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102d Congress
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A STAFF REPORT

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UNIVERSITY

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"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

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PRINCIPAL TOWNS OF IRAQI KURDISTAN

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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

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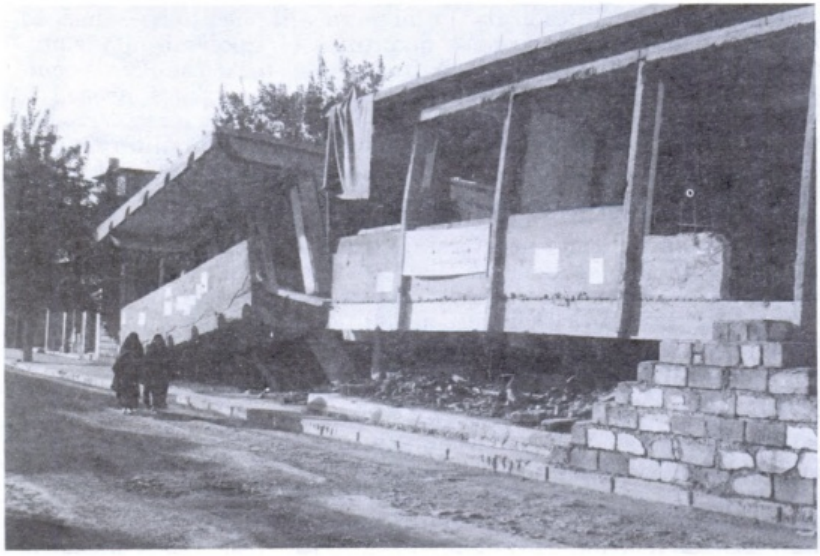
liberated Kurdistan above the 36th parallel and deter Iraqi air and ground attacks. South of the 36th parallel Iraq has been probing and encroaching on Kurdish territory. These small assaults have included use of helicopter gunships and the shelling of civilian populations. In September, the Iraqis even 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

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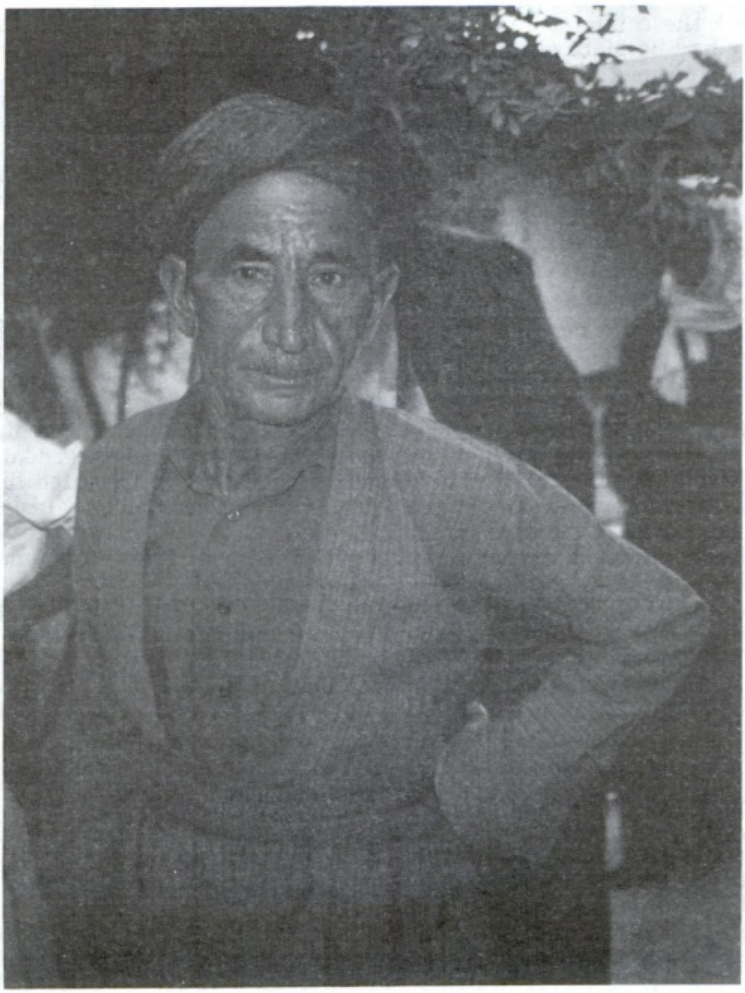
C. Halabja Slowly Reveals its Horrors

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

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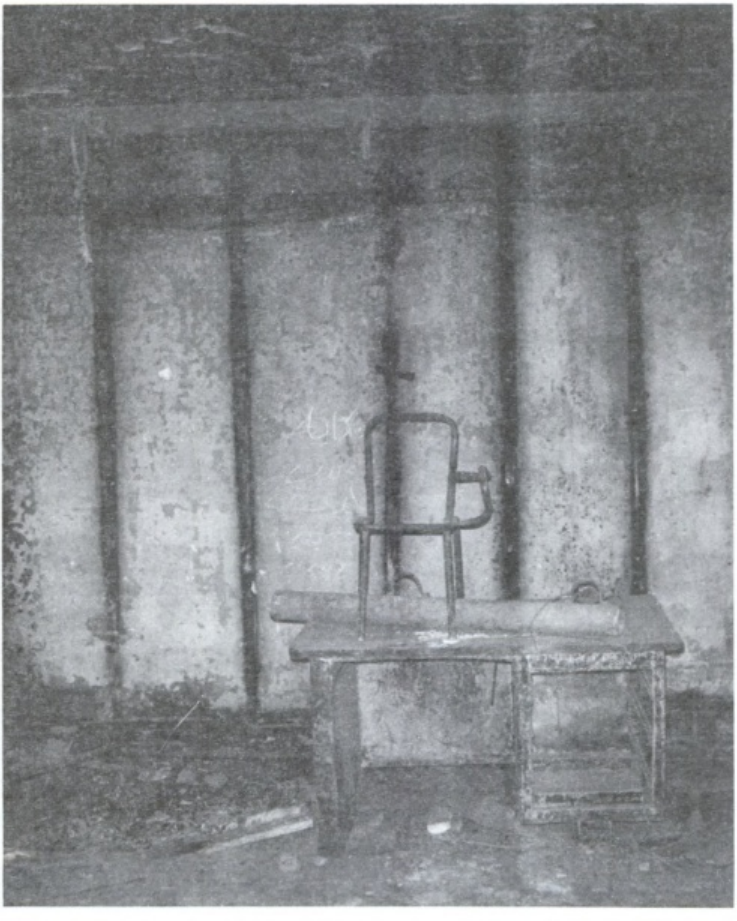
den object. An Amn man approached me and attempted an arrest. Thanks to the speedy intervention of my foreign service travelling companion, the incident ended and we quickly left the city.

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

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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-

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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.

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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

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be used. McGrath believes Iraq laid its mines in violation of in[redacted] national law—for example, in violation of agreements requ[redacted] 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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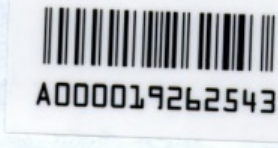

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