102d Congress
1st Session

COMMITTEE PRINT

S. PRT.
102-56

KURDISTAN IN THE TIME OF SADDAM HUSSEIN

A STAFF REPORT

TO THE

COMMITTEE ON FOREIGN RELATIONS

OF THE

UNITED STATES SENATE

NOVEMBER 1991

Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE
49-559 WASHINGTON : 1991

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-037023-X

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LETTER OF TRANSMITTAL

NOVEMBER 26, 1991.

The HONORABLE CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC 20510

Dear Mr. Chairman: Six months ago the fate of Iraq's Kurds was placed on the international agenda as a result of the immense human suffering following the failure of their rebellion against Saddam Hussein. International intervention helped prevent a greater catastrophe, but the people of Iraqi Kurdistan remain at grave risk. At your direction, I returned to Iraqi Kurdistan in September to assess the situation.

Between September 4 and 11, 1991, I traveled throughout the Kurdish-controlled parts of Iraq. The liberated territory now comprises more than 80 percent of the Kurdish inhabited lands, and I went as far south as Halabja, as far east as Haj Omran on the Iranian border, north to the triangle where the borders of Iran and Turkey converge, and, in the west, to Amadiyah, Dihok, and Zakho where the Syrian and Turkish borders meet. Four times I crossed Iraqi lines, on two occasions disguised as a Kurd, in order to visit the populous cities of Irbil and Sulaymaniyah. This report attempts to present as comprehensive a picture of the situation in Kurdistan today as possible.

This trip would not have been possible without the assistance, cooperation, and friendship of many of the Iraqi Kurds including my host Jalal Talabani, KDP leader Massoud Barzani, Samy Abdu Rahman, Hoshyer Zebari, Karim Khan of Bardohst, and Sheikh Moustafa Zinawi. Dr. Abdul Karim Rauf, who escorted me safely through Kurdistan during the March uprising, and Hoshyer Samsan were my guides in Kurdistan, and I am grateful to them as well as to Tania Ali Hasan and Erman Bahaadin.

Sincerely,

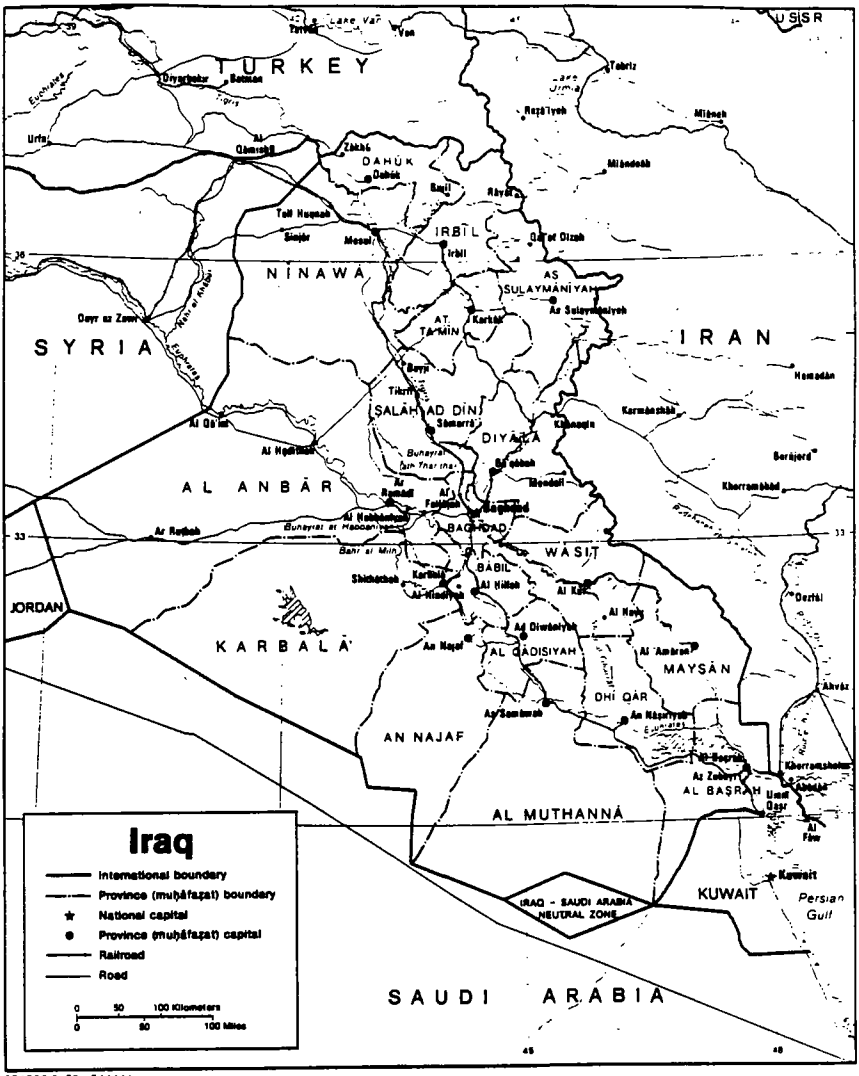
PETER W. GALBRAITH.

"We were taken to a place, given water, blindfolded and put back on the bus. I took off my blindfold and saw the trenches. The army men pushed us into a trench. When they started shooting, a bullet hit me in the armpit. I ran to a soldier. The officer became angry at the soldier and yelled, 'Throw him back in the hole.' The firing began again and I was hit in the back."—Tamur Abdul, age 15.

Child victims, Halabja

SUMMARY OF KEY FINDINGS

- Kurdistan is a broken land where millions live on the edge of survival. At least 600,000 Kurds have no shelter and face catastrophe as winter approaches. Food supplies and distribution are inadequate and the situation is certain to get worse. Kurdish civilians remain vulnerable to renewed Iraqi military attacks.
- Kurdish insurgents control at least 80 percent of Kurdish-inhabited lands in Iraq. The fragile unity of the Iraqi Kurdish movement could be ruptured by sharp differences between leaders as to whether to sign an autonomy deal with Saddam Hussein.
- Iraq is evading United Nations sanctions by exporting goods to Iran, Turkey, and Jordan. Massive quantities of Iraqi construction equipment, road-building vehicles, and factory machinery are crossing into Iran. Fuel and other goods are being exported to Turkey. Jordan appears to be both helping Iraq evade sanctions and conduct financial transactions.
- Kurdistan is a land slowly revealing the horrors of a quarter century of Ba'ath rule. Mass graves are being uncovered in various parts of Kurdistan and compelling evidence is now surfacing that as many as 182,000 Kurds ostensibly deported to the south after 1988 were instead simply murdered. The physical destruction of Kurdistan extends to every village and many small cities. Large parts of Kurdistan have been made uninhabitable by Iraqi minelaying operations.
- The Iraqi secret police kept extensive records of their activities, including torture and executions. The secret police also videotaped themselves as they conducted torture sessions, carried out executions, and gang raped Kurdish girls. Kurdish insurgents control this documentary evidence and are prepared to make it available to support prosecutions for crimes against humanity.
- To protect the Kurds from renewed Iraqi assault, the U.S.-led coalition needs to affirm its intention to use airpower to deter attacks on Kurdish-held territory. Consideration should be given to providing the Kurdish guerrillas with limited military assistance to enhance their self-defense capabilities. Such assistance could include spare parts and ammunition for the military equipment captured by the Kurdish insurgents and could come from stockpiles of Iraqi weapons left in the Kuwait theater of operations.



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I. A BROKEN LAND: KURDISTAN TODAY

A. Overview

For the first time in their history, Iraq's Kurds control most of Iraqi Kurdistan. Liberated Kurdistan extends from the Syrian border to Iran and includes the former allied-created safe haven comprising the Zakho-Dihok-Amadiyah triangle as well as a much larger territory in the east. Kurdish insurgents control Irbil and Sulaymaniyah, two of Kurdistan's three biggest cities, and territory extending as far south as Halabja, site of the 1988 poison gas attacks.

Kurdistan is a broken land. The Iraqi regime has systematically dynamited or bulldozed every village in Kurdistan, more than 3,900 of them. The village destruction program has dislocated more than two million of Kurdistan's four million people. In the east, the Iraqi regime dynamited the cities of Chwarta, Haj Omran, Sayid Sadiq, and Qalat Diza. Halabja is more than half destroyed and largely uninhabitable. Tens of thousands of people, once forcibly relocated to "model villages" that sometimes resembled concentration camps, live in the ruins of these cities.

The people of Kurdistan now face catastrophe. As winter approaches, upward of 600,000 people have no shelter. The 1991 crops looked good in part of Kurdistan but some other parts were not farmed at all, while mines have made other parts unfarmable. A substantial portion of the Kurdistan population is served by neither the domestic food distribution system nor the international relief agency programs. Hunger could become prevalent as existing supplies are consumed and winter weather makes roads impassible.

Militarily, the Kurds remain vulnerable to renewed attack from the Iraqi army. While the *Peshmerga* (the Kurdish insurgents) have more than 100,000 men under arms—virtually every able-bodied man in Kurdistan carries a weapon—their self-defense capabilities are limited by a lack of training, poor command and control, a lack of coordination among Peshmerga factions, and a lack of spare parts for captured heavy equipment. While the Kurds may be able to protect the more mountainous parts of their land, they cannot hold the cities alone. To protect their present territory and populations, the Peshmerga need continued air cover from coalition forces and some enhancement of their self-defense capabilities. If the Peshmerga are unable to protect their own people, renewed massacres and another mass exodus are likely.

Politically, the Kurds have attained a tenuous union among the principal Kurdish parties and with the traditional tribal leaders. However, sharp differences persist between Massoud Barzani, leader of the Kurdish Democratic Party (KDP), and Jalal Talabani, head of the Patriotic Union of Kurdistan (PUK), as to whether to conclude an autonomy agreement with Saddam Hussein. Unless

this rift is resolved, Saddam may conclude a deal with Barzani, who favors an accord, thus isolating Talabani geographically and dividing the Kurdish movement. The April decision of the Kurds to engage in negotiations has already fractured the unity of the Iraqi opposition, and a Kurdish split now would almost certainly undermine the opposition dream of establishing an alternative Iraqi government on Kurdish soil.

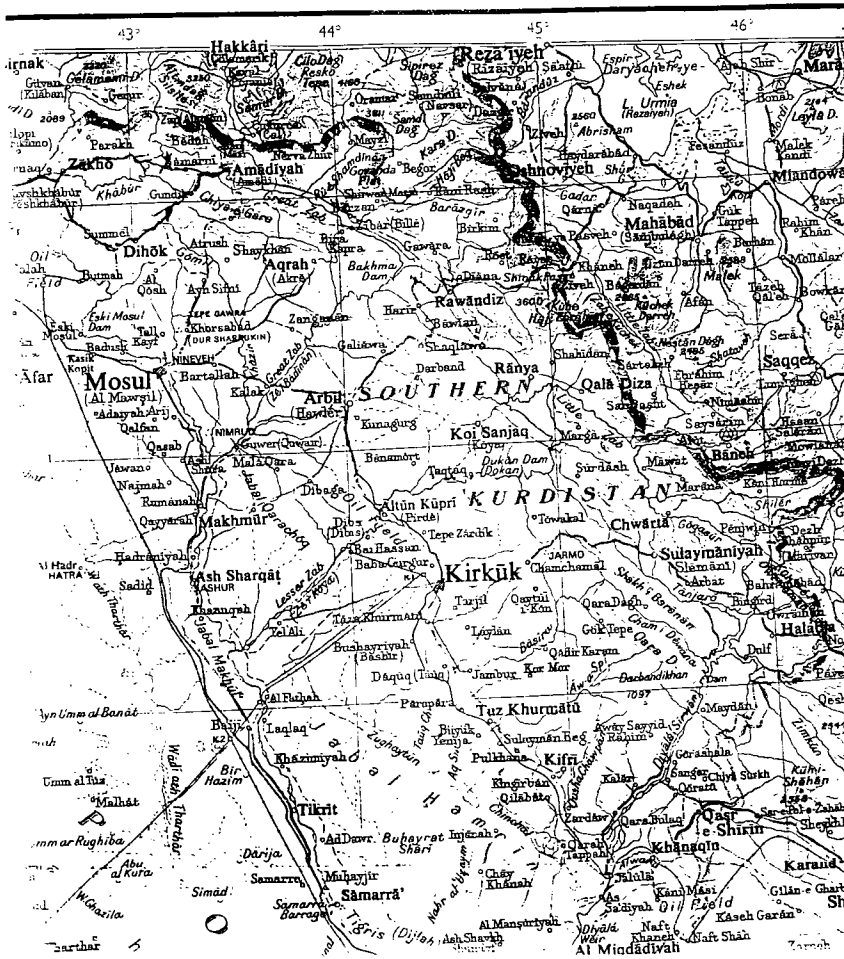
Finally, Kurdistan is a land emerging from the trauma of two decades of Saddam's rule. Mass graves are being uncovered in various parts of Kurdistan and compelling evidence is now surfacing that as many as 182,000 Kurds ostensibly deported to the south after 1988 were instead simply murdered. With the liberation of Kurdistan, the Kurds have seized many of the records of Iraqi security agencies, including the *Amn,* internal security, the *Mukhabarat,* civilian intelligence, and the *Istkhbarat,* military intelligence. These captured documents, which include graphic videotapes, record systematic killings, grotesque torture, and the gang rape of Kurdish girls and women.

B. Political/Military Situation

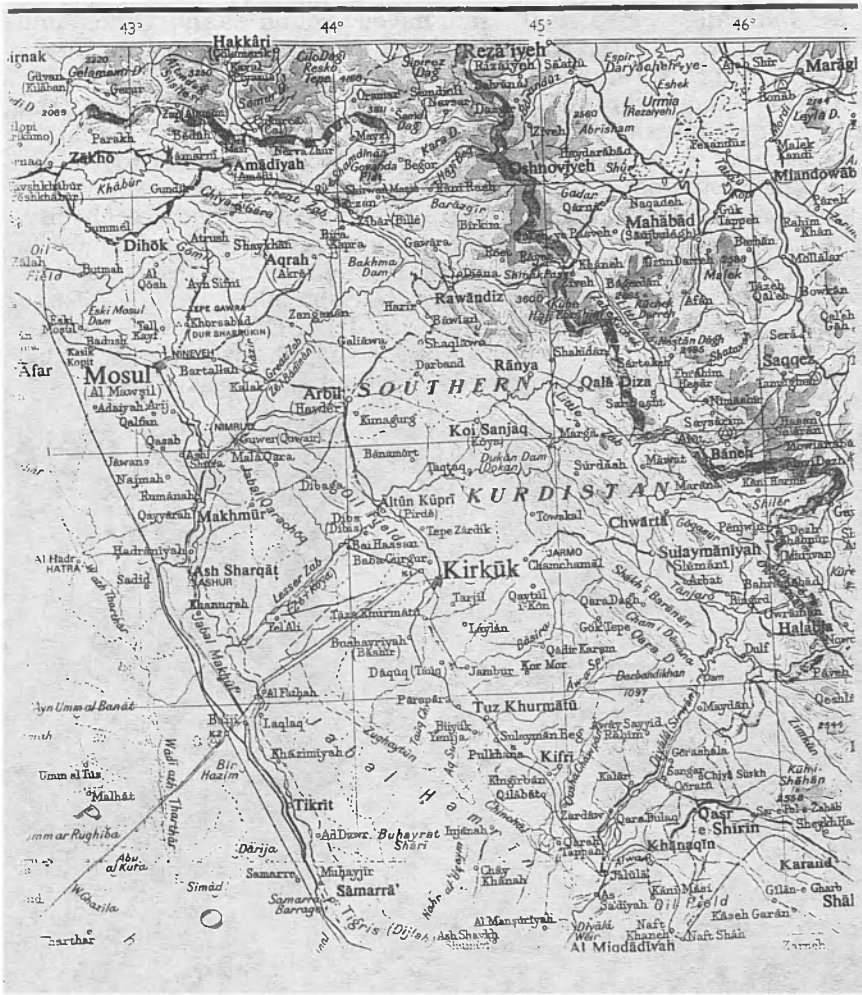
Never has so much of Iraqi Kurdistan been under Kurdish control; today, Kurdish insurgents control territory stretching from where the Tigris River briefly forms the border with Iraq to the border with Iran. The liberated territory includes the Zakho-Dihok-Amadiyah triangle (the former safe haven created in April by the allies) as well as a much larger territory in the east. Along the Iranian border the liberated zone extends as far south as Halabja and as far west as the cities of Sulaymaniyah and Irbil. At least 80 percent of the Kurdish inhabited lands of Iraq are now under Péshmerga control.

Kurdistan has been liberated in stages. On March 8, 1991, the Peshmerga, operating in concert with tribal chiefs and the *jash,* Kurdish forces on Saddam's payroll, initiated a rebellion that brought virtually all of Kurdistan under Kurdish control. This rebellion was crushed by the Iraqi army in a ferocious assault over the Easter weekend of March 28–31. During the assault the Iraqi army swept up to the Turkish border, seizing the cities of Dihok, Zakho, Sarsanq, and Amadiyah; in the east the army seized the two principal Kurdish cities on the Iraqi plain, Kirkuk and Irbil, as well as Sulaymaniyah. However, in an April 5–7 battle, a PUK affiliated force led by Kosret Rasul stopped Iraqi tanks on the road between Salahuddin and Shaqlawa. In another key battle, the Iraqi advance was halted at Mount Azmer, east of Sulamaniyah. Thus, a number of important Kurdish towns in the east, including Shaqlawa, Rawanduz, Harir, Diana, Rania and the ruined towns of Chwarta, Haj Omran, and Qalat Diza, were never again in Iraqi hands.

PRINCIPAL TOWNS OF IRAQI KURDISTAN

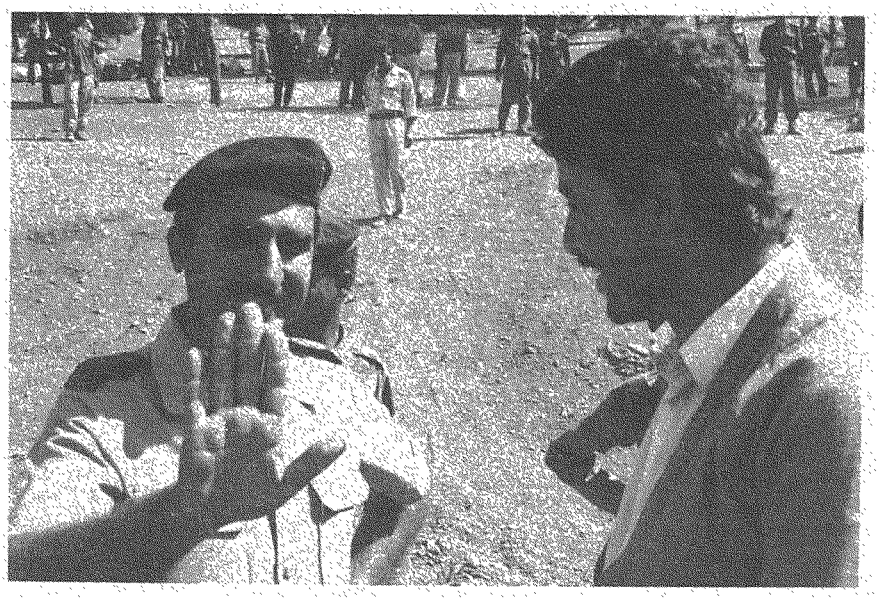


PRINCIPAL TOWNS OF IRAQI KURDISTAN



In mid-April, the United States, Great Britain, France, and the Netherlands, acting on a plan first advanced by British Prime Minister John Major, created the safe haven around Zakho, Dihok, and Amadiyah. Even after the July allied withdrawal, the Iraqi army made no effort to return to the safe haven.

In July another round of popular uprisings took place in Irbil and Sulaymaniyah, bringing these cities (each with a population approaching one million) under insurgent control. From July through September, an anomalous situation existed in which the Peshmerga controlled, but the Iraqi army surrounded, each city. The army allowed the Peshmerga approaching the cities from the east to cross its lines while both Peshmerga and Iraqi soldiers walked the streets of the two cities. In September, when I crossed the Iraqi lines into Sulaymaniyah, the Iraqi soldiers were pulling out of their positions east of the city giving the Kurds unimpeded access. Later the Iraqi army made a pullout from east of Irbil.



A camera-shy Iraqi officer outside Sulaymaniyah

Thus, by the end of September all of the Kurdish inhabited parts of Iraq—except for the city of Kirkuk—were under Kurdish control. Although the various Kurdish elements have united in the Iraqi Kurdistan Front, actual control rests with the Kurdish political parties and the Kurdish tribes or clans. The two main Kurdish political parties are Massoud Barzani's Kurdish Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK). The KDP was founded on the day of Barzani's birth—August 16, 1946—by his father, during the short-lived independent Kurdish Republic of Mahabad in northern Iran. Historically the pre-eminent Kurdish party, the KDP's territory includes the former safe haven and the land along the Turkish border. The KDP reflects the personality of the Barzani clan, fiercely independent mountain

people with a mixture of a modern party and a kinship-based leadership.

The PUK was founded by Talabani in 1976 and it, too, reflects its leader. A highly intelligent man who eschewed his tribal background as leader of Talabani clan, Talabani has been in recent years the diplomatic voice of the Kurdish movement. Using the English he taught himself in the mountains, he has developed close ties with Western leaders and the media. Most remarkable in light of Turkey's suspicion of all Kurdish movements, he has developed a personal relationship with Turkish President Turgat Ozal that has transformed the geopolitical situation of the Iraqi Kurdish movement.

The third element in the Kurdish political equation are the tribal leaders. Many Kurds identify with various clans and, in spite of rapid modernization and the regime's urbanization programs, the clan leaders have considerable influence. Until the March uprising many clan leaders negotiated their own arrangements with Saddam Hussein, arrangements that included generous financial pay-offs in return for political, and sometimes military, support against the Peshmerga. The tribal leaders often headed pro-Saddam local militia, known as the *jash* (the Kurdish word for little donkey). It was the defection of the jash in early March that made for the Kurdish uprising's initial success. Concerned that decisions on the future of Kurdistan were being made without them, the tribal leaders have now formed a tribal association as a vehicle for political influence.

The key decision for the Kurds is whether to conclude an autonomy agreement with Saddam Hussein. Negotiations for such an agreement began in April after the failed uprising and, as it presently stands, the draft agreement provides the Kurds on paper substantial autonomy. There are, however, important differences still remaining. From a Kurdish point of view, the most important involves the territory of the Kurdish Autonomous Region. The Kurds argue it must include the historical Kurdish lands near the Syrian border and in the southeast that have been "Arabized" (through a government policy of evacuating Kurds and settling Arabs in their stead), as well as the ethnically mixed city of Kirkuk. For their part, the Iraqis adamantly refuse to reverse any of their recent Arabization gains. A second issue concerns Saddam's unsurprising failure to make concrete any promise for democracy in Iraq.

Can Saddam be trusted sufficiently to abide by any agreement so as to make it worth the risk for the Kurds to sign? Given Saddam's record of reneging on past agreements, this and not the substance of an autonomy agreement is seen by the Kurds as the key question. Neither Massoud Barzani nor Jalal Talabani trusts or likes the Ba'ath regime. Ironically, however, it is Barzani, whose family and clan have suffered grievously at Saddam's hands, that seems prepared to sign the agreement.

Barzani has little faith in the international community's commitment to the Kurds, and even less in the United States. He well recalls how Henry Kissinger, acting for the Nixon and Ford administrations, encouraged the 1974 Kurdish rebellion and then cut off assistance when it was no longer convenient. When the Kurdish rebellion then collapsed, Barzani and his family went into a long

exile during which his father succumbed to cancer a broken man and from which the Barzanis have now just returned. For Kurds like Barzani, Kissinger's reported comment cavalierly dismissing any responsibility for the consequences of his policy ("covert assistance is not missionary work") reinforces their view of the cynical and self-serving nature of U.S. policy. Barzani has no love for Saddam, who killed his brothers ("Don't think I like being with the Ba'athist," he told me), but he believes the deal Saddam now offers provides the Kurds a better prospect than reliance on uncertain outside support. And, like many Kurds, Massoud Barzani is tired of war and oppression.

Jalal Talabani hopes that, with the new world order, the international community will continue actions on behalf of the Kurds. He suspects that a Saddam-Kurd deal might lessen world concern for the Kurds, concern that might be hard to reinvigorate. Because he is certain Saddam will inevitably renege on any deal, Talabani believes the only practicable course for the Kurds is to work with other Iraqi opposition elements and the world community to overthrow Saddam Hussein.

So far, the tribal leaders and most of the smaller parties oppose a deal with Saddam. However, this could shift if international assistance is not forthcoming, and if Saddam finds the resources to resume his past practice of buying the support of more flexible tribal leaders. Popular sentiment among the Kurdish people in the liberated zone seems, as far as I could tell, strongly against any agreement with Saddam. Anger against the Ba'ath regime grows as Kurds, most of whom lost family members to its repressive apparatus, find they can give vent to their feelings. To the extent this can be gauged by an outside observer, Talabani's popular position has been enhanced, and Barzani's somewhat diminished, by their respective positions on the deal.

The great fear among many Kurds is that Massoud Barzani might sign the autonomy accord while Talabani refused to go along. A separate agreement between Saddam and Barzani would tear apart the Iraqi Kurdistan Front, much as the Kurds' April decision to negotiate with Saddam helped fracture the Iraqi opposition coalition. Such a pact could also geographically isolate Talabani's force since the KDP supporters tend to be in the Turkish border areas (and therefore directly accessible to the Turkey-based allied coalition), while the PUK supporters are in the south and east of Kurdistan accessible to the outside from Iran or through KDP territory. Both leaders insist a separate deal would not happen; they would only act together after having received a mandate from the Kurdish people.

C. Military Needs

The Peshmerga, the Kurdish insurgent military force, has more than 100,000 men under arms. Indeed, virtually all adult males in Kurdistan carry a weapon and seem to consider themselves Peshmerga (literally "those who face death").

At one level the Peshmerga are an extraordinarily capable insurgent army; many of the leaders and fighters have spent their adult lives under arms. Discipline is good, commitment deep, and morale high, even though many Peshmerga do not receive promised pay-

ments, and their families (which they rarely see) barely subsist. A palpable sense of comraderie exists among Peshmerga associated with different parties, and their working relationships are solid. Travelling the width and length of liberated Kurdistan with one of the PUK commanders, Dr. Abdul Karim Rauf, I was impressed that at each checkpoint, regardless of party, Dr. Rauf was recognized (although he wore no insignia) and our group easily let through.

Some of the Peshmerga have impressive educational credentials; a number of my companions spoke English, and several had medical, engineering, or other degrees. As Western correspondents and visitors learned during the March uprising, the Peshmerga are also extremely brave having risked, and in some cases lost, their lives to protect their guests.

But the Peshmerga have many weaknesses as a fighting force as well, weaknesses that became particularly apparent as the March uprising collapsed. Since Peshmerga are associated with various political parties or clans, there is no clear central command, making it difficult to coordinate military operations or to restrain errant Peshmerga bands. The Peshmerga also suffer from a lack of intelligence gathering and processing capabilities. I spent the night of March 30–31 in Dihok with many of the top Kurdish political and military leaders, all apparently unaware that the Iraqi army was just on the city's outskirts, poised for an early morning assault. Similarly, the Peshmerga did not anticipate the strength or mobility of the Iraqi offensive of that Easter weekend. Finally, the Peshmerga seem amply armed with light weapons, and have captured much in the way of heavy arms from the government, but they are short of ammunition for their automatic rifles, and lack spare parts, ammunition, and operating knowledge for the heavy weapons.

To protect the Kurdish people from renewed Iraqi attacks, the self-defense capabilities of the Peshmerga will need to be enhanced. The allies recovered enormous quantities of Iraqi military equipment left behind in Kuwait, and, from these stocks the Kurds could be provided with ammunition as well as spare parts needed to make captured tanks and howitzers operational. At least arguably, the return to Iraq in the foregoing manner of Iraqi military equipment (admittedly to different Iraqis than those who lost it) does not violate any U.N. mandate relevant to the Persian Gulf crisis.

The Peshmerga also need military training and financial support. They particularly need training in the operation of the tanks and other heavy weapons in their possession as well in military tactics involving these weapons. The vast increase in numbers of Peshmerga as well as the responsibilities associated with holding large amounts of territory have greatly increased the financial burdens on the parties supporting the Peshmerga. Kurdish leaders estimate their unmet financial requirements at $12 to $15 million a month, such funding being needed to provide subsistence for Peshmerga and their families, for the purchase of ammunition, and for logistical support for the military struggle.

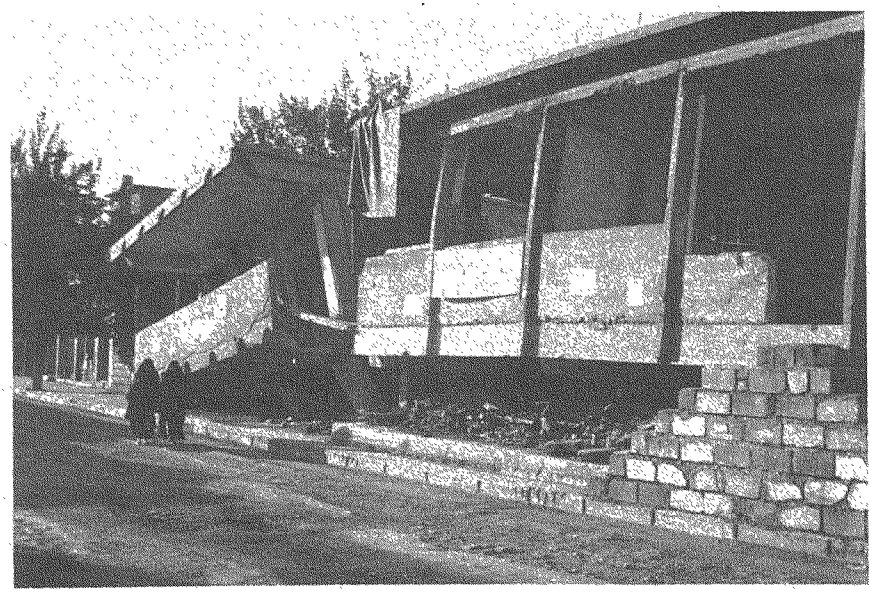
Essential to the protection of the Kurdish people is the continuation of United States and coalition air cover. Flying out of the U.S. base at Incirlik, Turkey, fighter aircraft patrol the skies over

liberated Kurdistan above the 36th parallel and deter Iraqi air and ground attacks. South of the 36th parallel Iraq has been probing and encroaching on Kurdish territory. These small assaults have included use of helicopter gunships and the shelling of civilian populations. In September, the Iraqis even used helicopters in an attack on Koy Sanjaq, a large town just north of the 36th parallel. Overnight more than 4,000 people became refugees. If the encroachments go unchecked, Iraq's next targets could be the heavily populated eastern cities of Irbil and Sulaymaniyah, and attacks on these cities could provoke a major new refugee crisis. The United States could avoid such problems by formally extending the air protection to the Kurdish lands south of the 36th parallel and by making it clear that the protection will continue as long as there is a threat to the Kurds from Saddam Hussein and his regime. To withdraw air protection while Saddam's regime continues is to invite renewed Iraqi slaughter in Kurdistan.

D. Humanitarian Needs

Iraqi Kurdistan is a land where life today is lived on the edge. More than 600,000 Kurds live, quite literally, without a roof over their heads, without adequate sanitation or clean water, and without a secure supply of food. Winter will multiply human suffering and could take a toll of many lives.

In April most of Iraq's Kurds fled to the Turkish and Iranian borders. The immediate humanitarian crisis created by that flight—a crisis with a daily death rate approaching 1,000—is now over. Thanks to Operation Provide Comfort, the efficient and humane Pentagon-organized relief program, virtually all Kurds on the Turkish border have left the mountains. Some refugees remain on the Iranian borders, where Operation Provide Comfort did not reach, but here too most have come off the mountains.



The partly destroyed city of Halabja

A majority of the former refugees have returned home, but, a sizable minority cannot or will not go back. The Kurdish residents of Iraqi Kurdistan's largest city, Kirkuk, have not been allowed back, the Iraqi regime evidently wishing to turn the disputed city, with its adjacent oil fields, into an all-Arab city. Kurdish neighborhoods have been dynamited, according to refugees and Kurdish leaders, while Arab settlement is encouraged. The ouster of the Kurds from Kirkuk is part of a larger Arabization campaign that has significantly reduced the historic areas of Kurdish settlement in Iraq.

Also not returning home are the former residents of "model villages" established by the Iraqi regime for those who lost their homes in the village demolitions. The model villages on the plain west of Kirkuk and Irbil were poorly constructed, had minimal sanitation and water, and provided few employment opportunities for the residents. Some, if not most, were surrounded by barbed wire, and Kurds could enter or leave only with difficulty. These model villages are still under Iraqi control and the former residents prefer to return to their destroyed villages rather than to places that resemble concentration camps.

The refugees from Kirkuk are camped along the roads leading to the Iranian border and in some of the destroyed cities. These middle class urban residents are adjusting to life in U.N.-supplied tents, relying on mountain rivers for washing, drinking, and sewage. The great need for the Kirkuk refugees is winter tents and certain deliveries of food.

Some of the villagers returning to their destroyed homes are in the process of rebuilding, but many are reluctant to rebuild, given the political uncertainty prevailing in Kurdistan. Naturally, they fear that, if they rebuild, the government will once again destroy their homes. Others would like to rebuild but lack the financial resources to do so. Finally, uncertainties over land ownership and property lines in destroyed villages and towns hamper the rebuilding effort.

The most remote part of Kurdistan is the so-called triangle, where the borders of Turkey and Iran converge. Here the clansmen of local leader Karim Khan have made the greatest progress in rebuilding their stone homes. Karim Khan has used his traditional authority to settle land disputes and to organize the provision of rebuilding materials. While this region faces a difficult winter also, it and the other areas where traditional rulers hold sway are probably better off than the more modernized parts of Kurdistan.

Even at this late date, outside assistance to the rebuilding effort in the villages of Kurdistan could help mitigate suffering this winter. However, homeless Kurds mostly need interim assistance to get through the cold months. The reconstruction of all of Kurdistan necessarily awaits a political solution.

E. Sanctions Busting

Under United Nations Security Council resolutions Iraq is permitted to import only food and medicine. Except as provided by Security Council Resolution 706 relating to the sale of oil, Iraq is prohibited from making any exports. Yet, there is in fact massive sanctions busting across the Iranian border and to a lesser degree

across the Turkish border. The sanctions busting on both these borders may pale as compared to that over the Jordanian border.

Haj Omran is a ruined town in the mountains on the Iranian border. The mountains around the ruins are sowed with mines and at least a two hour drive separates Haj Omran from the nearest extant Iraqi town. Yet, in Haj Omran, within a mile of the border itself sits one of the largest collections of construction and earth-moving equipment in the world. In a short period of time I saw more than 30 large bulldozers, at least 7 giant cranes, steam shovels, and hundreds of big dump trucks. The equipment, manufactured by Volvo, Komatsu, Caterpillar, and Kawasaki looks to be in good condition. Parked along the road leading to the border were trucks loaded down with machinery. The Kurds explained that whole factories were among the contraband waiting to cross into Iran.

From the evidence at Haj Omran, it is clear that Iraq is exporting its infrastructure to Iran at fire sale prices. Less clear is who in Iraq makes the exports and who benefits from them. Some exports are pieces of equipment seized by various Kurdish factions from the government or pro-government enterprises in Kurdistan. Some is simply trade in stolen goods. Much, if not most, of the trade seems to involve infrastructure and other goods from the government controlled part of Iraq being shipped through Kurdish-controlled lands (with payment of appropriate transit gratuities) to Iran.

Talabani and other Kurdish leaders expressed concern about the sanctions busting and have taken steps to stop trade through Haj Omran. Talabani worries that Kurdistan is losing much of the equipment and infrastructure it will need to rebuild and to restore its economy. However, the orders to stop the trade have been largely ignored with traffic going into Iran now more at night than during the day. As Sheikh Moustapha Zinawi, the tribal leader in the Haj Omran region, explained, "because of Saddam we have no jobs and no food. If you say we have jobs then we will stop the traffic to Iran."

A much lower level of sanctions busting is occurring on the Turkish border. Trucks are lined up for miles on both sides of the Habur crossing between Silopi, Turkey and Zakho, Iraq. Much of the trade coming into Iraq is foodstuffs permitted by the United Nations. However, the trucks then export fuel (large fuel tanks have been built under trucks plying the Iraq route; because of Iraqi price controls a gallon of Iraqi gasoline or diesel costs 4 cents as opposed to more than 2 dollars in Turkey) and other contraband. For example, I saw a truck laden with Iraqi wool crossing into Turkey.

Much of the traffic crossing the Iraq-Turkey border travels in tarpaulin covered trucks. The Kurds control the Iraqi side of the border, and their collection of fees on this traffic represents a major source of financial support for the Kurdish parties. They are therefore often reluctant to inspect the cargoes or to halt any contraband.

Iraqi opposition leaders with detailed knowledge of the Jordanian economy believe that Jordan, not Iran, is the worst violator of the U.N. sanctions. While this writer did not witness the illegal

trade with Jordan, the source for the information described below has been an extremely reliable one for a number of years. Specifically, Jordan reportedly permits the transit through its territory of Iraqi urea, sulphur, refined oil products, and infrastructure including trucks and earth-moving equipment. Jordan has informed the United Nations sanctions committee that it is importing oil from Iraq, but that this oil is being offset against Iraq's prior debt to Jordan. However, it appears that Jordan is extending new credit to Iraq and therefore Iraq is, in fact, receiving a financial benefit from the oil sales. Further, Jordan is said to be permitting the re-export of Iraqi oil to Lebanon, also to the financial benefit of Iraq.

Amman shops contain carpets and jewelry sold by Iraqis desperately seeking cash to buy food and other essentials. Less innocently, a representative of Saddam's son, Uday, is said to be in the Jordanian capital facilitating the export of cars stolen from Kuwait and other contraband from Iraq. Iraq's Rafidan Bank reportedly purchases dollars on the open market in Amman and conducts money-laundering operations there.

Sanctions busting allows Saddam Hussein to stay in power. Selling off decades of investment in Iraq to Iran and Jordan enables him to import food, medicine, and even some luxuries, so as to sustain his elite presidential guards and those army units most critical to his grip on Baghdad. For the time being, the Iraqi people derive some small benefit from this sanctions busting because they can buy necessities paid for by the sale abroad of their accumulated personal wealth. Over the long term sanctions busting sustains in power a regime whose continued existence politically and economically burdens the Iraqi people. The current level of sanctions busting will allow Saddam to support himself and his repressive apparatus indefinitely, but as the wealth of Iraqi families dissipates, ordinary people will lose access to imports. And because of the massive exports of infrastructure, a post-Saddam Iraq will be much poorer.

F. An Anti-Saddam Strategy

As long as Saddam Hussein and his Ba'ath regime remain in power, there can be no real security for the Kurds and no peace for Iraq. Saddam can maintain himself in power by evading sanctions, but he no longer exercises his pre-war level of control. Even outside of Kurdistan, Iraqis speak of their disdain for Saddam, unthinkable a year ago, and the Iraqi opposition claims to have operating cells throughout the country.

A concerted anti-Saddam strategy could further weaken his position. Such a strategy should have three elements. First, United Nations sanctions should be tightly enforced. This will undermine Saddam's ability to support his repressive apparatus, and its members, too, may then join the ranks of the discontented. It is possible that tighter sanctions enforcement, and in particular a crackdown on illegal exports, might actually improve the prospects that Saddam will agree to U.N. Resolution 706. At present he has no incentive to comply since he can both support the pillars of his power and use the suffering of the Iraqi people to blackmail the international community into easing sanctions. Enforced sanctions would make the former much more difficult.

Military and political support for the Iraqi opposition is a second leg of an effective anti-Saddam strategy. In practical terms such assistance would go mainly to the Kurds, and the types of assistance most needed have been discussed above. While such assistance will enhance the ability of the Kurds to defend themselves, it probably will not contribute directly to the opposition's ability to overthrow Saddam. To the extent, however, such assistance enables the Kurds to deny Saddam's regime access to a large part of Iraq, it will diminish the legitimacy of his rule. Elements of the military may then conclude that the integrity of Iraq requires a change in regime.

The indictment of Saddam Hussein and his accomplices for war crimes and crimes against humanity is the final element in an enhanced anti-Saddam strategy. The case for crimes against humanity prosecution is described in the next part of this report. Absent a change of regime, it will be very difficult to obtain custody over Saddam and associates and any prosecution is fraught with serious jurisdictional questions. The fact of indictments—even if in the national court of a coalition country rather than in a still unconstituted international tribunal—will strike a serious blow against the legitimacy of Saddam's rule. Such indictments will clearly signal to Iraqis that their country will never be accepted back into the international community as long as the Ba'ath regime remains in power, and that Saddam's current strategy of hoping to outlast sanctions will not work. If the United States is seen as a prime mover for indictments or if the indictments are brought in a U.S. court, their political effect will be magnified. U.S. passivity during the March popular uprising in Iraq left many Iraqis with the impression that the United States preferred to see a weakened Saddam continue in power. U.S. leadership in the effort to indict Saddam and his cronies for war crimes and crimes against humanity will send the most unequivocal message possible that Saddam must go. To date, in the view of many Iraqis, the message has not been sent and the impression of U.S. ambiguity helps sustain the regime in power.

II. LEGACY OF DEATH: IRAQI RULE IN KURDISTAN

A. Overview

Kurdistan is a land slowly revealing the horrors of a quarter century of Ba'ath party rule. The physical evidence of atrocities is everywhere: thousands of destroyed villages, the sprawling ruins of small cities, the torture rooms of secret police buildings, mass graves. Abundant, too, is the human evidence: the accounts of the survivors, the meticulous records of the Iraqi secret police, the videotapes made by the tormentors as they tortured, raped, and killed.

A nine day visit could never document the extent of the Iraqi atrocities. The following, necessarily a personal and anecdotal account, provides only a glimpse of Iraqi rule in Kurdistan. In the judgment of this observer, substantial evidence exists to support the proposition that Iraq committed crimes against humanity in Kurdistan. Presenting this case to an appropriate forum will require further investigation and documentation.

B. Qalat Diza and the Destroyed Cities

The Qalat Diza hotel and restaurant is the pride of Qalat Diza's new commercial strip; the restaurant serves a freshly grilled lamb kabob along with Kurdish bread and a choice of imported beverage. Across the street is the Qalat Diza pool hall. Along the main street there is another restaurant (the menu is identical to the Qalat Diza) and a series of shops. At the Qalat Diza hotel and restaurant, they like to serve the kabob rare because it uses more scarce wood to cook it well done.

Of course, no foreigner would want to eat rare meat in Qalat Diza. The hotel and restaurant has no running water, no electricity and therefore no refrigeration. The restaurant floor, and the floor of the hotel's only room, are dirt. Neither the hotel, the restaurant, the pool hall, nor any shop has a real roof; leaves cover these structures but they have no doors. The proprietors are reduced to living in their businesses around the clock; otherwise, people more desperately poor than they are likely to steal the few goods they have for sale.

Two years ago, Qalat Diza was a functioning if not prospering small city in eastern Iraq. It had a population in excess of 100,000, and had grown rapidly as a result of Iraqi policies in the preceding decade. In order to pacify Kurdistan, the Iraqi government had embarked in 1975 on a program to depopulate a 20-kilometer wide strip of territory along the Iranian border. Then, in the mid-1980s a decision was made to destroy every village in Kurdistan. The people made homeless by this rural depopulation policy moved to cities like Qalat Diza or to so-called model villages—under the control of the Iraqi army—built near the cities. Some model villages

resemble concentration camps, with barbed wire and limited rights of egress, but the ones around Qalat Diza were merely squalid.

To accommodate Qalat Diza's exploding population, and that of the surrounding model villages, the Iraqi government built schools and a small hospital. Then, in 1989, the government decided to wipe Qalat Diza off the face of the earth. Iraqi army units surrounded the city and gave the local population just a few hours to collect their belongings. Once it been evacuated, the army systematically dynamited every house, every shop, and every public building in Qalat Diza.

Qalat Diza's people have returned home. Living among the rubble, they lack running water and sanitation. Among the families in Qalat Diza a sense of bewilderment and despair prevails. One young boy, who with his family had been sleeping in the 8' x 10' ruins of a room, described his daily diet: tomatoes for breakfast, no lunch, tomatoes for dinner. In another ruined house a young woman was expecting her third child. Her earlier children had been born in the hospital, but this time she had not seen a doctor and had no hope that the child would been born anywhere other than the ruined house. When asked why she stayed in Qalat Diza, she answered just as everyone else had: "We are from here and would rather die here than live someplace else."

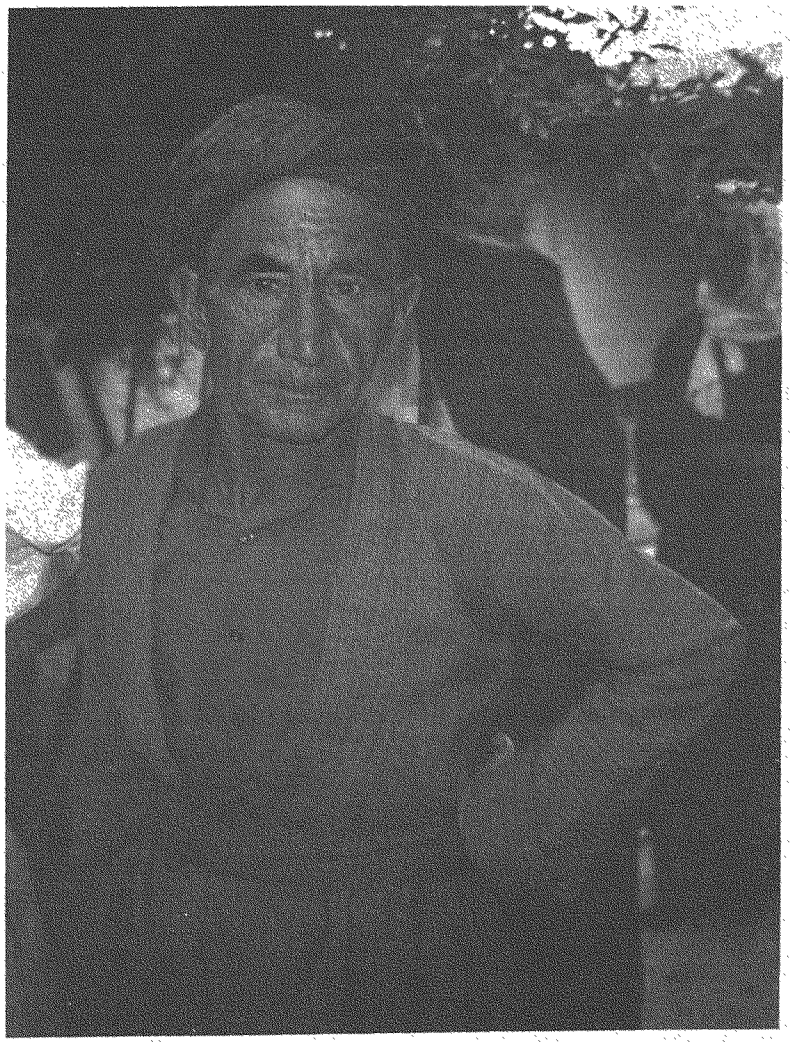
Most of Qalat Diza's residents have no roof over their heads but Ismet Karim and his family were lucky: among the first to return to the city, they found a home in a destroyed school. Because public buildings were built with poured concrete and reinforcing steel rods, the dynamite tended to leave the expansive flat roofs in large chunks rather than rubble. The second story of their school rests on the collapsed first story and the roof is more or less intact, creating a cave reachable by climbing over a jungle-gym of twisted reinforcing rods. Cleared of rubble, the sloping concrete floor provides ample sleeping and living space for the 20 or so family members. At the edges, no more than 4 feet of standing room exists but at the center the ceiling approaches 7 feet.

The only problem with this cozy home is its single opening, which made the room stifling hot in the summer. This winter, fumes from the family's kerosene heaters threaten to asphyxiate everyone.

Qalat Diza is one of a number of destroyed small cities. Sayid Sadiq, Chwarta, and Haj Omran presented comparable pictures of destruction and despair. In addition to the cities, the Iraqi regime has destroyed every village in Kurdistan. Lost with the villages and cities is the cultural heritage of thousands of years of civilization. Christianity came early to northern Iraq and now lost to Iraq's destructive campaigns are churches dating to the 5th century; also destroyed are old mosques, forts, and medieval homes. The Iraqi regime has wiped out large investments in schools and other public buildings. In some villages cemeteries and fruit trees were left; in other cases, spiteful army officers destroyed these vestiges of communal life. Utility poles leading to the destroyed villages and cities have been stripped of their wire and wells were covered with concrete or poisoned. Like the Roman legions at Carthage, Saddam Hussein's army has salted the earth of Kurdistan.

C. Halabja Slowly Reveals its Horrors

At the southern end of the Kurdish lands, at the edge of a wide plain descending to Iraq's Arab heartland, is the city of Halabja. Or, what remains of the city. In 1988, Halabja became a modern symbol of the cruelty of the Saddam Hussein regime. On March 16, Iraqi aircraft bombed the city, then in the hands of Iranian supported Kurdish rebels, with chemical weapons. More than 5,000 children, women, and men died in the attack. After the attack, Iranian television and photographers entered the city and took graphic pictures of the aftermath. These images—a man frozen in death as he tried to flee with his baby son; a Kurdish girl with her head wrapped in a scarf and her face puffy from the first stages of decomposition—appalled the world. Yet, Iraq retook the city within days, and little has been heard of what followed.



Halabja resident in home where his family died in the 1988 poison gas attacks

The Saddam Hussein regime set out to destroy the evidence of its crimes. In 1989 and 1990 the survivors were moved out of Halabja and the demolition squads moved in. Their work was not finished by August 2, 1990, and Halabja is merely half-destroyed. A pathetic place, its buildings are one room deep or mere facades giving way to vistas of rubble. Signs of the 1988 tragedy abound. In one house where two families died, the names are written on opposing sides of a hallway. The Kurds showed this visitor a basement where 48 people took shelter only to perish as the poison gas settled to the lowest point. The basement was sealed because French doctors had warned of lingering danger. Inside clothes still lay on the floor and the smell of death hung in the air. In another house a man showed me the fragments of one chemical bomb and another bomb that seemed to be intact. He then showed me where the various members of his family had died.

Many of Halabja's present residents are refugees from elsewhere. Above the cellar of death a family from Kirkuk was camped out. They had no place else to live. Mohammed, an engineer from Baghdad, explained that more horrors from 1988 continue to surface. Farmers beginning to cultivate the fields around Halabja find skeletons in the tall grass. And as people begin to rehabilitate Halabja's collapsed buildings, they find the corpses of 1988. Mohammed himself is an Arab who held high rank in the Iraqi army. He deserted during the uprising when he was ordered to destroy the Kurdish section of Kirkuk. He fired instead at false points but then, fearing discovery and finding the situation untenable, fled to Iran. He lives in Halabja and, as he supports the anti-Saddam cause, he worries about his family left in Baghdad.

Mohammed accompanied me to the cemetery outside of Halabja. Here, in mass graves, lie the victims of the 1988 poison gas attacks and more recent atrocities. Newly constructed stone retaining walls surround some graves. Plaques list the families buried there. Other graves are more primitive. Along a trench, mixed in the dirt, are the clothes and shoes of the people buried not far underneath. As I began to photograph the trench, a boy asked if I wanted him to dig up some bones for my pictures. Even as I declined, a Kurdish man dug with his hands in a large pile of dirt. He turned up two skulls which he placed at the edge of the trench. They were small skulls, children, and the scene was impossibly sad.

There are mass graves outside many, if not all, Kurdish towns. Some are for the victims of the al-anfal campaign of 1988, some of earlier depopulation campaigns, and the more recent graves are the victims of Saddam's brutal repression of the March 1991 uprising.

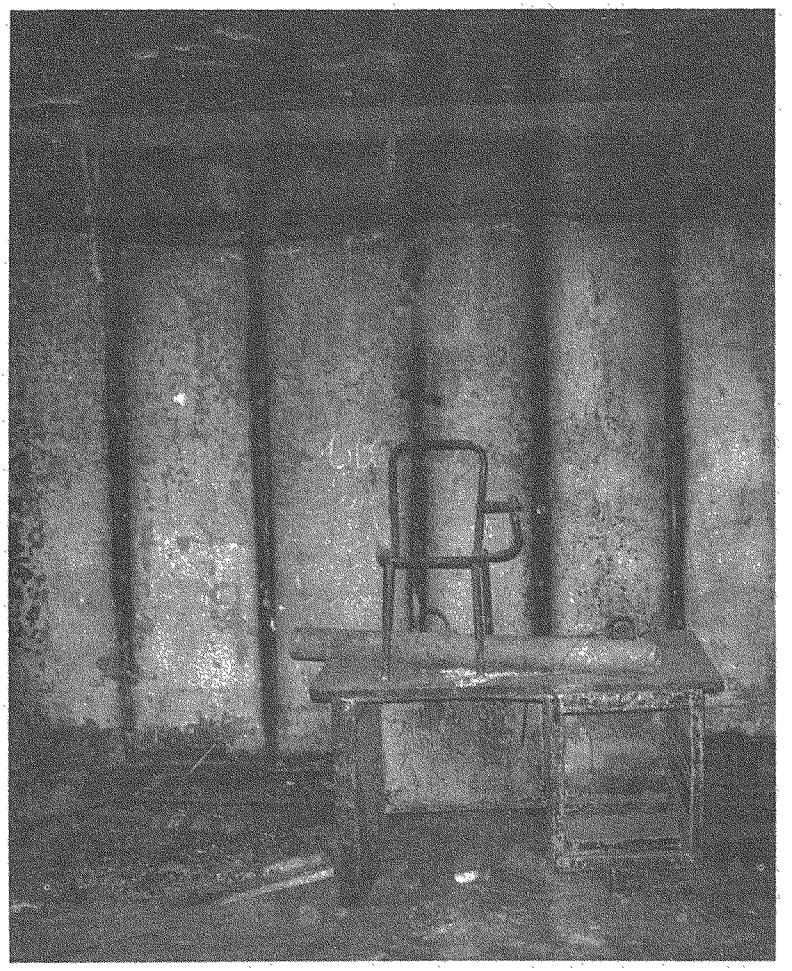
D. Sulaymaniyah Secret Police Headquarters

In Iraqi cities one of the most prominent buildings invariably belongs to the Amn, or internal security. These forbidding institutions are, of course, strictly off limits to all visitors, except those unfortunate enough to end up there involuntarily.

Sulaymaniyah in eastern Iraq is an attractive, well kept city with an almost entirely Kurdish population that approaches one million. While taking pictures in the colorful souk during a previous visit in 1987, I inadvertently aimed the camera at some forbid-

den object. An Amn man approached me and attempted an arrest. Thanks to the speedy intervention of my foreign service travelling companion, the incident ended and we quickly left the city.

On this trip I had the chance to visit my erstwhile earlier destination, the Amn headquarters of Sulaymaniyah. The four-story building had been torched by Kurdish townfolk who seized it in fierce fighting on March 10, 1991. The flames, however, could not obscure what had gone on inside.



The torture room of the Sulaymaniyah secret police

After passing the administrative offices—all ransacked—the visitor enters a small high walled courtyard covered by barbed and razor wire. Off the courtyard and to the right is a room with steel ceiling hooks on pipes. An odd shaped chair rests on top of a desk at the end of the room. Ahmed, an engineering student who had

participated in the fighting to seize the building, explained the purpose of the hooks and chair.

The prisoner was brought naked into the room with his hands tied behind his back. The prisoner was then seated in the chair and his arms brought up behind his back and hooked, by the rope tied between them, onto the ceiling hook. In this position the naked prisoner would be interrogated. If the results were not satisfactory, of if the Amn men simply felt like it, the chair would be kicked off the platform leaving the prisoner dangling and in great pain from his newly dislocated shoulders. The hooks could be slid along the pipes to allow another prisoner brought to the chair. In addition, there were electrical outlets in the room, allowing current bearing wires to be attached to the prisoner's genitalia. A current was formed, Ahmed said, by attaching another wire to the mouth.

On the other side of the courtyard are the cells. With the usual bars on the corridor side and, in only some cases a high small window, the cells vary in size but are uniformly dark and dismal. Their true horror came, however, from the numbers reportedly warehoused in each cell. According to the liberators, some cells were so cramped that prisoners could only stand. Sanitation was visibly inadequate and food for prisoners said to be minimal.

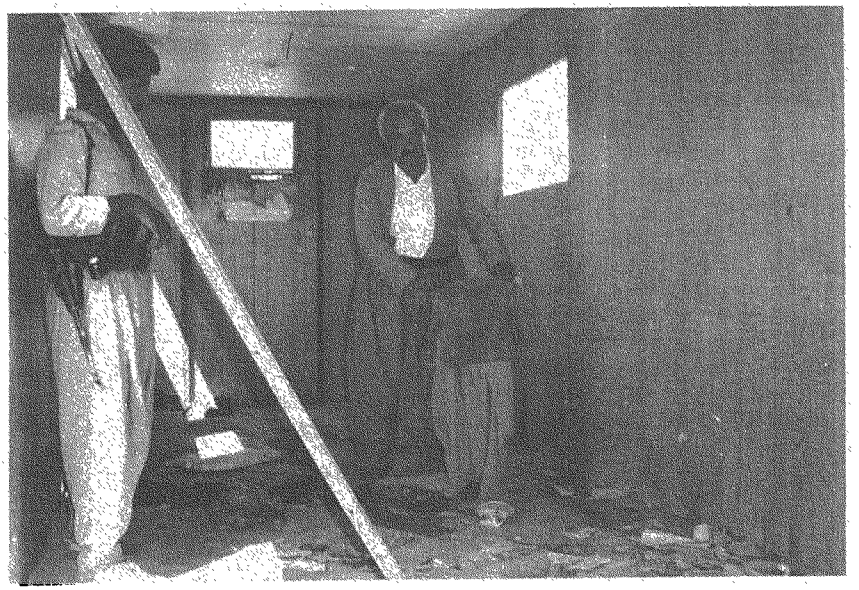
Executions took place in the building's basement, in the torture room, and in the back of the compound. Also in the back of the compound is a trailer, known by the Kurds as the "raping room." Kurdish girls and women were brought to the trailer and gang raped by the Amn men. The Amn men then nailed the victim's undergarments on the trailer wall as a souvenir of their exploits. Today the trailer floor is littered with the chemises and pantaloons of Kurdish girls. Ahmed remarked that, when the Kurds liberated the compound, there was a naked twelve year old girl in the trailer.

When they liberated Sulaymaniyah's Amn headquarters, the Kurds found more than prisoners and the physical evidence of past crimes. Like the Gestapo, the Amn were consummate bureaucrats. They kept dossiers on all prisoners and suspected dissidents, as well as ledgers detailing the tortures and final disposition of their charges.

The Amn also videotaped themselves as they carried out their duties. In Sulaymaniyah the Kurds showed me one of the many captured videotapes. On tape, the Amn agent explained he was conducting an experiment with a truth drug that had reportedly worked in Baghdad. A very haggard middle-aged man was then brought into the room and seated on a chair. He promptly fell out of it. The Amn men lifted him back in the chair and asked his connection to a suspected dissident. The prisoner again fell out of his chair. The Amn men put him back in the chair and slapped him about, but not harshly. The drugged man still could not answer the question or even hold his head up. Eventually he was dragged away.

This videotape was mild compared to others captured by the Kurds. Some videotapes record physical torture and executions. The Sulaymaniyah Amn also videotaped themselves at work in the raping trailer. These tapes were presumably kept for recreational purposes.

The Peshmerga seized vast quantities of documents and videotapes in March from secret police buildings throughout Kurdistan. Unfortunately, some documentation was recovered by the Iraqis when they retook Kurdistan at the end of March and early April, and other documents were lost in the flight. The Kurds themselves burned some of the videotapes and documents at the Iranian border rather than turn the material over to the Iranian secret police (where it might be useful to the Iranians in figuring out the connection between Iranian and Iraqi Kurdish parties). Nonetheless, the Peshmerga still have large quantities of records and videotapes from the Amn and other intelligence/security services. These provide a uniquely valuable documentation of massive crimes, documentary evidence made more compelling by the fact that it comes from the perpetrators themselves.



Peshmerga holding up girl's clothing in the raping room of the Sulamaniyah secret police headquarters

If Iraq retakes Kurdistan, there is great danger the existing documents will be lost. Because of their historical importance to the Kurds and for their value in any future prosecution of the Iraqi regime for crimes against humanity, these documents should be preserved outside Iraq.

Kurdish hatred for the Iraqi regime and its secret police runs deep. As I sat in the office of the Peshmerga leader responsible for Sulaymaniyah, I could see a crowd of armed men entering a nearby building. This was, I was told, a funeral for a local tribal chieftain who collaborated with the Iraqis. The day before he had been mysteriously gunned down; the armed men at his funeral had been his jash.

But Ahmed told a tale of revenge that chilled even him. When the Kurds liberated the Sulaymaniyah secret police headquarters in March, the Amn men were just beginning to execute the surviv-

ing prisoners. Catching the Amn men in the act of murder, the crowd quickly killed them. A little while later Ahmed came upon an old lady hitting, kicking and biting one of the corpses. She was pulled away and asked why attack a man already dead. "He killed three of my three sons under torture, so don't I have the right to do this to him?"

E. The Al-Anfal Campaign

Tamur Abdul sits quietly and patiently in Jalal Talabani's commandeered home in Shaqlawa. In his baggy khaki trousers, he looks like a young Peshmerga guerrilla. With bright eyes and a cheerful smile, Tamur betrays none of the physical and emotional scars of the last three years.

Tamur is now fifteen. When he was twelve, government tanks came to his village, Qulojeo, near Kifre. The following is his account of what happened next:

"The people fled to another village, Melasura, and from there we were taken by the jash to yet another location. After ten days, Iraqi army vehicles took us to Gzawha near the Dukan dam. There the men were separated from the women and children. I stayed with the women. No food was given to the men and so the women would throw some of our bread over the barbed wire to them. We could see the men being beaten. One day they were stripped to their underwear and taken away in zil trucks. We never saw them again.

"After one month I, along with other children and women, was put on a bus heading toward the Saudi Arabian border. The bus trip took one full day and we had no food or water. En route a woman and child died. I was with my mother, three sisters, and three aunts.

"We were taken to a place, given water, blindfolded and put back on the bus. I took off my blindfold and saw the trenches. The army men pushed us into a trench. When they started shooting, a bullet hit me in the armpit. I ran to a soldier. The officer became angry at the soldier and yelled, 'Throw him back in the hole.' The firing began again and I was hit in the back.

"There was a girl in the trench who wasn't dead. I said, 'Come, let us escape together,' and she said, 'I am afraid.' When the soldiers stopped shooting and started talking we ran from the hole. But she would not go on and someone took her away. She was about 15 and her name was Sergol and she was from Hawara Berza.

"I fell unconscious. They filled in the trench. I began walking and reached an Arab home. I remained there three days. These Arabs had a relative in Samawa and they took me there. One of them worked as a nurse, and he brought me medicine and bandages. The nurse was working with the resistance. The army found out about him and they executed him. I remained with this Arab family for three years.

"A son of the Arab family was a soldier in Sulaymaniyah and he told my story to a friend. The friend found my uncle and I returned to the north."

Tamur is one of a few survivors of an Iraqi extermination campaign. The code name for the campaign, "al-anfal," comes from a

Koranic verse legitimizing the right to plunder the women and property of infidels, and the name betrays the character of the campaign. As the military situation in Kurdistan deteriorated toward the end of the Iran-Iraq war, Saddam appointed his cousin, Ali Hasan Majid, governor of the Kurdish region. Majid then issued an order, with language stunningly reminiscent of the Nazi "sturm und nebel" decree, proclaiming thousands of square kilometers of Kurdistan to be a free-fire zone in which neither human nor animal life was to remain. In February, 1988, the Iraqi army began moving into this free-fire zone and rounding up civilians. Most seem to have met the fate of Tamur Abdul's family. Later, in August, 1988, Iraq initiated poison gas attacks on villagers in the free-fire zone.

The poison gas attacks stopped after the U.S. Senate passed "The Prevention of Genocide Act," sponsored by Senator Claiborne Pell and which would have imposed severe financial and trade sanctions on Iraq. The threatened sanctions scared Iraq out of using the most potent weapon of the al-anfal campaign, but the sanctions bill was not enacted because of Reagan Administration opposition and the al-anfal campaign itself continued.

Kurdish leaders estimate the death toll of the al-anfal campaign at between 50,000 and 182,000. They have already compiled a list of 10,000 missing persons, and as more effort is made to document the al-anfal campaign the greater the death toll appears to be. One key provision of the proposed autonomy agreement between Baghdad and the Kurds provides for the release of all political prisoners. However, when Kurdish leaders raised the issue of those detained during the al-anfal campaign, they were bluntly told: "Forget about any prisoner before 1990. They are history."

F. The Mines of Haj Omran

Rae McGrath cannot contain his anger. "These people are literally living in a minefield. You see the canister with spikes over there. If you touch the spike the mine will shoot up 1.2 meters in the air and then explode, spraying thousands of ball bearings in all directions. These mines are wired together. If one goes off, they all will. These people have lost respect for these mines. They are using this as a toilet and one day someone will set off the mines, and this whole refugee camp will be gone. I told UNHCR in Diana that there were refugees living in a minefield, and they told me, 'they shouldn't be there.' "

The object of Rae McGrath's anger is a small refugee camp on the Iran-Iraq border near Haj Omran. The refugees, mostly from Kirkuk, are living in abandoned Iraqi bunkers. The bunkers are surrounded by mines, both the spiked variety and small plastic ones. Some have been laid with care; others seem to have been dumped in haste as the army pulled out in March.

These Kirkuk refugees are a special case. They have chosen to remain on what had been one the most hostile and militarized borders of recent times. (These particular refugees stay on the border because they have developed a meager livelihood through smuggling sunflower seeds. Being from Kirkuk, they cannot return home and they have no other source of support.) The problem of mines, however, is more general.

Rae McGrath is an Australian munitions expert hired by Middle East Watch to do a survey of mine fields in Kurdistan. What he has found is not encouraging. After moving Kurdish villagers out of sensitive areas, the Iraqis laid mines to keep them from coming back. As a result, most of the more mountainous parts of Kurdistan are uninhabitable. McGrath believes some mountain grazing land can be recovered by training Kurds on how to mark and demine minefields; other land, he says, will never be recovered.

Two women living in a mine field on the Iran-Iraq border

Traveling through Kurdistan, one becomes intensely aware of mines. It is not possible to stroll among the ruins of Barzan, the home village of the Barzani family, because mines have been strewn in and around the village. Massoud Barzani does come to visit the rubble of the house his father built; he does not walk around however.

The mountains east of Sulaymaniyah and in the vicinity of Penjwin are beautiful to view and would be deadly to walk through. Spring rains wash some mines out of the mountains and down seasonal streams into Kurdistan's rivers. In the years to come, Kurds in supposedly safe areas will die from errant mines.

The mining of the Kurdish countryside is just another facet of Saddam Hussein's strategy for depopulating rural Kurdistan. From an ecological point of view, it has had a curious effect. Wild animals, long thought to have vanished in the Middle East, are reclaiming the habitat from which humans now have been driven. Visitors driving through the mined countryside can spot the magnificent shezan, a Middle East eagle, and bears and wolves are said to be increasing in number. Mines, it seems, are less of a threat to wildlife than the presence of humans.

Rae McGrath's venom is reserved for the European companies that sold Iraq mines in apparent disregard to how the mines would

be used. McGrath believes Iraq laid its mines in violation of international law—for example, in violation of agreements requiring the marking of minefields and prohibiting the use of mines where civilians might be injured—and he believes the supplier companies knew this to be the case. McGrath said he would like to require executives from the mine manufacturers to come to Kurdistan to remove their product. He said he would provide training and smiled at the suggestion he might not tell the executives everything they would need to know.

G. Crimes Against Humanity

Article 6 of the Charter of the Nuremberg Tribunal defines crimes against humanity as: "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime * * * whether or not in violation of the domestic law of the country where perpetrated."

The conduct of Saddam Hussein and his accomplices in Kurdistan—deportation of Kurdish civilians, mass executions, use of poison gas on Kurdish villagers, the routine practice of torture, the depopulation of vast territory—certainly meets the criteria set out in the Nuremberg Charter. In terms of numbers of victims and scale of destruction, the crimes committed in Kurdistan far exceed those committed by Iraqi forces in Kuwait. Of course, the crimes that took place in Kurdistan represent only part of the Ba'ath regime's crimes against the Iraqi people. Iraq's Shi'a majority have long been oppressed and the suppression of the March 1991 rebellion in the south was extremely brutal. While the south is now largely sealed from the outside world, there is ample evidence of mass killings and ongoing misconduct including executions and torture.

The Genocide Convention defines genocide as meaning: "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.* * *"

Iraq's conduct in Kurdistan seems to have many characteristics of genocide. In addition to shooting and gassing Kurds, Ba'ath policy, and in particular the destruction of villages and cities, seems calculated to confine the Kurds to an ever smaller part of Iraq. The Nazi genocide did not occur all at once; rather, it began with a series of lesser steps building up only in the later years to the gas chambers and extermination camps. The logic of Saddam Hussein's Kurdish policy seems to have been leading to its own final solution. International intervention stopped Saddam's war against the Kurds; without international vigilance, this war could resume.

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ISBN 0-16-037023-X