

SADDAM'S DOCUMENTS

A REPORT

TO THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



MAY 1992

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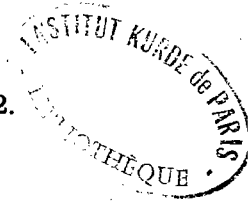
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LETTER OF TRANSMITTAL

MAY 21, 1992.

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



DEAR MR. CHAIRMAN: At your direction, I travelled to Iraqi Kurdistan between April 16 and 27. The purpose of my trip was to examine and retrieve captured Iraqi secret police documents. These documents detail extensive atrocities committed against the Kurdish population of northern Iraq, including torture, destruction of villages and cities, and mass murder. Together with the testimony of survivors and the physical evidence of destruction, the captured documents support a charge that Iraq's policy in Kurdistan constituted crimes against humanity and genocide.

The Kurdish parties that captured the documents have agreed to transport them out of Iraq for safekeeping and for use in the prosecution of Iraqi officials. During my visit, I was able to arrange the turnover to the U.S. military of 40 cubic meters of documents. These have now been transported to the United States by the military and are being stored at the National Archives under the control of the Senate Foreign Relations Committee.

My mission would not have been possible without the extraordinary support given by the U.S. military, and in particular, the forces in Operation Provide Comfort. In addition, I benefited from the hospitality and assistance of many Kurdish friends.

Attached is the report on my mission as well as on the 9-month Foreign Relations Committee effort to retrieve the documents.

Sincerely,

PETER W. GALBRAITH



Base 504065 3-79 (544444)

///// **Kurdish inhabited area of Iraq.**

EXECUTIVE SUMMARY

The Foreign Relations Committee now has in its possession 14 tons of captured Iraqi secret police documents. These documents provide an extraordinary insight into the character of Iraqi rule over the Kurds. They include the orders for the destruction of thousands of villages, the interrogation and torture records of Kurdish civilians, and the paper work associated with many of the 200,000 or more murders committed by Iraq's Ba'ath regime in the period 1987-1990. Combined with other evidence coming out of Kurdistan, these documents support the proposition that Iraq committed crimes against humanity and perpetrated genocide on its Kurdish minority.

The Iraqi secret police were meticulous record keepers, and the captured papers document the massive brutality of Iraqi rule in Kurdistan. During the March, 1991 uprising in northern Iraq, Kurdish rebels captured huge quantities of these documents. While many documents were lost when the Iraqi army retook much of Kurdistan at the end of March, the rebels managed to hold some towns with document caches and took other documents to hideouts in the high mountains.

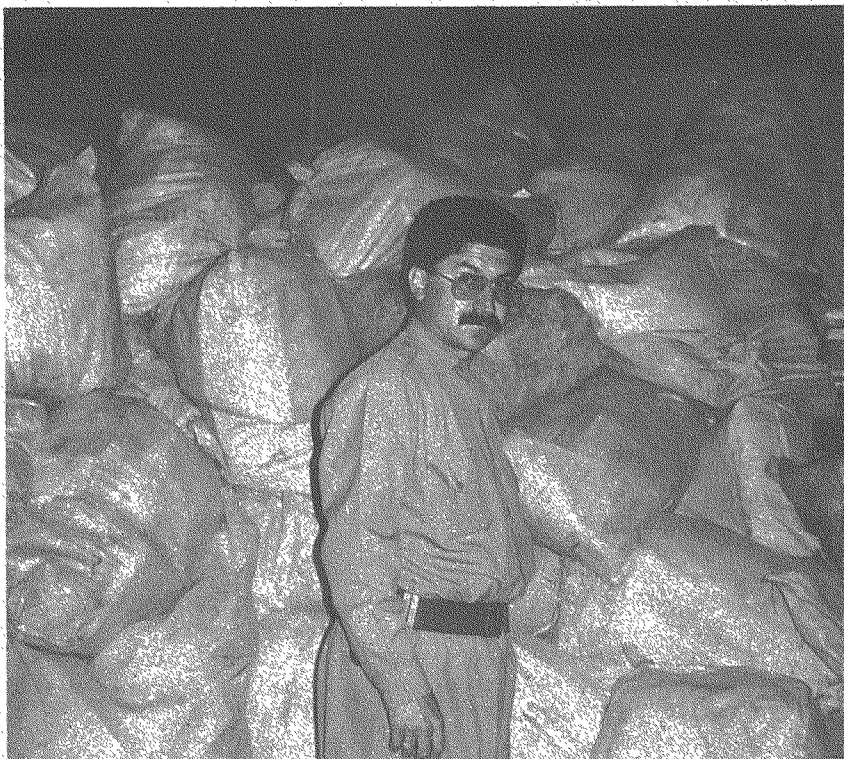
As long as the documents remained in Iraq, they were at risk of being destroyed or falling again into Iraqi hands. Further, inside Iraq they cannot be easily used by those who might prosecute Iraqi officials for crimes against humanity. When I learned of the existence of these documents during a September, 1991 trip through Kurdistan, I asked the Kurdish leader, Jalal Talabani, if he would agree to sending them to safety outside Iraq. He readily agreed, with the proviso that the documents remain the property of his party, and that I work out satisfactory arrangements for their storage and use. Because he viewed Senator Pell as one of the earliest and most consistent champions of the Kurdish people, Talabani preferred that these documents be held by the Senate Foreign Relations Committee.

In November, Senator Pell wrote Secretary of Defense Cheney asking that the U.S. military operating in northern Iraq assist in the transport of these documents to the United States. While Secretary Cheney responded promptly and affirmatively, bureaucratic wrangling, mostly in the Department of State, delayed the effort actually to extract the documents.

Over the Easter recess, I travelled to Kurdistan to collect the documents and arrange for them to be delivered to the U.S. military for transport to the United States. I was able to deliver personally the first of 40 cubic meters of documents. These 40 cubic meters came from Talabani's party, the Patriotic Union of Kurdistan. In addition, I received a promise from the Socialist

Party to turn over their documents, constituting perhaps another 10 cubic meters. Finally, Massoud Barzani agreed to turn over the documents in the possession of his Kurdish Democratic Party, but after the party had a chance to review the documents and duplicate the most important ones. The KDP documents, according to Barzani, are larger than any other set.

The captured Iraqi secret police documents are an archival record of the destruction of the Kurdish land and the killing of the Kurdish people. They are of practical value to any prosecutor and of historical value to the Kurdish people. They are also critical to policy makers in evaluating the consequences of continuing or not continuing protection of the Kurdish people in northern Iraq.



Araz Talabani standing in front of bags of Iraqi secret police documents in Mawat, near the Iran-Iraq border.

INTRODUCTION

On March 5, 1991 the people of the Kurdish city of Rania launched an attack on the Iraqi army, secret police, and Ba'ath Party installations in their town. The army, having lost its will for battle, quickly surrendered while the secret police and Ba'ath Party officials either fled or were killed. Over the next few days, aided by the defection of Kurdish mercenaries formerly on the payroll of the Saddam Hussein regime, all the major cities and towns of Iraqi Kurdistan came under Peshmerga (Kurdish rebel) control.

The swiftness of the Kurdish uprising left the Iraqi secret police and Ba'ath Party officials no time to remove or destroy their files. As a result, a gigantic cache of documents fell into the hands of the Peshmerga.

Much of this documentary collection was subsequently lost. In some cases the Kurds themselves destroyed the documents as they sacked and torched the hated secret police and Ba'ath party installations. Much more of the documentary record was lost when the Iraqi army retook part of Kurdistan at the end of March and beginning of April of last year.

However, each of the major Kurdish political parties did manage to save some of their documents. These were either in towns never retaken by the Iraqi army (such as Shaqlawa in eastern Kurdistan) or were documents that had been removed to the high mountains along the international borders.

The largest collections are held by the two main Kurdish political parties: The Patriotic Union of Kurdistan (PUK) and the Kurdish Democratic Party (KDP). While in Iraq, I examined the documents held by the PUK. The PUK documents consist of two caches. The first are the seemingly complete set of secret police documents for the town of Shaqlawa, as well as partial or complete files from a number of surrounding towns. Shaqlawa is a medium-sized town and so the files present a good picture of how Iraqi rule operated in a typical Kurdish setting.

The second cache of documents are those from the large Kurdish city of Sulamanyeh. Sulamanyeh was an important Iraqi administrative center in Kurdistan and these files may document the broader strategies of Iraqi rule in Kurdistan, a rule characterized by brutal repression and mass murder. The Sulamanyeh documents may also help determine the specific responsibilities of senior Iraqi officials for crimes in Kurdistan. However, the Sulamanyeh files may not be complete and this may reduce their value.

It must be emphasized that the Iraqi secret police files in Kurdish hands are provincial and local files. They provide a picture of Iraqi rule in Kurdistan and may help assign responsibility for specific crimes. To document fully the role of Saddam Hussein and the top Iraqi leaders in the crimes committed against the Kurds, one

probably needs access to the central files of the secret police in Baghdad. Further, as indicated above, the existing files are far less than what the Kurds once possessed. Yet, for all their limitations, the secret police files provide invaluable proof of extraordinary crimes and extraordinary insight into an entirely criminal organization.

CONTENT

The Iraqi secret police were consummate bureaucrats. Everything that could be recorded was, and no document was ever, it seems, thrown away.

The files I examined were extraordinarily diverse. They include payroll records of mercenaries and informants in the towns and cities of Kurdistan. There are intercepted (and never delivered) letters, postcards, and photographs sent by Iraqis abroad to relatives in Kurdistan. There are personal files containing reports (documented and unfounded) on opposition figures, suspected opponents of the regime, ordinary citizens, and supporters of the regime. The files include audio cassettes, including ones recording the mundane and personal conversations of senior Ba'ath Party officials.

The documents reveal something of Iraq's foreign intelligence activities. In the Shaqlawa cache (records of quite small secret police offices) there was a xeroxed list providing the names, addresses and brief descriptions of Iraqi Kurds living in the United States. One man was described (accurately), as driving taxis at a Miami airport. Many on the list are U.S. citizens and several have testified before committees of Congress, including the Senate Foreign Relations Committee.

In the files I found films of an official U.S. delegation visiting Iraq, apparently the Senate delegation that called on Saddam Hussein in April, 1990. The documents include snapshots taken of foreigners including one (not at all compromising) of an unaware David Newton, the U.S. Ambassador to Iraq from 1984 to 1987. It is, of course, not surprising that Iraq should keep photos and films of foreigners, but it is a bit surprising to find them in local files of the secret police.

THE AL-ANFAL CAMPAIGN

The most shocking files are those of the al-anfal campaign.¹ In February, 1988, Saddam Hussein's cousin, Ali Hasan Majid, then in charge of Kurdistan, later to be tasked with administrating occupied Kuwait and now Iraq's Defense Minister, issued the so-called al-anfal decree: the greater part of Iraqi Kurdistan was decreed off-limits to man or beast. Anyone or anything found in the prohibited zone was to be killed.

All villages in the prohibited zone were razed. Villagers that did not leave their homes were attacked with chemical weapons, and then as the Iraqi army captured villages, the people were killed or deported. None of the deportees in the al-anfal regions were heard from again, and it appears that many were taken to the desert in

¹The term "al-anfal" comes from a Koranic verse giving believers the right to plunder the property and women of infidels. For a fuller account of the al-anfal campaign and other Iraqi atrocities in Kurdistan, see the Committee staff report, *Kurdistan in the Time of Saddam Hussein* (November, 1991).

southern Iraq, herded to open trenches, machine gunned, and buried with bulldozers.

The killings of the al-anfal campaign were not confined to the prohibited zone. Villages were razed throughout Kurdistan, and men in particular were picked up at work and never heard from again.



Kurdish mother holding pictures of her sons who perished in "an-anfal," the Iraqi genocide campaign.

The captured documents provide a bureaucratic register of these killings. One ledger book, with a cheerful flower-patterned cover, begins: "Four days ago, 24 men, 32 women, and 54 children gave themselves up to a military unit." A list of names, grouped by family, follows.

A tattered yellow file, which I had pulled at random from the Shaqlawa files, begins with the interrogation of four shepherds found in the prohibited zone. The questions were similar. The interrogation of Sulayman Ali Tayh, a 16-year-old boy, went as follows:

1. Q: How were you captured?

A: I was grazing my sheep in the destroyed village of Khadi-Khanna, and I was arrested by the military.

2. Q: What is your connection with Bahadin Ali, Swara Majeed, and Rashad Abdullah?

A: I don't have any connection with them, except we live in the same village.

3. Q: Are there any saboteurs from your area, and who are they?

A: I don't know any saboteurs.

4. Q: Do you know your presence in these areas is prohibited, and you will be dealt with according to the law?

A: We know it is forbidden, but our only intention is to graze our sheep.

On the right-hand side of this one-page interrogation sheet is the signature of the interrogation officer. On the left is an ink fingerprint. As all the shepherds were illiterate, all signed their interrogation/confession forms this way.

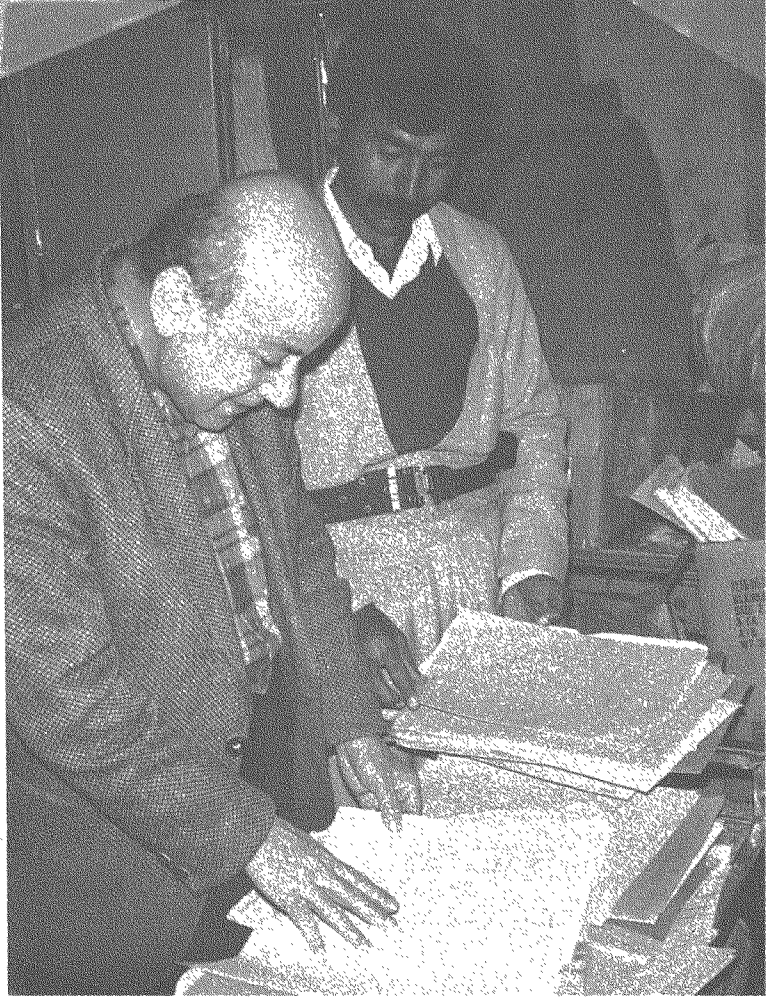
After the confessions, the file contains a message directing the secret police to carry out the instructions contained in paragraph 5 of the circular telegram for the Ba'ath Party in the north. This is followed by a receipt acknowledging taking custody of four prisoners and the application of paragraph 5. A little later in the yellow folder are four green death certificates issued by the local hospital. Dated March 1, 1988, the death certificate for Sulayman Ali Tayh, as for the other shepherds, lists execution as the cause of death.

The files contain photographs of al-anfal and other secret police victims. Some of the photographs show Kurdish villagers before they disappeared. Others show rooms after a secret police search and corpses after a secret police execution. One photo shows three Iraqi soldiers crouching as they hold up the head of a man they have just executed. Sporting their rifles and flashing victory signs, they resemble hunters with their trophy.

VIDEOTAPES

In the course of the trip, I reviewed a number of the videotapes made by the secret police as they carried out executions, tortures, and village destructions. While these videotapes were captured with the secret police files, none seem presently to be in the files. Instead, the videotapes were taken by the Kurds and widely duplicated. Some of the videotapes were shown in video shops in the major Kurdish cities. More recently they have been shown on the television stations set up by the Kurdish political parties. Other copies have been distributed to the foreign press.

The videotapes I reviewed are graphic. In one, three blindfolded men in Kurdish attire are shown tied to stakes. An Iraqi officer, standing in front of the three men, reads a speech which is punctuated by applause from a large crowd gathered to view the proceedings. The executions are carried out with repeated volleys from automatic weapons and this is followed by applause. Later the tape shows a cherry picker disconnecting the electricity to the homes of the three deceased, and then a bulldozer-eye view of the destruction of their homes.



Kamal Fuad examining Iraqi secret police leaders in Shaqlawa.

Another videotape shows the execution of five men. The camera shows up-close the facial expressions of the men as they are unloaded from a truck, tied to the stake, and then blindfolded. After the execution, each of the Iraqi officials attending the execution is shown unloading his revolver into the slumping corpses. When the video shows the bodies being picked up after the executions, some are so bullet-ridden that they cannot be lifted intact onto the truck.

The Iraqi secret police do not seem to have routinely videotaped their killings (or if they did, very few such tapes now survive). The videotapes seem to have been used to terrorize local populations and to show superiors in Baghdad the fire work being done in the

field. In all, there appear to be some 10 to 20 hours of captured secret police videotape.

The paper files show the cold, bureaucratic, methodical nature of the Iraqi secret police. The videotapes illustrate the sadism of the Ba'ath regime, the sheer enjoyment of suffering and gore.

PRESERVING THE DOCUMENTS

I learned of the existence of the captured secret police files from my host, PUK leader Jalal Talabani, during an 8-day trip through liberated Kurdistan in September, 1991. Because of the obvious danger to the documents if they remained in Iraq, I asked Talabani if he would agree to send them out of Iraq for safekeeping. Talabani readily agreed, provided that the ownership remained with the PUK, and that the custodial arrangements were ones that I approved.

At the direction of Senator Pell, I initiated informal discussions with the Department of State and the Department of Defense about removing the documents to the United States. I also apprised Middle East Watch, the human rights organization, of the existence of the documents and Talabani's willingness to turn over his collections. In December, Middle East Watch undertook its own fact-finding mission to evaluate the documents.

In November, Senator Pell wrote Secretary Cheney to request formally that the Department of Defense assist in the transport of the documents out of Iraq. Senator Gore, who had been a forceful advocate of intervention on behalf of the Kurds during and after the March 1991 uprising, took a strong personal interest in this project, writing Secretary Cheney and working to find an appropriate repository for the documents. Congressman Solarz, who travelled to Iraqi Kurdistan, also wrote in the effort to get the documents out.

Secretary Cheney and Under Secretary of Defense for International Security Affairs Wolfowitz endorsed the request promptly and DOD initiated work on the logistics. In spite of this early resolve, the Department of State did not concur in removing the documents until early April.

Meanwhile, the documents remained at risk from the elements and the Iraqis. One cache was stored in a leaking school building close to the Iranian border. As the existence of the documents became more widely known, through a *60 Minutes* show, a BBC documentary, and Middle East Watch testimony to the Foreign Relations Committee that the risk increased that the Iraqis would try to recapture or destroy the caches. Then on April 5, 1992, Iran attacked the military base in Iraq of an Iranian opposition group. The Iraqis responded by resuming air force flights for the first time since the Gulf War. When the coalition failed to respond, the Iraqis began regular flights. This greatly increased the danger of aerial attack on the documents.

During my trip, I sought to arrange the transfer of the documents from the Kurdish parties holding them to the U.S. military authorities operating in northern Iraq. Because of their remote location, it required a significant logistical effort on the part of the Kurds to prepare the documents for transport. Nonetheless, I was able to deliver personally the first part of a 40 cubic meter ship-

ment of PUK documents to the U.S. military. As I left Iraq, arrangements were in place for the delivery of the rest of the PUK documents to the U.S. military.

In addition, I received a commitment from Dr. Mahmoud Osmon of the Socialist Party to turn over immediately their documents. The Socialist leadership in Sulamanyeh promised to pack their documents and truck them at the same time as the PUK documents are sent. The Socialist documents may add another 10 cubic meters to the total.

Finally, I spoke at great length to Massoud Barzani about his documents. Previously he had declined to turn over the KDP documents, but he agreed this time he would do so. However, the KDP would like to copy their documents before they leave Iraq, a formidable task which will certainly delay their availability for many months. The KDP says it has more documents than all the other parties, and so it is particularly important to obtain their collections.

DISPOSITION OF THE DOCUMENTS

The captured Iraqi secret police documents will be kept by the National Archives as legislative files of the Senate Foreign Relations Committee. Ownership will be retained by the Kurdish political parties providing the documents, and copies will be made for use by researchers. Until the documents can be catalogued and copied, access will be limited. Middle East Watch and several private universities and foundations are creating a consortium to conduct research on the documents. There is precedent for the National Archives holding foreign documents such as these. For more than 50 years the Archives held, in the greatest secrecy, the archives of the pre-1939 Polish Republic and for more than 70 years, held the documents of the Russian Legation. The Holocaust Museum has also expressed interest in holding the documents and in exhibiting them.

GENOCIDE AND THE KURDISH DOCUMENTS

The documents serve to buttress the legal case that Iraq's conduct in Kurdistan constituted a crime against humanity within the meaning of the Nuremberg Charter and genocide as defined under the Genocide Convention. 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 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."

Between 1987 and 1990, the Iraqi regime dynamited or bulldozed more than 3,900 villages in Kurdistan (nearly every village

in this predominately rural region); destroyed the small and medium-sized cities of Qalat Diza, Halabja, Choman, Khanaqin, and Sayid Sadiq; made the countryside uninhabitable and unusable by declaring most of Kurdistan off limits to humans in the al-anfal decree, by sowing fields with mines, by burning orchards, by destroying wells and other water sources, and by a rural deelectrification program involving the removal of wires and poles. By destroying Kurdish agriculture and by sharply restricting economic development in Kurdistan, the Kurds were (and remain) largely unable to engage in productive economic activity. As part of its rural depopulation campaign, the regime destroyed much of the cultural patrimony of the Kurdish people including ancient churches, mosques, schools, and graveyards. In 1987 and 1988, the Iraqi regime illegally made extensive use of chemical weapons on the Kurds. In the al-anfal campaign, large numbers of people were rounded up and systematically killed.

Iraq's Kurdish policy was clearly intended to confine the Kurds to ever smaller territory, to destroy their culture and to destroy their means of livelihood. In the period 1987-1990, between 200,000 and 300,000 people were murdered by the Iraqi authorities, a figure that constitutes between 5 and 7 percent of the Iraqi Kurdish population.

The murderers were operating under the authority and principles of the Ba'ath Party. The central tenet of the Ba'ath Party is that all Arabs belong to one nation and Arab political unity is a primary goal. Within this Arab nation, the Kurds are, in the best of times, a disenfranchised minority and, in the worst of circumstances, a national enemy to be destroyed. Saddam Hussein combined this inherently racist Ba'ath ideology with a totalitarian system of political control, a cult of the personality surrounding the leader, and an indulgence for brutality and cruelty.

Given the rate of killing that occurred in just 3 years, it is plausible that the goal of the Saddam Hussein regime was the physical elimination of Iraq's Kurds. The character of the regime carrying the murders supports the proposition, itself almost self-evident, that the Kurds were targeted because of their ethnicity. If so, then the Iraqi regime committed genocide.

The process of killing the Kurds was interrupted by the Gulf War, but Saddam Hussein and his collaborators are legally liable under the law of nations for the killings and the policy behind them. The documents now coming out of Iraq help provide a basis for prosecuting Iraqi officials for both crimes against humanity and genocide.

Two Attachments: Sample Documents from the Secret Police Files

لحضر تحقيق

انادة المشتهبه سليمان علي تايه مواليد ١٩٧٢ شغله راعي غنم يسكن قرية
بيد عربان - ناحية قوش، تبه المختار، حتى توفيق

س: كيف تم القاء القبض عليك وابن؟
ج: كنت ارضي الغنم في قرية قاضي خانة المدممة فتم القاء القبض علي من قبل
الضباط

س: ماذا فعلت بالاشخاص بهاء الدين علي وسوار وچيدور شاد عبد الله؟
ج: ابرأهم في بهم وانما نسكن في نفس القرية

س: هل يتواجد خبريون في منقطةكم ومن هم؟
ج: لا يوجد اي مخرب ولا اشرف احد منهم

س: هل تعلم بان التواجد في المناطق المحذورة امنياً يحاسب عليه القانون؟
ج: نعم بانها ممنوعة وتنتهك لبرئاني عمليه سوى رعي الغنم

القائم بالاشتقاق

السليمان علي تايه

الجمهورية العراقية
وزارة الصحة
قسم الإحصاء الصحي والحياتي

شهادة وفاة

رقم الشهادة: 001896
تاريخ التظلم: ١٩٦٧ / ٤ / ٨

١ - اسم المنيق وقت تسجيلها	٢ - الجنس	٣ - الجنسية	٤ - الدين	٥ - المهنة
٦ - احوال الزوجة: اعرب	٧ - تاريخ الولادة	٨ - محل الولادة	٩ - عاقلة	١٠ - محل الإقامة
١١ - تاريخ الوفاة (مكان): الساعة	١٢ - اسم والده المنيق	١٣ - مكان والده المنيق	١٤ - عنوان المنيق الكائن	١٥ - عنوان المنيق الكائن
١٦ - عنوان المنيق الكائن	١٧ - شهادة الوفاة الطبية	١٨ - حدثت الوفاة في: البيت	١٩ - العهد ان الوفاة قد حدثت من الاسباب	٢٠ - معلومات خاصة بصدفة الحسنة
٢١ - رقم السجل	٢٢ - رقم الضميمة	٢٣ - المحافظة	٢٤ - رقم حرفة الاحوال المدنية	٢٥ - رقم حرفة الاحوال المدنية
٢٦ - ملاحظة: يوضع إعلان (٢٤) في الكائن المناسب	٢٧ - نسخة ذوي العلاقة	٢٨ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب	٢٩ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب	٣٠ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب

١٠ - اسم المنيق وقت تسجيلها
 ١١ - تاريخ الوفاة (مكان): الساعة
 ١٢ - اسم والده المنيق
 ١٣ - مكان والده المنيق
 ١٤ - عنوان المنيق الكائن
 ١٥ - عنوان المنيق الكائن
 ١٦ - عنوان المنيق الكائن
 ١٧ - شهادة الوفاة الطبية
 ١٨ - حدثت الوفاة في: البيت
 ١٩ - العهد ان الوفاة قد حدثت من الاسباب
 ٢٠ - معلومات خاصة بصدفة الحسنة
 ٢١ - رقم السجل
 ٢٢ - رقم الضميمة
 ٢٣ - المحافظة
 ٢٤ - رقم حرفة الاحوال المدنية
 ٢٥ - رقم حرفة الاحوال المدنية
 ٢٦ - ملاحظة: يوضع إعلان (٢٤) في الكائن المناسب
 ٢٧ - نسخة ذوي العلاقة
 ٢٨ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب
 ٢٩ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب
 ٣٠ - ملاحظة: يوضع إعلان (٢٥) في الكائن المناسب

Death certificate for the shepherd.