bombardment of Cambodia and resulting Khmer Rouge genocide; the Suharto regime's coming to power and massacres of Indonesia's Chinese, leftists, Christians, and students starting in 1965; and Indonesia's invasion and depopulation of East Timor (*Timor L'Este*) starting in 1975. Turning to south and central Asia, Chapter XI describes the Soviet occupation and genocide in Afghanistan, which accelerated Gulf Arab and U.S. support for Afghan rebel groups responsible for numerous crimes and massacres of their own. Finally, Chapter XI will discuss the independence struggles, civil wars, and extremely high death tolls in Cold War-era Algeria, Ethiopia, Guatemala, and Nigeria.

The Cold War in Iraq, and the massacres, cruel tortures, and other human rights violations that it provoked from 1945 to 1990, are the focus of Chapter XII. In particular, Chapter XII describes the genocidal Anfal campaign carried out by the Ba'ath party against Kurds and other minorities living in northern Iraq in the late 1980s, as well as massacres of Shi'a and Kurdish civilians suspected of disloyalty to the government in the 1980s and early 1990s. It also summarizes the frequent argument by a number of Iraqis, as well as some U.N. officials and Western scholars, that the bombardment of Iraqi water, sanitation, and public health infrastructure during and after Gulf War II, combined with the comprehensive U.N. sanctions on Iraq of the 1990s and early 2000s, degraded living conditions in Iraq to such an extent as to constitute war crimes or even genocide. Although the scale of the civilian and especially the infant and childhood deaths justified an inference that the Gulf War coalition and U.N. Security Council knowingly framed and persisted in a policy that destroyed the nation of Iraq in part, analysis of the devastation as a U.N. genocide is complicated by U.N. aid to Iraqi refugees and displaced persons, as well as by efforts to rebuild Iraqi society after the fall of the Ba'ath party.

Chapter XIII concerns post-Cold War genocides and civil wars that resulted from the dissolution of the Cold War client states of the U.S. and the Soviet Union. The principal focus of this chapter is genocide and genocidal tendencies in post-Cold War Asia (Turkey, Chechnya, Afghanistan, Indonesia, India, and Sri Lanka), as well as in Africa (Algeria, Angola, the Democratic Republic of the Congo, Ethiopia, Liberia, Nigeria, Rwanda, Sierra Leone, and Somalia), and in the Americas (Brazil, Colombia, Ecuador, Guatemala, and Haiti). The chapter also describes structural genocide by preventable famine and disease, notably in Chad, India, Niger, North Korea, South Africa, Uganda, and Zimbabwe, as well as Iraq and Sudan.

Chapter XIV argues that although the massacres of and deliberate famines affecting indigenous Africans in southern Sudan began prior to the end of the Cold War in 1991, they formed part of a genocidal campaign that culminated in the massacres of the Dinka, Nuba, and Masalit in the mid-1990s, and was aggravated by the fall of the pro-Soviet President Mengistu Haile Mariam of Ethiopia. Chapter XV analyzes the massacres of Fur, Masalit, and Zaghawa peoples in Darfur, who lacked an effective sponsor of their rebellion, as a continuation of Sudan's counterinsurgency genocides against its indigenous peoples.

Chapter XVI discusses genocidal aspects of *al Qaeda* terrorism against the people of Afghanistan under the Taliban, against the U.S. on 9/11, and potentially against the peo-

ple of India by a nuclear-armed Pakistan with deep ties to the Taliban and *al Qaeda*. Chapter XVII extends the description of genocidal terrorism to encompass the widespread massacres of Iraqi civilians by car bombs, assassination campaigns, and destruction of essential infrastructure since 2003. Chapter XVIII deals with the largely unsuccessful attempts by war crimes tribunals to address genocide and other crimes in the Islamic world, particularly in Iraq and Sudan, and will argue that civil reparations, or the compensation of genocide victims by the states guilty of killing them, should occupy a more prominent role within international law.

This book's contribution to the existing literature lies principally in focus, emphasis, and selection of source materials, instead of in its political or economic agenda. Historical episodes in Asia and Africa that track the legal concept of genocide are lingered over, while genocides in other regions are briefly summarized or perhaps altogether ignored, as are large stretches of history in Asia and Africa characterized by more peaceful or productive relations between peoples or civilizations. Rosy portraits of various historical eras and their political or military leaders already crowd our bookstores and libraries. Shelves groan under the weight of apology and hagiography disguised as history or biography. In that respect, this book is different.

The focus of this book may raise the question of why other cases of genocide in Europe, the Americas, Africa, and Asia are analyzed only in passing. Nothing in it is intended to suggest that the experiences of the peoples of the Ottoman Empire, Iraq, or Sudan are particularly unique or unprecedented from the standpoint of world history. The genocide of the Jews, Slavs, Roma, and other political and religious minorities in World War II-era Europe included well over thirty million deaths and incalculable damage to bodies, psyches, cities, and nations. Going further back in history, the devastation of African kingdoms and tribes, wholesale massacres of African villagers, and enslavement and torture of tens of millions of Africans over the centuries stands as an appallingly vast story of crime and woe. What Thomas Jefferson called the "extermination" of Native American populations decimated many nations and tribes, including the Taino of Hispaniola, Iroquois and Cherokee of North America, Mayans and Aztecs of Central America, and Achè and Tupi of South America. Even earlier, the Mongols' and Romans' imperial depredations against native peoples in Asia and Africa claimed millions of lives and many exquisite works of art and architecture. Rather than downplay or relativize these other historical episodes of genocide, this book is intended to draw continuities between, and expand on the findings of, the many studies dealing with cases of genocide from ancient times to the present.

Treaties, diplomatic correspondence, and the case law of international tribunals command particularly close attention as source material. As in the judgments of international tribunals, admissions by heads of state or other political officials may be important evidence of conduct by the relevant State in violation of legal or moral standards.<sup>10</sup> This is not out of an obsequious regard for authoritative sources, but in order to describe legal history, and out of the recognition that treaty terms and international court decisions are windows into the underlying social forces that collide and carve out legal boundaries between nations, eras, and memories. A treaty or tribunal decision is typically the outcome of negotiation and debate among several leaders of very large territories and social movements, whether for good or for ill. The gaps and hypocrisies that characterize many such documents will not escape attention.

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10. See *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986, at 41, ¶ 64.