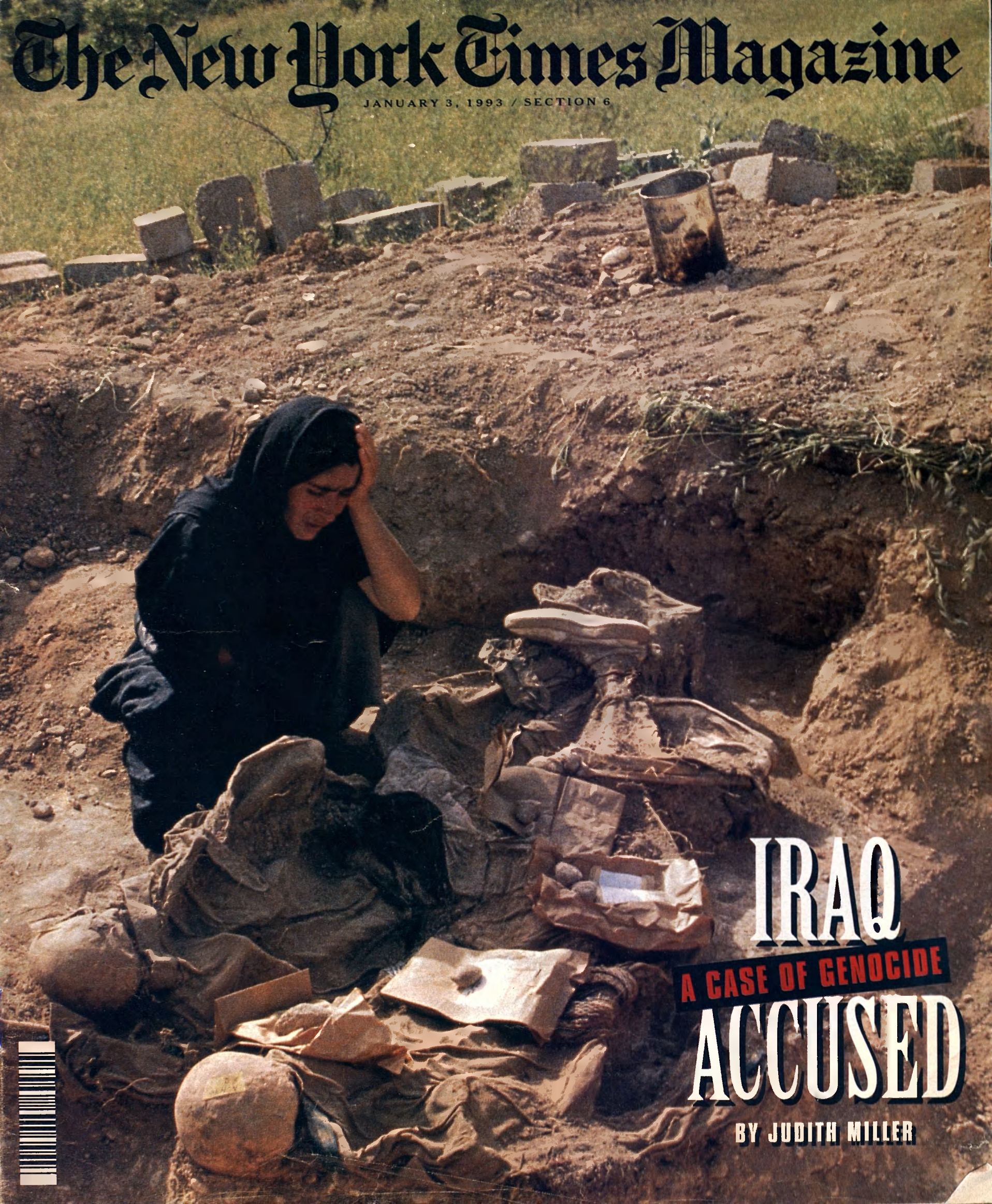


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## IRAQ A CASE OF GENOCIDE ACCUSED

BY JUDITH MILLER



# IRAQ

## A CASE OF GENOCIDE

# ACCUSED

*Government documents captured by rebels outline Saddam Hussein's murderous campaign against his own country's four million Kurds.*



LEFT: Tamur Abdul, now 15, shows old bullet wounds to illustrate how, as

### BY JUDITH MILLER

IN AN UNDERGROUND FACILITY, somewhere in the United States, researchers are going through a mountain of Iraqi files that could provide the legal basis for the first case of genocide ever to be brought before the World Court.

The materials, captured by Kurdish rebels in the uprising against

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Saddam Hussein immediately following the Persian Gulf war, provide the first written documentation of a campaign of terror waged for a decade against the four million Kurds in Iraq, a campaign that reached its zenith between March and August of 1988.

Like Gestapo files and those of the Stasi, the East German intelligence agency that trained Iraq's security police, the Iraqi documents set forth in chillingly bureaucratic language the "liquidations," "expulsions" and "transfers" of Kurdish victims, who



10-year-old, he barely escaped death after Iraqi soldiers removed all inhabitants of the village of Qulojeo. ABOVE: Exhuming bodies in the Erbil cemetery.

are almost invariably referred to as "saboteurs," "criminals," "traitors" and "human cargo."

"Dear Comrades," states an order from the Baath Party People's Command in Zakho, dated June 14, 1987. "The entry of any kind of human cargo, nutritional supplies, or mechanical instruments into the security-prohibited villages under the second stage [of the operation] is strictly prohibited. . . . It is the duty of the members of the military forces to kill any human being or animal found in these areas."

Reads another, a handwritten field report: "Pursuant to our telegram No. 1613, the groups belonging to Troop No. 45 are making progress in purifying their targets. A new group arrived today at 12:00 hours at the village of Zitah. It has been demolished and razed to the ground. So have the following other villages: Tirli, Delirabir, Bedran, Zarara, Sitri, Zarkan, Shanbadar. The groups are continuing their advance to their other targets."

"Your letter, Secret and Personal, 10551, dated 21/August/1989," starts

another. "We enclosed herewith lists containing an inventory of the names of the criminals who received the People's Judgment . . . together with a summary of each crime and the date each was executed." Among them is Dalshad Mohammed Amin Fatah Mriwan, who was killed on March 13, 1989. "This criminal," a teacher at Shawrash Boys High School, the report states, "was teaching the Kurdish Language using Latin letters because of his chauvinistic and separatist beliefs, especially that he was one of

the saboteur groups' intellectuals. He is the subject of our cable 7371 in 13/March/89."

Still another: "Secret and Confidential. From: Office of the Secretariat, Sulaimaniyah Security Department, Date, 10/1988. The information you relayed to us in the aforementioned letter concerning the execution of the just sentence (death sentence) in the case of the criminal Jemal Ahmad Huma Khan has been confirmed. He was thus sentenced for attacking the character of the President and Command-



er-in-Chief Saddam Hussein (may God preserve and protect him), and for questioning the decision of the Revolutionary Command Council, which is well known for its complete and total mercy. [Signature illegible] Security Director, Governate of Sulaimaniyah."

Finally, "From The Presidency, Directorate General of Security, Sulaymaniyah Security Directorate/Investigations. To: Asst. Dir. Operations for Autonomous Region, Esq. Greetings. Referring to the telephone conversation, we list hereunder" five categories of "enemies" of Iraq, including "(6) families numbering (18) persons, relatives of the criminal mentioned in the 'First' [category] above, executed by this directorate, according to directions from the esteemed North Organization Bureau' (2,532) persons and (1,869) families numbering (6,030) persons, were sent to the Popular Army Camp in Ta'amim Governorate. These were arrested during the heroic 'Al Anfal' Operation."

**THE EVIDENCE OF SADDAM Hussein's savage persecution, his extermination of vast numbers of his country's Kurds, pours forth in**

numbing, almost mundane fashion. It is contained in 857 cartons of documents currently stored at a building of the United States National Archives at a location that, for security reasons, cannot be disclosed. The official Iraqi documents — more than 14 tons of them, totaling more than four million pages — provide a detailed picture of the day-to-day operations of the Iraqi Government and its security

apparatus as they carried out what researchers now believe was genocide against the Iraqi Kurds.

There are thousands of tattered files, often partly burned, torn or water-stained, held together in characteristic Iraqi fashion with shoelaces and sewing pins. The files contain reports ranging from the banal to the horrific — routine vacation requests, administrative and per-

sonnel ledgers, payroll records of mercenaries and informants, intercepted letters and postcards — and almost incidentally, page upon page of authorizations of "purifications," "liquidations" and other euphemisms for mass murder.

Working in secrecy until now, Arabic linguists, computer specialists, social scientists and researchers from Middle East Watch, a private, New York-based human rights organization — with logistical help from the United States Defense Intelligence Agency — have been reading, sorting, collating, recording and analyzing the material. This highly unusual collaboration between a Government intelligence agency and a rights-advocacy group — the two are normally at loggerheads — is aimed at an even more unusual objective: information in these documents is being used by Middle East Watch to prepare the first case of genocide ever to be brought before the International Court of Justice, in The Hague.

Peter Galbraith, a staff member of the Senate Foreign Relations Committee who helped expose the Anfal campaign and whose committee is now the legal custodian of the



LEFT: *Clyde Snow, a forensic anthropologist, holds the blindfolded skull of a teen-ager with two bullet wounds in his head.*

BOTTOM LEFT: *Files of Iraqi documents photographed at Middle East Watch headquarters in New York.*

RIGHT: *Koreme villagers confront the horror of a mass grave.*

documents, says the case against Iraq is strong. "I don't think we shall ever find a 'smoking gun document,' a paper signed by Saddam Hussein ordering the murder of three innocent shepherds," says Galbraith. "But neither did we ever find minutes of the meeting at Wansee at which Hitler ordered the eradication of the Jews. There never was a 'Final Solution' order as such. But we have physical evidence of horrific crimes in these documents, official Iraqi videotapes of interrogation sessions, torture, executions and rape, and in the grave sites of now autonomous Kurdistan.

"What we have, in effect, are the individual receipts for murder, often in the driest, most bureaucratic language. There must be consequences for such institutionalized savagery."

A case, if successful, could result in the first condemnations for genocide by the highest international court since the Nazi regime and its senior officials were convicted of war crimes and crimes against humanity at the Nuremberg tribunals more than 40 years ago.

Andrew Whitley, director of Middle East Watch, says the documents provide the clearest description to date of the inner workings of the "heroic Anfal" campaign, which extended from March to September 1988. Anfal, an Arabic term from the Koran, refers to an incident in which followers of the Muslim prophet Mohammed raided and pillaged nonbelievers. Anfal, literally booty, was a six-stage military campaign against the Kurds — a counterinsurgency gone wild.

While Anfal may constitute a particular act of genocide, "it was surely the culmination of a decade-long campaign of genocide," says Joost Hiltermann, a Dutch member of Middle East Watch who investigated human rights abuses in northern Iraq. "In Anfal alone, perhaps as many as 180,000 people disappeared, thousands of whom were shot and buried in mass graves or virtually starved to death in a prison in the desert."

Iraq argues that it acted only against Kurdish rebels, who have for decades sought autonomy from Baghdad. To make matters worse, the Iraqis say, the rebels were supporting Teheran in the brutal eight-year war with Iraq, which ended in August 1988. But Anfal was directed





against civilians as well as rebels, and it was carried out only after Iran's defeat became all but inevitable. Iraq further maintains that the documents are forgeries — fabrications by Kurds on official Iraqi stationery that was stolen when police and military installations were overrun during the ill-fated uprisings against Saddam in March and April of 1991, soon after the Persian Gulf war.

Human rights and Government analysts say this claim is ludicrous, that the Kurds could not possibly have produced so huge a volume of material in so short a time.

Besides, they add, there is further evidence of Iraq's crimes against humanity in what the Kurds call Kurdistan. This is an area of northern Iraq — larger than Massachusetts and New Jersey combined — that coalition forces carved out as a security zone after the gulf war, when Saddam Hussein's butchery sent thousands of Kurds scurrying to safety in neighboring Turkey and Iran. The Kurds now govern the region, with their own legal, political and administrative institutions.

The evidence against Iraq can be heard, seen and touched. It can also

be smelled. The stench from as yet unopened mass graves still permeates the cold mountain air.

IN ADDITION TO EXAMINING the documents, Middle East Watch has interviewed hundreds of survivors of and witnesses to mass killings, chemical attacks, torture and the destruction of villages in northern Iraq. The rights group and the Boston-based Physicians for Human Rights have also unearthed physical evidence of mass murder through exhumations of mass graves in the area.

Even to the untrained eye, evi-

dence of mass crimes against humanity is overwhelming. The Kurdish landscape is littered with the rubble of some 4,000 villages and hamlets that were systematically destroyed by the Iraqis — the exact number may never be known. Kurdistan looks as if it has been leveled by an earthquake.

But interviews and the documents confirm that this was no act of nature. First, the villages were "purified," as the documents say — emptied of "saboteurs" and other human life, sometimes by chemical attacks but more often by shelling or bombing. Property and livestock were methodi-



ABOVE: To identify victims, bodies are exhumed, stripped of clothing and reburied.

cally looted by Iraqi troops. Mud huts were bulldozed, cement structures were dynamited and wells were plugged with cement or poisoned. In some villages, especially near the borders, fields were mined.

In a typical case, the analysts say, fleeing inhabitants were trapped by Iraqi soldiers, to whom many surrendered. In at least two cases — the villages of Koreme and Mergatoo, in Dohuk Governorate — men and boys were executed on the spot. In other cases, villagers were taken to holding facilities, from which they

were, as the Kurds say, using that terrible and all too familiar expression, “disappeared.” This pattern was repeated again and again. Kurdish leaders and rights workers estimate that between 500,000 and 750,000 Iraqi Kurds were displaced from their homes in the last decade. There is barely a family that has not lost one or several members — to torture, chemical attacks, land mines, deportation or to disappearance.

Kurdistan now is a treeless land. Because oil-rich Iraq has cut off heating oil and most other supplies, the

Kurds have been forced to chop down most of their forests for fuel. And thousands of Kurds have lost arms and legs to the mines planted by Iraq and Iran during their war and by Baghdad in its war against them.

Despite the joy so many Kurds express about their liberation, there is at the same time widespread fear and desperation. Women in black, holding tiny portraits of missing relatives, surround the cars of Western visitors, wailing for help. Some are hungry, and all crave information about the fate of those they suspect, but dare not admit, are probably long dead. Other Kurds, fearful that Saddam will return, plead with visitors for help in securing a visa — to the United States, to Europe, anywhere.

THE DOCUMENTS AND THE EVIDENCE collected inside Iraq are the critical components of the case Middle East Watch is building that Iraq’s persecution of its Kurds constitutes genocide — defined by the 1948 convention ratified by 107 countries, including Iraq, as acts aimed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”

No genocide case has ever even been argued before the World Court. Such cases are enormously difficult to bring, let alone win. They must be sponsored by a government against a government — not by or against individuals — and few governments are willing to accuse another of such heinous conduct.

That partly explains why no case has been brought against the Pol Pot regime in Cambodia. “We have overwhelming documentary and eyewitness evidence that this was a genocide with a capital G,” says Gregory Stanton, a lawyer who heads the Cambodian Genocide Project. “But there is a lack of political will by governments to act.”

Whatever nation is ultimately asked to sponsor the case against Iraq, it will not be the United States. Lawyers for Middle East Watch say they do not want a genocide case to be construed internationally as a continuation of the Persian Gulf war. In any event, Washington cannot be a plaintiff, having rejected World Court jurisdiction when Nicaragua charged it with war crimes for mining its harbors.

Moreover, Whitley says, America’s complicity in Iraq’s military buildup makes it a poor plaintiff. While Bush Administration officials maintain they were unaware of the nature and extent of Saddam’s campaign against the Kurds, a declassified Defense Intelligence Agency report obtained by Whitley’s group under the Freedom of Information Act challenges these assertions. The report to Washington from the American Embassy in Baghdad, dated April 19, 1988, states that an estimated 1.5 million Kurds had already been resettled in camps and that “an unknown but reportedly large number of Kurds have been

placed in ‘cowcentration’ [sic] camps located near the Jordanian and Saudi Arabian borders.”

Although only a small number of the captured Iraqi documents have been analyzed, Middle East Watch is confident that a plaintiff government will be found (several governments have already been approached, and some have expressed

(Continued on page 28)



ABOVE TOP: Mariam Mohammed Jawar holds a photo of her husband and son, seized by Iraqi soldiers in 1983.

CENTER: Naila Ajil Khishman, now 12, was 7 when she escaped her captors.

BOTTOM: Aziz Wabab Mohammed, a deserter from the Iraqi military, survived jail and fled an execution.