

## **THE STATISTICS OF GENOCIDE**

**by**

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“You’re taking a systematic sample,” remarked the trustee, distinguished looking in spite of his pink smock, the uniform of prisoners in Rwanda. This Harvard economics Ph.D. was the only one of the group surrounding me who grasped what we were doing in our rounds of the prisons of his country. Each prison governor was cordial, inviting us to see the improved conditions in his domain, pointing out that his charges were actually getting fat on the generous rations (albeit because they were getting little exercise, contrasted with the customary daily treks of 25 or more miles to get water, food, and supplies, or to tend their fields). However, when I asked to see the prison records, in particular their lists of prisoners, I was met with puzzlement. Eventually boxes of slips of paper were produced from chaotic cupboards or registry books were located.

What indeed was the purpose of this endeavor? At the time 80,000 or more prisoners were in facilities designed for far fewer, international funding sources were becoming reluctant to build more prisons, having already added several sites; each month as many as 10,000 new prisoners were entering the system while with very few exceptions, death was the only way out. Two years after the massacre, the U.S. State Department’s Bureau of Democracy, Human Rights, and Labor was pressuring the government of Rwanda to bring prisoners to trial but was met with claims that the numbers involved were simply overwhelming. The Bureau’s creative solution was to

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begin by bringing to trial those prisoners in a random sample whose records would accommodate the prospects of fair trials under international law standards.

The concept was a good one, originally signed onto by the Rwandan government. The data collection proceeded, based on the concept of a sample stratified by region as conditions in the country varied as the rescue forces proceeded from east to west. One might expect, for example, better supporting documentation that might be used at trial as well as a different mix of the sorts of people arrested as the situation became less chaotic in the later stages. Although the records were ultimately produced, the information was generally very sparse; almost never were there names of arresting officers or the time and place of the alleged crime. Sometimes there was only a first name of the prisoner, other times only a family name—not, perhaps, that it mattered as we were told that many prisoners had given false names. It was clear that in the vast majority of cases the inadequate documentation and the passage of time would make it difficult to conduct a trial that would meet international standards of fairness.<sup>2</sup> What was present in nearly every record was the nature of the crime: “genocide.”

### **What is genocide?**

But was it genocide? The world, recognizing that it had done nothing to prevent the massive number of killings and generally accepting the collective guilt of its lack of response, so named it. The horrendous nature of the killings, traces of which were still evident when we conducted the survey, and that the magnitude of the tragedy was huge are not in doubt. However, estimates of deaths range from 500,000 to 1,000,000, the

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<sup>2</sup> The Rwandan government did not choose to work with the sample cases but rather proceeded, very slowly, to prosecute selected cases. From 1996 to 2005, 2,500 cases came before the courts. Beginning in March 2005, 56,000 are being tried in 118 Gacaca, semi-traditional community-based courts.

variation giving a clear indication that it is unlikely that anything like an accurate figure will ever be known.

Article 2 of the *Convention on the Prevention and Punishment of the Crime of Genocide* states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>3</sup>

The usual discussion of genocide focuses on the issue of intent, not on the number of victims. If there is no intent to destroy in whole or in part, widespread or systematic acts of persecution may still constitute a “crime against humanity.”<sup>4</sup> There is no specific international convention dealing with crimes against humanity, but the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda include this category in their statutes. Although definitions of crime against humanity vary somewhat, what they have in common is:

1) they refer to specific acts of violence against persons whether these acts are committed in time of war or time of peace,

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<sup>3</sup> The United Nations approved the Convention 9 December 1948.

<sup>4</sup> The term first appeared in the preamble of the 1907 Hague Convention, which codified the customary law of armed conflict.

2) these acts must be the product of persecution against an identifiable group of persons irrespective of the make-up of that group or the purpose of the persecution. [3]

We have thought of the massacre as being directed at the Tutsi minority population of Rwanda, the group traditionally favored by the Belgians in the colonial era, to the detriment of the Hutus.<sup>5</sup> This favoritism was perceived as continuing in the years of independence, leading to a generally better socio-economic status for the Tutsis and an accumulation of grievances by the Hutus although in fact the government at the time of the massacre and some years previously was Hutu dominated.<sup>6</sup> Commentators differ on what motivated the mass slaughters, both on the part of the instigators and the thousands of “ordinary” people who killed their neighbors, Tutsi and Hutu. Some anthropologists and other experts have blamed the ethnic tensions on an arbitrary classification by the colonists, asserting that in fact there was little difference in the two groups and intermarriage tended to obscure much of what there may have been. Be that as it may, there came to be a deep resentment of the apparently better-off Tutsis on the part of many not-so-well off Hutus—and who can forget the radio broadcast urging the extermination of the “cockroaches,” i.e. the Tutsis, recently highlighted by the popular film *Hotel Rwanda*? Moreover, there had been a history of intercommunal violence in Rwanda and neighboring Burundi, including fighting following incursions from Uganda by a mainly Tutsi exile group.

That the accepted version might not be the whole story first entered my consciousness when a lawyer representing one of the defendants before the Arusha

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<sup>5</sup> In 1926 the Belgian colonial government introduced ethnic identity cards; anyone holding ten or more head of cattle was deemed a Tutsi

<sup>6</sup>In fact, the president tended to favor his home region, the predominantly Hutu northwest of the country, to the detriment of Hutus and Tutsis in other areas.

Tribunal<sup>7</sup> contacted me to ask about how to determine how many of those killed were Tutsis and how many were Hutus. His client asserted that he was innocent of any role in the planning and execution of the killings, but even if he was not, the massacres were not genocide, and therefore the Arusha Tribunal, an international forum for the prosecution of the participants in the genocide, had no jurisdiction. He did not challenge the generally accepted range of magnitude of the massacres, but rather asserted that not ethnic origin, but rather economic status, was at the heart of the killings. People just decided, he claimed, that the best way to get the property of more prosperous neighbors was to kill them. It happened that the victims were disproportionately Tutsi as they were disproportionately prosperous. That is, people were killed because their neighbors coveted their property, not because of their ethnicity so that the massacre did not meet the definition of genocide in the Convention.<sup>8</sup> Of course, were the defendant guilty of “ordinary” murder, he could be brought to justice under Rwandan law, which unlike the Arusha Tribunal, provides for the death penalty, but perhaps he felt that he could escape the jurisdiction of Rwanda.

My legal training as well as my personal inclination tells me that everyone is entitled to a defense, so I suggested that examination of the pre- and post-population records, given that ethnic origin was recorded in Rwanda, a leftover from colonial days, might prove useful. However, this was bound to be a difficult and expensive process<sup>9</sup>

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<sup>7</sup> The International Criminal Tribunal for Rwanda was established in Arusha in neighboring Tanzania.

<sup>8</sup> Some analysts have characterized the killings as President Habyarimana’s attempt to empower the peasant population, primarily Hutu, at the expense of the city dwellers, primarily although not exclusively Tutsi. [37]

<sup>9</sup> Especially in view of the fact that the estimates of the total number killed vary so widely and that there has been no post-genocide census in Rwanda.

and would probably exceed my capabilities in French and the local Rwanda language as well as the time I had available.

### **Do numbers matter?**

Whether this defense was ever developed, I have been unable to determine. But the experience did lead me to ask how the numbers of alleged genocide victims, and in some cases their race, ethnicity, or other factor establishing that mass killings were genocide, could be established. In fact, the Convention says nothing about numbers; realistically, however, generally killings only reach public attention once they are too numerous easily to be concealed. Although the Convention would require that only one or more persons be killed, the International Criminal Court has held that the conduct in question must have taken place in the context of a manifest pattern of similar conduct directed against the group or was conduct that could itself effect destruction of the group. Do 1,000 have to be victims? 10,000? 1,000,000? If only a few are killed, does this constitute the crime of “attempted genocide,” also punishable under the Convention?<sup>10</sup> How was the six million figure for victims of the Holocaust determined? How accurate are the widely differing estimates of Armenians killed by Turks made by Armenians and by Turks (who generally do not accept that there was genocide)? More contemporaneously, was Saddam Hussein responsible for killing—because of their ethnicity—enough Kurds or Marsh Arabs to justify a charge of genocide? The Convention concerns itself only with the identity of the group being singled out and the

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<sup>10</sup> Article 3 states:

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

intent of those responsible, not the numbers, but the issue of how many is certain to arise in any prosecution.

The attempt to deal with the mass of prisoners in Rwanda also raises another question. Who should be charged with genocide?<sup>11</sup> Is driving a truck containing those who were involved in the killings sufficient? Can soldiers or members of non-governmental forces be charged or is “just following orders” an adequate defense? What about those who claimed they killed only under coercion? How far the culpability for the Holocaust reaches remains unresolved although clearly not everyone who could be considered complicit has been charged, similarly with more recent cases. Of course, many have been punished in some way without being formally charged, e.g., the “de-Nazification” process following World War II or more recently the “de-Bathification” process sporadically being carried out in Iraq. What are the numbers that a justice system can handle? How far down the chain of command can perpetrators be prosecuted or conversely, how far must one be removed from the actual genocidal acts to escape culpability, an issue now arising with respect to Saddam?

One of the enduring controversies surrounding the killings in Rwanda is what motivated so many to participate in the killings. The political hierarchy may have been primarily concerned with consolidating Hutu power or maintaining a favored position for one region of the country or for an agricultural economy, but others may have been motivated by the promise or expectation of economic gain, the settling of old scores, or simply by coercion on the part of the Interahamwe local militia to participate in the slaughter.

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<sup>11</sup> Article 4 states:

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

## Historical background

Genocide has a long and grim history. Some disappearances of ancient civilizations may have been a result of genocide, although often combined with other factors such as poor management of the environment in the face of adverse conditions or “collateral damage” such as the inadvertent introduction of alien diseases into an indigenous population. The term genocide is now being applied to other horrific events, e.g., the Inquisition, where thousands were executed because of their beliefs, or the Crusades, where thousands of Muslims, primarily civilians, were killed. Other massive exterminations of, for example, indigenous populations in such countries as the United States, Mexico, or Australia may not meet the provisions of the Genocide Convention, but the difference is at best what would distinguish murder from the criminally negligent homicide. But the magnitudes of these tragic events have been subject to widely varying estimates because the sizes of the original populations are subject to dispute.<sup>12</sup>

Other instances where estimates of the number of persons killed in genocidal incidents vary greatly include the massacres of Jews in Morocco in the 8<sup>th</sup> and 11<sup>th</sup> centuries and in Germany in the 14<sup>th</sup> century. In Europe the French slaughtered Huguenots and the Greeks killed Muslims; in their sweeps the Mongols massacred many ethnic groups and in their empire the Ottomans killed Albanians, Armenians, Assyrians, Bulgars, Greeks, and Kurds, who in turn killed Christians, although whether these events could be characterized as genocides is not clear. The Iranians killed Baha’i in the 19<sup>th</sup> century, the Japanese killed Christians in the 17<sup>th</sup> century as did the Vietnamese in the

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<sup>12</sup> For example, estimates of the Native North American population in 1500 range from about 1.5 million to as high as 12 million. That there were less than 250,000 Native Americans in the United States in 1900 is fairly well agreed. Estimates of the aborigine population of Australia at the end of the 18<sup>th</sup> century are around 500,000, reduced to 50,000 by the end of the next century.

19th, in the 12<sup>th</sup> and 13<sup>th</sup> centuries Hindus were massacred by Muslims, and no doubt many other instances could be cited.

Various incidents of massacres by colonial powers in Africa or between indigenous groups there both before and after the colonial period also most likely meet the definition of genocide, although even rough estimates of the magnitudes of the killings are difficult to obtain. The Germans in Southwest Africa and the King of the Belgians in his fiefdom can be added to the British as perpetrators while regimes in Uganda, the Democratic Republic of the Congo, and Ethiopia have very likely engaged in genocidal conduct. Some see recent events in Zimbabwe as an eerie echo of the Khmer regime's assault on city dwellers. In Southeast Asia, the scale of the Indonesian atrocities in East Timor neared the 20% level experienced in Cambodia, although the base population was only 650,000.

### **Calculations of casualties**

In his comprehensive series of studies of democide Rudolph Rummel [28, 29] utilizes meta-analytic techniques, choosing usually to report from other authors a range of death estimates from low to high and then to put forward the figures he deems most credible.<sup>13</sup> In particular, in most of his considerations he discounts outliers. However, this raises the question of whether one person's outlier is another's conservative estimate. Generally, as we would expect, the victim populations and/or those sympathetic to them, present a high figure and the perpetrators one much lower, or they do not admit the

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<sup>13</sup> Rummel asserts that the Nazis killed 5,291,000 Jews, 258,000 Roma, 10,547,000 Slavs, and 220,000 homosexuals (whose deaths would not qualify as genocide). He includes in democides other mass killings by states or other entities having control of territory, but not civilian and military war dead. Including hostages shot, reprisal murders, forced labor dead, deaths from intentional famines, and political killings he arrives at a total of nearly 21 million victims of the Nazis..

existence of a crime against humanity or even mass deaths if not genocide, as the example of the treatment of Armenians<sup>14</sup> by the Turks demonstrates.

But does the number of victims matter—particularly once some threshold is reached? Are the victims any less deserving of sympathy if their numbers are only in the hundreds rather than hundreds of thousands or the many millions of deaths attributed to Nazi Germany, the Soviet Union, Cambodia, Japan, and China? Certainly not, but that does not mean that the numbers are unimportant. The media, while they often get the figures wrong, are obsessed with them. Often public interest is difficult to arouse unless an existing or impending tragedy is on an overwhelmingly large scale; moreover, it is easy to conceal a few deaths, but more difficult to hide more extensive killing. Thus it is worth looking at how figures are derived.

There are two basic methods one can employ: count the number of deaths, or rely upon explaining a population deficit in terms of deaths (and other factors). The first requires better records of slaughter than are generally available,<sup>15</sup> whereas the second relies upon being able to have reasonably accurate before and after population figures and a reliable estimate of expected population growth absent the genocide.<sup>16</sup> In general demographic predictions are based on population growth in a period of time prior to the

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<sup>14</sup> It should be noted that in the World War I period and the following few years, many Greeks, Nestorians, and Christians were also killed by the Turks.

<sup>15</sup> One reason why the 6 million dead figure has come to be generally accepted is that the meticulousness of German records and their availability after the war has contributed to ease and rough agreement in making estimates of the number of victims. Nonetheless the estimates of Jewish dead by the most reputable investigators vary by 40%.

<sup>16</sup> Such estimates are difficult. For example, in her recent study of the British treatment of the Kikuyu in Kenya in connection with the Mau Mau violence, Caroline Elkins estimates what their population would have been absent the mass murders and other harsh actions by looking at nearby tribal groups. However, there is no comparison of the two groups in more tranquil times to authenticate this method. She does present a convincing case for a number of deaths far exceeding the losses admitted by the British. [15] *Britain's Gulag in Kenya*, 2005.

genocide in the population being studied, or subsequent rates in similar but unaffected populations.

### **But is it genocide?**

A complicating factor once the number of deaths is calculated as accurately as possible is to determine the source or motivation of the deaths. In many apparent genocidal situations there are complicating factors that may obscure the issue of whether there is genocidal intent, in particular in the fog of war. For example, the main Armenian genocide occurred during a war that led to many civilian casualties as well as military losses. While of course soldiers often die because they are of a nationality, race, or ethnicity different from that of their opponents, their deaths are not considered genocide. The question of civilian casualties is more complex. Were the atomic bombs dropped on Hiroshima and Nagasaki or was Dresden fire bombed to annihilate the enemy because of their nationality or to advance the cause of the victors in the name of a quicker end to the war and a limitation of eventual casualties? Histories are in the short run written by the victors, but revisionist histories may ultimately appear.

The inadvertent introduction of disease has been mentioned as having a genocidal effect if not such an intent. The imposition of occupations, blockades or sanctions can also produce “collateral damage” although the difference is that the intent in these cases is certainly somehow to damage the target population in order to further the perpetrators’ goals.

Currently skeptics about the need for active United Nations or other external intervention question how many have died or been displaced in the Darfur crisis as well as whether the government has the requisite intent to make it a genocide. The media seek

a numerical basis for their reporting, and there are those who assert, in an echo of the claim of the Arusha defendant, that it is not the ethnicity that doomed the victims but rather that they had property their neighbors coveted. It just happened, they would aver, that those with property in the area where the Janjaweed operated were non-Arab villagers. The World Health Organization estimates that 70,000 died from disease and malnutrition in a six-month period in 2004; Amnesty International has estimated that 50,000 have been killed in the violence. However, the lack of cooperation from the Sudanese government has made compiling accurate figures very difficult. The UN High Commissioner for Refugees estimated that 200,000 sought refuge in Chad and 1.2 million were internally displaced, with 405 villages in Darfur having been completely destroyed from February 2003 through May 2005. The U.S. government organized a project to conduct interviews of a systematic random sample of Sudanese refugees in Chad in part to determine the extent of the alleged crimes against humanity in Darfur and whether they could be characterized as genocide. In general the results of the interviews confirmed the participation in the attacks by the government of Sudan and their racial nature.<sup>17</sup>

The massacre in Rwanda is not the only other case where the underlying criteria for choosing the victims are at issue. In the current discussion of the culpability of Saddam Hussein for the massacres of Kurds, three events are usually cited: the so-called “Barzani killings,” the 1988 gassing of the civilian population of Halabja, and the “Anfal,”<sup>18</sup> the massive killing and relocation of much of the Kurdish population of northern Iraq. While there might be general agreement that these constitute crimes

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<sup>17</sup>Eighty-six percent of the interviewees reported joint Janjaweed-government attacks. A sizeable number of interviewees told of racial slurs on the part of the attackers. [35]

<sup>18</sup> Arabic for “The Spoils” from a Koranic reference to the treatment of unbelievers. The Anfal consisted of a series of killings, displacement, and destruction in 1987 and 1988.

against humanity although not necessarily whether Saddam can be tied to the actions of those under his command, the question arises of whether the case of the gassing was “collateral damage” from the Iran-Iraq war<sup>19</sup> as Halabja, a town near the border with Iran, earlier had been under joint Kurdish rebel-Iran control.

Leaving survivors leads to more accurate counting of the magnitude of mass killings. In 1983 Iraqi security troops rounded up men of the Barzani tribe, numbering 8000 according to their families who were left behind, from resettlement camps near Erbil. All the men in this group, none of whom were engaged in anti-government activities, were transported to southern Iraq and never heard of again. There were reports that some of the men were used as guinea pigs to test the effects of various chemical agents. [36] Just recently bodies of some of these men have been uncovered in southern Iraq by investigators including the Minister of Human Rights of the Kurdistan Regional Government.

This incident could be seen as a prelude to the “Anfal.” It might be maintained that the goal was merely to move the Kurdish population away from the Iranian border, not to eliminate the people. However, one written directive ordered that “all persons captured in those villages [in an area designated as ‘prohibited zones’] shall be detained and interrogated by the security service and those between the ages of 15 and 70 shall be executed after any useful information has been obtained from them.” [17] Moreover, in what may be an apocryphal story, the Ba’ath party secretary general in charge of the “final solution” of what was perceived as the Kurdish problem, Ali Hassan al-Majid, now known as “Chemical Ali,” when confronted with the allegation that 182,000 Kurds had

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<sup>19</sup>1980-1988.

been killed, protested strongly that the deaths numbered 100,000 at most. In fact, the estimates of the number of victims of the Anfal are based on better evidence than many cases of alleged genocide. The women survivors, who generally were themselves deported to other areas of Iraqi Kurdistan, relate mass on-the-spot executions whose magnitude they can estimate with some accuracy as they knew how many were in the targeted area; there were some cases in which the entire population of a village was slaughtered. The 182,000 figure comes primarily from the fact that it is said that at least 1,200 villages were totally destroyed, perhaps as many as 2,000 including events outside the Anfal period itself. Reducing numbers derived from this information by estimates based on somewhat less reliable figures on refugees outside the borders and those in camps in other parts of Iraqi Kurdistan leads to the total estimate of fatalities.<sup>20</sup>

The Khmer regime in Cambodia was responsible in the 1975-1979 period for deaths estimated to total 1.7 million, over 20% of the country's population. Religion was clearly the criterion for selection in the action against the many Buddhist monks who were slaughtered as well as for the attacks on Muslims and Christians, with ethnicity the reason for the killings of the Chinese, Vietnamese, and Thai minorities. However, a massive number of city dwellers, who tended to be better educated, were driven to the countryside where they were killed or died from starvation; 75% of the country's teachers perished or fled abroad. There has been UN recognition that the actions of the Khmer Rouge constituted genocide, but as yet no legal accountability.

Reminiscent of the Nazi atrocities and the "Barzani killings" mentioned above, one of the most horrific events of the Bosnian genocide occurred in 1995 in Srebrenica,

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<sup>20</sup> During their post-Gulf war uprising, Kurdish forces were able to seize millions of documents from Iraqi archives documenting the extent and centralized direction of the Anfal.

which had been designated as a safe haven under UN peacekeeping supervision. Nearly eight thousand Muslim men and boys between the ages of twelve and sixty were systematically selected and slaughtered. The genocide of Bosnia did not end the violations in the Balkans as atrocities were also committed in a few years later in Kosovo. However, a UN-supervised court in Pristina ruled that in spite of a “systematic campaign ... including murders, rapes, arsons and severe maltreatments” the actions of Serbian forces in Kosovo in 1998 and 1999 were not genocide as the purpose was “not the destruction of the Albanian ethnic group ... but its forceful departure from Kosovo.” [4]

### **Can analysis tell us why?**

Many quantitative analyses of genocide deal with the broader category of mass murders termed *democide*, that is, mass killings by a regime. Generally there is no minimum number of such deaths required to include events in the data to be analyzed. Moreover, these types of death by governments include deaths through mistreatment of prisoners or forced laborers, killing of opponents of the government, famine, deportation, and non-combatants' deaths during warfare. Not surprisingly, the occurrences of these violations tend to be highly correlated with each other and with genocidal episodes as well. Factors that analysts consider include challenges to regime power; religious, racial, and ethnic diversity; ideological differences; minority stereotyping and discrimination; and the level of development in the country. Clearly many of these are themselves related. As usual then, the question is how to model reality: regression (and if so, what kind), factor analysis, catastrophe theory [27]? Should the data be transformed and if so, how? In his quantitative studies, Rummel [29] has concluded that democracy is basically incompatible with democide but others might disagree. The claim that accountability

will reign in the worst of government excesses is probably verifiable. Most analysts find that the extent of a regime's power is a good indicator of the extent of democide that might occur. Less unanimity surrounds the question of whether socio-economic factors are generally influential although there is agreement that they may in certain contexts.

### **Conclusion**

The statistics of genocide are fuzzy at best and are likely to remain so. The use of GIS-equipped PDAs with aerial or satellite map imaging should increase the accuracy of baseline population figures.<sup>21</sup> Satellite imaging is also useful in identifying sites of the destruction of people or structures and should assist in estimates of the numbers of victims. More sophisticated techniques such as those employed in Kosovo [2] may lead to more exact estimates in specific situations. Finally, better techniques for estimating population growth and decline, not addressed here, would contribute to our knowing with better precision the magnitude of past and, should we be unable to prevent them, future atrocities.

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<sup>21</sup> This technology was employed in the recent census in Timor Leste and is planned to be used in the upcoming census in Iraqi Kurdistan.

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