

ENDLESS TORMENT

The 1991 Uprising in Iraq And Its Aftermath

**Human Rights Watch/Middle East
(formerly Middle East Watch)**

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Human Rights Watch/Middle East was established in 1989 to monitor and promote the observance of internationally recognized human rights in the Middle East and North Africa. Christopher George is the executive director; Eric Goldstein is the research director; Aziz Abu Hamad and Virginia N. Sherry are associate directors; Suzanne Howard is the associate. Gary Sick is the chair of the advisory committee and Lisa Anderson and Bruce Rabb are vice chairs.

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This report is based on Middle East Watch (MEW) interviews with Iraqis refugees in Iran, Kuwait, Saudi Arabia, and London, and with Iraqis in rebel-controlled northern Iraq. The fieldwork was conducted primarily by Eric Goldstein, research director of Middle East Watch, and Stephen Marks, a board member of Middle East Watch. Carrie Klein and Yuval Ginbar provided research assistance. The mission to Iran was conducted jointly with the U.S. Committee for Refugees. The report was written by Eric Goldstein and edited by Andrew Whitley, executive director of Middle East Watch.

The names of all Iraqi refugees who gave testimony have been omitted out of concern for their safety. At the time of their interviews with MEW many had freely furnished their names, stating that they felt comfortable doing so because they would not soon return to Iraq or because Saddam Hussein would not endure in power. Since most returned and Saddam remains in power, MEW decided that it was prudent, given the proven danger of reprisals against Iraqis who criticize the Baghdad regime, to omit names or to use pseudonyms when these were provided by the interview subject, as was the case with many Shi'a.

SUMMARY

Saddam Hussein's record of brutally suppressing even mild dissent is well-known. When the March 1991 uprising confronted his regime with the most serious internal challenge it had ever faced, government forces responded with atrocities on a predictably massive scale. The human rights repercussions continue to be felt throughout the country.

In their attempts to retake cities, and after consolidating control, loyalist forces killed thousands of unarmed civilians by firing indiscriminately into residential areas; executing young people on the streets, in homes and in hospitals; rounding up suspects, especially young men, during house-to-house searches, and arresting them without charge or shooting them *en masse*; and using helicopters to attack unarmed civilians as they fled the cities.

One year later, the fate of thousands of Kurds and Shi'a who were seized during the suppression of the uprising remains unknown. While many are believed to be in detention, the government has provided little information about their location and legal status.

The rebels also committed gross abuses during the uprising, summarily executing suspected members of the security forces, including many who were in custody. Middle East Watch also condemns these abuses, though we note that they were not so systematic and sustained as those committed by the government.

Over 100,000 Kurds and Shi'a who fled cities where the conflicts were particularly fierce remain displaced inside Iraq, and another 70,000 civilians are in refugee camps in Saudi Arabia, Turkey and Iran. Despite the harsh life they lead in these camps or as displaced persons in rebel-held northern Iraq or in the southern marshes, they have not gone home because they are afraid or because their homes have been destroyed.

The Shi'a holy cities of Karbala and al-Najaf, from which many of these Iraqis fled, are today under tight military control and largely closed to independent observers who could monitor rights conditions. Religious life is sharply restricted. Many Shi'a institutions were destroyed or badly damaged during the suppression of the uprising, or subsequently demolished on the pretext of "modernizing" the cities. Hundreds of clerics and their aides were arrested after the uprisings and have not been released. Religious activities at the remaining institutions have been curtailed by the state.

Of all the Iraqis who have not returned to their cities since the uprising, the greatest number come from Kirkuk, a major oil-rich city that has been the subject of contention between Baghdad and the Kurds. There have been alarming reports that the homes of Kurds who fled the city following the uprising have been demolished or given to Arab families, as part of a long-standing government policy of promoting the settlement of Arabs in Kirkuk while reducing its Kurdish population. The extent of these measures has been difficult to confirm, partly because the government has kept the city under particularly tight control. Today, Kirkuk is the only city in Iraq for which Baghdad has refused a standing U.N. request to establish a humanitarian office, and few outsiders have been given the sort of access that would enable them to assess developments there.

In the remote marshes along the southern border with Iran, thousands of Shi'a who fled during the

uprising lack adequate food, hygiene and medical care and are at risk of Iraqi military operations in the area. Their numbers include active rebels, army deserters and displaced persons afraid to go home. Iraqi troops have attempted to surround and impose a blockade on areas where there has been rebel activity. There were credible reports of intensified military activity in the area as recently as late April; Shi'a opposition sources have charged that past army attacks in the marshes, including a campaign during December and January, involved indiscriminate fire from helicopter gunships and heavy artillery, summary executions, and arrests of indigenous marsh dwellers suspected of assisting the rebels. Little is known with certainty about the numbers or magnitude of the military operations, due in part to Iraq's refusal to allow independent observers meaningful access to the area. There has been almost no international pressure for such access; unlike the Kurds, the indigenous and displaced population in the marshes has been virtually ignored by the world community.

The establishment of a rebel-held zone in northeast Iraq under some measure of Allied protection has put most of Iraq's Kurdish population temporarily beyond the reach of the Baath regime. The population of this zone currently includes at least 100,000 displaced civilians from south of the Iraqi-Kurdish front line and scores of thousands of Kurds who are rebuilding homes in ancestral villages that were demolished in the 1970s and 1980s by the Baath regime.

As Kurds celebrated the staging of their first free elections ever on May 19, gratification with their newfound political freedom is tempered by the continuing humanitarian crisis, sporadic violence, and uncertainty about the future. Shortages of food, fuel and medical supplies as a result of the U.N.-mandated embargo of Iraq and Baghdad's refusal to sell oil to purchase humanitarian goods on terms imposed by the U.N.,¹ have been exacerbated since October by an embargo imposed by the Iraqi government on the rebel-controlled area. Many of the displaced persons and returning villagers live in substandard, makeshift shelters, despite a massive effort by the U.N. High Commissioner for Refugees and relief organizations to house them before last winter. Unmarked minefields continue to claim dozens of victims each month, and thousands of jittery civilians flee their homes each time Iraqi troops shell an area or clash with Kurdish rebel forces.

As the expiration dates approach for both the Allied Combined Task Force in Turkey and the United Nations presence in Iraq, Kurds are watching Iraq's military buildup near the front line with great wariness. The international presence in the area clearly has helped to deter Iraqi attacks on the Kurds. Many Kurds are convinced that if the Allied Combined Task Force withdraws from Turkey, Saddam will launch a major offensive to retake the rebel-held zone. This would almost surely prompt an exodus of Kurds similar to the one that occurred only one year ago.

¹ Under the U.N. procedures set forth in Security Council resolution 706 of September 19, 1991, Iraq may sell oil abroad only if the U.N. administers the revenues, apportioning receipts according to a formula that provides funds for civilian needs inside Iraq, compensation claims from Kuwait, weapons inspection and destruction, and other programs. Iraq's rejection of these terms has deprived it of the foreign exchange it says it needs to purchase food and other necessities.

RECOMMENDATIONS

In view of the enormous magnitude and continuing nature of human rights abuses in Iraq, Middle East Watch believes that the stationing of human rights monitors inside Iraq is an essential, though not sufficient, step for safeguarding the rights of civilians. So long as the government of Iraq obstructs the free inquiry into human rights conditions by local and foreign organizations, journalists, and others, an alternative means of human rights monitoring is needed.

MEW calls on the international community to demand, and the government of Iraq to accept, a continuing presence of independent human rights observers inside Iraq. MEW endorses the recommendation of the U.N. Special Rapporteur on Iraq, Ambassador Max van der Stoel of the Netherlands, to send "a team of human rights monitors who would remain in Iraq until the human rights situation had drastically improved and who should be able to: (i.) move freely in any part of Iraq; (ii.) investigate information concerning alleged violations of human rights; (iii.) visit, without prior notification and at the time of their choosing, places where persons are deprived of their liberty; and (iv.) observe trials and court proceedings."²

Regardless of whether such a monitoring system is implemented, the government of Iraq must comply with customary international law and the obligations it has undertaken in ratifying human rights conventions. To demonstrate its commitment to respecting human rights, **Iraq should provide a public accounting of the location and legal status of every person taken into custody during or since the uprising, and allow access by family and counsel to these persons. Iraq should also release all those arrested during the uprising who, fifteen months later, have not yet been charged, or have been charged with nonviolent offenses of a political nature. Iraq should also make public all information at its disposal about the names of persons killed during the uprising and the circumstances of their death.**

MEW calls on the U.S. to take a leading role in marshalling world support for a human rights monitoring system in Iraq, such as the one proposed by the Special Rapporteur. The U.S. and the international community should make clear to the government of Iraq that they will not tolerate further indiscriminate attacks on civilians. MEW notes that a monitoring presence is especially needed in the remote southeastern marshes, a heavily militarized border area where there are frequent reports of army actions against suspected rebels, displaced civilians, deserters, and the indigenous residents.

MEW calls on Iraq and members of the U.N. Security Council to step up the search for a solution to the impasse over the U.N.-imposed oil-for-food formula. The main victims of this stalemate are the Iraqi people, particularly the poor who cannot afford the high prices of staples. At the same time, **MEW calls on Iraq to end its blockade of food, fuel and other goods going to the rebel-controlled zone in the north,** which targets one segment of the Iraqi populace -- predominantly Kurds -- for punishment. Customary international law relating to both international and non-international armed conflicts, as codified

² "Report on the Situation of Human Rights in Iraq, Prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in Accordance with Commission Resolution 1991/74," Security Council S/23685/Add.1, March 9, 1992, pp. 69-70.

in Protocols I and II to the 1949 Geneva Conventions (articles 54 and 14 respectively), prohibits starvation of civilians as a method of combat, including by attacking or removing for that purpose objects indispensable to the survival of the civilian population, such as foodstuffs.

MEW also calls on Iraq to extend beyond June 30 the agreement permitting the U.N. to provide humanitarian aid to displaced persons wherever it is needed. MEW is concerned by the reduced presence in Iraq since April of the U.N. High Commissioner for Refugees, which has an explicit protection mandate. **MEW urges the U.N. agencies remaining in Iraq to develop alternative means to provide protection to vulnerable populations.**

Finally, MEW calls on the political leadership of the Kurds to complete the stalled investigation into the October 1991 massacre, allegedly by Kurdish guerrillas, of some 60 Iraqi soldiers in custody in Suleimaniyya, and to punish those found to be responsible. As Kurds enhance the extent of their self-rule through parliamentary elections, the good-faith prosecution of those found responsible for this atrocity, with due-process protections for the accused, would send a strong signal of their leaders' commitment to a rule of law that is lacking in the rest of Iraq.

INTRODUCTION

One year ago, towns and cities across northern and southern Iraq rose up in revolt against the government of President Saddam Hussein. In the weeks that followed, tens of thousands of civilians were killed as security forces crushed the most serious internal threat of Saddam's 12-year rule, and thousands more subsequently perished during one of the largest and most precipitous flights of refugees in modern times. This report details human rights abuses committed during the uprising and the human rights repercussions that continue until today.

As the late June deadlines approach for both the Allies' basing agreement in Turkey and the U.N. humanitarian presence in Iraq, the after-shocks of the uprising continue to be strongly felt throughout the country. About three million Iraqis, most of them Kurds, are living in the 16,000 square-mile zone of northeastern Iraq that is currently under Kurdish rebel control. While enjoying unprecedented freedom from the Baath regime, many are living in substandard conditions that are exacerbated by the eight-month-long Iraqi embargo on the rebel-held zone. Hundreds have been maimed or killed after stepping on mines that Iraqi forces planted in many areas. At least two recent bomb explosions and the suspected poisoning of two anti-regime activists indicate that Iraqi infiltrators may be active inside the rebel-held zone.

The population of the rebel-held zone continues to swell by the thousands every time government troops shell a town or skirmish with Kurdish rebels. Some 300,000 Kurds abandoned their homes in or near government-controlled areas between October and January, straining humanitarian efforts to shelter the thousands who had fled immediately after the uprising.¹ An official of the United Nations High Commissioner for Refugees (UNHCR) told a reporter in January that even a minor attack on a major town would set off another mass exodus. "We are preparing for 150,000 new refugees at any time but it's quite possible if there was another attack we'd have another 500,000 fleeing," he said.² As recently as late March, some 40,000 Kurds fled their homes when Iraqi troops shelled towns near the Great Zab river, west of Irbil.

In the cities that rose up in rebellion last year that are now under government control, the repression is now harsher in many respects than before the uprising. In Kirkuk, the one Iraqi city for which a U.N. request to establish an office has been steadfastly refused since April 1991, the Baath regime seems to be profiting from the massive flight of refugees to accelerate its long-standing policy of reducing the Kurdish percentage of the city's population. Long the main sticking point in negotiations between Saddam and the Kurds, Kirkuk is now separated from the rebel-held zone by the heavily fortified positions of the Iraqi army. Between 70,000 and 100,000 Kirkukis have not returned home, by the UNHCR's count, and remain displaced in Kurdish-controlled towns such as Suleimaniyya; Kurdistan Democratic Party spokesman Hoshyar Zebari said the number was at least 150,000 (see Chapter One). Kurdish neighborhoods demolished around the time of the uprising remain in ruins, and Kurds charge that the government has been giving vacant Kurdish homes to Arab families who have moved north.

¹ "Aftermath of War, Part II: The Plight of the Iraqi Kurds a Year Later," Staff report to the U.S. Senate Subcommittee on Immigration and Refugee Affairs, January 17, 1992, p 1.

² John Vidal, "Cold Comfort on the Mountainside," *The Guardian Weekly*, January 26, 1992.

In the south, the plight of the Shi'a is no less dire, although less well-known because the area remains virtually closed to scrutiny by outside observers. Thousands of Shi'a, including hundreds of clerics, have been imprisoned without charge or have disappeared in state custody since the uprising; many Shi'a shrines and institutions in al-Najaf and Karbala were devastated during the rebellion or demolished by government forces in its aftermath.

In southeastern Iraq, thousands of Shi'a civilians, army deserters and rebels, primarily from the cities of Basra, al-Amara and al-Nasiriyya have sought precarious shelter in remote areas of the marshes that straddle the Iranian border. Iraq's security forces, unable to quell the low-level resistance emanating from this region, have reportedly shelled and launched military raids in the area in an indiscriminate fashion, wounding and killing unarmed civilians.

Many observers believe that attacks by Baghdad on the Kurdish-held zone have been restrained to some extent by Saddam's fear that they would provoke the intervention of Allied forces. Since April 1991, the U.S. has publicly warned Iraqi troops not to fly any aircraft, including helicopters, north of the 36th parallel, to keep security forces from entering the Allies' self-declared security zone, and to refrain from attacking Kurdish civilians. As recently as April 14, an Iraqi military buildup near the front line in Kurdistan, including the emplacement of anti-aircraft batteries above the 36th parallel, prompted a warning by the U.S., Great Britain and France to reverse the buildup and to stop violating the rights of the Kurds and Shi'a.³

June 28, however, is the expiration date for the Allies' accord with Turkey that allows the basing of the Combined Task Force in southeastern Turkey. The memorandum of understanding between the U.N. and Iraq is set to expire two days later. That agreement allows the U.N. to establish offices inside Iraq "wherever such presence may be needed" to provide humanitarian assistance to displaced persons and assist in their return. The agreement also allowed for the deployment of 500 lightly armed U.N. guards to protect U.N. installations, programs and personnel. Their presence reassures the populace to some extent, although their mandate does not explicitly include a protective function vis-à-vis civilians.

Kurds fear that if the credible military threat of the Allies' Combined Task Force is removed, Iraq will launch an offensive to recapture the areas of northeastern Iraq that have been under rebel control since last year, causing a new round of bloodshed and another exodus of refugees.⁴ Shi'a opposition sources in exile predict that repression in the south will also intensify as soon as Saddam feels that international scrutiny has eased.

OBSTACLES TO MONITORING HUMAN RIGHTS IN IRAQ

This report relies heavily on the testimony of Iraqi refugees outside of Iraq, due to the difficulty of

³ "Iraq Given Warning on Missiles, U-2s," *The Washington Post*, April 15, 1992.

⁴ Massoud Barzani, leader of the Kurdish Democratic Party, when asked recently what would happen if the Allied forces left the region, replied, "It's very simple. If there is no agreement with Saddam Hussein, there will be a new battle, the Iraqi army will return, we will resist, and people will flee again to the mountains." Michel Verrier, "Barzani: 'Pas Question de Proclamer un Etat Indépendant,'" *Libération*, May 16 and 17, 1992.

conducting human rights work inside the country. Since Middle East Watch was created in 1989, its requests to visit Iraq were repeatedly ignored or refused. In late 1991 Baghdad finally gave its approval in principle, but has not responded since to repeated MEW requests to provide a date when it would receive such a mission.

Other international rights groups also face daunting obstacles. Since a visit in 1983, Amnesty International has not received permission to enter Iraq on terms that would enable it to conduct research in a satisfactory manner. MEW knows of no group working in government-controlled parts of Iraq in 1991 with an organizational mandate or agenda that includes the systematic documentation of human rights abuses committed by the Iraqi government. Nor are independent indigenous human-rights organizations tolerated in Iraq, and Iraqi dissidents in exile who have called attention to human rights abuses have risked murder or reprisal at the hands of Iraqi agents.⁵ While Iraq permitted access after the war to an unprecedented number of reporters and nongovernmental organizations, their freedom of movement was tightly controlled by, among other means, the official "minders" whose constant presence made frank conversations with ordinary Iraqis all but impossible.

Such obstacles have complicated the task of gathering accurate human rights information. For example, it is not possible to verify estimates of the numbers of persons who were killed, injured or detained during the uprising, how many were deliberately executed, how many were caught in cross-fire, or how many were unarmed civilians.

There are also many unanswered questions about the methods and arsenal used by the government troops. Refugees alleged that Iraqi helicopters dropped a variety of ordnance on civilians, including napalm and phosphorus bombs, chemical agents and sulfuric acid. Representatives of human rights and humanitarian organizations who saw refugees with burn injuries or photographs of such injuries were unable to confirm the source of the burns, although doctors who examined injured Iraqis said that some of the wounds were consistent with the use of napalm.⁶ The Iraqi government, for its part, denied using napalm, phosphorus or chemical weapons.⁷

Witnesses also gave conflicting information about which security forces were responsible for

⁵ See Middle East Watch, *Human Rights in Iraq* (New Haven: Yale University Press/Human Rights Watch Books, 1990), pp. 18-21.

⁶ A Reuters report from a refugee camp in southern Iran in March 1991 was indicative of the uncertainty surrounding the types of ordnance used. "Several refugees said they had witnessed poison gas attacks, but their descriptions suggested that the chemicals used were nonlethal tear gas. They dropped something from a helicopter," said Faraj Hussein, a 55-year-old mechanic [from al-Amara]. "A white cloud rose. We were suffocating. We couldn't breathe. We fled." "Accounts of Iraqi fighting," *The New York Times*, March 14, 1991. Reports of chemical-weapons use persisted. A *New York Times* reporter interviewed a doctor from al-Najaf who described treating a dozen people for unusual burns that appeared to have been caused by chemical weapons. "Iraqi Refugees Tell U.S. Soldiers of Brutal Repression of Rebellion," *The New York Times*, March 28, 1991. See also Amnesty International, "Iraq: Human Rights Violations Since the Uprising/Summary of Amnesty International's Concerns," MDE/14/05/91, July 16, 1991, p. 10.

⁷ Reply of the government of Iraq, received October 25, 1991, to the letter and memorandum of the U.N. Special Rapporteur, in the Interim Report on the Situation of Human Rights in Iraq Prepared by Mr. Max van der Stoep, Special Rapporteur, General Assembly A/46/647, November 13, 1991, p. 29.

specific operations. They often identified military and security apparatuses, such as the Republican Guard, the *Istikhbaraat* (military intelligence),⁸ or "Ali Hassan al-Majid's special units,"⁹ in ways that suggested that they were unable to distinguish reliably among the myriad military and security bodies that operate in Iraq.

Witnesses also accused fighters from the Iranian opposition organization Mojahedin-i-Khalq (People's Mojahedin of Iran) and Jordanian, Sudanese, Palestinian and Yemeni mercenaries of helping to suppress the uprising. They claimed to recognize the fighters' nationalities from their appearance or accents. While the testimony collected was persuasive that the Mojahedin-i-Khalq and foreign mercenaries helped Iraqi soldiers to crush the uprising, it was not possible to assess how important a role these various groups played.¹⁰

In an effort to solicit comment on some of the allegations, MEW sent a letter on May 17, 1991 to Iraqi authorities asking about the types of weapons and ordnance used during the uprising, the numbers of civilians killed and wounded by government troops and by rebels, and the number of arrests after the uprising. The letter was not answered. However, statements by Iraqi officials in other contexts are quoted in this report, where pertinent.

UNEARTHING PAST ABUSES

Prior to the uprising, Iraqi state terror and controls on foreign visitors made it difficult to investigate human rights violations in Iraq. The uprising and its aftermath opened the floodgates on information about past abuses, and revealed that, if anything, the world community had underestimated the regime's brutality. The legacy of abuse also helped to explain the intensity and mass support of the uprising, as well as the speed and magnitude of the exodus when it collapsed.

The revelations began during the very first days of the revolt and have continued since. When rebels seized government buildings, they freed prisoners and captured huge amounts of documentary evidence of past abuses. Later, the flight of refugees beyond the reach of Saddam made it possible for an unprecedented number of Iraqis to speak publicly about past abuses. Since then, continuing rebel control over much of northeastern Iraq has enabled Kurds and foreigners to travel extensively through the Kurdish countryside for the first time since the Baghdad regime depopulated and sealed it off.¹¹

⁸ For a description of Iraq's security agencies, see Isam al-Khafaji, "State Terror and the Degradation of Politics in Iraq," *Middle East Report*, May-June 1992, p. 16.

⁹ Al-Majid, the notorious former security chief for northern Iraq, was appointed minister of interior on March 5, 1991 and later assumed his present post of minister of defense.

¹⁰ Testimony of Kurdish refugees in Iran about Mojahedin-i-Khalq atrocities was rendered suspect by the evident prodding that many had received from their Iranian hosts to make such denunciations. Nevertheless, even when discounting for such pressure, the evidence was strong that the Baghdad-backed rebel group had played some role in crushing the revolt. After the uprising, Mojahedin displayed their tanks and other heavy equipment to journalists who visited a Mojahedin base some 60 miles north of Baghdad and 60 miles west of the Iranian border, near southern Kurdistan. Alan Cowell, "Facing Iran, an Army with Resolve and Day Care," *The New York Times*, June 5, 1991.

¹¹ See, for example, "Kurdistan in the Time of Saddam Hussein," Staff Report to the Committee on Foreign Relations of the U.S. Senate, November 1991. The report was written by Peter W. Galbraith, staff director of the Senate

Human rights workers are only beginning to sift through the mounds of documents, videotapes and material evidence captured from Iraqi security agencies.¹² Forensic experts are examining several mass graves that may finally provide answers to the fate of tens of thousands — Kurdish sources estimate the number at 182,000 — of Kurds who disappeared during the late 1980s in the so-called *Anfal* Operation, Saddam's campaign to depopulate the Kurdish countryside.¹³

The refugees interviewed for this report provided ample testimony about past abuses. It was difficult to find a Kurd who had not lost one or more relatives during the Anfal. In the refugee camps in Iran, MEW also encountered survivors of the 1988 chemical gas attack on the border town of Halabja in which 5,000 persons are thought to have died. Many had fled from repression before, and a 35-year-old accountant interviewed by MEW was surely not the only three-time refugee: he fled in 1975 during clashes between Baghdad and Mullah Mustapha Barzani's *pesh merga* (Kurdish rebels), in 1988 when Iraqi jets dropped chemical gas on Halabja, and again in 1991 after the defeat of the uprising in Suleimaniyya.

Many Shi'a refugees from southern Iraq testified about the forcible separation of their families during the early years of the Iran-Iraq war, when the Baath regime summarily deported tens of thousands of Shi'a to Iran on the grounds that they were of "Iranian origin."¹⁴ Both Shi'a and Kurdish refugees, particularly young men, described being arrested in the past and tortured for suspected opposition activity; some still bore scars from ill-treatment.

Prisons, including some whose location and existence had not been disclosed by Baghdad, were thrown open by rebels in both the north and the south. Accounts circulated widely about disoriented and filthy prisoners emerging from years in secret dungeons believing that Hassan Ahmad al-Bakr, Saddam's predecessor, was still president.¹⁵

For many Iraqis who had been spared the harshest forms of repression, the sudden exposure of

Committee on Foreign Relations. Among the many articles about uncovering past abuses are Geraldine Brooks, "Kurdish Rebels Open Doors to Expose Horrors of Iraq," *The Wall Street Journal*, April 1, 1991, and "Next Year, in Kurdistan," *The Wall Street Journal*, April 17, 1992; William Branigin, "Retracing Trail of Destruction in Iraq," *The Washington Post*, May 22, 1991; Rod Nordland, "Saddam's Secret War," *Newsweek*, June 10, 1991; Chris Hedges, "Kurds Unearthing New Evidence of Iraqi Killings," *The New York Times*, December 7, 1991; Tim Kelsey, "Not Quite Genocide," *The Independent on Sunday*, January 26, 1992; Kanan Makiya, "The Anfal: Uncovering an Iraqi Campaign to Exterminate the Kurds," *Harper's*, May 1992.

¹² See Patrick E. Tyler, "U.S. to Help Retrieve Data on Iraqi Torture of Kurds," *The New York Times*, May 17, 1992.

¹³ See Makia, "The Anfal," and Middle East Watch and Physicians for Human Rights, *Unquiet Graves: The Search for the Disappeared in Iraqi Kurdistan*, February 1992. The Anfal takes its name from a term used in the Quran to refer to the spoils of battle that Muslims were entitled to seize from nonbelievers.

¹⁴ See *Human Rights in Iraq*, pp. 64-68.

¹⁵ See, for example, Jonathan C. Randal, "Kurd in Iraqi Jail Dodges Gallows When U.S. Bomb Jars Cell Door," *Washington Post*, April 5, 1991.

Saddam's past atrocities was a transformative experience. Even after the wrenching experience of the uprising and the exodus, many refugees were most eager to speak about the past that had finally been exposed to them. A poultry company manager from Suleimaniyya recounted how, shortly after the city was captured by rebels, he took his family to tour the once-dreaded security headquarters (*Da'irat al-Amn*). "We saw cells that were 1 by 1.5 meters, cells with hooks high in the wall, for tying prisoners' hands behind their backs," he said. "What we saw was indescribable."

Meanwhile, Kurds in Irbil were crowding into the Ministry of Culture to view a hastily assembled exhibit of photographs showing the aftermath of the chemical-weapons attack on Halabja. The images, well-known in the West, had never been seen before in Kurdistan. "It's something horrible, an Iraqi army deserter told a *Wall Street Journal* reporter. "I've never seen anything like it before."¹⁶

¹⁶ Geraldine Brooks, "Kurdish Rebels Open Doors To Expose Horrors of Iraq," *The Wall Street Journal*, April 1, 1991.

CHAPTER ONE

THE CONTINUING HUMAN RIGHTS REPERCUSSIONS OF THE UPRISING

DETENTIONS AND DISAPPEARANCES DURING THE UPRISING

Thousands of Iraqis arrested by Iraqi security forces during the suppression of the uprising in March and April 1991 have not been released, and relatives have received little or no news about them. The bulk of the detained population is from southern Iraq, where a smaller percentage of the population fled their homes than in the north.

Iraq claimed last October that security forces had arrested a total of 15,105 persons for participating in the disturbances, of whom 14,005 had been amnestied and 1,100 were to be tried.¹ While many were indeed released from detention, the numbers are not clear. No one has compiled a comprehensive list of Iraqis reported missing or detained since the uprising. No independent organization, such as the International Committee of the Red Cross, has had access to Iraqis detained by the government since the uprising.

The partial lists that have been prepared by various groups suggest that the number of missing persons exceeds the government's figure of 1,100, although no reliable estimate is possible. As Gulf War Victims, a Teheran-based Iraqi relief group, put it, "Everyone will tell you that in each city of the south, thousands of people disappeared after the entry of the army, either during the fighting or in the clean-up operations afterwards....But no reputable person will venture anything more specific than that."

Ambassador Max van der Stoep, the U.N. Special Rapporteur on Iraq,² submitted to the government of Iraq a list of 78 persons reported to have disappeared during the uprising in the south. In October 1991, the government denied having any information about them:

After a careful investigation, the competent authorities have ascertained that the persons named in the above-mentioned annex are not currently in Iraq and were probably either killed during the disturbances or fled to Iran, Saudi Arabia or other States with those who participated in the disturbances....³

The Rapporteur rejected this explanation, saying it was "somewhat difficult to believe that those who made

¹ Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 37.

² On March 6, 1991, the U.N. Human Rights Commission adopted resolution 1991/74 endorsing the appointment of a special rapporteur to conduct "a thorough study of the violations of human rights in Iraq" and to submit an interim report to the General Assembly at its 46th (Fall 1991) session and to the Human Rights Commission at its 48th (February 1992) session.

³ Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 24.

these allegations would not be aware of either the death or escape to another country of the persons concerned."⁴ The Rapporteur went on to point out that Iraq has failed to provide information on numerous cases of disappearances over the past decade. MEW has also documented a pattern of evasive or misleading answers by the Iraqi government to such inquiries.⁵

The March 1992 report of the U.N. Special Rapporteur contains the names of nearly 200 Kurds who are said to have disappeared since being taken into custody during or shortly after the uprising in the north. Since the publication of that report, the government of Iraq has issued no response to the list of cases. The office of the Rapporteur submitted details of these persons' identity documents to the U.N. Working Group on Enforced or Involuntary Disappearances. In its session of May 18-22, 1992 in New York, the Working Group agreed to submit these names, along with the names of 7,000 Iraqi Kurds who are said to have disappeared well before the uprising, to the government of Iraq.

Also missing to this day are an unknown number of Kurdish men who were among the several thousand rounded up from Kurdish neighborhoods of Kirkuk days before the outbreak of the uprising (see Chapter Two). While most of those arrested were released within five weeks, some have never reappeared. Baghdad refused to comment on their fate when the matter was raised by the Kurdish leadership during negotiations with Baghdad, Kurdish political sources said.

The post-uprising roundups were particularly sweeping in the Shi'a holy cities of Karbala and al-Najaf. Those taken include hundreds of clerics. Between March 19 and 23, 1991, authorities in al-Najaf arrested the 95-year-old Shi'a spiritual leader Grand Ayatollah Sayyid abu al-Qassem al-Khoei, and 105 persons from his family and his associates and their families, according to Yousif al-Khoei of the al-Khoei Foundation, a Shi'a benevolent society based in London. Those arrested included the Grand Ayatollah's son, the 89-year-old Ayatollah Murtaza Kazemi Khalkhali, and citizens of Lebanon, India, Pakistan, Afghanistan and Bahrain.

In response to a preliminary inquiry from the U.N. Special Rapporteur about 62 of the Grand Ayatollah's associates who were reportedly arrested, the government addressed only four of the cases, claiming that Sayyid Mohammad Mehdi al-Kharsan, Sayyid Mohammad Ridha al-Kharsan, Sayyid Mohammad Ali Hadi al-Kharsan, Sheikh Ibrahim al-Naserawi "were alive and enjoying full freedom." The government said it had no information about the other individuals.⁶

In January 1992, the Special Rapporteur pressed again for information about the detainees, delivering in person to Deputy Prime Minister Tariq Aziz an updated list of 105 associates of the Grand Ayatollah whom the al-Khoei Foundation says are detained or have disappeared since the uprising.⁷ Five

⁴ Special Rapporteur's remarks on the letter from the government of Iraq, GA A/46/647, November 13, 1991, p. 61.

⁵ For example, when the Washington-based National Academy of Sciences inquired about the fate of Hussein Shahrastani, a nuclear chemist arrested in 1979, the Iraqi ambassador to the U.S. replied that he had been long ago pardoned and released. In fact, Shahrastani was at the time in Abu Ghraib, Baghdad's central penitentiary, serving a 20-year sentence for political offenses. He remained at Abu Ghraib until escaping in 1991. See also *Human Rights in Iraq*, pp. 59-64.

⁶ Reply of the government of Iraq, GA A/46/647, November 13, 1991, pp. 24 and 35.

⁷ "Report on the Situation of Human Rights in Iraq, Prepared by Mr. Max van der Stoep, Special Rapporteur of the

months later, the Special Rapporteur has received no new information from the government.

Yousif al-Khoei confirmed Iraq's claim that four of the 62 persons named on the original list were at liberty. However, he said that these names had been mistakenly placed on the list and that of the 105 associates of the Grand Ayatollah on the corrected list, only one, a Pakistani national, has been released. Some of the others are believed detained in Redhwaniyya detention center near Baghdad or other detention centers in Baghdad, he said, adding that their legal status was unknown.

The detained or disappeared associates of the Grand Ayatollah include two al-Hakims, the prominent Shi'a family that has been a target of severe repression in the past.⁸ The two al-Hakim clerics and eight other male members of the family, aged between 20 and 60, were arrested during or shortly after the uprising in al-Najaf, according to Dr. Saheb al-Hakim, a London-based relative.⁹ Only one of them has so far been released, he said.

Other opposition sources in exile said they believed that large numbers of those arrested during the uprising were being held in Redhwaniyya. It is not known what proportion of them has been tried or executed.

DISPLACED IRAQIS AT RISK

The suppression of the uprising resulted in the exodus of over ten percent of the country's population. Iran received 1.4 million Iraqis, Turkey 450,000, Saudi Arabia and Kuwait received together some 35,000, while smaller numbers escaped to Syria and Jordan.

Today, fewer than 100,000 of the Iraqis who fled across the borders in March and early April 1991 remain abroad. Some 45,000 are in Iran, 22,000 in Saudi Arabia, and 8,000 in Turkey, according to the UNHCR. Kurds, who constituted more than 90 percent of those who fled, now account for less than a quarter of those remaining abroad. The chief factor in the repatriation of Kurds is the existence of a zone inside Iraq that is controlled by Kurdish rebels and enjoys a measure of Allied military protection. Shi'a refugees, lacking any comparable safe haven in the south, are less eager to reenter Iraq.¹⁰

Commission on Human Rights, in Accordance with Commission Resolution 1991/74," Security Council S/23685/Add.1, March 9, 1992, p. 64.

⁸ See *Human Rights in Iraq*, pp. 52-53, and The Documental Center for Human Rights in Iraq (Teheran), "Execution and Persecution of the Family of the Later Religious Authority al-Sayyid al-Hakim," 1991 (in Arabic).

⁹ Dr. al-Hakim gave their names as: Murtadha Mohammad Ali al-Hakim, his sons Hassan and Hussein, Hashim Muhsin al-Hakim, Hassan Muhsin al-Hakim, Fadhil Muhsin al-Hakim, Ali Said al-Hakim, Mohammad Ridha Muhsin al-Hakim, Ali Abd al-Razq al-Hakim, and Ali Abood al-Hakim. The latter was released. Mohammad Ridha Muhsin al-Hakim and Ali Said al-Hakim appear on the list of missing associates of Grand Ayatollah al-Khoei.

¹⁰ For an assessment of each country's handling of the refugee crisis, see Lawyers Committee for Human Rights, *Asylum under Attack: A Report on the Protection of Iraqi Refugees and Displaced Persons One Year After the Humanitarian Emergency in Iraq*, April 1992. On the refugees in Iran, see U.S. Committee for Refugees, "Mass Exodus: Iraqi Refugees in Iran," July 1991. On the refugees in Saudi Arabia, see the open letter to Prince Saud al-Faisal sent by the Lawyers Committee for Human Rights, April 27, 1992; and Barbara Crossette, "Fears Grow for Iraqi

In the early summer of 1991, the center of the humanitarian crisis shifted from Iran and Turkey back into Iraq, where hundreds of thousands of persons remained displaced in tent camps or in the rubble of demolished villages in the rebel-held north, and in the marshes along the southeastern border. The number of persons still displaced in northern Iraq as of April 1992 was estimated at 600,000 by the Lawyers Committee for Human Rights;¹¹ that number has fluctuated as people filter home or flee new outbreaks of fighting or shelling.

Approximately three-quarters of Iraq's Kurds are now living in the rebel-controlled zone. These include Kurds who have gone back to the cities they fled in March, as well as over 100,000 who are from or near the Iraqi-controlled part of their traditional homeland who are afraid to return home or whose homes have been destroyed.

A somewhat similar situation exists in the south. Although no area is firmly under rebel control or watched over by nearby Allied troops, the relatively inaccessible marshes near the Iranian border have become shelter to thousands of Shi'a who are afraid to return home. Most of the displaced Shi'a are from the three major urban areas in the area, al-Nasiriyya, al-Amara, and Basra. They include some active rebels and army deserters, as well as their families. Estimates of the number of displaced persons in the marshes run as high as 250,000. However, some observers question whether the inhospitable terrain can support a quarter of a million residents and estimate the population at well below 50,000.

Baghdad's policies toward the marshes and the rebel-held north have certain similarities. Since the uprising, frequent military incursions in both areas have inflicted civilian casualties and displaced more people. Baghdad, itself squeezed by the U.N. embargo, has in turn blockaded deliveries of food, fuel, and other goods to rebel-held Kurdistan since October, while reportedly sealing off parts of the marshes and blockading food and supplies to its inhabitants.¹² Recent reports of a government initiative to relocate part of the marsh population have prompted comparisons with Baghdad's depopulation of the Kurdish-inhabited area near the northeastern border at the end of the Iran-Iraq war.¹³

Refugees in Saudi Arabia," *New York Times*, February 9, 1992.

¹¹ *Asylum under Attack*, p.5.

¹² The U.N. Special Rapporteur noted,

According to information received by the Special Rapporteur and confirmed by his own observations on 6 and 7 January 1992, the Government of Iraq has reduced the flow of rations to those in the Autonomous Region of Kurdistan to only 10 percent of those given to other citizens. Similar controls on distribution are said to be affecting the southern marshes, where great numbers of people are reportedly in need of humanitarian relief. (Report on the Situation of Human Rights in Iraq, SC S/23685/Add.1, March 9, 1992, p. 28.)

On the embargo's effects in the north, see Patrick E. Tyler, "Baghdad Now Seen Exerting Economic Pressure on Kurds," *The New York Times*, November 6, 1991; on the Marshes, see Chris Hedges, "Deep in the Marshes of Iraq, Flames of Rebellion Flicker," *The New York Times*, March 15, 1992.

¹³ See Patrick Cockburn, "Tide Turns against the Marsh Arabs of Iraq," *The Independent*, May 7, 1992.

A factor contributing to the reluctance of refugees and displaced persons to return home is their distrust of the amnesty declared in April 1991 by Iraq's ruling Revolutionary Command Council, pardoning citizens for all offenses except premeditated murder, violations of honor and theft. While some of those who refuse to return might fear being legitimately charged with such offenses, a sizeable percentage of Iraqis have good reason to distrust any offer of amnesty from Baghdad. As the U.N. Special Rapporteur pointed out, "[A]llegations remain that the amnesties are...used as a means for rounding up members of opposition groups, and that the terms of the amnesties are frequently violated by government agents who arrest certain persons returning out of places of hiding....Several reports allege that persons already detained, as with several of those arrested during (and in violation of) amnesties, rather than being released have actually 'disappeared' in the custody of the government." The Special Rapporteur noted significant and repeated allegations regarding Kurds from Irbil who had returned under the April 1991 amnesty and "were detained...taken to the city stadium, subjected to punishments or executed, or have subsequently disappeared."¹⁴

Several refugees interviewed in Iran by MEW said they knew of Kurds who returned to Iraq in 1988 under an amnesty then in effect and were promptly arrested. A Kurdish schoolteacher from Suleimaniyya described why he did not intend to accept an amnesty this time:

In 1988, I lived in Halabja. During the chemical weapons attacks I hid in a shelter. One hundred and eighty-two of my relatives were killed. Afterward, I fled to Iran and stayed there for six months. When Saddam offered the Kurds an amnesty during the month of September, I decided to go home. But when I reached the border, the Iraqi authorities told me that I could not return to Halabja. They sent me instead to a place named Kurdechal in Irbil province, near the old village of the same name. About 6,000 of the returning Kurds were taken there. There was no housing for us at Kurdechal. I spent 25 days there sleeping under a nylon sheet. I asked to leave, but they refused. Eventually I built a lean-to, then a little house, out of mud. For one year I could not leave the place. Finally, in the second year, they allowed me to go out, but I needed permission each time.¹⁵ Finally, they said I could move out. I asked if I could go back to Halabja. They said I could go anywhere but Halabja, so in July 1990, I moved to Suleimaniyya.

The following month Iraq invaded Kuwait, and eight months later the schoolteacher found himself living again in a tent in a refugee camp in Iran.

Rebel-held Northern Iraq

Kurdish rebels control a 16,000-square-mile area, roughly one-tenth of Iraq and four-fifths of the land claimed by Iraqi Kurds as their ancestral homeland. The zone includes two of Iraq's governorates (Suleimaniyya and Dahuk), and much of a third (Irbil). Its current population of about three million inhabitants is almost entirely Kurdish, with small numbers of Turkmen and Christians (Assyrians,

¹⁴ U.N. special rapporteur's letter and memorandum to the Iraqi minister for foreign affairs, dated September 16, 1992, General Assembly A/46/647, November 13, 1991, pp. 13-14.

¹⁵ On the "model villages" (*mujamma'at*) in the lowlands into which Kurdish families were herded, see the following section.

Chaldeans, and Armenians). The area encompasses both the "security zone" demarcated by the Allies in April 1991 and a far larger area, including the cities of Suleimaniyya, Irbil and Dahuk, that extends south and east from the security zone. Until the May 19 elections, the area was governed by the Iraqi Kurdistan Front, a coalition of eight parties formed in 1988.

The current boundaries of the zone have been relatively stable since October, when Iraqi forces established a fortified military line running northwest to southeast through the lowlands. However, incidents of shelling by Iraqi troops since then have sent scores of thousands of refugees living near the fortified line fleeing into the rebel-controlled region.

The population of the rebel-controlled zone falls into four basic categories:

1. persons who remained in or returned to the homes they were inhabiting just prior to the March 1991 uprising;
2. persons who took advantage of the withdrawal of Iraqi forces in order to return to villages and towns from which they had been evicted during Saddam's campaign in the 1970s and 1980s to depopulate the Kurdish countryside;
3. persons who fled from areas that are currently under Iraqi control or near the front line, and are either prevented from returning, afraid to return, or have little to return to because their homes have been destroyed; and
4. persons -- mostly women and children -- who move between homes in the areas under Iraqi control and temporary quarters inside the rebel-held zone, where they maintain their access to humanitarian assistance, including shelter, in the event that they are displaced again.

Compared to the marshes, inhabitants of the rebel-held north enjoy a relative measure of protection, not to mention an unprecedented degree of political autonomy. The presence of Allied troops and fighter planes in neighboring Turkey, with their regular overflights of northern Iraq, have helped to reassure Kurds by offering the prospect of a swift military response should Saddam launch an offensive. The Kurds are also better off than the marsh dwellers in terms of the level of humanitarian assistance they receive and the larger presence in their midst of staff from the U.N. and relief organizations.

The Kurds still face considerable danger and adversity: harsh winters, unmarked minefields, Iraqi shelling along the front line, embargo-related shortages of affordable food, fuel and medicine, and apparent acts of sabotage by Iraqi infiltrators. None of these hardships, however, looms as large as the Kurds' fear of what Saddam may do if the Allied forces retreat at the end of their current basing agreement with Turkey on June 28.

The group facing the harshest conditions are the more than 100,000 displaced persons, most of them from Kirkuk, who cannot or will not return to homes in Iraqi-controlled areas, and are now living in tent camps, in abandoned government buildings, in makeshift shelters, or in houses in government-built "model villages" (see below) that were abandoned by Kurds returning to their villages.

According to U.N. officials working in the region who asked not to be named, Iraqi checkpoints on the front line are, in general, no longer blocking the return of refugees from the rebel-held zone, as they did

in the months following the March uprising. The obstruction now occurs mainly in the other direction, when civilians crossing into the rebel-held zone are searched for items deemed to violate Iraq's blockade of the zone. Soldiers routinely siphon off "excess" gasoline from civilian cars, and seize goods that appear to be newly bought.

Fear, rather than physical barriers, is the main impediment to the return home of Kurds who are displaced from towns inside or near Iraqi-held areas. Those who live near the front line are scared of shelling by Iraqi troops or skirmishes between Iraqi and Kurdish forces. According to one U.N. official, many of the Kirkukis who are not returning are young men who fear arrest as suspected pesh merga, army deserters, or uprising activists. Another U.N. official said Kurds are also deterred from returning by the heavy military presence in Kirkuk and other areas under government control, and reports of problems with local food distribution and harassment of civilians by troops. "They just feel safer in the mountainous areas," he said.

Civilians in the rebel-held zone who are trying to rebuild their lives in demolished villages face a distinct set of hardships. Of the some 4,000 Kurdish villages that Kurds say were demolished by the Baath regime during the Anfal (see Introduction), a total of 1,762 are currently under reconstruction, according to Iraqi Kurdistan Front figures. The UNHCR put the figure at 1,500 in April 1992.¹⁶

Many who are returning to ancestral villages are Kurds who had been confined for years in "model villages" that were built by the regime to house Kurds from demolished villages. According to a U.S. Senate staff report, these villages "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."¹⁷

In the rebel-controlled zone, Kurds rebuilding homes in demolished villages probably outnumber the displaced population that cannot return to homes in or near Iraqi-controlled territory. While the UNHCR does not classify the returning villagers as "displaced," they continue to face many refugee-like difficulties, especially in a period of shortages and embargoes. *Le Monde's* Françoise Chipaux observed during a visit in late May 1992, "In reality, everything remains to be done, from basic restoration to the rebuilding of schools, clinics, and water and irrigation systems, along with the distribution of seeds and fertilizer to all of these peasants who for so long have been kept off their lands, which now lie fallow."¹⁸

Living in tents or flimsy huts on the ruins of demolished homes, many spent the winter with inadequate heat and plumbing, far from medical care and regular food supplies. Some sought sturdier shelter in the cities during the winter, and returned to their villages only after the spring thaw.

¹⁶ One foreign relief worker told MEW in April 1992 that counting villages was misleading since some "villages" contained no more than three houses. The UNHCR estimates that 60,000 houses have been rebuilt so far.

¹⁷ "Kurdistan in the Time of Saddam Hussein," p. 15. See also "Civil War in Iraq," Staff Report to the Committee on Foreign Relations of the U.S. Senate, May 1991, pp. 8-9. The author of both reports, Peter W. Galbraith, estimates at one million the number of Kurds who were resettled in these "model villages."

¹⁸ "Des lendemains très incertains," *Le Monde*, May 22, 1992.

The returning villagers are among those at highest risk of stepping on mines laid by Iraq both along the border with Iran as well as deeper inside Iraq to hinder the pesh merga as well as Kurdish civilians who might try to return to the sites of their razed towns and villages.¹⁹ A representative of MEW was told by a medical staff member at Suleimaniyya hospital on September 11 that since March, the hospital had treated 1,652 landmine patients, including 397 who had undergone traumatic or surgical amputation. A *New York Times* reporter who visited the area in April 1992 wrote:

No figures are available on the total mine casualties in the last year, Kurdish and relief agency medical officials said. But Dr. Delshad Kamal of the Suleimaniyya Teaching Hospital, one of three surgical hospitals in the Kurdish-controlled area, said the hospital treated about 15 new mine explosion casualties each week.²⁰

Despite all of the villagers' day-to-day difficulties, the overriding concern for many is that government troops will return to the area and demolish their villages once again. "[The Iraqi forces] want to come back," one villager told *The New York Times*. "Everybody is always saying maybe they'll attack today or tomorrow. We're hoping they're afraid to move forward because of the Western coalition forces."²¹

Post-Uprising Order and Disorder

The contours of the post-uprising order in northern Iraq were established shortly after the uprising. On April 5, 1991, two days after Iraqi troops recaptured the last city under Kurdish control, the U.N. Security Council adopted Resolution 688, which demanded that Iraq "immediately end" the repression of its civilian population, and allow "immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq."²² The same day, President Bush announced that U.S. Air Force transport planes would begin flying over northern Iraq to drop supplies of food, blankets, clothing, tents, and other relief-related items near concentrations of displaced persons.

But the surging exodus and Turkey's reluctance to host a massive influx of Kurdish refugees pressured the Allies to act more decisively. On April 16, President Bush announced that a "security zone" would be established near the Turkish border and administered by U.S., French and British troops. The area would contain temporary tent camps to lure refugees back from Turkey and the perilous mountain areas near the border. To further reassure Kurds, President Bush ordered Iraqi troops to evacuate the "security zone" and to retreat at least 25 miles south of the Turkish border, and declared all of Iraq north of the 36th parallel to be off-limits to Iraqi aircraft.

¹⁹ See the forthcoming report by Middle East Watch, *Hidden Death: Landmines and Civilian Casualties in Iraqi Kurdistan*.

²⁰ "The Soil Yields Terror for Iraq's Kurds," *The New York Times*, April 13, 1992.

²¹ Leslie Weaver, "Glancing Nervously at Iraqis, Kurds Rebuild," *The New York Times*, May 5, 1992.

²² Resolution 688 specifically mentioned the Kurdish population and the Kurdish region of Iraq. It was passed by a vote of ten in favor, three opposed and two abstentions.

Other developments in April enhanced Kurdish hopes for their future security. First, Kurdish leaders and Baghdad agreed on a tentative cease-fire and resumed long-stalled negotiations on limited autonomy. Second, Baghdad agreed to an extensive U.N. relief operation inside Iraq. Under the terms of a memorandum of understanding signed on April 18, 1991 by Iraq and Prince Sadrudin Aga Khan, the Secretary General's executive delegate for humanitarian affairs in Iraq, the U.N. was permitted to establish offices inside Iraq "wherever such presence may be needed" to provide humanitarian assistance to displaced persons and assist in their return. The memorandum, which has been renewed and now expires on June 30, essentially restates in more consensual language the terms of Security Council Resolution 688.

The U.N. rapidly opened humanitarian offices in both government-controlled and Kurdish-controlled areas. It also deployed 500 lightly armed guards whose mandate was to protect U.N. property, services and personnel, but whose presence also enhanced the sense of security among Iraqi civilians. The majority of these guards were stationed in the Kurdish cities of Suleimaniyya, Dahuk and Irbil; relatively few were sent to the south of the country.

In June, the Allies began withdrawing from their "security zone" and turning over relief operations to the United Nations High Commissioner for Refugees (UNHCR). The Allies announced that they would keep a "residual force" in Turkey and a monitoring team in the town of Zakho in the "security zone." The residual force, based with Turkey's approval at Incirlik airbase near the city of Adana, included attack planes and battalions of air-transportable infantry.

According to Pentagon spokesman Pete Williams, the mission of the force at Incirlik was "to stand by in the area in case there were problems in northern Iraq that required military action." Though cautioning that the United States "cannot solve long-term...long-standing problems in the region between the Kurds and the Iraqis, between the Shi'a and the Iraqis," Williams stated that there would be "very clear markers laid down to the Iraqis" about their expected behavior.²³

Whatever the markers that the Allies laid down, their military pullback coincided with a general deterioration in the security situation, following two months of relative calm and the return of over one million refugees from Iran and Turkey. With the negotiations in Baghdad bogging down and Kurds nervous about the Allied withdrawal, tensions began to mount. On June 3, four Kurds and two Iraqi officials were killed when a demonstration turned violent in Dahuk, a city outside the security zone.

Major clashes between Iraqi troops and Kurdish rebels erupted six weeks later around Suleimaniyya and Irbil. The fighting drove about 30,000 civilians in the Suleimaniyya region toward the Iranian border, according to the International Committee of the Red Cross, which said on July 22 that it had treated 660 wounded persons in area hospitals.

Following the clashes, the army ceded control of Suleimaniyya and Irbil to the Kurds and pulled its forces back to the cities' outskirts. Both cities have since remained in Kurdish hands.

The July clashes, like the ones that were to follow during the summer and fall, took place well below the Allies' "security zone," and provoked no military response from them.

²³ Cited in R. Jeffrey Smith and Barton Gellman, "U.S., Allies Agree To Form Force for Protection of Kurds," *The Washington Post*, June 26, 1991.

During the second week of September, several dozen persons were killed or wounded in clashes around the city of Chamchamal, which lies near the front line between Iraqi and Kurdish forces, halfway between Suleimaniyya and Kirkuk. It is not known what portion of the victims were civilians. Col. Richard Naab, commander of the Allies' Military Coordination Center in Zakho, was quoted as saying that the clashes were not caused by any Iraqi provocation.²⁴ However, they erupted in a context of rising tension, as Iraqis were moving troops into the area and Kirkuk residents were demonstrating in Suleimaniyya to demand that Iraq permit them to return home. The Kirkukis were reportedly preparing to organize a march toward their city, confronting the Iraqi checkpoints along the route.

In October, the front-line towns of Chamchamal, Kifri and Kalar came under Iraqi shelling. The operation clarified Baghdad's general strategy in the north. Advancing in these locations while retreating in others (such as from Suleimaniyya in July), the army was fine-tuning a fortified military line to make it strategically strong and effective in sealing off the rebel-controlled area from the rest of the country. The line bisected Iraqi Kurdistan from the Turkish border in the northwest to the Iranian border in the southeast. All of Iraq's known oil fields remained on the Iraqi side of the line, although large sections of the key oil-export trunkline, from Iraq to Turkey's Mediterranean coast, are in rebel hands.

The shelling in October and subsequent clashes between Iraqi and Kurdish forces drove at least 200,000 civilians from their homes, according to the UNHCR, straining the agency's efforts to provide winterized shelter for up to 350,000 of those already displaced.²⁵ The shelling killed at least 36 persons in the Suleimaniyya area, according to the U.N.²⁶ Suleimaniyya residents later told MEW that heavy artillery shells landed mostly in heavily populated areas and did not appear aimed at specific military targets.

The Massacre of Iraqi Soldiers in Suleimaniyya

On October 7, Kurdish guerrillas engaged in what was easily their worst atrocity since the uprising, executing at least 60 Iraqi army troops who had been captured during hand-to-hand fighting in Suleimaniyya. Reuters correspondent Kurt Schork, who witnessed the killings, said the men were shot at point-blank range while they were kneeling.²⁷ The Kurdistan Democratic Party, whose fighters were accused by some of responsibility, condemned the incident, announced an investigation, and invited Amnesty International to observe the trials when they took place.

As of May 25, 1992, the Kurdish leadership had conducted three investigations, but not one person had yet been charged or taken into custody in connection with the killings, according to KDP spokesman Hoshyar Zebari. Judging by the investigation findings to date, Zebari said, the incident was less clear-cut than indicated by initial press reports. He said that the killings seem to have occurred only moments after a

²⁴ "Les combats ont repris entre les troupes de Bagdad et les rebelles kurdes," *Le Monde*, September 11, 1991.

²⁵ *UNHCR Update*, October 22, 1991.

²⁶ "Casualties in Fighting in Iraq Are Reported to Exceed 400," *The New York Times*, October 9, 1991.

²⁷ "Kurdish Guerrillas Killed Iraqi Troops Captured in Battle," *The Washington Post*, October 11, 1991.

fierce battle, and not after the victims had been in custody for any length of time. He said that the investigators' next step would be to locate all the rebels who were present at the buildings where the killings had taken place.

Regrettably, the pursuit of justice in the case has fallen victim to foot-dragging and finger-pointing among the Kurdish parties. Whatever the mitigating circumstances that may surround the incident, it is evident that an atrocity took place and that the Kurdish leadership has failed to respond in a manner that sends a signal that abusive conduct by their fighters will be punished in a timely fashion. Neither the absence of a fully operational judiciary nor the considerable hardships that the Kurds have faced since the uprising can justify this feeble response.

Zebari, speaking to MEW on May 25, expressed optimism that the investigation would move forward now that the elections have been held. MEW urges the Kurdish leadership to show its commitment to the rule of law by completing its investigations into this important case and granting a fair and open trial to those who are charged with responsibility.

Red Cross Visits to Iraqi soldiers captured by Kurdish rebels

The pesh merga have captured large numbers of Iraqi soldiers during the clashes that have occurred since the uprising. The various Kurdish groups holding Iraqi soldiers have generally permitted the prisoners to be seen regularly by delegates of the International Committee of the Red Cross. The ICRC said it began visiting imprisoned Iraqi servicemen on July 18, when it had access to 1,500 prisoners taken during clashes that month. It visited 814 soldiers taken in September, and 4,040 captured between October and December. Visits are continuing until the present, the ICRC said, adding that the prisoners tend to be released relatively soon after their capture. As of mid-May 1992, fewer than one hundred soldiers, most of them officers, were believed by the ICRC to be in custody.

Baghdad's Economic Blockade of the Rebel-Controlled Zone

In October, Baghdad imposed an embargo on goods entering the rebel-controlled zone, enforcing it at checkpoints along the military line. The government, itself squeezed by continuing U.N. economic sanctions, cut deliveries of food and fuel, including subsidized goods that the government was rationing, and ordered civil servants to relocate to cities under government control or face dismissal.²⁸ At checkpoints, soldiers confiscated food and fuel from the few cars they let through to the rebel-held zone. The embargo caused prices to soar for food, fuel, and agricultural products such as seeds and fertilizer.

The termination of salaries to state employees affected an estimated 200,000 heads of households.

²⁸ See Patrick E. Tyler, "Baghdad Now Seen Exerting Economic Pressure on Kurds," *The New York Times*, November 6, 1991; Chris Hedges, "Kurdish Talks Frozen, Iraqis Advance Anew," *The New York Times*, November 26, 1991; Patrick Cockburn, "Noose Tightens Around Kurds," *The Independent*, January 25, 1992; Chris Hedges, "Kurds' Dream of Freedom Slipping Away," *The New York Times*, February 6, 1992; Jonathan C. Randal, "Men Forage in Snow for Food, Wood," *The Washington Post*, February 19, 1992.

Most, however, remained at their posts, and schools continued to function as the Kurdish leadership tried to cover salaries by using the revenues from duties they levied on trucks passing rebel-controlled checkpoints at the Iraqi-Turkish border.

The embargo, which made an unusually cold winter that much worse, continues to be felt, as a *Le Monde* correspondent observed on a recent visit:

In addition to the cutoff in rations, the embargo imposed by Baghdad is felt most acutely in terms of fuel, gasoline and gas, which are being delivered at about one tenth the pre-embargo levels. Gasoline is also available for purchase, thanks to smuggling, at fifty times the Iraqi price, and natural gas canisters, which cost less than one dinar in Mosul, sell for 16 dinars in Irbil.²⁹

If the embargo was intended to pressure the Kurds to reach a political settlement with Baghdad, it did not succeed. In some respects, it had something of the opposite effect, forcing the Kurds to take on such attributes of government as rationing staples and operating schools and hospitals.

With economic pressure failing to yield quick results, Baghdad stepped up the military pressure. In late March, the army shelled towns near the Great Zab river, west of Irbil, driving 40,000 villagers from their homes. Most have since returned, according to a U.N. official. The army launched another operation near the city of Chamchamal, apparently in order to tighten the embargo by cutting off a rebel-controlled supply route between Irbil and Suleimaniyya.

In early April, a buildup of Iraqi ground forces between Irbil and Mosul and the activation of anti-aircraft batteries north of the 36th parallel prompted stern warnings from the Allies.³⁰ Iraqis backed down on the anti-aircraft batteries, but an estimated 100,000 to 150,000 soldiers remained along the front, backed by tanks and heavy artillery, according to Kurdish military officials.³¹

U.N.'s Uncertain Future in Iraq Adds to Kurds' Anxiety

The military buildup is not the only cause of jitteriness one year after the failed uprising. The future of the U.N. presence inside Iraq remains in doubt. With the agreement between Iraq and the U.N. expiring on June 30, the government has reportedly increased its harassment of U.N. relief workers, imposed new restrictions on the movement of U.N. vehicles delivering humanitarian aid, and held up issuing or renewing visas for foreign relief workers.³² An official with the U.N. humanitarian office for Iraq commented that the government dislikes the presence of so many U.N. and relief workers but feels it must tolerate them if it is to have the U.N.-imposed sanctions removed.

²⁹ Françoise Chipaux, "Des lendemains très incertains," *Le Monde*, May 22, 1992.

³⁰ "Iraq Given Warning on Missiles, U-2s," *The Washington Post*, April 15, 1992.

³¹ Leslie Weaver, "Glancing Nervously at Iraqis, Kurds Rebuild," *The New York Times*, May 5, 1992.

³² "Baghdad Limits U.N. Efforts to Provide Relief for Iraqis," *The New York Times*, April 23, 1992.

If the U.N. succeeds in extending its memorandum of understanding with Iraq, it remains to be seen whether and how the U.N. will maintain the protection functions that until now the UNHCR has been performing. That agency has been scaling back its presence in Iraq since April 1, 1992, while the United Nations Children's Fund (UNICEF) has taken on a supervisory role among U.N. agencies in the field. This development is troubling from a human-rights standpoint, since UNICEF, in contrast to the UNHCR, has no explicit protection mandate. The UNHCR field staff in Iraq included "protection officers" whose job was to help displaced persons to return to where they wished to go, and to intervene with authorities to ensure that conditions of safety and dignity were maintained.

A plan to fill the void is being considered by the U.N.'s inter-agency Department of Humanitarian Affairs, directed by Undersecretary General Jan Eliasson of Sweden. Michael Stopford, the New York representative of the department's Iraq program, told MEW on May 13 that the department hoped to assign field representatives "to assume some of the coordinating, monitoring, and reporting functions that until now have been performed by the UNHCR." He warned, however, that the plan was contingent on funding — and, of course, on the extension of the U.N. agreement with Iraq to operate inside its territory.

Car Bombs, Apparent Poisonings Raise Fears of Infiltrators from Baghdad

Since March 1992, Kurdish fears of saboteurs have been heightened by an apparent poisoning incident and two fatal car-bomb explosions. In past years, the Saddam regime has been accused of poisoning a number of dissidents both in Iraq and abroad; several cases are described in MEW's *Human Rights in Iraq*. The two most recent victims were Sunni Muslim members of the Iraqi opposition who had taken sanctuary in the rebel-controlled north. The two, identified by the pseudonyms Abdallah Abdelatif and Abd al-Karim al-Masdiwi, reportedly fell ill after drinking tea at the home of an unidentified Kurd in Shaqlawa on March 24, 1992. According to London-based Iraqi dissidents, the two had received a warning a month earlier from Qusai Hussein, one of Saddam's sons, to cease their activities and leave Iraq.

After their health deteriorated, the two were moved from Iraq to Damascus. Samples of their blood, hair and urine were sent to a London hospital for tests. On the strength of the test results, visas were secured and the two men flew to London, where they were treated for thallium poisoning. Both were recovering in May and were expected to survive.³³

There have been other incidents of sabotage in northern Iraq that cannot be reliably linked to the regime. Responsibility was neither claimed nor determined for a car bomb that exploded outside a Kurdish political office in central Suleimaniyya on March 6, 1992, killing twelve persons; or for another bomb that exploded in a market in Irbil on March 16, reportedly killing three people and injuring some 25. The second blast came after a succession of warnings from officials and media in Baghdad to the opposition Iraqi Kurdistan Front not to ally itself with foreign powers.³⁴ On May 14, 1992, a small car bomb exploded outside a Dahuk hotel frequented by foreign journalists, who were covering the election campaign in the rebel-controlled zone. Other explosive devices have been discovered and prevented from detonating.

³³ See Middle East Watch press release, April 24, 1992; Ben Fenton, "Poisoned Iraqi Rebels at Guy's," *Daily Telegraph*, April 24, 1992; and "London Hospital Says Saddam Foes Poisoned," Reuter dispatch, April 24, 1992.

³⁴ See "12 Killed by Car-Bomb Blast at Kurds' Iraq Headquarters," *The New York Times*, March 8, 1992; and *Mideast Mirror*, March 17, 1992.

Such incidents heighten the sense of vulnerability among people living in the rebel-held zone. Iraq's continuing embargo and military buildup, the periodic shelling and skirmishes along the front line, the uncertain future of the Allied and U.N. presence, the harassment of U.N. workers and apparent acts by saboteurs have all helped to keep hundreds of thousands of Kurds ready to take flight at a moment's notice.

The Marshes

Since last June, Iraqi opposition groups abroad have accused the Iraqi army of launching major offensives in the vast marsh areas located near the confluence of the Tigris and Euphrates rivers, in the triangle formed by the cities of al-Nasiriyya, al-Amara and Basra.³⁵ The victims are said to include rebels, displaced families, and the indigenous semi-nomadic marsh dwellers (sometimes referred to as "Marsh Arabs"). According to these reports, villages have been demolished and unarmed civilians have been punished on suspicion of aiding the rebels.

Most recently, the Supreme Assembly of the Islamic Revolution in Iraq (SAIRI), a Shi'a opposition group based in Teheran, charged that on April 21 the regime launched a tank, artillery, and air assault on three fronts in the marshes, attacking the northern marshes of Basra, the northern marshes of al-Amara, and the eastern al-Nasiriyya marshes. The reports prompted an expression of concern by the British government on April 24. On May 19, SAIRI issued a statement warning that the army was amassing heavy weaponry in the area for a new onslaught.³⁶

The magnitude of the operations and the extent of casualties have been difficult to confirm, since few independent observers have been permitted to penetrate the marshes from inside Iraq, and few have taken the perilous trip by boat with rebels infiltrating from Iran.

Nor is the population of the marshes known with any precision. In the 1950s they were home to an estimated 300,000 to 400,000 persons, but many were displaced during the Iran-Iraq war by drainage projects and military operations. Aid officials told an *Independent* reporter recently that the local population was down to 50,000.³⁷

Harsh conditions prevail in the marshes. Water pollution has reduced the supply of fish, a staple for the indigenous population, and clean water, food and medical care are scarce. Various mosquito-borne diseases are present.

Because of their terrain and proximity to Iran, the marshes have served for decades as a sanctuary for criminals and others hiding from the central authorities. Armed bandits continue to rob vehicles on the

³⁵ Allegations of army atrocities in the marshes predate the 1991 uprising. See, for example, Documental Center for Human Rights in Iraq (Teheran), "Massacre in the South: Events and Consequences," 1991 (in Arabic).

³⁶ "Iraqi Oppositionists Warn of a Plan to Exterminate Marsh Dwellers," *Al-Hayat*, May 20, 1992 (in Arabic).

³⁷ Patrick Cockburn, "Tide Turns against the Marsh Arabs of Iraq," *The Independent*, May 7, 1992.

main roads, making it inadvisable to travel after dark. During the Iran-Iraq war, deserting soldiers fled to the marshes, prompting the army to send in helicopter gunships to hunt them down.

Today, the marshes evidently contain the largest concentration of active resistance fighters in southern Iraq. Rebel commanders recently claimed to have 10,000 fighters operating in the area,³⁸ although journalists and aid workers who recently spent time near the marshes said the number seemed inflated, adding that the rebels have mounted little more than sporadic hit-and-run attacks in the area.

One reporter who entered the marshes with the rebels in March found them to be poorly equipped despite Iranian backing:

Provided with sanctuary and support by Iran, the rebels operate out of small base camps along the border with Iraq and deep inside the marshes....Their AK-47 assault rifles are often rusty, few have boots or uniforms, and there is little medicine to ward off the festering sores, fevers and malaria bred by the swamp. Sick and wounded fighters often die before they can complete the three- or four-day journey to Iran for treatment.³⁹

Despite the low level of rebel activity, the government seems determined to eliminate resistance in the region. In addition to the reported military operations mentioned above, the government appears to be employing a combination of coercion and incentives to resettle marsh dwellers in more accessible locations outside the marshes or on their periphery.⁴⁰ Rebels also alleged that the Iraqi army was draining the swamps and building roads through them so that its tanks and heavy artillery could operate more effectively in the area.⁴¹

Reports by opposition sources abroad about military action in the marshes have been difficult to substantiate partly because the government has systematically obstructed scrutiny of its operations in the marshes. The area is encircled by army troops and dotted with checkpoints.

Last July the government delayed, and then attempted to dupe the U.N. Secretary General's special delegate, Prince Sadruddin Aga Khan, when he conducted the first major attempt by the U.N. to assess humanitarian needs in the marshes. (A U.N. team visiting the area one month earlier had cited a deployment of troops along roads in parts of the marshes and expressed concern about the estimated 40,000 people who were hiding there.⁴²) Upon reaching the Hammar region of the marshes, between al-Nasiriyya and Basra, Sadruddin was told by local residents that troops had just completed a withdrawal from the area, apparently in an effort to deceive the mission into concluding that there was no military pressure on area residents. As soon as they departed, the army went back in, prompting a protest from Prince Sadruddin. "....I learned from unimpeachable sources that as soon as our mission left the area, and in particular on the 12th and 13th

³⁸ Chris Hedges, "Deep in the Marshes of Iraq, Flames of Rebellion Flicker," *The New York Times*, March 15, 1992.

³⁹ *Ibid.*

⁴⁰ Patrick Cockburn, "Tide Turns against the Marsh Arabs of Iraq," *The Independent*, May 7, 1992.

⁴¹ Anwar Raruqi (Associated Press), "Major Iraqi Offensive Alleged by Shi'a Rebels," *The Washington Post*, April 30, 1992.

⁴² "U.N. to Open Aid Center in S. Iraq, Official Says," *The Washington Post*, July 11, 1991.

of July, a heavy military presence was redeployed to take up the same positions which had obviously been vacated mainly for the duration of our visit," he wrote to the Iraqi foreign minister on July 15.⁴³

Prince Sadruddin tried to establish a permanent U.N. presence in the area, but his plan was thwarted only days after his departure from the area when Iraqi authorities ordered out U.N. staff who had remained behind. Since then only a skeletal U.N. staff has been permitted to work in cities near the marshes.

Iraq has also kept the presence of NGOs in the marsh region to a minimum, issuing few travel permits to the area. A representative of the French medical relief group Medecins du Monde who was granted access in order to assess health needs in late 1991 found her trip tightly controlled by her government escorts. MDM proposals for projects in the area subsequently went unanswered by the government.

In late 1991, Iraq authorized a small German nongovernmental organization, Aktion Direkte Hilfe (Action Direct Assistance), to staff a small office in al-Nasiriyya and make daily deliveries under Iraqi Red Crescent supervision of food and water to the marsh town of Chubaish, 60 miles to the south. This made ADH the only foreign NGO with a base in the south that was distributing goods directly to marsh residents. In April 1992, however, the government expelled ADH from Iraq without providing any official explanation, and also asked the U.N.'s World Food Program (WFP) to close its office in al-Nasiriyya.

Since the departure of ADH, the WFP has managed to remain in al-Nasiriyya, and deliveries of food and water to Chubaish have been performed by the Baghdad-based staff of the Catholic Relief Services. Nevertheless, the Iraqi government has kept the presence and freedom of movement of U.N. and NGO workers to an absolute minimum in marshes region.

Because of these restrictions, the presence of foreign workers provides the area's population with virtually no protection from government abuse. An official with the U.N. Department of Humanitarian Affairs' Iraq program told MEW in May 1992 that U.N. staff travel only on routes between their offices and their distribution points, and have no mandate to perform any other work in the marshes. Asked about reports during mid-April of stepped up military operations in the area, the official replied in a manner indicative of the near-impossibility of obtaining information: he said he could only confirm that shelling had been heard in the area, but did not know what towns or sites had been affected.

ADH's coordinator in Iraq, Falah Wajdi, told MEW that the staff of his organization also stuck closely to their scheduled rounds and were unable to observe government or military policies toward inhabitants of the marshes. He did say, however, that in the area of the marshes between al-Nasiriyya and Chubaish, where ADH staff traveled daily, he saw no signs of intense military activity. "Army checkpoints were manned by three or four soldiers only, with no heavy weapons," he commented. "I did not see any tanks or helicopter gunships or heavy artillery." As for the reported army blockade on goods entering the marshes, Wajdi said he saw no evidence of an embargo in Chubaish. "There is food for sale in the town markets, and the prices are the same as in al-Nasiriyya. The problem is that people can't afford the market prices."

Even if the government of Iraq permits NGOs and the U.N. to maintain their modest presence along

⁴³ Trevor Rowe, "U.N. Says Iraq 'Tricked' Aid Mission," *The Washington Post*, July 19, 1991.

certain routes in the marsh region, there is an urgent need to increase monitoring of the highly dispersed local population. The marshes remain more closed than other parts of Iraq to the outside world, and more vulnerable to government abuses being perpetrated without any scrutiny. MEW urges the international community to highlight this region in its effort to improve human rights monitoring and protection within Iraq.

CITIES TARGETED FOR REPRESSION

Kirkuk: Exploiting the Exodus

Kirkuk is an oil-rich city about 160 miles north of Baghdad with an ethnically mixed population of between 500,000 and one million.⁴⁴ It has long been fiercely contested by the Kurds, who demand its incorporation into the Kurdish Autonomous Region, and the Baathist regime, which has since the 1970s sought to solidify its control of the city by colonizing it with Arabs from cities to the south.⁴⁵

In the first few months following the uprising, security forces blocked the return of Kirkukis who had fled; others were too afraid to return. A *New York Times* reporter who visited the city in early June 1991 observed that few Kurds had returned.⁴⁶ Two months later, a *Libération* correspondent found much the same thing, noting that in the Kurdish neighborhood of Teppe only one refugee in two had returned.⁴⁷ One U.N. official based in Suleimaniyya, where many of the displaced reside, told MEW in May 1992 that the only Kirkukis he observed shuttling between the two cities were women and children going to visit relatives.

The UNHCR estimated the number of Kirkukis displaced within Iraq at 70,000 to 100,000 in May 1992; the same month, Hoshiyar Zebari of the KDP told MEW that the number was at least 150,000.

Although soldiers at checkpoints appear to have since eased the policy of turning back Kurds who wish to return to Kirkuk, reports of a heavy military presence in the city and the repression of the remaining Kurdish population deter those who remain displaced. It comes as no surprise that Kirkukis constitute the lion's share of Kurds who have not returned home since the uprising, given the recent history of the city and its current condition.

The government of Iraq has denied that any of its actions during or since the uprising have targeted the Kurds as a people:

⁴⁴ According to the 1977 census, the city had a population of 535,000.

⁴⁵ On the government's efforts to change the ethnic composition of Kirkuk during the 1970s, see Marion Farouk-Sluglett and Peter Sluglett, *Iraq Since 1958: From Revolution to Dictatorship* (London: KPI 1987), pp. 131-132 and 187-188.

⁴⁶ Alan Cowell, "Iraq Won't Concede Kirkuk to Kurds," *International Herald Tribune*, June 6, 1991.

⁴⁷ Christophe Boltanski, "Kirkouk, une carte vitale pour Bagdad," *Libération*, August 6, 1991.

No operations were conducted with a view to driving out the Kurds; on the contrary, we note that their departure was influenced by the external intervention. The serious intention of the Iraqi Government to encourage those citizens to return is evident from the signing of the memorandum of understanding with the United Nations and the promulgation of...general amnesty decrees.⁴⁸

The government failed to explain, however, why Kirkuk is the only city for which it has refused a standing request from the U.N. to open a humanitarian office. The presence of such an office would likely encourage the return home of at least some of the displaced Kirkukis.

Without a U.N. presence in Kirkuk, serious allegations about Iraqi conduct there have been difficult to assess. Kurdish political leaders have charged that the government has exploited the exodus of Kurds to accelerate the Arabization program in the city. According to these allegations, Kurdish homes were reportedly either demolished after the uprising or given to Arabs brought in from cities to the south. Kurdish leaders claimed to be in possession of a leaked official document dated August 4, 1991 authorizing the distribution of property in Kirkuk to Arab settlers, and ordering the construction of houses for 2,726 families.⁴⁹ This claim could not be confirmed.

Dr. Najmaldin O. Karim, President of the Kurdish National Congress in the U.S., told MEW that following the uprising, Iraqi troops went into predominantly Kurdish neighborhoods in the city and its northern and eastern suburbs and bulldozed or dynamited 4,000 vacant homes. Patrick Cockburn of *The Independent*, who visited Kirkuk in early May 1992, told MEW that he saw a Kurdish neighborhood near the Air Force base that had been systematically demolished. He was unable to inspect the damage closely because he was accompanied by two government officials.

Suleimaniyya-based U.N. officials who are in daily contact with displaced Kirkukis, cautioned that some reports of the destruction of Kurdish Kirkuk may be exaggerated. The true extent and chronology of the damage cannot be confirmed so long as Iraq bars free access by U.N. officials, journalists, and rights monitors.

Al-Najaf and Karbala: Punishing the Shi'a

Post-uprising repression has been particularly harsh in the two holy Shi'a holy cities of al-Najaf and Karbala. Since the uprising, religious institutions and prominent clerical families have been targeted in a campaign to subdue Shi'a opposition, which Saddam is thought to view as the greatest potential popular threat to his rule. Unlike the Kurds, whose political aspirations mainly concern the region in which they are in the majority, the Shi'a opposition movements have long sought to install an Islamic government in Baghdad.⁵⁰ The Shi'a account for an estimated 55 percent of Iraq's population.

⁴⁸ Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 47.

⁴⁹ Jalal Talabani, speaking at a rally in Irbil on August 29, 1991, broadcast on Voice of the People of Kurdistan in Arabic, as reported by Foreign Broadcast Information Service, September 3, 1991.

⁵⁰ Amatzia Baram, "From Radicalism to Radical Pragmatism: The Shi'a Fundamentalist Opposition Movements of

Representatives of Iraq's Shi'a community have charged that since the uprising the Iraqi regime has targeted Shi'a cultural and nonpolitical institutions in an attempt to destroy the fabric of Shi'a society. These attacks were part of what they called a campaign of "revenge on a massive scale" in southern Iraq.⁵¹

Many of the Shi'a shrines, sites and institutions of al-Najaf and Karbala were damaged by shelling during the uprising. Several were later demolished or closed. A London *Times* correspondent visiting Karbala in late April 1991 found a demolition program in full swing around the shrines of Hussein and Abbas, designed to create "a sanitary zone of concrete" around two of the holiest shrines of the Shi'a faith:

Entire buildings flanking a central boulevard linking the two mosques had been reduced to mounds of rubble since I had visited ten days earlier....The official explanation is that the area is being upgraded and will be turned into a plaza flanked by high-rise buildings and shops.⁵²

When *El País* correspondent Angeles Espinosa toured the ruins around the two shrines one month later, journalists disingenuously asked officials whether the damage had occurred during the Allied bombing or the uprising:

"No, this zone was dynamited by the government in order to renovate it," the official accompanying us replied without a trace of shame.

The three official reasons for this massive demolition of buildings is that they were very old, they were damaged during the recent revolt, and there is a plan under way to give the city a facelift. However, when this reporter visited Karbala last year, neither the broad pedestrian mall that connects the two shrines, nor what surrounded it, were in ruins.

Nor does it seem that the beautification of the heart of Shi'a Islam would be an urgent necessity at a moment when the country was going through grave economic difficulties.

The impression is that...the army has knocked down the buildings to crush the resistance.⁵³

One year later, the damage inflicted during the uprising to the shrines of Abbas and Hussein has been repaired, but, as Patrick Cockburn wrote during a recent visit, "the hasty restoration only emphasizes the extent of the damage." The rubble that surrounded the shrines after the uprising has been cleared away, but the marketplace has not been rebuilt and the shrines stand in a vast "waste ground."⁵⁴

Compared to Karbala, the program of demolition in al-Najaf was, according to Yousif al-Khoei of the al-Khoei Foundation, "relatively confined to religious centers, acres of Shi'a cemeteries in Wadi al-Salaam, and homes of people suspected to have taken part in the uprising." The Imam Ali, Baqee'a, Morad,

Iraq," in James Piscatori, ed., *Islamic Fundamentalisms and the Gulf Crisis* (Chicago: American Academy of Arts and Sciences, 1991), pp. 28-51.

⁵¹ On past repression of the Shi'a, see *Human Rights in Iraq*, pp. 52-53 and 64-68.

⁵² Adam Kelliher, "Concrete Covers Shame of Shias' Holy Sites," *The Times*, April 29, 1991.

⁵³ Angeles Espinosa, "Kerbala, dinamitada por decreto," *El País*, May 29, 1992.

⁵⁴ Patrick Cockburn, "Shia Shrines Still Bear Scars of a Painful Past," *The Independent*, May 6, 1992.

Sami Kirmasha, Imam Sadiq, and Kuwait mosques are among the religious buildings in al-Najaf that the government has demolished since the uprising, al-Khoei said.

The U.N. Special Rapporteur visited al-Najaf in January 1992 and noted that in the Wadi al-Salaam cemetery,

where Shi'a pilgrims from as far away as India and Afghanistan have been buried for over one thousand years,...a highway is being constructed over the graves in what is alleged to be an act of deliberate desecration; leaders of the community have not been consulted. In addition, the thousand-year-old Houza, the Shi'a university, was closed along with many other schools, private as well as religious, at al-Najaf, while libraries with manuscripts that constituted part of the Islamic tradition were destroyed.⁵⁵

The Special Rapporteur also stated that

the number of clergy at al-Najaf had been reduced from eight or nine thousand twenty years ago to two thousand 10 years later, and 800 before the uprisings of 1991. It is alleged that virtually all of them are now under arrest or disappeared, as the Baath regime is seeking to destroy Shi'a culture by wiping out its traditional leaders of the *ulema* [learned] class.⁵⁶

Among those reportedly arrested in March during the suppression of the uprising were some 105 relatives, staff, religious students and some senior clerics associated with the Grand Ayatollah al-Khoei. Except for one individual who was released, their fate remains unknown to this day (see above, first section of this chapter).

As in Kirkuk, monitoring the ongoing repression in Karbala or al-Najaf is difficult. The U.N. has no office in either city, and the few foreigners who have been able to visit are closely watched by the government and unable to converse freely with local residents.

⁵⁵ "Report on the Situation of Human Rights in Iraq," SC S/23685/Add.1, March 9, 1992, p. 36. The Iraqi government blamed the devastation in Wadi al-Salaam on clashes between the armed forces and "saboteurs" who had "used it as a base for their operations." Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 52.

⁵⁶ "Report on the Situation of Human Rights in Iraq, SC S/23685/Add.1, March 9, 1992, p. 36.

CHAPTER TWO

THE MARCH 1991 UPRISINGS: INTRODUCTION

The 1991 uprising was the most serious internal challenge Saddam Hussein has had to face during his twelve years in power. Every major city in the north and south of the country except Mosul fell into the hands of rebels and their sympathizers. Iraqi soldiers, confronted with a popular uprising immediately after being routed in the Gulf war, deserted or defected by the thousands. The survival of the regime was very much in doubt for about two weeks until loyalist troops, led by the elite Republican Guard, began finally to extinguish the insurrection city by city. By the time it was over, thousands of civilians and government forces had been killed¹ and countless atrocities had been committed by both sides.

Three northern and three southern cities that rose up in rebellion are the focus of this report. Testimony gathered from residents of other cities suggests that the abuses documented here are representative of what took place elsewhere, although the magnitude of the abuses and the level of casualties varied considerably. Among the cities covered in this report, al-Najaf, Karbala, and Kirkuk were particularly devastated by the uprising and government counter-offensive.

The turmoil began in Basra on March 1, one day after the Gulf war cease-fire, and spread within days to Karbala, Najaf, Hilla, al-Nasiriyya, al-Amara, Samawa, Kut, and Diwaniyya — that is, to all of the largest cities of southern Iraq. Smaller cities, such as Suq al-Shuyoukh near al-Nasiriyya, and al-Zubayr near Basra, were also swept up in the revolt.

The rebellion in the north erupted on or about March 4 in the town of Rania, northwest of Suleimaniyya. Within ten days, the Kurds controlled every city in the north except Kirkuk and Mosul. Their greatest triumph — the capture of Kirkuk — came on about April 20.

¹ Middle East Watch does not have an independent estimate of the number of casualties that occurred during the uprising. Iraq has not released any official statistics or estimates, in keeping with apparent government policy of not disclosing such data. An independent French organization called The Truth About the Gulf War reported in June 1991 after a trip to Iraq that authorities were vague about the toll of the uprising, but "the figures given for those killed, most of them in southern Iraq and the overwhelming majority of them civilians, ranged from 25,000 to 100,000 dead." ("Violence Increasing in N. Iraq," *Washington Post*, June 4, 1991.)

The U.S. administration, for its part, has not issued any figures on Iraqi casualties, either during the war or the uprising. A three-volume Pentagon report on the Gulf war released on April 9, 1992 omitted all references to Iraqi casualties.

The environmental organization Greenpeace estimates that 30,000 Iraqi civilians, including rebels, and 5,000 Iraqi soldiers died during the uprisings as a result of the clashes and killings, while acknowledging that "little authoritative information is available." "Iraqi Deaths from the Gulf War as of April 1992," Greenpeace, Washington, D.C. A demographer at the U.S. Census Bureau, Beth Osborne Daponte, also arrived at the figure of 30,000 civilian deaths during the uprising. "Agency Reinstates Tabulator of Iraqi War Deaths," *The New York Times*, April 13, 1992.

The Kurdish uprising collapsed even more quickly than it began. After ousting the pesh merga from Kirkuk on March 28 and 29, the Iraqi army rolled into Dahuk and Irbil on March 30, Zakho on April 1, and Suleimaniyya, the last important town held by the rebels, over the next two days.

In the south, the government had quelled all but scattered resistance by the end of March. On April 5, Iraq's ruling Revolutionary Command Council (RCC) announced "the complete crushing of acts of sedition, sabotage, and rioting in all towns of Iraq."

THE PATTERN OF THE UPRISINGS

The uprisings in the north and south of Iraq are often labelled respectively as Kurdish and Shi'a uprisings. While the north is mostly Kurdish and the south is mostly Shi'a, the uprisings' participants included small numbers of other groups. Available data on Iraq's ethnic makeup is neither detailed nor highly reliable, especially with regard to cities like Kirkuk that are the subject of political contention. The predominantly Kurdish cities of the north are also home to minorities of Chaldean, Armenian, and Assyrian Christians, Arab Muslims, and Turkmans (Turkic Muslims). In the South can be found minorities of Christians and Sunni Muslims, particularly in Basra and its environs. Also scattered throughout Iraq at the time were workers from Egypt, Jordan, and other Arab countries.

The revolts of March 1991 followed a general pattern. On the day that a city rebelled, masses of unarmed or lightly armed civilians and small contingents of rebels converged in the streets. Shouting anti-regime slogans, they descended on government buildings, especially offices of the security forces. These were then attacked, usually with considerable bloodshed on both sides. Government forces fought back, but then were either killed or captured, or allowed to flee. Once in control, the rebels flung open the regime's prisons and interrogation centers, and seized small caches of weapons.

The outpouring of popular support for the uprising was largely spontaneous, although some long-term planning had taken place, particularly in the north. The revolt was fueled by a perception that Iraqi security forces were uniquely vulnerable at the time, and by long-smoldering anger at government repression and the devastation wrought by two wars in a decade.

When asked by MEW to describe the uprising, Kurdish refugees often began by recounting past government persecution: arbitrary arrest and torture, disappearances, eviction from the countryside, the destruction of villages, and the use of chemical weapons against Kurdish civilians in 1987 and 1988. The Shi'a of the south also spoke of arbitrary arrests, torture and disappearances, and about the expulsion of thousands of Shi'a to Iran in the early years of the Iran-Iraq war.

Once under way, the March 1991 uprising gathered momentum as soldiers either switched sides or deserted. The army, which is said to have grown from 140,000 in 1977 to around 1 million at the time of the invasion of Kuwait, contained substantial anti-government elements; Shi'a Arabs accounted for 80 percent of the fighting ranks and about 20 percent of the officers.² In the north, the defection of much of the government-recruited Kurdish militia, who vastly outnumbered the pesh merga, gave considerable force to

² Col. Ahmad Zubaidi, "The Structure of the Iraqi Forces," cited in *al-Thaqafa al-Jadida*, no. 237 (September 1991), cited in Faleh Abd al-Jabbar, "Why the Uprisings Failed," *Middle East Report*, May-June 1992.

the revolt. Journalists reported that their defection was the fruit of months of planning and psychological warfare by Kurdish rebel leaders.³

Unlike the pesh merga, the Shi'a resistance lacked an organized fighting force, although it maintained cells and had carried out armed operations on occasion. The Shi'a opposition has long enjoyed sanctuary and support from the Iranian regime, although Teheran does not appear to have furnished significant material or logistical assistance during the March 1991 uprising.⁴

Once the loyalist troops regrouped and mounted their counteroffensive, only massive foreign assistance or intervention could have saved the ill-equipped and inexperienced rebels. With little more than Kalashnikovs, machine guns, rocket-propelled grenades, and a few captured tanks and artillery pieces, the Shi'a and Kurdish rebels were almost defenseless against helicopter gunships and indiscriminate mortar and artillery barrages. They had few anti-tank weapons and even fewer surface-to-air missiles.

The civilian toll was high throughout the country. Thousands of unarmed civilians were killed by indiscriminate fire from loyalist tanks, artillery cannons and helicopters; and later, when security forces rolled into a city and executed persons on the streets, in homes and in hospitals. The violence was heaviest in the south, where a smaller portion of the local population had fled than in Kurdish areas, owing partly to the danger of escaping through the south's flat, exposed terrain. Those who remained in the south were at the mercy of advancing government troops, who went through neighborhoods, summarily executing hundreds of young men and rounding up thousands of others.⁵

There were variations to this general pattern. Basra was the scene of chaotic, pitched battles for several days, but never fell completely into rebel hands. In other cities, the rebels ousted the security forces with little difficulty. The army later recaptured some cities, such as Karbala and al-Najaf, only after bitter fighting, but swept into others, such as Suleimaniyya, with little resistance.

Just as the experience of years of repression fed the fury of the uprising, it fueled the terrified exodus as soon as the rebellion began to falter. During March and early April, nearly two million Iraqis

³ Jonathan C. Randal, "Kurdish Uprising Aided by Clandestine Army Contacts," *The Washington Post*, March 23, 1991. See also Walter V. Robinson, "Rebel Kurds Say Baghdad Armed Them," *Boston Globe*, March 22, 1991; and Martin Woollacott, "Kurds' Fifth Column Turns to Victory," *The Guardian*, March 25, 1991.

⁴ Western humanitarian officials based in Iran confirmed to MEW that the Badr brigade, an Iranian-trained force recruited from Iraqi ex-prisoners-of-war, took part in the March fighting inside Iraq. Bush Administration officials also said that Iran was supplying limited arms to insurgents in the north and south. "There is some support, some arms from Iran," one official told *The New York Times*. "Is it a major supply operation? The answer is no." (Elaine Sciolino, "Kurds Alone Viewed as Unlikely To Oust Saddam," *The New York Times*, March 20, 1991.)

⁵ See below, sections on Basra, al-Najaf, and Karbala. See also the U.N. Special Rapporteur's specific allegations of summary executions committed by Iraqi forces during the uprising. The memorandum described executions of: 150 men and boys who were taken to a military garrison near Hilla (Babel) on March 16, 1991; another seventy civilians from the same city on March 19; scores of civilians in Samawa between March 20 and 29; seventy patients and medical personnel at a hospital in Hilla on March 9; and the death by burning of forty people from Arbat on April 3. The Special Rapporteur later challenged Iraq's claim that the mass execution at Hilla hospital had been carried out by the rebels. U.N. Special Rapporteur's letter, GA A/46/647, November 13, 1991, pp. 8 and 63.

escaped from strife-torn cities to the mountains along the northern borders, into the southern marshes, and into Turkey and Iran. Their exodus was sudden and chaotic, with thousands fleeing on foot, on donkeys, or crammed onto open-backed trucks and tractors. In the south, many fled into or through the maze of marshes that straddle the Iranian border. Thousands, many of them children, are thought to have died or suffered injury along the way, primarily from adverse weather, unhygienic conditions and insufficient food and medical care. Some were killed by army helicopters, which deliberately strafed columns of fleeing civilians in a number of incidents in both the north and south. Others were injured when they stepped on mines planted by Iraqi troops near the eastern border during the war with Iran. The environmental organization Greenpeace has estimated that the death rate among Kurdish and Shi'a refugees and displaced persons averaged 1,000 daily during April, May and June 1991.⁶

⁶ "Iraqi Deaths from the Gulf War as of April 1992," Greenpeace, Washington, D.C. See also "Aftermath of War: The Persian Gulf War Refugee Crisis," Staff Report to the Senate Judiciary Committee's Subcommittee on Immigration and Refugee Affairs, May 20, 1991. The figure of nearly 1,000 deaths per day is also given in "Kurdistan in the Time of Saddam Hussein," Staff Report to the U.S. Senate Committee on Foreign Relations, November 1991, p.14.

THE LEGAL CONTEXT OF THE UPRISING

The international law applicable to the conduct of both government and rebel forces during the Iraqi uprising depends on the way that the conflict is characterized, a question that is open to some debate. Nevertheless, the applicable legal restraints on conduct are largely the same.

In MEW's view, the uprising may plausibly be considered either a Geneva Convention Common Article 3 situation, i.e. armed conflict of a non-international character occurring in the territory of one of the High Contracting Parties; or a situation of "internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature,"⁷ to which general human rights provisions apply. The uprising does not meet the criteria of an international conflict, despite Iraqi efforts to blame foreign elements for fomenting and supporting it.⁸

MEW endorses the finding of the U.N. Special Rapporteur on Iraq that the conflict reached the threshold of applicability of Common Article 3.

The provisions of Common Article 3 are binding upon the government of Iraq, which has ratified the 1949 Geneva Conventions. It requires both parties to an internal conflict to treat humanely all noncombatants, "including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause." Common Article 3 prohibits both parties to the conflict from subjecting noncombatants to:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment

⁷ Protocol II to the Geneva Conventions, Art. 1(2).

⁸ The government of Iraq stated in a report to the U.N. Human Rights Committee, "Immediately after the cease-fire, on 28 February 1991, riots broke out in Iraq with support from outside the country and with the collaboration of units which crossed into Iraq." (Report of the government of Iraq to the Human Rights Committee, CCPR/C/64/Add.6, June 24, 1991, p.5.) The charge was repeated in a letter to the U.N. Special Rapporteur: "The criminal acts [of the uprising] appear to have been planned in advance by foreign bodies; yet another page in the history of military aggression against Iraq for the achievement of well-known political ends." The uprising in the south erupted when "groups of Iranians and others who had been trained in Iran infiltrated into Iraq where, with logistical support from the coalition forces, they helped to instigate widespread sabotage and anarchy..." (Reply of the government of Iraq, GA A/46/647, November 13, 1991, pp. 20 and 51.)

In fact, material and logistical aid to the rebels from abroad appears to have been quite modest, despite President Bush's encouragement of a popular insurrection. It is worth noting that if the uprising were considered to be an international armed conflict, the applicable rules of international law would impose even greater restrictions on the conduct of the Iraqi government than those that apply to armed conflicts that are of a non-international character.

pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

In addition to Common Article 3, the Second Additional Protocol of 1977 ("Protocol II") to the 1949 Geneva Conventions codifies a series of principles for the treatment of civilians in noninternational armed conflicts. Although Iraq has not ratified Protocol II, many of its provisions are binding as a matter of customary international law. These include:

Attacks on medical facilities and personnel are prohibited. (Articles 9 to 11.)

"The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations." (Article 13(1).)

"The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited." (Article 13(2).)

By inference, the civilian population is also protected from indiscriminate or disproportionate attacks, such as:

attacks not directed at a specific military objective;

attacks employing a method or means of combat that cannot be directed at a specific military objective;

attacks that treat as a single military objective a number of clearly separate and distinct military objectives in an area populated by civilians;

attacks that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or any combination thereof, which would be excessive in relation to the concrete military advantage anticipated.

As this report makes clear, these humanitarian precepts were violated by government forces during the uprising in a systematic and wholesale manner. In putting down the insurrection, troops fired indiscriminately at civilians and often targeted them for attack. They summarily executed suspected rebels and others, invading hospitals and attacking both medical personnel and the wounded. Civilians were taken hostage on several occasions to shield advancing troops from attack.

Less evidence was collected about abuses by the rebels (see below), but it is clear that in many cities they executed suspected members of the security forces and the Baath party in their custody, after improper trials or no trials whatsoever, in violation of Common Article 3 and customary international law.⁹

⁹ International humanitarian law, as it encompasses nongovernmental actors, applies only to organized rebel groups. Uprising participants whose conduct was independent of sufficiently organized rebel groups would be subject only to domestic criminal law.

In this regard it is important to stress that each party to a conflict has an independent obligation to comply with the rules of armed conflict. Neither side's abuses may be used to justify abuses by the other side.

In defense of its handling of the uprising, the Iraqi government has stressed that the uprising was an "armed rebellion" that could "under no circumstances be regarded as an *intifada*, the Arabic term for uprising most often associated with the Palestinian revolt in the Israeli-occupied territories."¹⁰ Replying to the U.N. Human Rights Committee, the government characterized the Iraqi uprising as a state of insurrection and extreme lawlessness, to which it had responded legitimately and proportionately. The "rioters," the government charged,

completed the destruction of those targets which had not been destroyed by coalition air raids. The rioters committed mass murder and rape, looting and burning schools, hospitals, shops, Government buildings, banks and courts. They stole public and private property, and fomented ethnic and sectarian conflict. All these acts are punishable by law. In spite of the extremely difficult conditions and the interruption of communications as a result of deliberate air raids, the State authorities, represented by the armed forces, did their duty and restored State control, putting an end to the riots and at last restoring peace on 5 April 1991.

When the State restored its authority in the governorates where riots had occurred, the rioters fled the country and induced groups of the population to go with them to neighbouring countries, particularly Turkey and Iran, by spreading untrue allegations about the action which the Government of Iraq might take against them. The idea was to use them as a human shield and for propaganda purposes holding them in the areas occupied by foreign troops and preventing them from returning home....

[M]ilitary operations by the Iraqi armed forces to restore State control in the governorates where riots occurred led to the deaths of rioters and members of the Iraqi armed forces alike in the exchanges of fire between the two sides. Such deaths could not be avoided in the circumstances.¹¹

The state's response to the mayhem and disorder caused by the rebels and their supporters was brutal in the extreme. It exceeded all bounds of proportionality and violated elemental rights, both of civilians and suspected rebels, that must be respected at all times as part of the customary law of human rights. These include protection against the arbitrary deprivation of life, protection from torture and mutilation, and protection against summary punishment.

HUMAN RIGHTS ABUSES BY THE REBELS

¹⁰ Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 20. It is true that the resort to arms by organized rebel forces in Iraq in March 1991 is in clear contrast with the Palestinian uprising, although the Shi'a and Kurdish revolts did share with the Palestinian revolt the element of mass popular participation in resistance activities.

¹¹ Report of the government of Iraq to the Human Rights Committee, CCPR/C/64/Add.6, June 24, 1991, pp. 5 and 10.

Rebels and their sympathizers in both the north and south of Iraq openly took credit for executing personnel of the security forces and intelligence agencies during the uprising. While many were killed in the heat of battle, hundreds, and perhaps thousands, were executed while in custody or after summary trials. MEW is not in a position to determine the scale of these abuses, although they were clearly widespread. The environmental organization Greenpeace estimated that 5,000 members of the security forces were killed as a result of the clashes and executions.¹²

According to the Iraqi government,

gangs of subversives and perfidious traitors, instigated by hostile political bodies which took their orders from leaders outside the country, turned religious centres into bases for resistance against the government authorities. These bases were also used for purposes of torture, trials and executions by those same gangs. The Government has all the evidence needed to prove this.¹³

Baghdad claims that the rebels carried out more than 2,500 summary executions, but the government has not made available the evidence in a manner that would allow independent observers to judge the accuracy of its allegations. It claims to have discovered mass graves of victims of the rebels, including in Suleimaniyya (bodies of 370 "citizens"), Kut Sawadi (150 bodies of "persons who had been killed by the groups participating in the disturbances") and Kushk al-Basri (fifty bodies).¹⁴ In most cases, outside observers have not visited these alleged gravesites; in one case where access was granted, a journalist reported that it had been impossible to verify the Iraqi military's account of how the victims had died (see Chapter Three, section on Basra).

Verifying accounts of abuses by the rebels and their sympathizers was difficult, in light of the denial to MEW of access to Iraq. Testimony collected from Kurdish and Shi'a refugees tended to be somewhat unreliable: many seemed to embellish their accounts of the vengeance taken on security force officials, while others appeared to minimize them, claiming that suspected agents of the security forces were well-treated, urged to repent, or punished only after a fair trial.

This report includes only those accounts of abuses by rebels and their sympathizers that appeared credible and were consistent with other testimony collected. It is also worth noting that abuses by rebel forces did not end with the suppression of the uprising. The gravest atrocity perpetrated by the pesh merga since the end of the uprising, a massacre of soldiers in their custody, is described in Chapter One.

LOOTING BY BOTH SIDES

Iraqi authorities have long encouraged soldiers to keep goods they seize during their operations. Officers tell their subordinates, "The heads of the people are for me, their property, for you," ("*Ru'ous al-*

¹² "Iraqi Deaths from the Gulf War as of April 1992," Greenpeace (Washington, D.C.).

¹³ Letter to the U.N. Special Rapporteur on Iraq, dated January 23, 1992, in Report on the Situation of Human Rights in Iraq, SC S/23685/Add. 1, March 9, 1992, p.46.

¹⁴ Reply of the government of Iraq, GA A/46/647, November 13, 1991, pp. 27-28.

nas ilayya, wa'amwaalihum ilayka") according to a 22-year-old Kurd from Sayyid Saddiq. Whether apocryphal or not, this motto seemed to have inspired soldiers in much of post-uprising Iraq. Their plundering of stores and homes was likened by several refugees to the looting of Kuwaiti private property by Iraqi soldiers during the early days of the occupation of that country.¹⁵

Both Kurds and Shi'a knew what to expect. The confiscation of the property of uprooted Kurdish villagers was an integral part of the Anfal campaign (see Introduction). This has been confirmed by the testimony of Kurds who survived the Anfal, as well as by official documents relating to the Anfal that fell into the hands of Kurdish rebels. In the south, the summary expulsion in the early 1980s of Iraqi Shi'a accused of being "of Persian ancestry" was also accompanied by the confiscation of their personal property and homes.¹⁶

It is not possible, however, to ascertain the extent of the looting during the uprising, or who were the principal perpetrators or victims. While many refugees who fled late in the exodus or who later returned to their homes reported seeing evidence of widespread looting, few had actually witnessed the looting in progress. One who did was Idris Haadi, a Kurdish engineer from Irbil who is active in the newly formed Kurdistan Human Rights Organization. Hadi remained in the city after an accident prevented him from escaping with the rest of the city's population. He described to MEW the looting carried out by the Republican Guards that retook the city:

At first, the soldiers broke into houses for the purpose of finding food; they had just come from fighting the Shi'a in southern Iraq and were ravenous....They also stole property, mostly small items of value such as gold, jewelry, videos, cameras, and so on, and expensive cars that people had left behind in the flight. From my house they took whiskey, cameras, a tape recorder, a small camera, and other items. They opened the family photo album and tore up everything in the house.

Both Shi'a and Kurdish refugees blamed the looting most often on loyalist troops. Kurds from Kirkuk also accused Iraqi Arab civilians who they said had driven to Kirkuk in order to steal from abandoned Kurdish homes. MEW also received credible reports of looting by rebels and civilians in Basra and other cities. Iraqi authorities charged that the rebels did not spare museums, claiming that objects were stolen, broken or defaced in museums in Basra, Kirkuk, Kufa, Suleimaniyya, and other cities.¹⁷

Food stores and warehouses seem to have been prey to soldiers, rebels, and ordinary civilians alike. All were evidently in a panic over shortages after the country's food-rationing system broke down at the start of the ground offensive.

¹⁵ See *News from Middle East Watch*, "Kuwait: Deteriorating Human Rights Conditions Since the Early Occupation," November 16, 1990, p. 13.

¹⁶ Report on the Situation of Human Rights in Iraq, SC S/23685/Add.1, March 9, 1992, p.30.

¹⁷ Paul Lewis, "Iraq Says Priceless Art Was Looted by Rebels," *The New York Times*, May 5, 1991.

U.S. POLICY: "YOU BROKE SADDAM'S LEG AND TOLD US TO BREAK HIS HEAD"¹⁸

With bewilderment and bitterness, many of the refugees asked MEW interviewers why the U.S. administration failed to support the uprising after having incited Iraqis to rise up against Saddam. The answer remains a matter of speculation. The contradictions of U.S. policy may have reflected a lack of sufficient concern for the consequences of the call to rebel; it may have been due to miscalculation; or it may be attributable to a preoccupation with political considerations unrelated to the well-being of the residents of Iraq. Whatever the reasons, the Bush Administration contributed to the making of a tragedy that left thousands of civilians massacred by Saddam's troops and nearly two million forced to flee their homes.

The strongest signal of U.S. support for a popular rebellion came toward the end of the air war, when President Bush declared on February 15; "[T]here's another way for the bloodshed to stop, and that is for the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein, the dictator, to step aside."¹⁹ This remark was heard by Iraqis on the Voice of America.²⁰

Soon after the uprising began, however, fears of a disintegrating Iraq led the Administration to distance itself from the insurgents. Officials downplayed the significance of the revolts and spelled out a policy of nonintervention in Iraq's internal affairs. On March 5, Rear Admiral Mike McConnell, director of intelligence for the Joint Chiefs of Staff, acknowledged that "chaotic and spontaneous" uprisings were under way in thirteen Iraqi cities, but stated the Pentagon's view that Saddam would prevail because of the rebels' "lack of organization and leadership."²¹ White House spokesman Marlin Fitzwater appeared to discount the

¹⁸ This section is adapted from a more detailed account of U.S. policy toward Iraq in the *Human Rights Watch World Report* 1992, pp. 692-709.

¹⁹ President Bush was responding to an Iraqi statement, broadcast earlier the same day on Radio Baghdad, hinting at a possible willingness to withdraw from Kuwait. The president dismissed the statement as a "cruel hoax" and said there was "nothing new" in the various Iraqi demands included in the statement. ("Baghdad's Offer and Conditions for Ending War Over Kuwait" and "Excerpts From 2 Statements by Bush on Iraq's Proposal for Ending Conflict," *The New York Times*, February 16, 1991.)

²⁰ As early as August 11, 1990, the president had hinted of his desire to have Saddam Hussein ousted: "No, we're not prepared to support the overthrow, but I hope that these actions that have been taken will result in an Iraq that is prepared to live peacefully in a community of nations. And if that means Saddam Hussein changes his spots, so be it. And if he doesn't, I hope the Iraqi people do something about it so that their leader will live by the norms of international behavior that will be acceptable to other nations." ("Excerpts from Statements by Bush on Strategy in Gulf," *The New York Times*, August 12, 1990.) The president added on August 30, 1990: "Well, it wouldn't disappoint me if the Iraqis got up and said, 'Look, this man is our problem.'" ("Excerpts From President's News Conference on Gulf Crisis," *The New York Times*, August 31, 1990.)

There are allegations that the U.S. further encouraged the rebellion by launching in January 1991 the Voice of Free Iraq, a clandestine radio station that preached sedition against Saddam in clear terms. While administration officials, including spokespersons for the CIA, State Department and Pentagon all denied or declined to confirm U.S. involvement in the station, its programming and language bore the marks of CIA sponsorship. See Barton Gellman, "'Voice of Free Iraq' at Heart of Debate over U.S. Backing of Rebels," *The Washington Post*, April 9, 1991; and Tony Hurwitz, "After Heeding Calls To Turn on Saddam, Shiites Feel Betrayed," *The Wall Street Journal*, December 26, 1991.

²¹ Nora Boustany, "Republic Guard Reported Battling Insurgents in Iraq," *The Washington Post*, March 6, 1991.

insurgents when he stated the same day, "It's not clear to us what the purpose or extent of the fighting is."²²

Secretary of Defense Dick Cheney said on March 5 that "it would be very difficult for us to hold the coalition together for any particular course of action dealing with internal Iraqi politics, and I don't think, at this point, our writ extends to trying to move inside Iraq."²³ Marine Major General Martin Brandtner, deputy director of operations for the Joint Chiefs of Staff, added the same day, "There is no move on the [part of] U.S. forces...to let any weapons slip through [to the rebels], or to play any role whatsoever in fomenting or assisting any side."²⁴ State Department spokesman Richard Boucher explained on March 6: "We don't think that outside powers should be interfering in the internal affairs of Iraq."

On March 7, when the rebels in the south were in control of several cities and the revolt in the north was gathering momentum, Secretary of State James Baker was asked if the United States preferred continued Baath Party rule to an Islamic revolution in Iraq. Baker replied: "I'm not going to make a choice because I'm not sure that's what the choices are necessarily. I will say this — we do not want to see any changes in the territorial integrity of Iraq and we do not want to see other countries actively making efforts to encourage changes."

Consequently, U.S. occupation forces who were stationed only a few miles from al-Nasiriyya, Samawa and Basra did nothing to help the rebels who rose up in these cities. Soldiers watched helplessly as Iraqi troops devastated the cities, and wounded civilians fled on foot to U.S. bases nearby telling of the atrocities that were taking place. Thomas Isom, a U.S. Army lieutenant, described what he saw from his post at the edge of Samawa:

They fired at the hospital twice. We were watching them shell the train station and other small houses. This was simply designed to kill civilians or terrorize them, which it did. It did not have a military purpose, just artillery impacts on large concentrations of civilians.

An officer at the same post said of Iraq's Soviet-made H-18 helicopters that were firing rockets at Samawa residents: "We could have used our own helicopters to take them out. We could hear them come over our heads."²⁵

The Administration did sternly warn Iraqi authorities on March 7 against the use of chemical weapons during the unrest,²⁶ but equivocated about Iraq's use of helicopter gunships against civilians.

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Nora Boustany, "U.S. Troops Witness Iraqi Attack on Town in Horror, Frustration," *The Washington Post*, March 31, 1991.

²⁶ A senior Administration official told *The New York Times* that Iraqi military communications had been intercepted, revealing the imminent use of chemical weapons: "We got an intercept on [March 7] indicating that they were going to drop a gas bomb on a specific place at a specific time....We told them in very explicit terms that this was something that would not be countenanced." The *Times* reported that "[s]enior Iraqi diplomats in Washington and New York were summoned [on March 7] by State Department officials and warned that the United States would not tolerate chemical

President Bush and Secretary of State James Baker stated in mid-March that helicopter gunships should not be used, but other Administration officials gave conflicting signals. In the end, the aircraft were employed with impunity to attack rebels and civilians alike, and proved instrumental in quelling the insurrection. Inquiries to Administration spokespersons about why the warnings had not been enforced met with equivocation.

The decision to permit Iraq to use helicopters in suppressing the revolt has been the subject of lively debate. Some believe that the rebels would have triumphed had helicopters been included in the Allies' cease-fire ban on flights by Iraqi aircraft. Others believe that a ban on helicopters would have merely prolonged the bloodshed without altering the outcome.

The question of helicopters was ignored in the March 3 cease-fire agreement, which clearly prohibited Iraq's use of fixed-wing aircraft. According to *The Washington Post*, "officials had said [on March 14] that, so far as they knew, there was nothing in the provisional cease-fire that explicitly prevents Iraq from using its helicopters in combat against rebellious forces." The *Post* reported:

[White House spokesman Marlin] Fitzwater said the use of helicopters was not specifically addressed in the written agreement secured by Gen. H. Norman Schwarzkopf....According to Fitzwater, Schwarzkopf, when he met with Iraqi military leaders March 3, did discuss informally their intentions to use helicopters for transportation purposes. That was before the large-scale uprisings throughout Iraq had begun. Fitzwater characterized those discussions as outside the written agreement governing the provisional cease-fire and said the reason that U.S. officials concerned themselves at all with Iraqi aircraft was to protect U.S. troops.²⁷

The administration commented disapprovingly on the use of helicopters but refused to issue stern warnings. President Bush said on March 13 that Iraqi helicopter gunships "should not be used for combat purposes inside Iraq."²⁸ On March 17, Secretary Baker discussed an allied meeting with ten Iraqi officers in Safwan that day: "We've also said that helicopters should be used for logistical purposes, not for the purpose of shooting and dropping bombs on your own people."²⁹ According to a Pentagon official, Major General Robert Johnston, General Schwarzkopf's chief of staff, had warned at the meeting in Safwan that the use of helicopters against the rebels was a "threat to coalition forces" and could lead to U.S. military action against the helicopters.³⁰

But on March 21, Pentagon spokesman Pete Williams acknowledged that U.S. policy regarding the attacks on rebellious Iraqi civilians." (Patrick E. Tyler, "U.S. Said To Plan Bombing of Iraqis If They Gas Rebels," March 10, 1991.)

²⁷ David Hoffman and Barton Gellman, "U.S. Threatens to Down Any Iraqi Combat Aircraft," *The Washington Post*, March 16, 1991.

²⁸ Dan Balz, "Bush Issues Warnings To Iran, Iraq on Turmoil," *The Washington Post*, March 14, 1991.

²⁹ Eric Schmitt, "Allies Tell Iraq Not To Fly Planes," *The New York Times*, March 18, 1991.

³⁰ Patrick E. Tyler, "Copters A Threat, U.S. Warns Iraqis," *The New York Times*, March 19, 1991.

use of helicopters was not clear. While admitting that "dozens" of helicopters were being used against the rebels, Williams declined to say whether U.S. forces would fire at these aircraft. He answered affirmatively when asked: "Is our policy somewhat ambiguous?"

In justifying its distinction between helicopters and fixed-wing aircraft, the administration cited the differing threats they posed to U.S. forces, ignoring the use of helicopters to perpetrate atrocities against civilians. White House spokesman Fitzwater explained that "the planes pose a far more serious threat to U.S. personnel because they fly faster and higher."³¹ Fitzwater also stated on March 26: "We made it clear that we do not believe that they should be flying helicopters or fixed-wing aircraft over the country, that we intended to shoot down fixed-wing aircraft because of the direct threat that they posed to our forces."³²

Deputy White House spokesman Roman Popadiuk, when asked on March 29 about Kurdish requests for U.S. attacks on the helicopters, responded as if the matter concerned only which side prevailed in the conflict, not whether the matter was one of preventing gross human rights abuses: "The issue of internal unrest in Iraq is an issue that has to be settled between the government and the people of Iraq. It's a decision for the people of Iraq to make."³³

After Iraqi military forces crushed the uprising, the U.S. continued to stress the limits of its role in Iraq.³⁴ Secretary Baker, on April 7 in Turkey, condemned Saddam's "crimes against the Iraqi people," but stated "We are not prepared to go down the slippery slope of being sucked into a civil war [sic]. We cannot police what goes on inside Iraq, and we cannot be the arbiters of who shall govern Iraq....We repeatedly said that could only be done by the Iraqi people."

On April 13, when more than one Iraqi in ten had fled his or her home, President Bush pledged relief and denounced "in the strongest terms continued attacks by Iraqi government forces against defenseless Kurdish and other Iraqi civilians." But he reiterated the policy of noninterference:

Internal conflicts have been raging in Iraq for many years, and we're helping out, and we're going to continue to help these refugees. But I do not want one single soldier or airman shoved into a civil war in Iraq that's been going on for ages....We will not interfere in Iraq's civil war. The Iraqi people must decide their own political future.

While eschewing military intervention, the U.S. and its allies responded quickly to the desperate plight of hundreds of thousands of fleeing Kurds. In April 1991, the Allies conducted a massive airlift to deliver food, tents and blankets to families on snow-covered mountains and in refugee camps, and established a 3,600-square-mile "safe haven" in northern Iraq to encourage the Kurds to come down from

³¹ Ann Devroy and R. Jeffrey Smith, "Neutrality in Iraq Reaffirmed by U.S.," *The Washington Post*, March 27, 1991.

³² *Ibid.*

³³ R. Jeffrey Smith, "Administration Officials Still Debate Striking Iraqi Copters Strafing Rebels," *The Washington Post*, March 30, 1991.

³⁴ See, e.g., Ann Devroy and Al Kamen, "Bush, Aides Keep Quiet on Rebels," *The Washington Post*, April 3, 1991; and Thomas L. Friedman, "Decision Not to Help Iraqi Rebels Puts U.S. in an Awkward Position," *The New York Times*, April 4, 1991.

the mountains to obtain shelter, food and medical care. To persuade Kurds of their security, the Allies also forbade Iraq to fly any aircraft — including helicopters — north of the thirty-sixth parallel, a ban that continues to the present day.

Meanwhile, the administration moved to counter the accusation that it had encouraged the uprising that led to the humanitarian disaster. In a carefully crafted statement, State Department spokeswoman Margaret Tutwiler said on April 2 that the Bush Administration had "never, ever stated as either a military or a political goal...the removal of Saddam Hussein." She said that although the United States had said that normal relations with Iraq were "next to impossible" while Saddam Hussein was in power, it did not "call on [the] Iraqi people to put their lives on the line to overthrow the current leadership."

President Bush insisted three days later,

I have not misled anybody about the intentions of the United States of America. I don't think the Shiites in the south, those who are unhappy with Saddam Hussein in Baghdad or the Kurds in the north, ever felt that the United States would come to their assistance to overthrow this man.

The president also claimed, "I made clear from the very beginning that it was not an objective of the coalition or the United States to overthrow Saddam Hussein."

These protestations rang hollow to many of the Shi'a and Kurds interviewed by MEW after the uprising who had clearly expected to receive U.S. help once they rose up against Saddam. A young Kurdish refugee in Iran told MEW, "You [the U.S.] broke Saddam's leg, and told us to break his head. And then?" He stretched out his hands and raised his eyebrows, as if to answer his own question.

CHAPTER THREE

UPRISINGS IN THE SOUTH

BASRA

On March 1, one day after the cease-fire was declared in the Gulf war, the Iraqi uprising broke out in Basra. The city, Iraq's second-largest,¹ had been especially hard-hit during the eight-year war with Iran and the Allied air bombardment, was ripe for rebellion.

Angry soldiers arriving from the front started the revolt. According to a popular account that cannot be confirmed, the opening salvo was a shell that a tank driver fired at a giant public portrait of Saddam Hussein. This act is said to have ignited soldiers, civilians and the underground Shi'a opposition. "The streets were full of people, many of them soldiers," recalled an exiled Iraqi businessman who had entered Basra from Iran shortly after the uprising began. "They were shouting slogans or writing them on the wall, destroying Saddam's pictures and monuments, executing members of the Baath party."

Some uprising participants said they had expected support from nearby American troops, especially after President Bush's call on Iraqis to rise up and oust Saddam (see section on U.S. policy in Chapter Two). The Allied army at the time was occupying one-sixth of Iraq, and the 24th Infantry Division (Mechanized) of the U.S. Army was stationed only several miles from Basra.

Unlike most Iraqi cities that rose up in rebellion, Basra never fell completely to the rebels. Some six thousand loyalists from the Republican Guard held out against five thousand defectors from the regular army, according to Western intelligence officials.² Chaos reigned in many neighborhoods as the loyalist forces battled bands of rebels and army deserters, in the streets and from the rooftops. Much of the fighting took place at close quarters, in contrast to other cities in the north and south, where the ousted security forces first counter-attacked by firing into the city using tanks and helicopters based outside the city.

The rebels wasted no time in slaughtering suspected government officials, Baath Party members and secret police. The number of victims is not known, but the accounts are graphic. On or about March 2, "The people went to the headquarters of the military intelligence (*Istikhbaraat*) and shot and killed Iraqi soldiers," a machine operator from Basra told MEW in a refugee camp in Iran. A British journalist in the region described seeing the skewered corpse of a Baath political officer along a city quay, "his neck fastened to [a] pole, bootless, his thorax pierced with a spike."³

After about three days, the better-armed loyalist troops began to get the upper hand. Their counter-

¹ The official census put the population of Basra at 1,540,000 in 1977. The population dropped during the 1980s as civilians fled Iranian bombardments. No current statistics are available.

² Lisa Beyer, "Seeds of Destruction," *Time*, March 18, 1991.

³ Karl Waldron, "Bluff and Death on the Ruined Streets of Basra," *The Independent*, March 6, 1991.

offensive was brutal. Tanks rolled through residential neighborhoods, firing at residential buildings and at civilians. Republican Guard tanks moved through the city "destroying everything in front of them," and knocking down buildings because people had shouted from them, according to Mahar Hakawati, a Jordanian photographer who reached Kuwait from Basra on March 4.⁴

Journalists and refugees described streets littered with bodies, and mass executions in public squares of persons who had been rounded up by the security forces. Hussein Ali Kazem, 22, told *The Washington Post* that he had witnessed the execution of some 400 people in central Basra before he fled the city on March 6. "Their hands were tied, then they tied them to tanks and shot them," he related in Safwan. "The bodies are still there."⁵

The exiled businessman from Basra told MEW that Republican Guards

shot a lot of women and children who went down to the river to get water. They had soldiers on the roofs of high buildings who would shoot. I saw many bodies by the river, and they shot people who tried to take the bodies back too. But still women would go to the river -- there was no other choice.

The businessman also described the scene inside a house in the Jumhuriyya neighborhood immediately after loyalist forces occupied the area:

We went into a house, near al-Watani Street. I was looking for my own family. In the living room, there were the bodies of two young girls, completely naked, hung from the fan that was suspended from the ceiling....In another room was the rest of the family — at least eight bodies, including a child under the age of two. The bodies were bloated — it had been at least two days. The streets of the neighborhood were full of bodies, lying in heaps. I saw whole families cut to pieces — arms, hands, legs.

A 25-year-old self-described insurgent leader recounted to MEW his treatment at the hands of loyalist forces. "Abu Iman" said he had been a sergeant in the army before deserting in 1988 and going into hiding. On March 6, he recalled, Republican Guards arrested him at his home, and accused him of being a rebel. They put him in a military truck along with about fifty other suspects. Next, he recalled,

they took us to a security headquarters in the city. I spent one day there, with about 90 other men and women. Both the men and the women were beaten with cables and the butts of guns. They did not interrogate us.

The next day, they took us to an Army security office (*Amn al-Failaq al-Thaalith*) which the army command was using as its headquarters in Basra. They interrogated us about who had participated in the intifada. The interrogators beat us with cables. They also used electric shock on me, powered by a 60-watt hand-operated electric generator, with wires attached to my genitals. I was

⁴ Paul Koring and Colin MacKenzie, "Iraqi Unrest Spreading, Reports Say," *The Globe and Mail* (Toronto), March 5, 1991.

⁵ Lee Hockstader, "Baghdad Warns Insurrectionists They Will Pay," *The Washington Post*, March 8, 1991.

interrogated like this over the next seven days.⁶

During this time, they executed 12 from our group. Their names are: Maytham Yaqout Tamar, Nouri Sabri Huriej, Safa Kazem Jabr, Khaled Nasr Musa, Muhammad Nasr Musa, Sittar Amran Musa, Karim Ahmed, Amar Abd al-Jalil, Ali Atwan, Falih abd al-Sadeh Manath, Salih Sahib Choulani, Nathem Salem.

Abu Iman said that on March 17 he managed to escape from the detention facility and fled to the home of a relative. From there he went to the marshes and made his way on foot to Iran.

Security forces in Basra used human shields to protect their tanks, either tying women and children to the tanks or forcing them to walk in front of them, according to several independent reports. A former resident of Baghdad who now lives in London and who entered Basra on March 7 in a convoy of relief goods, described watching with binoculars a column of 20 tanks proceeding from the al-Ashar district toward the city center on March 8:

I saw that the tank that was leading had three children tied to its front. They did it because four hours earlier they had tried to attack in the same way, and a 14-year-old girl with explosives had jumped on the front of the first tank and exploded it, forcing the whole column to withdraw.

Despite the consolidation of control by the army, scattered resistance continued in Basra until April. *The New York Times* reported on March 10 that Basra "remains a battleground and troops are hesitant to enter sections of the city where small groups of rebels are hiding....The crash of artillery shells and the rap of automatic weapons go on day and night."⁷ In late April, young Shi'a men in refugee camps across the border in Iran boasted to MEW of infiltrating the Basra area and attacking loyalist troops on the roads at night.⁸

The resistance continued throughout March in some of the suburbs and villages on the eastern shore of the Shatt al-Arab waterway, thanks in part to the absence of intact bridges, which hindered the deployment of troops. In Tanuma, rebels held on until mid-April. When the security forces finally directed their attention to this area, the results were characteristically brutal. Eyewitnesses described troops firing indiscriminately at civilians and drowning others in the Shatt al-Arab. A 40-year-old man from Basra in a refugee camp in Iran told MEW:

On March 29, I saw Republican Guards capture 50 unarmed people in Tanuma and take them to the Shatt al-Arab. I was near Khaled Bridge. The Guard had come with tanks. There were 200-300 soldiers. They tied their victims' hands behind their backs and tied their feet with cloth, to which they attached heavy rocks. They then took them out to the middle of the Shatt al-Arab and threw

⁶ This account is consistent with past accounts of torture carried out by interrogators from Iraq's security services. See *Human Rights in Iraq*, pp. 41-49.

⁷ Chris Hedges, "In Growing Disarray, Iraqis Fight Iraqis," *The New York Times*, March 10, 1991.

⁸ See also Jonathan C. Randal, "Shiite Rebels Say Iranian City is Base for Attacks on Iraq," *The Washington Post*, April 21, 1991.

them in the water, where they drowned.

A 23-year-old Basra University student recalled:

I was living in al-Feha on the east side of the Shatt al-Arab. On March 17, Saddam's soldiers came and opened fire on people, hitting many children and old men. We ran away when we saw what was happening. There were six of us fleeing together: me, my father, my uncles and a friend. The soldiers were members of military intelligence (*Istikhbaraat*)....They caught us.

We had seen other groups of civilians that had been taken by Saddam's troops. They were treated harshly, without trying to find any crime or to investigate. They tied their hands and feet, attached stones, and threw them into the Shatt al-Arab. I personally saw 15 persons thrown into the water this way.

The soldiers ordered us to leave, and we reached the al-Azreiji region. There we saw soldiers open fire on civilians without issuing any warning or attempting any investigation. When the soldiers saw that two of my friends were wearing beards they thought they were mujahideen [Iraqi rebel fighters] and shot them dead.

I also saw soldiers attach women and children to tanks to prevent the mujahideen from attacking. This happened in the area of Kibassi on March 17.

The crackdown in Basra continued long after the uprising. In May, Basra residents reaching the U.S.-controlled town of Safwan in southern Iraq told of executions. *The Washington Post* reported that, according to refugees, "Iraqi troops are still seizing rebels, and civilians with any rebel links, after extracting confessions from friends and neighbors."⁹ A teacher told *The Post*: "They shoot them and throw their bodies in the street to make people scared of doing anything." A truck driver claimed: "They used an execution squad right in the main square. They would blindfold their victims and then shoot them, just leaving the bodies there."¹⁰

Both the rebels and the army engaged in looting in Basra. A student in Basra told *The Guardian* of London,

At first, the rebels were shooting into the air, saying, "Saddam is finished." Then yes, they did start taking from the shops. Everybody was doing that. We were starving — the food was expensive, even more than in Baghdad; no one could afford the black-market prices and they were looting the shops and all the government officials' houses.¹¹

Security forces also helped themselves to the contents of residents' homes after they regained control of the city. "My uncle stayed in his house when the soldiers entered," a 45-year-old refinery worker

⁹ John Arundel, "Refugees Say Saddam Is Still Killing Foes," *The Washington Post*, May 10, 1991.

¹⁰ *Ibid.*

¹¹ Ed Vulliamy, "Fear at the End of the Basra Road," *The Weekend Guardian*, May 18-19, 1991.

told MEW at a refugee camp just across the border in Iran. "He saw them take the television, fans, a full bedroom set, and food to an army vehicle. They beat him and told him to leave." Similar incidents were described by refugees who had fled other cities.

Iraqi authorities were to claim later that the rebels had engaged in atrocities and wanton destruction. Basra Governor Abdallah Taleb Azjan was quoted by the Iraqi News Agency as saying on March 19 that the "criminals" targeted public utilities, schools, and citizens' property, which they burned and ransacked, not even sparing the homes of elders, the Institute of the Deaf and Mute, and commercial shops. He accused them of stealing food and robbing homes, committing rape, killing innocent victims as well as party and government officials, and mutilating bodies.¹²

In May, authorities escorted foreign reporters to a site 18 miles northeast of Basra, in order to display what they described as the bodies of about 100 men who had been killed after being held by Iranian and Shi'a rebels. An Associated Press correspondent reported that "it was impossible to verify the Iraqi military's account of how the men had died."¹³ The official explanation is likely to remain unconfirmed so long as Iraq does not permit independent investigators to conduct proper exhumations of mass graves in Iraq.

¹² As reported in the Foreign Broadcast Information Service, March 20, 1991.

¹³ Walter Putnam, "Army Claims 100 Killed by Iranians, Shiite Rebels," Associated Press, May 13, 1991.

AL-NAJAF

The demonstrations in al-Najaf began on March 3 and gathered steam the following day as the streets filled with people, some of them lightly armed. Defecting soldiers played less of a role in igniting the rebellion than they had played two days earlier in Basra, 275 miles to the southeast.

One Najaf resident interviewed by MEW in Qom, Iran described the events of the 4th to MEW:

At about 3pm a popular demonstration began. Men, women and children marched on the main street shouting slogans against Saddam....There were no more than 500 demonstrators at the beginning, but their numbers grew as the march proceeded, and they began pouring into adjacent streets as well.

Demonstrators and rebels then besieged government offices, seizing additional weapons as they penetrated the buildings.

"The security forces withdrew, shooting as they went from houses and alleys. They held out in pockets of resistance," the Najaf resident in Qom recalled. The siege of government buildings continued into the evening. A women from al-Najaf told MEW:

Saddamites who resisted were killed. Those who did not resist were taken prisoner, and then killed when the army attacked. About 500 security people [were] killed in al-Najaf....Many [were] killed by knives by people who were avenging killed relatives.

In contrast with Basra, al-Najaf experienced several days of calm before the government counteroffensive. During that period, the rebels flung open the gates of prisons, including hitherto secret prisons that they located with the help of tips from captured members of the Baath party and security forces. Among those freed were Kuwaitis who had been brought to Iraq during the occupation of their country.

Witnesses differ over the date that the army began its attack. According to one rebel leader interviewed by MEW,

a few tanks and armored vehicles managed to infiltrate into the city [on March 12], but were forced to retreat....Then, at 8:15 in the evening, the army began bombarding the city heavily. Mostly hurt were the residential areas and not the rebel concentrations, since the idea was to scare people. This went on through the night and until the next evening." [On March 13,] tanks again infiltrated the city, and infiltrated more and more over the next few days.

The army's tactics resembled those employed against other rebel-held cities: an initial phase of indiscriminately firing ground-to-ground missiles and helicopter-launched rockets at the city, easing the way for the penetration of ground troops. Their recapture of al-Najaf was accompanied by the use of civilians as human shields, house-to-house arrests, the slaughter of hospital staff and patients, the public execution of suspected rebels, and a round-up of Shi'a clerics.

A 23-year-old mechanic who fled al-Najaf to Iran told MEW: "On March 15, when the army reentered the city, I saw soldiers forcing women and children to walk in front of tanks. The women were carrying their babies." Another young man described to MEW watching as soldiers went through a group of

young men in their custody outside the former al-Salaam Hotel, separating those suspected of participating in the uprising and executing them. He fled the scene after seeing four men shot dead in the garden of the hotel. "I saw lots of bodies in the area. Those who were not executed were transported to Baghdad," he said.

An Iraqi military officer who deserted told *The Washington Post* of a massacre in al-Najaf by loyalist troops: "When the Iraqi army entered...the families that had fled the fighting returned with their children. They lined them up and executed them." Among the victims were his wife and three children.¹⁴

One young self-described rebel from al-Najaf told MEW, "If any resistance emanated from a house, that house was demolished." Punitive house demolitions were also described by refugees from Karbala and Kirkuk. The practice is apparently nothing new, as suggested by government documents dating to 1987 and 1989 that are reproduced in English translation in the March 1992 report of the U.N. Special Rapporteur on Iraq (see pp. 76-79).

A doctor interviewed in Rafha refugee camp in Saudi Arabia told MEW that he had fled the hospital he worked in on the day al-Najaf was invaded by security forces. He said there had been about 50 patients in the hospital at the time, including women, children and mujahideen. As he fled, he saw troops executing both patients and doctors. Another doctor from al-Najaf told *The New York Times* that doctors and patients in Saddam Hospital were killed by soldiers. "The doctors were executed by knife, not even by gun. The women doctors, they ripped their clothes and cut them," he said.¹⁵

Refugees who tried to escape al-Najaf found no refuge in the exposed terrain surrounding the city. The Najaf resident interviewed in Qom, Iran said that on March 17,

People were told on the loudspeakers to evacuate the city within 24 hours for their own safety and head north, in the direction of Karbala. When thousands of people had gathered in the northern outskirts of the city — it was afternoon already, around 3 o'clock, and they were mostly women and children — helicopters opened fire from machine guns at them. Between 250 and 300 were killed.

This attack was also described by other refugees, although it was not possible to confirm the casualty figures.

Al-Najaf's holy shrines suffered considerable damage during the uprising, although not as much as those in Karbala. Much of the security forces' fire in al-Najaf was directed at the Tomb of the Imam Ali, a greatly revered Shi'a pilgrimage site. During the uprising the rebels had used the shrine as a base, perhaps surmising that the security forces would not dare to attack it. In fact, loyalist troops pounded the shrine with mortar fire and then stormed it firing at both the rebels and their sympathizers who were barricaded inside. According to the Najaf resident interviewed in Qom, about 50 of those in the shrine managed to escape, while the other 450 to 500 were either killed or wounded.

¹⁴ Nora Boustany, "A Trail of Death in Iraq," *The Washington Post*, March 26, 1991.

¹⁵ John Kifner, "Iraqi Refugees Tell U.S. Soldiers of Brutal Repression of Rebellion," *The New York Times*, March 28, 1991.

In consolidating its control over the city the security forces rounded up scores of Shi'a clerics, including on March 19 the Grand Ayatollah Sayyid abu al-Qassem al-Khoei, the revered ninety-five-year-old spiritual leader with a worldwide following. The Najaf resident interviewed in Qom described the arrest of the Grand Ayatollah:

I watched from a nearby house as some soldiers captured the Imam, four members of the leadership, and some of the rebels. They forced the Imam, who is over 90 years old, to walk without assistance, and since he cannot he fell to the ground. Then his son helped him up and all were taken away.

The army started sealing up area after area, and looking for men. Everyone they found — youths, men foreigners — they took to the sports stadiums, and from there, in large convoys, to Baghdad. These operations went on until I left [on April 10]....We don't know what has happened to them since.

The day after his arrest, Grand Ayatollah al-Khoei appeared with Saddam on Baghdad television and denounced the violence that was taking place.¹⁶ He was then brought back to al-Najaf, where he was placed under a form of house arrest.

During the uprising, the Grand Ayatollah had issued two communiqués. The first, dated March 5, urged Muslims to "guard the territory of Islam," to "look after the holy places," and to guard the honor and the property of the people and preserve the public institutions of Iraq. As the rebels appeared increasingly likely to consolidate their victory, he issued a statement establishing a "Supreme Committee" under whose leadership the Shi'a would preserve Iraq's security and stabilize public, religious and social affairs. That second communiqué, with its implication of a rival governing body, may have contributed to the decision by Saddam to force him to make the statement on national television.

Some 105 persons affiliated with the Grand Ayatollah, including relatives, staff, religious students and some senior clerics, were arrested in al-Najaf between March 19 and March 23, according to Yousif al-Khoei, of the London-based al-Khoei Foundation.¹⁷ Since then, al-Khoei said, only one, a Pakistani national, has been released (see Chapter One).

KARBALA

Karbala, located about 50 miles north of al-Najaf, was probably the major city that suffered the heaviest damage during and after the uprising. Some of Shi'a Islam's holiest shrines were devastated and

¹⁶ According to the Iraqi News Agency of March 20, he "thanked God that he had enabled his Excellency the President to quell the sedition." BBC reporter John Simpson noted that the Grand Ayatollah "chose his words as carefully as he could, but it was clear he had been taken from al-Najaf against his will and made to broadcast an appeal to people not to support the uprising." (*From the House of War*, [London: Arrow Books, 1991], p. 363.)

¹⁷ According to his information, all of the detainees were affiliated to Shi'a religious schools in al-Najaf. Of the total number, forty-three were Iraqi nationals, twenty-eight were Iranian nationals, and the balance were nationals of Lebanon, India, Bahrain, Afghanistan and Pakistan.

thousands of rebels and their supporters are said to have died from the artillery and rocket fire and the gunfire of troops on the streets.

The rebellion began on March 5 when lightly armed rebels, joined by thousands of civilians and deserting soldiers, attacked government buildings.¹⁸ "Abu Muqdad," a young lawyer from Karbala, recalled how it began:

The intifada began at 2:30pm. Earlier that day soldiers had arrived in Karbala, and it felt as if the city suddenly had been occupied. Some of the opposition groups distributed pamphlets. We were expecting it to erupt from hour to hour. It all broke out when youths fanned out throughout the city, firing the fifteen or so Kalashnikovs they had. Then people began coming out into the streets of the city to do battle with "white weapons" [knives] against the Saddamites.

The first assault took place at the office of the Holy Endowments Administration (*al-Awqaf*) and spread to other government buildings, one refugee from Karbala told MEW in Qom, Iran. By the morning of March 6, the rebels fully controlled the city, their meager supply of weapons supplemented by what they had captured from surrendering forces and from army depots. Soldiers and officers who did not flee or surrender were often brutally killed, according to a Republican Guard officer from the unit that later recaptured the city. The officer told *The Washington Post* in April that dozens of senior officials, including the chief of police, top security agents, the deputy governor and high-ranking members of the Baath Party, were killed in an outpouring of vengeful fury. He said that many of the victims had their throats cut and bodies burned by the insurgents.¹⁹

A young merchant and rebel, interviewed by MEW in Iran, acknowledged that the shrine of Hussein had been used by the rebels to hold some of their prisoners, mainly army officers. Regular soldiers were generally not held, he claimed. Imprisoned Baath party officials and members of the security agencies were kept elsewhere. About 50 were executed, he said, after "trials."

Unlike in al-Najaf, government forces fought back almost immediately in Karbala. One day after their ouster, security forces began shelling the city and attacking suspected rebel concentrations from helicopter gunships. The shrine of Hussein, which served as a rebel base, and the nearby shrine of Abbas, were heavily damaged by artillery fire and by rockets fired from helicopters between March 7 and 11, as were adjacent buildings. Further damage was sustained when Iraqi troops burst into the shrines and fired at the rebels and civilian sympathizers who were inside.

The government later blamed the damage to the shrines in both Karbala and al-Najaf on the rebels:

The saboteurs occupied those shrines, in which they erected gallows and which they converted into centres for the murder, torture and rape of innocent persons. When they realized that their occupation would be short-lived, they wrecked the premises and plundered the contents of these shrines. In this connection, it is noteworthy that preliminary estimates of the damage caused by

¹⁸ A 26-year-old merchant and self-described rebel leader told MEW in Iran that young soldiers from Karbala who had served in the regular army in Kuwait played a key role in the city's uprising.

¹⁹ William Drozdiak, "Devastation in Southern Iraq," *The Washington Post*, April 30, 1991.

those saboteurs amount to 20 million Iraqi dinars, quite apart from other damage which cannot be estimated due to the historical and artistic importance and value of the items concerned.²⁰

The rebels did use certain Shi'a shrines as their bases, and also as civilian shelters and makeshift clinics. But most of the damage suffered by these monuments was due not to vandalism committed by the rebels but by the mortar and tank fire of loyalist forces.

Journalists who toured the shrine of Hussein in May said it had been riddled with bullets and its dome was damaged. The buildings lining the plaza between the two shrines (*shari' al-Haramiin*) were "completely smashed," *Independent* reporter Patrick Cockburn told MEW. Milton Viorst wrote in *The New Yorker* that both the plaza and adjacent marketplace had been

reduced to dust...Fifty-millimetre machine-gun shells littered the ground....The wall surrounding the Shrine of Hussein looked as if it had been struck by an earthquake. The colorful mosaic tiles, the granite facing, and the ceramic grilles that covered the windows were scattered all over the pavement. The dome, leafed in gold at great cost during the Iran-Iraq war as an offering from Saddam Hussein to the Shiites, had been punctured by cannon fire...²¹

Al-Husseini hospital was also battered early in the government counteroffensive, but continued to function. When the army reentered the city the hospital was the scene of pitched battles. The young merchant and rebel told MEW:

[The hospital] was run by the rebels. Doctors there treated the wounded, people donated blood and whatever medicine they had at home. When the army attacked, it concentrated its artillery fire on the hospital. The rebels put up strong resistance in defending it. When the army invaded, they rounded up doctors and nurses, tied their hands and blindfolded them. They were later released, only to be rounded up again later and killed.

"Abu Muqdad," the young lawyer, told MEW he saw soldiers throwing a patient out of a fourth-floor window of al-Husseini hospital. He also said he saw a bulldozer burying some 60 bodies on the hospital grounds.

When security forces re-established daytime control over Karbala on about March 19, they took vengeance on both rebels and civilians who had not fled. Moving from district to district, they rounded up young men suspected of being rebels, transported them to stadiums where some were executed and others were reportedly sent to Redhwaniyya, a large detention facility outside Baghdad. In Karbala, as in al-Najaf, there were reports that Shi'a clerics found walking on the streets were rounded up and never seen again.

A refugee from Karbala in Qom, Iran told MEW:

Once in control of the city, the army encircled each district looking for young men (*shebab*). At first they shot whomever they saw. After a day or so, they arrested every male over 15. They took

²⁰ Reply of the government of Iraq, GA A/46/647, November 13, 1991, p. 51.

²¹ Milton Viorst, "Report from Baghdad," *The New Yorker*, June 24, 1991, p. 72.

them — there were thousands by the time I left to Baghdad and nobody knows what has happened to them. The soldiers were looting the shops all over the city. When they caught a youth under suspicion — they had informers who pointed them out — they would take all that was in his house in army trucks, then they'd blow up the house. I know of tens of houses demolished in this way.

The BBC's John Simpson, reporting from Karbala in April 1991, found the city's center deserted: "Thousands of Shi'a clerics have been rounded up in al-Najaf and Karbala and disappeared," he wrote. "Normally the streets would be full of them. Not now."²²

Journalist Milton Viorst described the devastation in Karbala as

comparable to the levelling of cities in the Second World War, and the damage to the shrines [of Hussein and Abbas] was more serious than that which had been done to many European cathedrals....It seemed that no neighborhood had been spared. Big holes in walls indicated tank fire; smaller holes, and chunks taken out of concrete, were the signature of lighter automatic weapons. The wreckage suggested block-by-block, if not house-by-house, resistance, and many casualties.²³

The demolitions were continuing three months later, as *Le Monde's* Françoise Chipaux observed:

[B]ulldozers are continuing to "clean up" the ruins around the mosques, proof of the extreme violence of the clashes that caused by all accounts thousands of deaths on both sides. All the adjacent streets, formerly jammed and lined with souvenir booths, have been demolished, and a vast flat zone now surrounds the sanctuaries of Hussein and Abbas...

The number of arrests, like that of casualties, will undoubtedly remain forever unknown, and Karbala will remain one of the blackest pages in the annals of the repression of Iraq's Shi'a.²⁴

²² "The Voices Against Saddam," *The Observer* (London), April 28, 1991.

²³ "Report from Baghdad," June 24, 1991, p.72.

²⁴ Françoise Chipaux, "Kerbala, ville sainte, ville martyre," *Le Monde*, July 23, 1991.

CHAPTER FOUR

UPRISINGS IN THE NORTH

SULEIMANIYYA

Suleimaniyya, a nearly all-Kurdish city with a population estimated between 500,000 and 1,000,000, was the first major city to be captured by Kurdish rebels and the last one to fall.

The ouster of government forces in Suleimaniyya came on March 7 and 8 in a popular uprising led by a small contingent of pesh merga. It followed three days of skirmishes to the north of the city and reports that the Kurdish rebels had captured villages and suburbs near Suleimaniyya and Irbil.

As in Karbala and al-Najaf, the uprising culminated in a massive assault on government buildings. Lightly armed rebels and civilians overtook the Security Directorate (*Mudiriyat al-Amn*), freeing prisoners and summarily executing members of the security forces who had sought refuge in the building. A Kurdish instructor of English described the bloodbath, saying the pesh merga and their supporters

took three hundred Baathist prisoners....We punished those who had martyred our brothers and looted our homes. We killed them without trial....During the first days after the pesh merga took over, some escaped. We caught many and killed them by shooting them and with axes. The mothers of martyrs killed twenty-one escaping soldiers with axes and stones.

A Sunni Arab dentist from Baghdad who was in Suleimaniyya at the time described similar acts in a letter dated April 21, 1991 that he wrote to his brother in the U.S.:

The bodies of security agents and Baathists were torn apart, and revenge was wrought for the Saddamist butchery that happened in Halabja and elsewhere....The main battle was fought against the Security Directorate, which put up stiff resistance for 48 hours. It was well-fortified, like a citadel. Many senior officials were in there. In the end, the fortification was pierced, and the masses entered in order to smash and kill everything before them.

The torture chambers were like nothing I had ever seen or heard of in my life. We walked on top of the bodies of those who had been burned and killed: 700 from the Security Service, both officials and agents....Their sentences were carried out by the people with iron saws and knives, while [their victims] were screaming and crying.

For the most part, rebels in Suleimaniyya seem to have refrained from taking vengeance on ordinary soldiers. On March 11, Kurdistan Democratic Party chief Massoud Barzani declared an amnesty for government soldiers. Those who surrendered were issued safe-conduct passes to traverse Kurdish-held territory on their way home.¹

¹ Jonathan C. Randal, "Kurds Seize Iraqi Base and Work to Demoralize Saddam's Army," *The Washington Post*, March 26, 1991.

For the last three weeks of March, Suleimaniyya remained under pesh merga control. Its population actually swelled as Kurdish refugees sought refuge from government counteroffensives elsewhere.

The army's assault on Suleimaniyya began around March 31, with rockets and artillery shells raining on residential neighborhoods from helicopters and tank positions west of the city. A 45-year-old Kurd who manages a poultry company told MEW, "The fighting began at 10am with bombs, artillery, and helicopter. The neighborhoods of Bakhtiari and Rizjari were attacked. The army attacks were 100 percent arbitrary." A young university graduate recalled, "The helicopters came from the direction of Kirkuk, one behind the other. One would fire a rocket, go back, and then circle around."

By this time, loyalists had retaken all of the other cities of the north. With no hope of victory, rebel leaders urged Suleimaniyya residents to escape before the army entered the city. Residents took flight on April 2 and 3, and loyalist troops moved in with little resistance.

While damaged less than other cities during the army counteroffensive, Suleimaniyya was racked by looting after the refugee flight, according to residents who returned from refugee camps to check on their homes and shops. For the most part, they blamed the pillage on Iraqi troops, although few had witnessed acts of looting.

Three months after the suppression of the uprising, Suleimaniyya reverted to Kurdish control following fierce clashes between the pesh merga and government forces (see Chapter One).

TUZ KHURMATU

Tuz Khurmatu, known also as Tuz, was one of the most southerly cities to fall under pesh merga control. An agricultural center about 50 miles south of Kirkuk and 125 miles north of Baghdad, Tuz has a population estimated between 100,000 and 200,000, consisting mostly of Kurds and Turkmans.

The uprising in Tuz broke out sometime between March 10 and 12. According to a detailed account provided by a hardware-store owner, the rebellion was coordinated by pesh merga outside the city who maintained close contacts with sympathetic residents. At an appointed time, residents poured into the streets in a massive demonstration. They were joined two hours later by the more heavily armed pesh merga, and given a great boost by the defection of Kurdish militia-men.

Accounts from Tuz suggest that government forces mostly fled the onslaught without offering much resistance. A number of Baathists and policemen were killed, however, in the attack on Baath Party headquarters.

A retired civil servant from Tuz told MEW that after the ouster of security forces,

There was peace and quiet for three days, then the army came, approaching from three directions. The Iraqis attacked the city from a distance of about one kilometer. The pesh merga replied with mortars and rocket-propelled grenades....The Iraqi helicopters dropped napalm and phosphorus....For two weeks, the city was attacked with artillery, helicopter, and missiles, 105, 130 and 155 millimeters. During this time the army did not enter the city, but a lot of people were

killed. Eventually, the pesh merga ran out of supplies.

The hardware-store owner recalled that:

The rebels fired back at the tank fire using mortars. They also had five tanks they had captured from the government. The principal problem was the helicopters that began flying over the city on the fourth or fifth day...dropping napalm bombs and destroying homes....The resistance tried to hit the helicopters, and the pesh merga surrounding the city kept the army at bay [but] still the principal problem was the helicopters.

On the final day of the assault, the government used the Republican Guard and special units. They fired missiles, five or six per minute, from the direction of Tikrit. The attacks were arbitrary. One quarter of the houses were hit.

The pesh merga defended Tuz Khurmatu fiercely. They were well aware of its strategic importance on the Baghdad-Kirkuk road, at a moment when Kurds were eagerly anticipating the uprising in Kirkuk.

Most civilians in Tuz held fast during the bombardment. When the outgunned pesh merga finally urged them to leave, the time had past for a relatively orderly departure. Instead, most fled *en masse* in the middle of the night on about March 17. According to the hardware-store owner:

85 or 90 percent of the population took the road into the mountains. They had to cross a river near Tuz, which cars cannot cross. The river is 20 to 25 meters wide. They took this route because the Iraqis were in control of the bridge and the road to Kifri, and the main road was under the control of the Mojahedin-i-Khalq [the Iranian opposition group that was assisting the Iraqi loyalist forces]. A couple of children drowned crossing the river.

Wounded persons remained in their homes. People couldn't take them along when they fled. Later, the Saddamites gathered up 500 of the old people who had remained and kicked them out, telling them, "Go to Jalal Talabani." Some people hid in the city and then escaped one by one. Some were caught and arrested....

A young doctor's assistant told MEW in Iran that he had hid in a shelter in Tuz Khurmatu after most of the residents fled. From his hiding place he heard explosions he took to be dynamite, and when he came up to flee he saw destroyed houses in the Jumhuriyya neighborhood, a pesh merga stronghold. It looked as though half the houses had been destroyed by TNT, he said.

Today, Tuz remains under government control, not far from the military demarcation line.

KIRKUK

The key battle in the north was fought over Kirkuk, the last major city to be captured by the Kurdish rebels. Their victory in Kirkuk was the high point of the Kurdish insurrection; their defeat spelled its end.

Shortly after the unrest began in the north, Saddam put his forces in Kirkuk on alert. A curfew was imposed on the city's predominantly Kurdish neighborhoods on March 10, and patrols were increased.

Saddam also dispatched reinforcements to Kirkuk as the revolts in the south were subsiding, and, according to Kurds, gave responsibility for the city's security to the dreaded Minister of Interior, Ali Hassan al-Majid, who as chief of security in the north had allegedly master-minded the dropping of chemical weapons on Kurdish villages.

With the curfew in effect in Kurdish neighborhoods, the security forces began their crackdown. Going door-to-door, they rounded up several thousand men, ranging in age from their early teens to their fifties. Most of those interviewed said more than 5,000 men were arrested in this way, although the exact number is not known.

MEW interviewed in Iran more than twenty Kurdish men who were detained in this operation and later released. The vast majority of those taken were Kurds. One of the Kurds told MEW that the hall where he was detained in al-Ramadi contained 509 Kurds and twelve Turkmen from Kirkuk who had been arrested in the sweep.

The men interviewed by MEW gave consistent accounts of their experience. All were transported to vast compounds outside the city, where they were held without charge or trial. They said conditions were harsh, and a few prisoners were beaten with cables. None reported being interrogated or told of the reasons for his arrest. Some speculated that authorities had acted on the assumption that the Kurds of Kirkuk were preparing to revolt the moment that the pesh merga gave the signal. Others called the roundup an act of hostage-taking intended to deter Kurdish attacks on the security forces.

Most of the men detained were released in mid-April and told by the authorities that they would not be permitted to return to Kirkuk. Many made their way instead to Kurdish-controlled areas or to refugee camps in Turkey and Iran.

A 23-year-old barber who had earlier served in the government's Kurdish militia gave a typical account of the roundup:

On March 11, after the pesh merga began attacking Kirkuk from the north, the army seized as hostages Kurdish boys and men aged 14 and older, from the neighborhoods of Shurjeh, Imam Qasim, Tepee, Iskan Jedid, Rahimawa, Almas and Huriyya.

A curfew had been imposed on the 10th. I was arrested by five uniformed men, all wearing red *kafiyehs* (headdress). They told me they were going to take me for five minutes and then bring me back. They did not explain why. They brought me to Salah al-Din primary school, which they had turned into their base. Other Kurdish men had been brought there. Then they transported us in civilian trucks to Tubzawa [a military base some twelve miles outside the city].

At Tubzawa, there were about 1,000 to 1,500 detainees. We were placed in rooms about 25 meters square. Everyone had to sit with his knees together. There were guards outside the rooms. We spent the first night without food or water.

The next day, they took us to an infantry training camp on the Tikrit-Beiji road. We spent the next 15 days there, in one large hall. There were 1,220 of us, all from Kirkuk. I know the number because they counted us. The hall had been used during the Iran-Iraq war for Iranian prisoners.

No interrogations were carried out. For one week, we did not receive any blankets. We slept two to a mattress. There were no toilets. For two weeks we had to relieve ourselves in the corner. The guards told us to go smell the shit. They were from Baghdad and Tikrit. We got hard rolls and a little rice to eat; to drink, a little water.

From this place we were transported by a covered truck to a place in al-Ramadi that had also been used previously for Iranian prisoners. During the long trip we received no water or food.

The treatment at al-Ramadi was the same as at Tikrit. We were locked 60 in a room, all of us Kurds. The staff was all military officers, Iraqis. There was no water for washing, and there was lice from the filth.

After nearly five weeks at al-Ramadi, most of us were released. However, those Kurds who had been serving in the army were not released. One day before letting us go, a major came to us and said we had to choose between Suleimaniyya and Irbil. When we asked why, he answered simply, "no one is going to Kirkuk."

We were transported back to Tubzawa in trucks. At Tubzawa, they separated those who had chosen Suleimaniyya and those who had chosen Irbil. Those who chose Irbil were transported to Altun Kupri [a town between Kirkuk and Irbil]. Those who chose Suleimaniyya were held one night longer and then trucked to Chamchamal [a town between Kirkuk and Suleimaniyya]. We did not get any food or water during that night.

In Chamchamal we were prevented from returning to Kirkuk. I found my sisters, who fed me a feast. I learned that my family had made it to Iran, so I came here [to a refugee camp in Kurdistan province, Iran].

Several of those interviewed in late April 1991 by MEW noted that when they were released from al-Ramadi, a group of Kurds continued to be held. MEW has been unable to confirm whether all of those taken during the roundup have been released. According to Kurdish political sources, some of the Kurds arrested in the March round-up have never been accounted for, and their families fear that some may have been executed. The status of this group of detainees who are presumed missing was raised by the Kurdish negotiators meeting with representatives of the regime in Baghdad, according to KDP spokesman Hoshiyar Zebari, but the authorities provided no concrete information.

Following the massive arrests prior to the uprising, Iraqi troops in Kirkuk demolished dozens of houses in Kurdish neighborhoods, using dynamite and bulldozers. In testimony corroborated by others, a woman university student told MEW:

Troops came to Arassa, a neighborhood that is strongly pro-pesh merga. They took the women to Kara Angir [a town north of Kirkuk], and told them, "Go to the pesh merga." The next morning, the forces demolished the houses. Arassa is totally destroyed, all the houses have been destroyed.

A medical student told MEW, "One day before the Kurds took Kirkuk, authorities demolished houses in the Tepee neighborhood because [Interior Minister] Ali Hassan al-Majid accused people of firing at helicopters from there." The woman university student added that during the round-up of men in the city, security forces killed a man in the Iskan neighborhood and demolished his house after he drew a weapon

and attempted to resist arrest. (As mentioned in the section on the uprising in al-Najaf, Iraq has a long-standing practice of demolishing the homes of suspected rebels.) She said army patrols had been calling out over megaphones, "O heroic masses of Kirkuk, whoever owns a weapon in his home, let him surrender it to the Baath organization. He who does not surrender his weapon will be held responsible."

Acts of repression such as these did not prevent Kirkuk from rising up in rebellion on about March 18 or 19 (the date varies among the many accounts). One by one, neighborhoods in Kirkuk with substantial Kurdish populations fell to the rebels, and by March 19 or 20, the city was fully under their control.

The revolt was brief but bloody. British journalist Gwynne Roberts, who reached the city shortly after its capture by the rebels, described the carnage:

Kurdish rebels were using bulldozers to clear the streets of Kirkuk of Iraqi corpses....I saw several bodies of security officials sprawled in the mud, one of them with live rounds of ammunition jammed into his mouth. A local Kurd said: "That bastard was a torturer, and God knows how many men, women and children he persecuted. He deserved what he got."²

MEW interviewed a Turkman driver for a petroleum company who said the pesh merga lined up government officials against a wall and machine-gunned them:

I saw ten officers of the security police executed in this way. We did not have time to hang them. Many of the officers ran away, but all who stayed were punished. But the pesh merga did not kill any regular soldiers because we knew they had been forced to serve in the army.

Ahmed Bamarni of the Patriotic Union of Kurdistan claimed that the rebels had captured 12,000 Iraqi prisoners in the battle for Kirkuk.³ Most were apparently released under an amnesty offered by Kurdish leadership for any soldier who surrendered.

Among civilians, the bulk of casualties came not during the uprising but during the counter-offensive. Unlike in Suleimaniyya, security forces fought back almost immediately. As early as March 21, tanks stationed outside the city began pounding residential areas with artillery rounds day and night, while helicopter gunships flew overhead by day firing rockets.

"Saddam started attacking the city from the southwest with long-range heavy artillery, 130 and 150 millimeters, hitting homes with thousands of shells," recalled a Kurd who told MEW that he had returned from military service in Kuwait and joined the pesh merga in liberating Kirkuk. "The army was firing missiles from Sukhoi helicopters. Two to three hundred were being killed daily. Residents were afraid and were fleeing each day during this period," he said.

A doctor at Saddam Hussein hospital in Kirkuk told a *Libération* reporter that between March 20 and 26, more than 500 wounded were admitted to the hospital.⁴ A 26-year-old mother of seven interviewed

² Gwynne Roberts, "Kurds Tell of Iraqi Torturers' Child Victims," *The Independent*, March 29, 1991.

³ Walter V. Robinson, "Rebel Kurds Say Baghdad Armed Them," *The Boston Globe*, March 22, 1991.

⁴ Mark Kravetz, "A l'heure où Kirkouk était libérée par les Kurdes," *Libération*, March 29, 1991.

by MEW in Iran pointed to the burns on her three-year-old son Khalid's face and explained:

This happened to my child the first day the pesh merga came to Kirkuk, March 20 or 21. Our home is in the Shurjeh district of Kirkuk. It was 8 or 10 in the morning. Helicopters and bombs were used. The earth was burning. I saw five napalm bombs fall at once. Our house was old and all the walls fell in. The whole family ran outside.

Khalid's face had been burned in the attack. The woman added that her husband had been arrested during the roundup of Kurdish men in Kirkuk six weeks earlier, and she did not know where he was.

Guardian reporter Martin Woollacott, who was in Kirkuk later in March, told MEW:

[both Kirkuk and Tuz Khurmatu had been] under frequent shelling and rocketing, as well as bombing from helicopters. In many cases, I couldn't see why these places were shelled, as they had no military value. The Kurdish part of Kirkuk, for instance, was frequently shelled, though there was only a small headquarters of a Kurdish militia there. During the last few days I was there, doctors told me there were about 40 [or] 50 dead a day, mostly civilians. On March 26, the hospital was hit by shells, and the outpatient clinic was effectively written off.

A young woman pesh merga recounted to MEW in Iran the attacks on one of the city's hospitals:

On March 22, I went to Jumhuri Hospital to help out....Many of the patients were injured pesh merga. Doctors in the hospital were also pesh merga.

On March 24, Saddam's forces bombed the second floor of the hospital. We continued to work. Bombs hit near the hospital several times. Tanks fired from five kilometers away, hitting all around the hospital....Eventually they hit the second floor. On March 27, shots were fired into the windows, probably by Mojahedin-i-Khalq. I left the hospital, ducking the bullets, and ran away.

The bombardment of Kirkuk went on for an entire week, causing a continuous stream of refugees north and east in the directions of Irbil and Suleimaniyya, and driving the rebels back from their forward positions. During these attacks, according to American journalist Frank Smyth, who was in Kirkuk during the siege, Republican Guard assault units, paratroopers and special forces were preparing for a major offensive. When they made their move, the results were decisive. Loyalist troops entered the city with tanks on March 27 and were in control by the following day.⁵

In one of their first acts after reentering the city, loyalist troops invaded Saddam Hussein hospital, which was filled with both rebels and civilians who had been injured during the fighting. The troops opened fire on patients and medical staff, slashing patients with knives and throwing people out of windows. A primary school teacher told MEW:

When the tanks entered Kirkuk on March 27, they went to Saddam Hussein Hospital. My house is very near the hospital. About 150 meters away from me, I saw troops enter the hospital and then I saw pesh merga being thrown out of the windows. After they threw them on the ground, they shot

⁵ Interview with MEW, May 10, 1991. See also Frank Smyth, "Tragedy in Iraq," *The Village Voice*, May 14, 1991.

those who were not dead from the fall.

A lab assistant at the hospital added:

Iraqi soldiers opened fire from tanks and helicopters on the hospital. When they reached the hospital they entered and went upstairs, where they killed all of the patients, about 30 children, 50 women, and 20 young men. I saw them slit the throats of patients with knives and throw some of the patients off the roof or out of windows on the top floor. I personally saw five persons thrown out of windows.

Western journalists who visited Kirkuk under government escort two days later found the loyalists firmly in charge. They saw deserted neighborhoods, buildings damaged by artillery, and several bodies lying in the streets.

Consolidating their control over the city, troops ordered the remaining Kurdish population of Kirkuk, predominantly women and children, to leave town. Those who fled at this late stage reported widespread looting of homes, which they blamed on government troops and Arabs who had driven north from central Iraq. A young man who managed to enter to Kirkuk after being detained at al-Ramadi found his family gone and his house burglarized. He told MEW that the neighborhoods of Imam Qassim and Shurjeh had been badly damaged during the uprising, and homes had been dynamited. Kurds who were leaving the city told him that security forces were going door-to-door telling families they had only 24 hours to leave. He decided not to remain, and headed for Iran to search for his family.

Kurds who attempted to return to the city in April were turned back at army checkpoints that had been set up outside the city. The army later eased this policy, but today, scores of thousands of Kirkukis are still displaced in the rebel-controlled zone, unable to return home because they either are afraid or because their homes have been destroyed (see Chapter One).

KURDISTAN: ATTACKS ON FLEEING REFUGEES

Like Shi'a from al-Najaf and Karbala, many of the refugees from Kirkuk and other northern cities told MEW they had witnessed attacks by Iraqi helicopters on the columns of fleeing Kurdish civilians, or reported passing refugees along the escape routes who had been wounded or killed in such attacks. Taken together, the testimonies suggested that they were not isolated events.⁶ There were also reports of attacks on refugees by tank fire.

Most of the refugees said that these attacks were launched against fleeing civilians who were offering no resistance, although some said that armed pesh merga were helping to coordinate the evacuation.

A man who fled his home in Irbil after the Iraqi military had begun to attack that city told MEW:

⁶ As the U.N. special rapporteur on Iraq noted, "[N]umerous refugees on the Irbil-Salahuddin and Rawanduz-Haj 'Omran roads were reportedly attacked by helicopter gunships on 31 March 1991 and 1 to 8 April 1991, respectively. U.N. Special Rapporteur's letter, GA A/46/647, November 13, 1991, p. 9.

As we were leaving, helicopters attacked the road we were on, the Irbil-Kuysanjaq road. I saw 25 bodies on the road. People [were] trying to leave Irbil, but no one could help the wounded. They used napalm. I know this because of the brown burns on the bodies. Some of the 25 had burns. I also saw hands and legs separated from bodies.

A poultry company manager from Suleimaniyya who was interviewed in Iran recalled, "On the road between Suleimaniyya and Chuarta [to the northeast], I saw a helicopter come and shoot at the pedestrian traffic, immediately killing a woman and her two boys," Another man interviewed in Iran said that his wife and two young children were killed when two helicopters "and many tanks" attacked fleeing refugees on Mount Azmar, near Suleimaniyya, in early April. Some 100 persons were wounded and had to be left behind, he said.

An elderly man from Chamchamal said he had seen people dying on the road between Chamchamal and Suleimaniyya after they had been attacked by fire from four helicopters. "They were all unarmed and fleeing," he told MEW. Another man who fled his home in a "model village" (*mujamma'* — see Chapter One) near Chamchamal in early April said he had seen several helicopter attacks on refugees between Chamchamal and Taynal. Just outside Chamchamal, he said, he saw about 20 persons who had been killed in helicopter attacks. "There was no resistance at the time they were killed. The land was flat, and the pesh merga cannot fight on the plains."