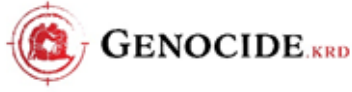


Proceeding Conference

International Scientific Conference
on the Genocide of the Kurdistan Nation
(Genocide of Kurdish Faily)



Salahaddin University



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Series (1): Genocide against the Kurdish Faily



International Scientific Conference
on the Genocide of the Kurdistan Nation
(Genocide of Kurdish Faily)

Proceeding Conference

**International Scientific Conference
on the Genocide of the Kurdistan Nation
(Genocide of Kurdish Faily)**

E rbil 2-4/5/2023

Supervision

Prof. Dr. Salem Jassim Hajy

Prof. Dr. Salah Mohammed SalimAsst

Prof. Dr. Nashwan Shukri Abdullah

Dr. Azad Salem Muhammad

Asst. Prof. Dr. Abdulrahman K. Darwesh

International Scientific Conference on the Genocide of the Kurdistan Nation Genocide of Kurdish Faily (4)

Supervision: Prof. Dr. Nashwan Shukri Abdullah

Prof. Dr. Salah Mohammed Salim

Asst. Prof. Dr. Salem Jassim

Asst. Prof. Dr Abdulahman Karim Darwesh

Dr. Azad Salim Mohammed

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Proceeding Conference

International Scientific Conference
on the Genocide of the Kurdistan Nation
(Genocide of Kurdish Faily)

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Introduction

Genocide is considered the mother of all crimes. It is a crime against groups of people, perpetrated for different reasons such as, nationality, ethnicity, race, or religion. Many crimes have been committed against these different human groups in history, leaving an impact on the fate, cultural and biological make up, environment, life, and the ideals of targeted groups.

Kurds are one of the oldest nations on earth. They have settled and lived on their ancient land since the beginnings of history. A wealthy nation with different cultures and religions. After World War I, part of Kurdistan was annexed to the Iraqi state and faced many atrocities, including, war crimes, hostility, crimes against human rights, and genocide.

The genocide of the Faily Kurds was carried out in several different phases; until finally, Ba'athists systematically implemented the crime and expelled dozens from their homes, deprived them of their citizenship, and expelled them to the Iranian border in the worst conditions. The cities and towns of the Faily Kurdish areas were destroyed and Arabized, their properties were confiscated; and their family homes were dissolved.

Much of this crime was committed in the Iraqi capital, in the sight of the Iraqi, regional, and international communities. Although 43 years have passed since the last phase of the genocide, a large number of survivors remain without citizenship, and they have not been compensated for the loss of their properties. Thousands of them still live in exile. The fate of more than 22,000 missing people remains unknown. After the fall of the Ba'ath regime, this crime was recognized as genocide by the Iraqi High Criminal Court, but the Iraqi government has not apologized, and they have not been compensated for their losses.

The idea for this conference stems from a sense of historical, moral and scientific responsibility. It also works through scientific methods and under the slogan of "revealing the facts to achieve justice". It is significant not to forget this abominable crime and to understand its causes, motives and impacts. Therefore, we attempt

to arrive at appropriate solutions via scientific ways to prevent it from happening again and to call for compensating the victims and for holding the perpetrators accountable.

From an academic perspective, we aim to have this crime scrutinized, which will constitute the right step for the establishment of the field of genocide studies in Kurdistan; a region that has been considered the center of genocide by local and foreign genocide scholars. Hundreds of researchers have been contacted nationally and internationally. For this conference, 109 research papers in the field of the genocide of Faily Kurds have been accepted. Many others could not unfortunately attend the conference in person due to technical issues. Fortunately, all this has brought the case of the Faily Kurds to the table once again, and once again it has become the focus of study by official, academic, organizational and national stakeholders.

When this project was introduced to his Excellency, President Masoud Barzani, it was met by his excellency's enthusiasm and support, resulting in this academic achievement today. This goal was also worked for through the partnership of three universities, «Salahaddin University-Erbil, Duhok University, and Soran University», in collaboration with several other universities and academic institutions, in addition to the valuable efforts of the High Committee, Joint Organizing Committee, Scientific Committee, Advisory Committee and all the committees and researchers who worked

tirelessly to make this conference a success.

Asst. Prof. Dr. Abdulrahman K. Darwesh

Table of Contents

Banjaluca and Baghdad The Cases of Ethnic Cleansings of Bosniaks and the Faili Kurds Ibrahim Sadiq Malazada (PhD) and Alek Barovic	15
Genocide and the Assimilation of the Faylee Kurds from the Perspective of the Sociological Theory	39
Faily Genocide as an International Law Issue Dr. Sanh Shareef Qader	53
The Kurds Extermination Crimes of Genocide and The Kurdish prospected Contribution in Portraying the Universal Vision to Suppressing Them Dr. Hiwa Ali Hussein	85
The International Perspective of the Crime of Genocide: The Case of Faili Kurds Iman Abdullah Omer - Hoshang Dara Hama Ameen	103
The Manifestation of the Concept of Statelessness in the Case of the Faili Kurds Assist. Prof. Dr. Saeideh Shariati Najafabadi - Hoshang Dara Hama Ameen	123
«The Role of the International Prosecutors in the Genocide of Faily Kurds» Goran Hussein Ahmed, University of Garmian, Department of Law.....	

Banjaluka and Baghdad

The Cases of Ethnic Cleansings of Bosniaks and the Faili Kurds

Ibrahim Sadiq Malazada (PhD) and Alek Barovic

Abstract:

In this paper, we will comparatively analyse the cases of ethnic cleansing of Bosniaks and Faili Kurds in the towns of Banjaluka in Bosnia and Herzegovina and Baghdad, the capital city of Iraq. A year before the war broke out in Bosnia and Herzegovina, over 30 thousand Bosniaks lived in Banjaluka, making up around 15% of the town's total population. When Serb nationalists took power in this part of the country, it was clear that future borders would be drawn on ethnic grounds. The war proved this claim. Persecution of non-Serbs soon commenced, and over 20 thousand Bosniaks in Banjaluka were permanently uprooted within just nine months, and this led to the almost entire Bosniak population of Banjaluka being exiled, and claims of a so-called 'humane' relocation are evidence of genocidal intent. In this paper, we will compare the Banjaluka events of 1992-1995 with the fate of the Faili Kurds who lived in Baghdad and around during Saddam Hussein's rule. Like the Bosniaks, the Faili Kurds were robbed of fundamental human rights by the Iraqi government. This paper will analyse the similarities and differences between these events. Also, we will present potential solutions for inherited problems that mean a massive burden on the victims and their families. Finally, we will use the process-tracking method to help us reach conclusions based on causal mechanisms and comparative methods to find relations between those two cases.

Keywords:

Iraq, Serb Republic, Baath Party, Failsi Kurds, Bosniaks, Ethnic cleansing
Introduction.

It is not surprising to find similarities and symmetries between human behaviours, despite the distance from places, different cultures and races. When we review the events of history, we see that there are no behaviours that suddenly occur and disappear, but rather that these behaviours have roots and precedents due to cultural patterns passed on from generation to generation. Specifically, violence is a long-term process of change. This is what we find in the nationalist movements and parties whose ideologies are similar to the German Nazi movement and Italian chauvinism, and above all the Serbian and Arab/Baath nationalism (Dawisha, A.I.1980). Based on these ideologies, movements formed and adopted a culture of destruction and nationalism that considers itself subservient. Thus, these extremists see enemies and external danger that threatens them through internal agents.

Hence, the problem of conflict and the invention of the societal division between “us and them” starts here. We are the best and superior to the others, who are inferior in status, or they are the foreigners who conspire against us, support imperialism and Zionism, and many other calamities that the Baathists used to raise against the Kurdish people in general. The question in this regard is why the behaviours that believe in racial superiority are similar. It invokes various justifications in order to implement its projects and carry out its multiple crimes against the non-Arabs or non-Serbs. They also justify their racist goals for the sake of delusions of a superior and clean society. There may also be security or conspiracy justifications. Or there may be war conditions that allowed them to implement their projects. Hereafter, the other question is, what is the appropriate and suitable ground for implementing the nationalist project that the Arab and Serb nationalists believed in to eliminate the Bosniaks and the Failsi Kurds?

Thus, through the historical comparison of the events that occurred in Banjaluka and Baghdad to identify the two ethnic groups, we aim to analyse the means and methods by which the two groups were targeted in their historical region and the pain caused by the Serb and Arab nationalists in Bosnia and Iraq. Guided by the belief that their actions restore their countries' dignity and independence, the two extremist nationalist movements identified themselves as socialist / national-

ists. On the Arab side in Iraq, the slogan was the unity of the Arabs and the restoration of the dignity of the Arabs, which was defiled by what they called Zionism and imperialism. In Bosnia, also for the sake of the Serb supreme state and the restoration of the historical glories of Serbia. Therefore, the importance of this research lies in knowing the similarities and differences between the two events that caused the annihilation of two human groups at two different times. This confirms that human pain and concerns are the same. Likewise, knowing aggressive collective behaviour makes it possible to prevent the recurrence of such crimes and stand up to aggressive ideologies that have no identity.

Despite its difficulty, writing joint research and comparative contains great importance and experience. Language may be one of the difficulties when comparing two different variables, especially access to accurate and direct sources about similar crimes that occur in separate parts of the world. For example, when we study the events of the genocide that happened to the Faili Kurds, we find that it is very similar to the events that occurred to the Bosniaks in Republika Srpska. This indicates the similarity of justifications and motives and the likeness of ideology. Also, the geographical location did not help the Bosniaks to prevent crime, and in general, during the wartime between the Serbs and the Bosniaks. Likewise, the geographical location did not aid the Faili Kurds in avoiding the occurrence of crime and preventing genocide.

Nevertheless, the Bosniaks were privileged to hold an international trial to avenge their victims. As for the Kurds in general, including the Faili Kurds, they did not have an international trial, except for the Iraqi High Criminal Court, which was a domestic court and faced much criticism,” and the perpetrators were not brought to justice properly and legally (Newton, M.A., (2006). Even the most important of its parts is access to compensation that is fair to everyone.

Here, we attempted to link both genocides and to compare the angles and subtleties of both of them for the purpose of human communication and to prevent the return of such crimes that afflict humanity. After the introduction, the topic is divided into a theoretical dimension and a valuable presentation of the two events that the Bosniaks in Banjaluka and the Faili Kurds in Baghdad were exposed to. The crimes that the Faili Kurds and the Bosniaks were subjected to have been compared and were considered genocide according to international humanitarian law.

Finally, in this study, the descriptive analytical method was used to discuss

the topics of the study, which consist of a comparison between two processes of ethnic cleansing of both groups of Faily Kurds in Baghdad and Bosniaks in Bosnia and Herzegovina. Both processes were implemented during the war. Both groups were targeted on the basis of two main differences: including the ethnic background and religious dimensions. Finally, the study has reached several important conclusions that are presented.

1. Theoretical dimensions

The dimensions of discrimination are ingrained in primitive human nature. Whether the discrimination was to protect their own security or the food they had, they wanted to protect themselves from discrimination at all costs. The paradigm here is the 'otherness' of a human group, a group that was different from their family or tribe, and religion may have been a factor in those times. In the modern period, families and tribes change into ethnicity, religion or race. This human nature can be called primitive discrimination (Bridger, W.H., 1961).

Norbert Elias presents an early form of the distinction based on the old and the new paradigm. He describes this as relating "to the distinctions between the established – those who comprise the official establishment and unofficial, socially mediated cliques – and the outsiders – those lacking in connections or social advantage – who are excluded from the power, economic and knowledge structures of the society in which they live" (Elias & Scotson, 1994). Elias's view is based on a preliminary study conducted by a member of the Winston Parva community named John Scotson, a community that people thought were the establishers of Winston Parva had a kind of unity and similarity but 'in their own feelings' the people who moved to the community sometimes later, who had the same ethnicity, religion and shape, but because they were new and divided on class and economic lines, they called them outsiders.

Thus, there can always be a motive for discrimination. Here, a long-term process of change keeps people away from violence related to what Elias calls a specific type of order. Elias argues that "in fact, nothing in history indicates that this change was brought about 'rationality', through any purposive education of individual people or groups. It happened by and largely unplanned; but it did not happen, nevertheless, without a specific type of order" (Elias, 2000, p. 365). Therefore, primitivism, or in other words, cruelty in human society, is often unrelated to modernity, rationality and education because, in our experience, there have been

many ethnic cleansing by people who consider themselves rational. They always had an advanced education system. For example, the education system in Iraq was described as one of the best in developed countries but has suddenly moved towards a violent situation that is impossible to categorise as rational. Here, Elias calls this failure the de-civilising process or breakdown of civilisation. “Both expressions, ‘de-civilisation’ and ‘breakdown of civilisation’, refer to constellations of widespread and violent destruction that succeed earlier periods when civilisation prevailed to a greater degree, with more restrained modes of interaction and more tempered self-constraints” (De Swaan, 2001).

From this point of view, “Elias conceptualises human aggression as a drive which is inseparable from the configuration of human drives (Fletcher, 2013, p. 24)”. What is still attached to and inseparable from society is the aggression that has put the lives of dozens of groups in front of the option of survival or disappearance. Hence, the concept of ethnic cleansing in the face of the process of civilisation, which is one of the characteristics of nation-state building, is always likely to be repeated against different groups within the state.

Much has been said about ethnic cleansing, especially genocide, which Elias considers a de-civilising process. On the other hand, what is its difference from genocide? However, ethnic cleansing in detail does not mean the destruction of part or the whole group, but the perpetrator’s intentions are sometimes much more brutal and hateful. In this way, through cleansing, the perpetrator wants to change society from a pluralistic and mosaic state to a one-dimensional and one-coloured state, from a democratic regime to an authoritarian regime. Transferring group members outside its borders through killing, intimidation, sexual assault and confiscation of property, destruction, expulsion and systematic transfer. There are many examples in this discipline, and we will compare and research two prominent examples in this study.

In this regard, the nature of ethnic cleansing, according to Raphael Israeli, “the term ethnic cleansing evokes images of the massive uprooting of ethnic groups by force to achieve a demographic or ethnic change in a certain area, or to punish ethnic groups by exiling them en masse from their land” (Israeli, 2008).

It may not always be intended to change the demographics but rather an excuse to secure the issue of a particular group and then attack and cleanse them as a paradigm of ethnic cleansing. Therefore, in the example of the genocide of the Faili

Kurds, the justification was security. The Failis were deprived of Iraqi citizenship from the very beginning with the establishment of the Iraqi state. Fifty to sixty years after the establishment of Iraq, the Faili Kurds were suddenly exposed to ethnic cleansing by the Iraqi government. Unlike the case of Banjaluka, which was intended to cleanse and expel Bosnians for the same purpose that Israeli emphasises in his definition, namely to change the demography of Banjaluka. Thus, the purge of a small group as a continuous paradigm is always an easy target for their destruction, whether the justification is considering them traitors and a threat to the national security or demographic change.

2. The story of Faili Kurds

The Faili Kurds' story began with the Iraqi state's establishment in 1921 (Eppel, 1998) when this state was handed over to an Arab elite with a Sunni nationalist orientation. The establishment began with the nation-state-building process. And its first step was constituting the state. In this constitution, a large segment of Kurdish people, the Faili Kurds, was deprived of Iraqi nationality. According to the Iraqi Nationality Law, No. 42 of 1924 — issued on 10/21/1924, where Article (3) states that: Whoever was on August 6, 1924, of Ottoman nationality and normally residing in Iraq, loses his Ottoman nationality and is considered to have the Iraqi nationality, starting from the previous date (Yassen, 2021). This happened without any regard for those who do not have Ottoman nationality for various reasons, who reside in Baghdad's wilayat from father to grandfather, mainly the Faili Kurds. Thus, the important question is, who are the Faili Kurds, and why were they deprived of Iraqi citizenship?

Faili Kurds are an essential part of the Kurdish people in general. After the advent of the Arabs and the spread of Islam in the region, the demography was changed, and large areas of the historical Kurdish land were Arabized. In this context, Ahmed Nasser asserts that “the areas inhabited by the Faili Kurds, which are their land and the land of their fathers and grandfathers, were divided into two halves, including what was attached to the Wilayat of Mosul after announcing the birth of the new state, and the rest were attached to the Kingdom of Iran, according to a protocol Planning the Iraqi-Iranian border” (Al-Faili, 2005, p. 8).

Therefore, the areas inhabited by this Kurdish segment were the closest to Arabization campaigns, especially after building the Iraqi state and targeting these

areas, whether systematically or spontaneously. Thus, we see the places where the Faili Kurds live have become diverse areas, especially after the establishment of the Iraqi state on the social and political levels. On the social level, the Arab tribes crawled into these areas, encouraged by the authorities as tools for Arabization and because of their natural richness. On the political level, Where the successive pressures are due to depriving them of Iraqi citizenship, thus depriving them of jobs, confiscating their property and forcing them to leave the region forcibly.

If we go back a little to the period before the establishment of the Kingdom of Iraq, conscription was compulsory. The authorities forced people to join the army and sent them to their expansionist wars. Since the Faili Kurds did not belong to the same sect as the Ottomans, they did not believe in these wars in order to join the army. Therefore, they were attempting to find alternative ways to evade enlistment in the military and inevitable death. One of these means was the purchase of Iranian citizenship, as confirmed by Al-Faili Alawi:

“To get rid of this ordeal, many Kurds and Arabs resorted to the Iranian consulates in the provinces of Baghdad, Basra, Karbala, and Najaf to purchase Iranian citizenship. From what we mentioned, it seems that this method was the only way to escape from inevitable death” (al-Alawi, 2009, p. 26).

Thus, after the division of Kurdistan in the Chaldiran War in 1514 between the Safavids and the Ottomans, Kurdistan, ‘which was under the hegemony of Ottomans’, also was divided after the first global war. Additionally, the Kurdish people have been marginalised and become fuel for the countries occupying Kurdistan. Based on the interests of the Iranian and Ottoman states, the Kurdis were dealt with based on the policy of (divide and rule). Since the areas of the Faili Kurds were divided between Iran and Iraq, their presence on the border weakened. On the western side (Iraq), they became a minority in quantity, and Arabs targeted their areas with the support of the Iraqi government. In this regard, the Faili Alawi confirmed that: “This was a punishment for the Faili Kurds and for all those who did not surrender to the Ottomans. Their children paid a heavy price for their parent’s behaviour, as they fell victim to displacement by the Ba’athist regime in 1970-1980. This law is still ongoing” (al-Alawi, 2009, p. 26).

Thus, there is a prior basis for making the Faili Kurds foreigners. This basis was reflected in the first Iraqi constitution, which was reflected in the new nationality law under No. (43) of 1963, just three months after the Ba’athists’ coup and their

seizure of power by the Iraqi Arab nationalists. Thus, the important question here is, what happened to the Faili Kurds?

There was resentment among the Arab nationalists against everything that was not Arab, and this resentment was reflected in the load of the Kurdish people that they were the client enclave and agents of Zionism and imperialism. They were the reason for the backwardness of Iraq. Especially in the sixties and after the defeat of the Arabs by Israel during the 1956 and 1967 wars (Smith, C., 2013) and the escalation of the extremist nationalist discourse, especially the Nasserite nationalist discourse. These nationalists in Iraq needed to find an imaginary enemy to justify their aggressive actions. Their anger was against the weakest link, the Faili Kurds, for ethnic, sectarian and economic reasons based on conspiracy theory.

Thus, in the frame of the de-civilising process and because of the Faili legal status, and their deprivation of Iraqi citizenship since the state's founding, most of them could not work in the government departments. Therefore, they were forced to rely on themselves to become self-employed. They turned to entrepreneurship, trade and various crafts, especially in Baghdad. This situation created for them a kind of independence and control over the market in Baghdad. In addition, particularly after the first half of the twentieth century, the Faili Kurds were active in the political field, and many joined Iraqi political parties. They advocated and supported the Kurdish movement, and some reached the Kurdish parties' leadership (Anfarabic, 2022).

This vital location for the Faili Kurds and their residence in Baghdad, the capital, gave the impression to the Baathists that the Faili Kurds were a dangerous entity to their new regime. There were many reasons, motives, and grounds for attacking and controlling them, to deal with them from a purely security and chauvinistic point of view.

The story of the first campaign began with a trick we can call immoral and consider a security solution. This solution started with a plan adopted by the Iraqi government, with a preconceived intention that "relied in its content on an official cover that any citizen wishing to obtain Iraqi documents must submit papers proving that they are an Iranian follower . Those who want a certificate of Iraqi nationality have been directed to review the Residence and Nationality Department" (al-Alawi & al-Faili, 2009, p. 28). This invitation was just a trap to attract Faili Kurds to visit the Nationality Department and register the names of the visitors in

a special list to deport them out of the country.

Thus, this campaign began between the years 1969 and 1971, when “the intention of the Ba’athists became clear when they began the expulsion campaign, and about 70 thousand Faili Kurds were registered for deportation in the years 1969, 1970 and 1971” (Sadiq, 2021, p. 91). These figures are supported by the report issued by the International Minority Rights Group that “nearly 70,000 Faili Kurds were displaced between 1969 and 1971” (WDMIP, 2021).

By the end of the first campaign, the story of the aggression against the Faili Kurds did not end because most of them were staying in Baghdad and the different regions of Iraq Kurdistan, such as the governorates of Diala and Wasit. After the Kurdish revolution was eliminated in 1975 within the Algiers Agreement (Abdulqadir et al., 2020), which took place between Iraq and Iran and with the help of the State of Algeria and other parties, the intention of the Baathists appeared clearly and apparently.

Baath Party began to implement its ideological projects, mainly including the start of a large-scale deportation process in the regions of Iraqi Kurdistan in 1975, according to which more than 4,000 Kurdish villages and towns were emptied of Kurdish citizens. They were deported to forced residential camps prepared in advance in easy-to-control strategic areas near cities (Black, 1993, p. 20-33). It lacked the most basic living conditions. Moreover, it was under the army and Iraqi security forces’ supervision and control.

After tightening the screws on the Kurdish presence in many regions of Kurdistan and bringing them under control, including a comprehensive Arabization process began in the governorates of Kirkuk, Diyala and Mosul (Black, 1993, p. 33), there was also a “telegraph of the Ministry of Interior that was circulated to the security institutions in Iraq with number 2884 on 4/10/1980. This telegraph, which the Iraqi judge Zuhair Kazem Abboud admitted in his book ‘Legal Responsibility in the Faili Kurds Case.’ that “revealed the truth of what the authority was harbouring and what it planned for” (Kazem, 2007, p. 12). This telegraph reveals that the deportation had begun. There were previous instructions for deportation, but the process needed some organisation and classification.

“telegraph text:

It was noticed that errors and ambiguities occurred by your agencies in the deportations and determining those included in it and those excluded from the

deportation. To clarify the previous instructions, below are the controls that must be followed in this regard:

1- All Iranians present in the country (those concerned are the Faili Kurds) who do not have Iraqi nationality, as well as applicants for naturalisation procedures as well, who have not been decided, shall travel.

2- When a family appears, some of them have a certificate of nationality, they are not covered by the controls, but others are included, so the principle of (family unity behind borders) is adopted with the withdrawal of documents. This is so that we can revoke their nationality.

3- Some, especially families, are deported through the commissariat, and in the event, that they are not received, they are deported from the usual border areas.

Exceptions:

First: Soldiers of various ranks are handed over to the military discipline in Baghdad to be disposed of by them and according to the notifications delivered to them.

Second: Not to deport the youth who are included in the deportation and are residing in the country, and this ministry is provided with lists that include their full identities and jobs.

Third: Iranian women married to Iraqis send lists of their names to the Ministry.

Fourth: Not to deport the youth who are covered by the deportation, who are between the ages of 18-28 years, and to keep them in the governorates parking lots until further notice.

Fifth: Iranian Armenians residing in the country are excluded from travel, and the Ministry is provided with lists that include their full identities and jobs.

Sixth: Deportation does not include Iranian political refugees.

Seventh: The Arabs who live in the country are excluded from deportation.

Eighth: When any case other than the above-mentioned cases appears, inform us by telephone before deciding on it. We confirm our order to open fire on those who try to return to Iraqi territory from among the travellers.

The End.

Please see and act accordingly.

the signature

Interior Minister” (Kazem, 2007, p. 12-13).

The telegraph was followed by Decree 666 on May 7, 1980, issued with the signature of the head of the regime, Saddam Hussein, according to which he “legislated and ordered the confiscation of the Faili Kurds, their forcible deportation, exile, and detention.” Saddam justified the decree by accusing the Faili Kurds of being “of foreign origin” and “disloyalty to the people, land, and principles.” political and social revolution” (Revolutionary Command Council, 1980).

The cancellation of the Algiers Agreement followed these procedures on September 17, 1980, by Saddam Hussein and the declaration of full sovereignty over the Shatt al-Arab (Al-Ani, 2020) to restore its legal status to what it was before 1975. According to this agreement, Iran was given the right to sovereignty over half of the Shatt al-Arab in return for withdrawing material and logistical support for the Kurdish revolution. With the start of the war on September 22, 1980 (Al-Ani, 2020), there was a suitable ground to complete the deportation of those they wanted to deport, to kill and exterminate those they tried to imprison or eliminate, and to seize their property entirely and finally.

3. The city of Banjaluka

The city of Banjaluka lies in the northeast of Bosnia and Herzegovina and is the country’s second-largest city. It represents the political, economic, and cultural centre of the Republika Srpska entity. According to the 2013 census, it has around 185 thousand residents. Serbs make up the ethnic majority at 89.6%, followed by 4.2% Bosniaks and 2.8% Croats (Statistika.ba, 2013).

Those who strive towards ethnic cleansing and genocide always wish to remove a particular ethnic or religious group they deem hostile from their territory. In the case of the Yugoslav war, the proof is best sought in census results. Thus, just a year before war broke out in Bosnia and Herzegovina, the 1991 census saw Serbs constituting around 54.6% of Banjaluka’s population. Croats and Bosniaks comprised around 14.8% and 14.6% of total residents, respectively (Statistika.ba, 2013). According to some estimates, 350 thousand Bosniaks lived in the Banjaluka region

at the time, while only 40 thousand remained by 1993 (Dervišević, 2008).

Here we can see a radical change in the population's ethnic structure which began during the war and was a result of war crimes against non-Serbs from Banjaluka. As the renowned Serbian human rights activist Sonja Biserko concluded: 'ethnic cleansing was the war goal and not its consequence' (Biserko, 2005). In this paper, we will deal with crimes committed against Bosniaks.

After Slovenia and Croatia declared independence in 1991, this sentiment grew in Bosnia and Herzegovina. Unlike the first two states, which were nearly ethnically homogenous, Bosnia and Herzegovina didn't have a dominant ethnic group. The 1991 census shows that Bosnia and Herzegovina's population comprised 43.65% Bosniaks/Ethnic Muslims, 31.38% Serbs, and 17.31% Croats. The Serbian ethnic community wanted Bosnia and Herzegovina to remain a part of Yugoslavia, i.e., to be part of a union with Serbia. Since Bosniaks and Croats dominantly supported independence, Serbs were overruled and boycotted the independence referendum held on February 29 and March 1 1992.

While preparations for the referendum were taking place, Bosnian Serbs worked on forming a separate Serbian state consisting of municipalities with a Serbian majority and those they saw as 'Serbian.' When the European Union recognised Bosnia and Herzegovina's independence on April 6 1992, Bosnian Serbs declared the independence of the 'Republic of the Serb people of Bosnia and Herzegovina' the next day. This 'Republic' would later change its name to Republika Srpska. Many consider April 6 as the official war start date in Bosnia and Herzegovina. However, several conflicts and murders had also occurred over the previous months.

Banjaluka was militarily taken over by Serbs several days before war broke out on April 3 1992 (Milisic, 2019). It became the capital of the newly-proclaimed and unrecognised Serbian state. Due to its relative distance from the frontline and war-torn locations, many believed the city would be spared from destruction. However, greater-Serbian nationalist politics, then propagated by Serbian elites, sought to make the future state ethnically homogenous and 'pure', i.e., to have only Serbs living in it. As a result, Banjaluka was ethnically cleansed throughout the war, intending to extirpate all non-Serbs (Milisic, 2019).

Plans to uproot and eradicate all non-Serbs from those areas where they lived for centuries began immediately after war broke out. Bosniaks/Ethnic Muslims and Croats were targeted most of all. However, Serb forces allowed only a minuscule

number of these to reach free Bosniak territory. At the same time, efforts were made to have them leave the territory controlled by Bosnian Serbs via Croatia and Serbia and thus send them out towards other countries. Because of this, we can conclude that the goal was resettling Bosniaks as far from their homes as possible worldwide (Milisic, 2019).

The International Criminal Tribunal for the Former Yugoslavia (ICTY) concluded the existence of a 'Strategic plan' whose goal was to 'permanently remove most of the non-Serbs.' Further, the ICTY emphasises in its judgments that the 'leadership of Bosnian Serbs knew they could carry out the Strategic Plan only through fear and force' (Prosecutor v Brdjanin (Judgment), 2007). The police and army of Republika Srpska were primary actors of oppression of non-Serbs. One of the Serbian leaders in Banjaluka announced that only 1000 of the previous 28000 Bosniaks/Ethnic Muslims would remain in the town (Cigar, 1998).

Layoffs and existential deprivation were the first measures taken to spread fear among non-Serbs in Banjaluka, forcing them to leave the area permanently. The ICTY found that the Bosnian Serb leadership ordered all non-Serbs in public companies to be fired. The Tribunal further concluded that the Bosnian Serb leadership passed an order in 1992 which said, 'all positions of functional importance in companies are to be held only by Serbs' (Prosecutor v Brdjanin (Judgment), 2007). By the end of that year, all non-Serbs were removed from their jobs. By losing their jobs, they also lost the right to healthcare, thus making free medical treatment unavailable to those unemployed.

The leadership of Bosnian Serbs passed orders on disarming civilians who weren't active members of the army or police. However, they carried out these orders selectively so the non-Serb population would be entirely disarmed and prevented from opposing the efforts of ethnic cleansing (Prosecutor v Brdjanin (Judgment), 2004).

Bosnian Serb leaders also carried out policies of forced resettlement and exile of non-Serbs from the Banjaluka region so that Serbs could move in from other parts of Bosnia and Herzegovina and Croatia. In June 1992, Bosnian Serb leaders passed an order forbidding those moving from carrying more than 300 German marks with them. Soldiers and police officers confiscated every dime above that (Prosecutor v Brdjanin (Judgment), 2004).

June 1992 also saw the formation of the 'Agency for resettlement and exchange

of material goods,' which was an essential device of ethnic cleansing. These and similar agencies issued permits for emigration, and the condition for those who wanted to emigrate was generally to transfer their property to the Republika Srpska without any compensation (Prosecutor v Brdjanin (Judgment), 2004).

Based on the report of the Fund for Humanitarian Law from Belgrade in 1993, interethnic marriages were outlawed in Banjaluka. Only Serbs were allowed to marry in the municipal ceremonial hall, while others had to do it in the premises of the Šeher local community (Fond za humanitarno pravo, 1993). The ICTY, in its ruling against Radoslav Brdjanin, stated that the accused 'openly spoke against mixed marriages, and on one occasion went as far as to suggest that mixed children should be thrown into the river Vrbas and those who manage to swim out will become Serbian children' (Prosecutor v Brdjanin (Judgment), 2004).

The Special rapporteur of the United Nations Commission for Human Rights, Tadeusz Mazowiecki, in his 1995 report, alleged frequent cases of Croats and Bosniaks taken to forced labour. This labour was unpaid and performed in inhuman conditions, often on the frontline, where people were maltreated and starved (Mazowiecki, 2007).

During the war, there were many concentration camps in Banjaluka and the surrounding area where several thousand Bosniaks were tortured and murdered. Paramilitary formations made up of Bosnian Serbs, but also of volunteers from Serbia, stood out in the brutality and mistreatment of the non-Serb population. (Karup Druško, 2019).

With the downfall of the self-proclaimed Serbian state in Croatia – Republika Srpska Krajina – in 1995, over one hundred thousand Serbian refugees started towards Republika Srpska and Serbia. This caused massive retaliation on Bosniaks and Croats in Banjaluka. As a result, Bosnian Serb leadership decided to exile over 20 thousand Croats and Bosniaks, so Serbian refugees from Croatia could take their place (Marinic, 2022).

The International Red Cross also played a controversial role in the ethnic cleansing of non-Serbs in Banjaluka. Namely, the IRC cooperated with the Serbian authorities to help all those 'willing' to emigrate from Banjaluka. However, it is questionable if this emigration was voluntary since death was the only alternative (Penava, 2016).

During the war in Bosnia and Herzegovina, non-Serbs weren't only exiled

from Banjaluka, but efforts were made to remove any memory of their ever living there. Thus, over 18 centuries-old mosques in Banjaluka were strategically and professionally demolished. Among them were two UNESCO world heritage sites (Numanović, 2013). Additionally, 81 streets were named after notable Bosniaks before the war. Today, only three remain. Most streets were renamed after figures of Serbian nationality (Klix.ba, 2007).

Today, 27 years later, the situation in Banjaluka remains uncertain for non-Serbs. The president of the Republika Srpska entity, Milorad Dodik, often says that Banjaluka is a 'Serbian city.' Only 0.5% of those employed in the town's public offices are Bosniaks. Thus continues the persecution of Bosniaks from this town through means of existential deprivation (Federalna.ba, 2021). Moreover, the Republika Srpska entity discriminates against its non-Serb populace by basing education solely on Orthodox Christian grounds. The Bosnian language is also negated (A, 2021). Bosniaks today don't have a single representative in the city's local assembly (Grad Banjaluka, 2023).

4. Comparative part

There are many similarities between the cases of ethnic cleansing of Bosniaks and the Faili Kurds. However, this requires knowledge of the two sides and the roots of the problem. Among that, the ideology embraced by the perpetrators of war crimes and the process of nation-building is considered one of the most important new factors in coming towards assimilation or subjugation of others.

Nation-building, in both examples, is carried out within the framework of the 'de-civilisation' or 'breakdown of civilisation', with a rigid method that eventually ends the two human groups through ethnic cleansing and demographically changes the whole territory. Therefore, this ethnic cleansing «by force to achieve a demographic or ethnic change in a certain area, or to punish ethnic groups by exiling them en masse from their land» (Israeli, 2008). Thus, we can put both examples into the process of state/nation building in order to target two human groups to an end. That is what implemented by the perpetrator in both examples as the success of the ethnic cleansing.

Here, the Arab Socialist Baath Party, led by Saddam Hussein, bears the greatest responsibility for the ethnic cleansing in Baghdad and other crimes committed against the Kurdish people in general and the Faili Kurds in particular. This party

based its ideology on Arab nationalism and some form of socialism. One of its primary ideological elements was the call for ‘uniting’ all Arab states into one great pan-Arabian state. Similarly, the leading causes of war in Socialist Yugoslavia were Serbia’s president, Slobodan Milosevic and his Socialist Party of Serbia.

This unitary trend was strongly present among the Arabs and Turks, without the belief in building a democratic, pluralistic state. The emergence of racist policies came when these countries were formed after the collapse of the Ottomans and the first world war. The Kurdish people, with all its components, was the most prominent victim, to later become captives of countries built on racist nationalism, attempts and is still attempting to establish policies that have nothing to do with modernity and the modern civil state that adopts pluralism and peaceful coexistence among the components and respect for human rights. What happened in Banjaluka was also a result of the dismantling of the Red Empire, the end of the Cold War, and the push of the Serbs to build Greater Serbia, similar to the Great Arab World. It was genocide, ethnic cleansing, and tens of thousands of victims.

In the frame of ideology, both the Arab Socialist Baath Party (ARSB) and the Socialist Party of Serbia (SPS) based their ideological principles on socialism. Since the SPS was the direct successor of Serbia’s League of Communists, it owned an immense amount of real estate, giving it a massive advantage compared to newly-formed parties (Miljkovic, 2021). Contrary to other European countries which were part of the communist block, only Montenegro and Serbia saw communist parties ruling after democracy was established. This is mainly a consequence of those parties adopting nationalism as their basis. This nationalism would ultimately lead to wars in Socialist Yugoslavia, occurring with numerous cases of war crimes and even genocide. The main war goal of these politics was to create Greater Serbia—a state which would unite all territories Serbian nationalists saw as ‘belonging’ to them. How this state was supposed to look is debated, but narratives of a centralised and homogenous state, i.e., ethnically and religiously clean, are most dominant.

Additionally, it is good to note that some Serbian nationalist leaders saw Saddam Hussein and his Baath Party as potential allies. Vojislav Seselj, an early architect of the 1990s version of Serbian nationalism and the leader of the Serbian Radical Party, had very close relations with Hussein, of whom he wrote a book, calling him a fighter ‘against aggressive globalism.’ It should be pointed out that Seselj’s

paramilitary group significantly stood out in war crimes, among others, the persecution of non-Serb in Banjaluka. Seselj would go on to be convicted on war crime charges by the International Criminal Tribunal for the Former Yugoslavia (ICTY).

In 2001, Baghdad was visited by a delegation of the Serbian Radical Party to offer their support to Saddam Hussein. Vojislav Seselj held lectures, and they even met Hussein. Aleksandar Vucic, Serbia's incumbent president, was part of this delegation. In a movie about this visit, Vucic supports Hussein and often mentions the term 'Arab world' (Anita Bencun, 2014). Nearly twenty years later, Aleksandar Vucic would devise a new form of Serbian nationalism called the 'Serbian world.'

Nearly all nationalist parties are found in the corruption-related documents of the 'Oil for food' program. There we can see that Saddam Hussein's government helped the Socialist Party of Serbia, the Serbian Radical Party, and JUL to make tens of millions of dollars in gains. Leaders of the Serbian Radical Party weren't the only ones paying visits to Hussein. JUL officials, led by Milosevic's wife, Mira Markovic, also visited Baghdad (Stankovic, 2004).

A crucial similarity between these two cases is the existence of a plan to conduct ethnic cleansing by using the institutions and capabilities of the state within the process of nation-building. In Banjaluka, we saw that the International Criminal Tribunal for the former Yugoslavia confirmed the existence of a "strategic plan" to forcefully uproot non-Serbs from that region, and this was to build a state of Srpska free of the non-Serbian race. The plan to uproot the Faili Kurds was also related to the pretext of their danger to the state and the security aspect because of their different race and religion. In the case of Yugoslavia, the ICTY calls this a "joint criminal act". In the case of Iraq, what happened to the Faili Kurds was recognised as genocide by the Iraqi Supreme Court, which was formed after 2003 (Alwaqai Al-Iraqiya, 2019).

The two cases are similar concerning the displacement of the Bosniaks and Faili Kurds from the country. We have seen that the Serb nationalists wish to remove Bosniaks from Bosnia and Herzegovina as much as possible and resettle them worldwide. Only a fraction of people were exiled to Bosniak-controlled territories, which is why Serbs planned to overtake even those territories since they considered them 'Serbian.' The displacement of the Kurds outside Iraq was part of the plan to ethnically cleanse Iraq and remove the Kurdish presence from the capital and neighbouring areas as part of the large-scale Arabization operations, which

have not stopped until now.

On a micro level, enormous demographic changes occurred due to many villages and small towns being entirely ethnically cleansed. For example, in the Faili Kurdish case, the Baghdad capital, Diala city and other areas around Baghdad and Diala were permanently cleansed of Kurds (Abbud Z. K. (2007: 7,13 & Chanaa, J., 2011:9 & Fawcett, J. and Tanner, V., 2002:15).

Like Bosniaks, the Faili Kurds were deprived of fundamental human rights by the government. Here, the right to education and work stand out the most. Private properties were seized in both cases and given to Serbs or Arabs. Numerous prisons existed where men were detained, mostly of young age, tortured and humiliated (Minority rights group international, 2014).

Also, government-sponsored mixed marriage prevention is present in both cases. This was seen as a significant way of befriending two peoples, bringing them closer together, and was thus forbidden. In the Bosniak case, mixed marriages were totally banned, and it was even suggested that mixed children should be thrown into the Vrbas river. Those who managed to swim out would be considered 'Serbian children.' With the Faili Kurds, the Iraqi government compensated those Iraqis who divorced their Kurdish wife or husband (Minority rights group international, 2014).

Today, Bosniaks and Faili Kurds are faced with problems of waiting out justice for themselves and their families who were victims of terror and persecution.

As the Serbian state project in Bosnia and Herzegovina failed, Bosniaks have no issues with citizenship. But if that state were ever recognised, it would face the same fate as the Faili Kurds. Many Kurds cannot reclaim their Iraqi citizenships, which would help them reintegrate into society and ensure their existence. A similar problem is springing up in the Republika Srpska entity, where nearly no Bosniaks are employed in state administration.

There is also a significant issue of Iraqi and Republika Srpska governments simply refusing to help those persecuted to reclaim their illegally and forcefully confiscated properties. As a result, thousands of people are still waiting to take back what was taken from them.

Naturally, the issue of equal representation in city parliaments is also present. Bosniaks and Kurds should be guaranteed by law a minimum number of seats in local parliaments so their voices can be heard. This is one of the primary ways of reconciling and partially healing wounds which members of these ethnic groups have.

5. Conclusion

The operations that the Faili Kurds and Bosniaks were subjected to during the second half of the twentieth century until the nineties are a small part of the ethnic cleansing that the civilised world is witnessing. The state, the nation-building processes, and the ideology that plans the type of building through the preference of a certain race over others, as Norbert Elias called it, 'the Established and the Outsiders'. The ruling elite of the state, who represent a specific human group, take advantage of the state as a tool to implement the ideological doctrine they represent to create a one-dimensional racist society.

The Faili Kurds were a safe segment, preoccupied with their trade. Still, the Sunni elite that built Iraq, which was characterised by an ethnonreligious ideology that represented about twenty per cent, looked at non-Arabs from a pure security angle, and considered Iraq as part of the Arab world. All non-Arabs were considered guests, and they had to abide by the principles of hospitality. It imposed the Arabic language and culture and started a comprehensive Arabization campaign for the Kurdish areas in general. The areas belonging to the Faili Kurds were the most targeted because of their direct proximity to the Arabization campaign. Now the Arabs in the cities and villages of the Faili Kurds have become an overwhelming majority at a time when the majority of the Faili Kurds are spread in the countries of the Diaspora.

The Baathists, who emerged from the womb of the Arab nationalist ideology, were the most extreme. The Faili Kurds were considered a threat to the state. And it began with an exhaustive ethnic cleansing of this safe Kurdish segment from their arrival in 1968 until their departure in 2003.

The people of Banjaluka lived side by side for hundreds of years, but the national chauvinism that wanted to build an ethnic state with a racial dimension could not see the ethnic diversity in this city. The war became the appropriate justification for striking the Bosniaks and uprooting them from their homeland forever. Croats and Bosniaks comprised about 14.8% and 14.6% of the total population. According to some estimates, 350,000 Bosniaks were living in the Banjaluka region then, while only 40,000 remained by 1993. Thus, building a province of the Serb state became a curse for non-Serbs who were subjected to ethnic cleansing.

The similarities between the two cases, the Bosniaks and the Faili Kurds, were

defined from the legal point of view as ethnic cleansing. The root of the problem for this purification is the state and the process of building the nation within the civilising process. Extremist ideology, which does not believe in a democratic state or pluralism and human rights, remains a stumbling block to peaceful coexistence between human groups.

The result that is always emphasised is that these human tragedies will not be repeated but to no avail. It is continuously repeated, victims fall, and cries of condemnation rise, and after that, everyone is waiting for another war and other destruction.

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Iranian follower (tabaia Iraniya), can be translated to people of Iranian descent. It is a negative and dangerous term for the Faili Kurds. On the one hand, it means that they are not Iraqis, and therefore they have no right to live in Iraq. On the other hand, the term has a negative political connotation, which means loyalty to Iran (as opposed to loyalty to Iraq).

