Unquiet Graves

The Search for the Disappeared in Iraqi Kurdistan

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&
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I. INTRODUCTION

Across northern Iraq, Kurds, freed for now from President Saddam Hussein's grip, have begun revealing the horrors of nearly a quarter of a century of repressive rule. In former Iraqi police stations and prisons, Kurdish officials have discovered torture chambers and execution sites where they say thousands of political prisoners died under torture or were shot in the 1980s. Meanwhile, municipal grave diggers and villagers, now free to tell their stories, have led Kurdish investigators to hundreds of unmarked, single and mass graves.

The Kurds have long charged the Saddam Hussein government with gross violations of human rights. Some especially severe cases have been independently substantiated and widely publicized;[1] most notably the attacks with chemical and conventional weapons on Kurdish towns and villages in the late 1980s in which thousands--and most likely tens of thousands--were killed. But it was not until the March 1991 uprising, when the Kurdish resistance fighters, or *peshmerga*,[2] drove the Iraqis from the region, that the systematic nature, and extent, of Baghdad's repression became fully known.

After taking control of Iraqi military bases and government buildings, the Kurds recovered thousands of documents detailing the abuses carried out by military intelligence units and the secret police over the past two decades. Some police files contained tape recordings, photographs, and videotapes of torture sessions. Other documents included long, handwritten lists of political prisoners who were executed by firing squads or died under torture. Still others contained high-level directives from Baghdad ordering the forced relocation of thousands of Kurdish villagers during the government's "*Anfal* campaign"[3] in the late 1980s.

Kurdish leaders now believe that many of the tens of thousands of civilians who disappeared in the Anfal were killed, and later buried either in Iraqi Kurdistan or in remote desert districts in southern Iraq still under central government control. Beginning in October 1991, Kurdish investigators, drawn mainly from the peshmerga, began unearthing the graves of Anfal victims in towns and villages throughout the region. Relatives have managed to identify some of the deceased from clothing remnants. But because investigators lack the forensic skills and expertise to identify skeletal remains, most, if not many, of the dead have remained unidentified. Moreover, the manner and haste in which these exhumations have taken place, including the use of bulldozers, has resulted in the loss of vital evidence.

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[1] *See* Peter Galbraith and Christopher Van Hollen, Jr., *Chemical Weapons Use in Kurdistan: Iraq's Final Offensive--A Staff Report to the Committee on Foreign Relations, U.S. Senate* (Washington, D.C.: U.S. Government Printing Office, October 1988); Physicians for Human Rights, *Winds of Death: Iraq's Use of Poison Gas Against its Kurdish Population* (Somerville, Massachusetts: Physicians for Human Rights, February, 1989); and Middle East Watch, *Human Rights in Iraq* (New Haven: Yale University Press, 1990), pp. 69-96.

[2] Peshmerga, the Kurdish name for their fighters, means literally "those who face death."

[3] Anfal, an Arabic word taken from the Koran, refers to booty or plunder obtained from raids against infidels. In this context, it carried clear overtones of a religiously-sanctioned campaign against an alien people. The word was used in private and public official communiques. When the Anfal campaign actually began is unclear, as the Iraqi government carried out many of its operations under total secrecy. It is believed the campaign began between 1985 and 1987 and lasted until late 1989.

In December 1991, Middle East Watch and Physicians for Human Rights sent a delegation to northern Iraq to observe and assist in the exhumation, identification, and determination of probable cause and manner of death[4] of individuals interred in mass and single, unmarked graves. The members of the forensic team were Clyde Collins Snow, a forensic anthropologist and consultant to the Medical Examiners' Offices of Oklahoma City and Cook County, Illinois; Burney B. McClurkan, an archeologist with the Arkansas State Highway and Transportation Department; Karen Burns, a forensic anthropologist at the Center for Archeological Sciences, University of Georgia; and Eric Stover, a writer specializing in medicine and human rights and a consultant to Physicians for Human Rights and Human Rights Watch.

The team was joined by Susan Meiselas, a freelance photographer based in New York; Richard Rogers, a film maker and professor of film at the State University of New York, Purchase Campus; Pamela Blotner, an illustrator and professor of art at the University of Maryland; and a German journalist, Bernard Schmidt.

Between December 23 and December 29, our delegation travelled from Zakho,[5] the northernmost town in Kurdish-controlled Iraq, to the cities of Erbil and Sulaymaniyah in the south. In each of these cities, we interviewed relatives of the disappeared, former political prisoners, and Kurdish investigators and political leaders. We took testimony from grave diggers who, years earlier, had been ordered by Iraqi officers to secretly bury the bodies of executed political prisoners. We also interviewed a 15-year-old boy whose testimony may hold the key to one of the greatest mysteries in Iraqi Kurdistan: what happened to at least 100,000 men, women, and children who the Kurds say have disappeared without trace?

This report describes the efforts underway in Iraqi Kurdistan to investigate the disappearance and murder of tens of thousands of Kurds by the Iraqi regime. It examines the methods and procedures Kurdish investigators are using to collect, document, and preserve medicolegal evidence. It also reports the findings of our visit based on first-hand observations, interviews, and the excavation of several unmarked graves. Finally, the report suggests ways in which the international community can help the Kurdish investigators improve their methods of collecting evidence.

Why investigate the graves of extra-legal killings? From a humanitarian perspective, families will finally know the fate of their loved ones and be able to give them a proper burial. To the extent possible, the identification and determination of the cause and manner of death of even a small portion of the disappeared could provide the international community with objective and scientific evidence critical to the identification, stigmatization and conviction of those responsible for these crimes. In addition, through forensic

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[4]Most medicolegal investigations involving a corpse or skeleton begin with an attempt to determine the *cause* and *manner* of death. The distinction between the two terms is important. An autopsy, for example, may reveal that the cause of death of a man fished from a river is asphyxiation due to his lungs' filling with enough water to halt breathing. If, however, the cause also is found to have involved an obvious blow to the head with a crowbar, after which the unconscious victim was fitted with concrete shoes and stuffed in a burlap bag, the investigation takes on an added air of criminality. It also helps investigators determine the manner of death. There are five possibilities: homicide, suicide, accident, natural, or undetermined.

[5]The Kurds of Iraq use the Arabic alphabet to write their language. Transliteration of Arabic and Kurdish names to English or other languages that employ the Latin alphabet often produces a bewildering variety of spellings. As there is no sure way to escape confusion in this matter, the spellings used herein have been chosen less for linguistic purity than for commonness of usage and ease of comprehension by the Western reader.

documentation and subsequent litigation, the knowledge that governments can be held accountable for their actions, may deter such practices in the future, both in Iraq and elsewhere.

II. BACKGROUND

Kurdistan is a crescent-shaped region that spans the mountainous area surrounding the junction of the borders of Turkey, Iraq, and Iran, with extensions into Soviet Armenia and into northern Syria. Most of this area is inhabited by the Kurds, the Middle East's fourth largest ethnic and linguistic group, after the Arabs, the Turks, and the Persians. Kurds are an ancient, Iranian people possessing their own language and cultural traditions and a historical reputation for resistance to outside rule.

The total number of Kurds is estimated at more than 20 million. Of these 12 to 15 million live in Turkey, more than 3 million in Iraq,[6] and at least 6 million in Iran. Smaller numbers live in the former Soviet Union and Syria. The majority are Sunni Muslims but there are some Shiites in Iran and Turkey.

That Kurdistan is not a separate state is due, in part, to its abundant natural resources. This is particularly true in Iraq where the Kurdish region encompasses two major oil fields, rich agricultural land, minerals, and the Tigris river. The 1920 Treaty of Sèvres -- one of a series of post World War I treaties which followed the dissolution of the Ottoman Empire and created the modern states of Iraq and Syria among others--offered the Kurds their first and only prospect of a separate Kurdish state. However, in December 1925, the League of Nations, at the insistence of the British government, ruled against Kurdish statehood and attached the oil-rich Mosul to the newly-formed state of Iraq.

Kurdish revolts broke out time and again in the decades that followed. The Kurds were in a continuous state of armed rebellion from 1961 to 1975. In early 1970, two years after the Arab Baath Socialist Party seized power in Iraq, Kurdish rebels won several concessions from the state, including Kurdish representation and the right to autonomy in some of the predominantly Kurdish provinces in the northeastern region. But, for the most part, the Baath government excluded the Kurds from real power and minimized their role in national affairs. In the early 1970s, the government began its "Arabization" program, in which several Kurdish villages were evacuated and the land given to Arabs.[7]

By 1977, after Baghdad had crushed the Kurdish revolt of 1974-75, the Kurdish region was no longer referred to in official Iraqi pronouncements or in the media as "The Autonomous Region of Kurdistan" but simply as "The Autonomous Region." During the course of the rebellion, tens of thousands of Kurds fled to Iran; nearly as many again were expelled from zones along the Iraq-Iran border by the Iraqi army and sent to camps in the desert.

Following the outbreak of war between Iran and Iraq in September 1980, military operations in the south forced the Iraqi military to reduce its close control of Kurdistan. The regime even reversed itself and

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[6]Iraq is a nation divided on confessional and ethnic grounds. Fifty-five percent of the population are Shi'a, 40 percent are Sunni, and 5 percent are Christian. Ethnically the division is 70 percent Arab, 25 percent Kurd, 5 percent Assyrian, Chaldean, and others. *See* Peter Galbraith and Christopher Van Hollen, Jr., *op cit*, pp. 6-7.

[7]According to the exiled Kurdish writer, Ismet Sheriff Vanly, in September 1971, Iraq deported about 40,000 Faili Kurds to Iran. In 1974, 400 Kurdish families left the oil city of Kirkuk after the government replaced Kurdish workers with Arabs. *See* Ismet Sheriff Vanly, *People Without a Country* (London: Zed Press, 1980) and Middle East Watch, "Whatever Happened to the Iraqi Kurds?" March 11, 1991, p.4.

began making conciliatory moves toward the Kurds. The Autonomous Region once again became known as the Kurdish Autonomous Region. Thousands of resettled Kurds were permitted to return to Kurdistan; many of whom fled to areas controlled by the Kurdish parties, notably the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and their guerrilla forces.[8]

In 1988, as the war with Iran drew to a close and the Iraqi government realized it was gaining the upper hand, it no longer felt the need to adopt a conciliatory posture toward Iraqi Kurds. On August 20, the day after the Iran-Iraq ceasefire went into effect, President Saddam Hussein turned his forces against the Kurds. To the horror of the outside world, the Iraqis bombarded Kurdish rebel forces and civilian settlements with chemical weapons.[9] They also began systematically razing Kurdish towns and villages, expelling their inhabitants, and sending large numbers to camps and "model villages" in the plains of the Kurdish Autonomous Region, and to the south where many of them reportedly vanished without trace.

Estimates of the number of Kurdish towns and villages destroyed by the Iraqi military vary widely, and the government is not known to have issued an official figure. Kurdish leaders say that at least 4,000 Kurdish towns and villages--some 80 to 85 percent--have been razed since the Baath regime first instituted its program of forced relocation in the mid-1970s.[10] Most of those forcibly relocated have been from towns and villages in the Kurdish highlands. In March 1989, Iraqi army units appeared in Qala Diza, a town near Iraq's border with Iran, and gave the population--some 50,000 or more--a few days to collect their belongs and leave. Iraqi demolition specialists and engineers then blew up the town, building by building.[11] In other villages, the Iraqi army even demolished water wells and covered them with concrete.

The March 1991 Uprising

On February 27, 1991, President George Bush ended Operation Desert Storm. After nearly five days of fighting on the ground, U.S. and Allied forces had not only decimated the Iraqi military but had also liberated Kuwait and were in occupation of 15 percent of southern Iraq. Two days later, on March 2, anti-Saddam rebels, comprised mostly of Shiites in the south, rose up to overthrow Saddam Hussein. As the rebellion spread, Saddam pulled his forces out of northern Iraq to protect Baghdad and quash the rebellion in the south. This gave the Iraqi Kurds their chance.

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[8]The KDP, under the leadership of Mulla Mustapha Barzani, was formed in the latter 1940s by intellectuals and tribal elements that sought to lead the Kurdish national movement and to achieve Kurdish aspirations within the frame work of Iraqi national unity. In 1976, the PUK was established under the leadership of Jalal Talabani.

[9]The gas attacks of August 1988 were not the first against the Kurds. According to Kurdish sources, chemical bombardments of Kurdish villages also took place in April, May, June, and September of 1987. But these attacks attracted little attention because few of the victims escaped to bear witness. Only when pictorial evidence of the horror of chemical warfare against defenseless civilians became available, following poison-gas attacks on the Kurdish town of Halabja near the Iranian border on March 16 and 17, 1988, did the world take serious notice. *See* Middle East Watch, *Human Rights in Iraq*, p. 83. *Also, see* A. Hay and G. Roberts, "The use of poison gas against the Iraqi Kurds: Analysis of bomb fragments, soil and wool samples," *Journal of the American Medical Association*, 1990;262:1065-1066.

[10]Interview with Jalal Talabani, PUK leader, on December 28, 1991.

[11]*See* Chris Hedges, "Kurds Returning to Razed Villages," *New York Times*, February 16, 1992, p. 7.

For months the Kurdish peshmerga had been planning to move against the Iraqis. As long ago as July 1990, the PUK high command had instructed its fighters to infiltrate the Iraqi rank- and-file in major Kurdish cities and towns.[12] Crucial to the infiltration strategy was winning over the Kurdish commanders of the Iraqi militia, derisively known to Kurdish rebels as *jash*, or "baby donkeys."

The uprising began just before dawn on March 8. As the peshmerga took over government buildings and military installations, Kurdish leaders, using clandestine guerrilla radios, repeatedly offered amnesty and reconciliation to government troops, jash, and Baath Party members. By nightfall, the Kurds were on their way to victory.

But the triumph was short lived. After crushing the Shiite revolt in the south, Saddam quickly dispatched troop reinforcements to the north. By early April, the Iraqi troops had retaken several key cities and towns, sending thousands of Kurds fleeing into the mountains. In mid-April, the United States, Great Britain, France, and the Netherlands, acting on a plan first advanced by British Prime Minister John Major, created a safe haven for the Kurds beginning at the Turkish border and extending south to the 36th parallel. Even after the joint forces withdrew in July, the Iraqi government made no effort to return to the safe haven.

By September, all of the Kurdish-inhabited parts of Iraq, with the exception of Kirkuk and Mosul, were in Kurdish hands. In July, popular uprisings in Erbil and Sulaymaniyah (each with a population approaching one million) had brought these cities under insurgent control. Fighting on the outskirts of Sulaymaniyah and in several nearby towns continued into October. At one of these battles, Kurdish guerrillas reportedly shot and killed at least 60 unarmed Iraqi soldiers after they had surrendered.[13] According to a Reuter's reporter who witnessed the incident, the soldiers were shot at point-blank range while kneeling inside a building with their hands behind their backs.

Iraqi Kurdistan is now in a state of precarious peace. Flying out of the U.S. base at Incirlik, Turkey, fighter aircraft patrol the skies above the 36th parallel. The air cover, which, at the time of writing, is scheduled to end at midnight on June 28, 1992, has helped to deter Iraqi air and ground attacks. Meanwhile, on the western plain of Iraqi Kurdistan, the still formidable remnants of President Saddam Hussein's army wait along a 250-mile military demarkation line, stretching from Syria to Iran.

The Medicolegal Investigation of Human Rights Abuses

It was against this background that our forensic team travelled to Iraqi Kurdistan in December 1991. Since 1984, several human rights organizations, including Physicians for Human Rights and Human Rights Watch, have called on forensic anthropologists and archeologists to investigate graves believed to contain the remains of victims of extra-legal killings.[14] In early 1991, for instance, two members of our team--Clyde C.

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[12]Interview with Jalal Talabani, PUK leader, on December 28, 1991, and Ako Mohammed Wahbi, the PUK political officer in Sulaymaniyah on December 27, 1991.

[13]This was a gross violation of the Geneva Conventions. To date, a full investigation of the incident has yet to be carried out by Kurdish officials. *See* Kurt Schork, "Kurds Kill 60 Unarmed Iraqi Soldiers," *Washington Post*, October 8, 1991.

[14]The American Association for the Advancement of Science and Amnesty International have also sponsored several

Snow and Eric Stover--carried out three exhumations in the highlands of Guatemala.[15] The remains were identified as those of three peasants who, four years earlier, had been summarily executed by a civil patrol leader. In August 1991, Snow returned to Guatemala to train a team of young scientists and medical students to continue excavating clandestine graves in other parts of the country.[16]

Forensic anthropologists like Snow and another member of our delegation, Karen Burns, are physical anthropologists who specialize in the scientific disinterment and analysis of skeletal remains and apply that knowledge to civil and criminal investigations. Few anthropologists in the world, perhaps no more than sixty, practice forensic anthropology.[17] Fewer still have ever used their skills to expose atrocities committed by governments.

In most medicolegal investigations of skeletal remains, the forensic anthropologist sets out to establish the identity of the deceased and to determine the time, cause, and manner of death. This is often a collaborative effort in which the forensic anthropologist functions as a member of a multidisciplinary team consisting of pathologists, odontologists, archeologists, and other forensic scientists. In the United States, such a team usually works under the direction of the coroner or state medical examiner.

Any medicolegal investigation of buried remains begins with an excavation of the burial site (*see* Appendix A).[18] So as not to lose vital evidence, the excavation must be handled with the same exacting care given a crime scene search. In some cases, it is necessary first to locate the grave. This is usually done by removing all undergrowth and scraping away the topsoil. Graves appear lighter than the surrounding ground because the darker topsoil has mixed with the lighter subsoil in the grave fill.

Once the outline of the grave has been established, the exhumation team, under the direction of a forensic anthropologist, digs a test probe at the foot of the grave to determine the level of the burial. With this established, the dirt over the grave can be removed with picks and shovels to a level of 10 centimeters above the skeleton. After the overburden, as the surface is called, has been removed, the team begins meticulously

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medicolegal investigations of human rights abuses. *See*, for instance, Clyde C. Snow, Eric Stover, Luke Tedeshi, Lowell Levine, Cristian Orrego, and Leslie Lukash, "The Investigation of the Human Remains of the `Disappeared' in Argentina," *The American Journal of Forensic Medicine and Pathology*, 1984;4:297-299. *Also, see* Americas Watch, Physicians for Human Rights, American Association for the Advancement of Science, "The Search for Brazil's Disappeared: The Mass Grave at Dom Bosco Cemetery," March 1991.

[15] *See* Americas Watch and Physicians for Human Rights, *Guatemala: Getting Away with Murder* (New York: Human Rights Watch, 1991).

[16] Clyde Snow has also trained forensic teams in Argentina and Chile. *See* Clyde C. Snow, Eric Stover, and Kari Hannibal, "Scientists as Detectives," *Technology Review*, 1989;2:43-51 and Malcolm W. Browne, "Computers Help Chilean Dead Tell Their Tales," *New York Times*, January 14, 1992, p. C1.

[17] *See* Clyde C. Snow, "Forensic Anthropology," *Annual Review of Anthropology*, 1982; 11:97-131.

[18] *See* the "Model Protocol for Disinterment and Analysis of Skeletal Remains" in the *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, published by the United Nations in 1991. For information on how to obtain a copy of the manual, telephone or write to the United Nations, Sales Section, New York, NY 10017 (Telephone: 212/963-8302).

removing the dirt with trowels and soft brushes until the complete skeleton is exposed. It is then photographed, and taken to the morgue for laboratory study.

Such a methodical approach pays dividends in the recovery of many small and fragile items such as teeth, bullets, and personal effects which are often critical in the identification of the victim and determination of the cause and manner of death. Taking photographs of spatial evidence--such as the location of a particular bullet fragment relative to a fractured bone--may be crucial in determining the cause of death. Moreover, special studies of the delicate remains of plants and insects found in the grave can aid in establishing the time of death.

In most cases, premortem dental or medical X-rays provide the most immediate means of identifying skeletal remains. If, for one reason or another, sufficient radiological evidence is not available, the forensic anthropologist will undertake an anthropological study of the skeleton. Such a study involves determining the skeleton's age at death, sex, race, stature, and handedness. This information is then compared with the deceased's antemortem characteristics to see if they match.

Handedness, for instance, can often be determined on a skeleton by examining the surface of the shoulder joint of the scapula, or shoulder blade. Regularly extending the arm can change the shape of the bone, and a lifelong preference of one arm over the other--handedness, in the anthropological vernacular--would be noticeable. In addition, using one arm more often causes the bones of that arm to grow longer, sometimes by several millimeters. Thus if a skeleton and the person in life are found to be left-handed--a trait found in only about 15 percent of the population--the odds that they are one and the same are greatly increased. Similarly, old diseases and injuries often leave their traces on the skeleton, providing evidence for positive identification.

Through a combination of training and experience, forensic anthropologists are able to distinguish between various types of trauma to the bone which the inexperienced eye may fail to detect. Signs of violent death on the skeleton vary from the grossly obvious, such as massive blunt force or bullet holes in the skull, to easily overlooked minor cuts or nicks by a fatal stab wound. Even strangulation can leave its mark on the bone: ligature or manual strangulation often result in the fracture of the hyoid bone, a small and delicate U-shaped bone located at the root of the tongue, which is seldom recovered unless the grave is carefully excavated.

III. OBSERVATIONS AND FINDINGS

For the first time in their history, Iraq's Kurds now control most of Iraqi Kurdistan. Liberated Kurdistan begins at the Syrian border, extends through the mountainous region of northeastern Iraq, and then tapers off just south of Halabja, site of the most famous of the 1988 poison gas attacks. Although the security zone established in April 1991 by U.S. forces only extends to the 36th parallel, Kurdish resistance fighters now control territory below the zone, including the cities of Erbil and Sulaymaniyah.

Iraqi Kurdistan's search for the disappeared is locked in a race against time. For one thing, it is uncertain if the air protection now provided by the United States will continue after July 1. From a medicolegal perspective, as time passes hair and clothing in the grave decomposes, erasing vital clues. There is also the danger that medical and dental records will be discarded.

In Erbil and Sulaymaniyah, our team visited cemeteries and former prisons and military bases where excavations of grave sites were underway. At four of these sites, we worked alongside Kurdish investigators in order to demonstrate the scientific methods used to exhume and identify skeletal remains. As we worked, hundreds of people would gather at the site. Some were simply curious, while others came with the hope that we would uncover a missing relative or friend. We recovered the skeletons or partial remains of 9 individuals, most of whom bore single gunshot wounds to the head.

Kurds are mostly Muslim, and they usually bury their dead in accordance with Islamic custom. Traditionally, either men or women prepare the body for burial. They first undress and wash the body. Hair is also washed, and any braids or pins are removed. They then wrap the body in a cotton cloth, which is not sewn. Sometimes the ends of the cloth are tied at the head and the feet.

Next, the men prepare the ground for burial. They dig a deep rectangular hole and then line the walls immediately around the body with flat stones. The body is placed on its right side in the grave with left shoulder uppermost and the face toward Mecca. Before the grave is filled, flat stones are placed across the body and supported by the vertical stones, forming a kind of coffin.

Most of the graves we exhumed in Erbil and Sulaymaniyah were lined with stones in the traditional manner. However, the bodies were still clothed, suggesting that only perfunctory burial practices had been carried out. Indeed, we learned from grave diggers that Iraqi security agents often prevented them from burying executed prisoners according to Islamic custom.

Muslims, like many Hindus and Buddhists, place great importance on the manner in which they bury their dead. Thus, for the Kurdish people, the pain and outrage they felt on finding evidence that their loved ones had been tortured and killed was further compounded by this obvious disrespect of the dead.

The Documentary Evidence

The Iraqi security forces are compulsive bureaucracies. It makes no difference if one is a dissident, prisoner, informer, a prominent Baathist, or a housewife: almost everyone has a file. Iraqi security agents also

have a penchant for high-technology: interrogations, including those carried out under torture,[19] and executions are often recorded on video tape and filed away.

As a result, the Kurds now possess an abundance of secret police[20] records that document in grim detail Baghdad's atrocities. The peshmerga seized these documents, mostly files and videotapes, from buildings throughout Kurdistan during the March uprising. Unfortunately, some documentation was recovered by the Iraqi forces when they retook Kurdistan at the end of March and early April, and other documents were lost in the flight. Kurdish fighters also burned some of the videotapes and files at the Iranian border rather than have the material confiscated by the Iranian secret police. Nevertheless, the Kurdish resistance still has large quantities of records from various intelligence services. It is the kind of evidence made more compelling by the fact that it comes from the perpetrators themselves.

Among the records seized in Sulaymaniyah, for example, were lists of the names of political prisoners who had been executed or died under torture. Next to the names are brief explanations of their alleged crimes and the date of execution. One such list, dated June 14, 1989 and marked "Confidential," contains the names of 44 prisoners, most of whom were executed in 1985.[21] Some were shot for desertion from the army, others for allegedly collaborating with Iranian agents, and still others for possessing pictures of undesirable Kurdish leaders. Next to the names of three prisoners--Bahrouz Mirdar Abdul Rahman, Walid Fayeq Ali, and Yasseen Aref Qader--it is noted "died during interrogation."

A similar list, dated August 24, 1989 and signed by the Sulaymaniyah Governorate Security Director, gives the names of 87 persons and the dates of their executions. Many of them are charged with violent crimes for which they were never tried. Others are charged with belonging to separatist groups. One of them is named Dalshad Mohammad Amin Fatah Mriwan who was executed on March 13, 1989. Next to his name it is noted: "This criminal was a teacher of the Kurdish language at Shawrash Boys High School. He was teaching the Kurdish Language using Latin letters because of his chauvinistic and separatist beliefs, especially that he was one of the saboteur groups' intellectuals."

Another document, a handwritten memorandum, states that it was the commander for Iraq's northern regions, Ali Hassan al-Majid, now Defense Minister, who ordered the execution of civilians wounded during anti-government demonstrations in Halabja on May 14, 1987. The memo goes on to say al-Majid ordered that tanks and bulldozers should be used to raze the homes of the wounded. According to residents of Halabja, more than 100 persons disappeared after the mass arrests. In November 1991, townspeople discovered the

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[19]On December 25, our delegation watched a video of a torture session that had been confiscated from the secret police files in Sulaymaniyah. With us was the torture victim himself, a Kurdish teacher, Ahmed Ali Muhammad Ameen, who had been released two days earlier from prison in Baghdad.

[20]Iraq is believed to have five major security organizations, all of which have been used to varying degrees in the Kurdish region. In order of importance to the regime, there are: the *Haris al Khass* (originally a presidential bodyguard, they have expanded into two divisions); *the Al-Amn al Khass* (responsible for guarding strategic projects); *Istakhbirat* (military intelligence and counter-intelligence); *Jihaz al-Mukhabirat* (espionage and counter-espionage); and *Mudhiriyat al-Amn al-Aam* (anti-regime activities). The *Mudhiriyat al-Amn al-Aam* has five different branches (*shu'ba*), one of which is responsible for the Kurds.

[21]The list is attached to a letter from the Directorate of Security of the Sulaymaniyah Governorate and addressed to the General Directorate of Security, Section 2, reference code SH A T/15486.

grave of one of the missing, Muhammad Faraj Abdulla. Inside the grave they found Abdulla's watch still strapped around his lower right arm bone. The watch's hands had stopped moving at 2:30 p.m., May 16. At the time of our visit, Halabja residents had been unable to locate the other graves.

Iraqi bureaucrats kept meticulous records of the executions. In Erbil, Kurdish investigators gave us copies of dozens of official Iraqi secret police directives instructing hospital morgue workers to issue death certificates for executed "saboteurs" and then to send the bodies to the Erbil municipality for burial. Many of the documents list the names of the deceased and bear the warning: "The bodies are not to be taken to any other destination or given to anybody else, for which we will hold you personally responsible." Some documents appear to confirm eyewitness accounts that entire families were often executed together. For instance, one directive, marked "Confidential" and dated December 21, 1988, gives the names of 8 people whose surnames suggest they are closely related.[22]

This documentary evidence, coupled with the physical evidence recovered from the graves, will prove invaluable in any future international assessment of gross violations of human rights by the Iraqi government.

Emergency Police Headquarters, Sulaymaniyah

Until the March 1991 uprising, the Iraqi government's security organs in Sulaymaniyah were the Mudiriyat al-Amn whose headquarters were located near the city center and the Emergency Police, who were based in a residential neighborhood on the outskirts of the city. Under Iraqi rule, detainees were taken either to the secret police building or to the central security prison next door to the Emergency Police headquarters for interrogation and torture.

Today, displaced Kurds from the Kirkuk region are living in both police buildings, and the security prison has been converted into a primary school. Even so, evidence of the abuses that took place there are still evident at all three sites. Large steel hooks from which detainees were hung during torture sessions are still present in the Mudiriyat al-Amn building. Between the central security prison and Emergency Police building, five tires filled with cement mark the spot where hundreds of people were apparently executed.[23] Prisoners, blindfolded and with their hands tied behind their backs, were strapped to poles planted in the cement and then shot. We obtained several photographs of execution scenes which had been recovered from a police file.

People living near the execution site said they often heard screams and volleys of shots, but were threatened with death if they tried to peer into the high-walled compound. One man, however, observed an execution. Mohammad Amin, aged 20, said that he watched from his roof one summer evening in 1986 as several prisoners were tied to the posts and shot.

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[22]The document (No. G.Sh.M. 3072) is addressed to the Erbil Republican Hospital and signed by an official in the Erbil Province Security Forces. The official lists as his subject: "Corpses of Saboteurs." The names and date of birth of the deceased are: Hagi Aziz Asaad (1938), Mohammed Aziz Ahmed (1957), Nagat Khalid Asaad (1966), Ola Aziz Ahmed (1951), Ahmed Wisso Aziz (1970), Mohsin Abdalla Aziz (1955), Khalid Asaad Aziz (1931), and Abdalla Aziz Taha (1943).

[23]Officials of the Patriotic Union of Kurdistan, conducting a regional investigation of unmarked graves, estimate that 1,700 people, mostly detainees, were shot there between 1988 and 1989.

Another man said his brother, Karwan Hussein, aged 16, and his cousin, Tahir Hassan Abdul Raman, aged 32, along with seven others, were executed at the site on January 16, 1988, at 6 p.m. Both men had been detained while crossing through a prohibited zone outside Sulaymaniyah on their way to sell vegetables at the city market. On the night of the execution, a fellow prisoner and friend of Hussein's, Haji Abdul Rahman, stood on the shoulders of another inmate so as to see out of a small prison window. He watched as the nine men were first shot with automatic weapons and then finished off with pistol shots to the head.

Since November 1991, the Kurds have unearthed over 28 bodies in the vicinity of the execution site.[24] On one occasion, they recovered nine bodies from a common grave. Unable to identify the remains, they re-buried them in anonymous individual graves in the city cemetery.

Saywan Cemetery, Sulaymaniyah

For 30 years, Sadik Essa has dug graves on the hillsides of Saywan cemetery. There are other grave yards in the city, but Saywan is the largest and it is here that many hundreds of executed prisoners were buried over the past two decades. Essa, now 63 years old, can neither read nor write but he vividly recalls many of the faces of those he has laid to rest:

> I must have buried 600 or more--all killed by the police between 1985 and 1989. Sometimes they were peshmerga, sometimes women, sometimes children. Sometimes they'd been tortured. There were other grave diggers but I'm sure I buried most of them. Sometimes I'd be called to the hospital or to the morgue or directly to the secret police [headquarters] to bring the bodies. On more than one occasion I was warned to keep my mouth shut. But I didn't. If relatives appeared I would tell them to go and that I'd give [the body] to them secretly at night. Sometimes if I recognized someone, I'd go directly to the family. Those I didn't recognize I'd bury with their clothes on, so it would be easier to identify them later....I remember once, in a four-day period around New Year's day 1988, another grave digger and I buried between 75 and 80 bodies--all with gunshot wounds in the head. Another time the Iraqis brought us the bodies of 21 Kurds who they said were deserters from the [Iraqi] army. The soldiers made us get in the truck with the bodies, and we drove up to Sardaw, military base, where we buried them.

Sadik Essa led our delegation to a section of Saywan cemetery now called "Girdy Shahidan," or "Hill of the Martyrs." It was here that he had buried most of the bodies sent to him by the secret police. With Essa's assistance, we exhumed four unmarked graves (*see* Appendix B).

[24] We also discovered two new graves near the execution site. However, because of heavy rain we were unable to remove the remains.

The following day, at the Sulaymaniyah morgue, Drs. Snow and Burns studied the remains. They found that two of the four skeletons showed signs of violent trauma. They were males, still clothed in jackets and trousers, and they bore single gunshot wounds to the head. Another skeleton, also a male, was determined not to be one of the execution victims and was reburied.[25]

The fourth skeleton, a female in her mid- to late-thirties, also showed no apparent signs of trauma. But clues as to her identity and the circumstances surrounding her death gradually fell into place. To begin with, Sadik Essa recalled having buried the woman. Although he could not recall the exact month or year, he remembered that she was attractive, and that she had bruises around her neck, as if she had been strangled.

Back at the morgue, a pathologist's assistant named Anwar Ali Mohammad provided another clue. He recognized the woman's clothing. He also recalled that she had ligature marks on her neck. Searching in the morgue files, Ali Mohammad found an entry for a woman named Gula Karim Ahmed whose body had been brought to the morgue by Iraqi soldiers on November 24, 1989. The autopsy report stated that she had been hanged to death by a rope. Mohammad was certain Gula Karin Ahmed and the skeleton were one and the same. But even though the body had been identified, it was sent to the cemetery for an anonymous burial.

Dabashan Hill, Sulaymaniyah

Dabashan Hill is one of many barren hills that surround the city of Sulaymaniyah. It is uninhabited, and no trees grow there. On April 7, 1991, two days after the Iraqis re-captured Sulaymaniyah, Dabashan Hill became a mass burial ground.

On that day, Ahmad Sharif, a 50-year-old bulldozer operator, was summoned to the city morgue and ordered by an Iraqi officer to bury 25 bodies at various locations outside of the city. He suspected that they had been killed either when the Iraqis shelled the city or later, after Iraqi soldiers had occupied the city and begun shooting civilians as they fled.[26]

"I didn't leave the city during the Iraqi attack," Sharif said. "What I saw was unbelievable. Iraqi tanks and airplanes shelled indiscriminately everywhere. There was panic, with people fleeing in every direction. Helicopter gunships even followed people and shot them."

For two days, Sharif arrived at the morgue early in the morning. He loaded 10 or 12 bodies into the bulldozer shovel and then drove up to Dabashan Hill. "The bodies I took represented only a small number of the dead," he said. "I know because as I drove along the road that circles the city, I saw people sprawled out along the embankment. Some were dead. Others were dying from their wounds."

On December 25, 1991, Sharif took our delegation to the southern slope of Dabashan Hill. We were accompanied by members of the Patriotic Union of Kurdistan (PUK). Sharif said at least 13 bodies were buried at this site, and a further 12 bodies were in a single grave on the other side of the hill. Using the

[25]The grave digger, in fact, realized he had made a mistake once the skeleton, devoid of any clothes, was exposed.

[26]Other residents of Sulaymaniyah told our delegation of specific incidents where Iraqi soldiers had opened fire on unarmed civilians, including children, as they fled the city during the siege in early April.

bulldozer, Sharif skimmed away a four-foot layer of soil, exposing a badly decomposed corpse. The body was that of a woman with massive perimortem trauma to the skull.[27] Local residents identified one of her garments as a prayer mantle of the kind only used by older women.

Sardaw Military Base, Sulaymaniyah

Built in 1988, as the Iraq-Iran war was winding down, Sardaw Military Base became one of the largest Iraqi military installations in northeastern Iraq. For the Kurds, however, Sardaw, with its acres of turreted walls and barbed wire overlooking the city, was nothing more than an enduring symbol of Iraqi oppression. During the March 1991 uprising, residents of Sulaymaniyah took over the base and, wielding sledgehammers and picks, reduced it to rubble. Later that year, in July, while looking for scrap water pipes, a poor family uncovered several unmarked graves.

As of December 1991, The Kurds had uncovered 145 graves in Sulaymaniyah. Of these, forty five have been discovered on the grounds of the Sardaw military base. Nineteen of the skeletons have been identified by their uniforms as Iranian soldiers, twenty six others as Kurds.

[27]Clyde Snow performed a cursory examination of the body. On the left side of the cranial vault he found "a semicircular opening 1.5 centimeters in diameter which shows an external bevel characteristic of an exit wound. On the right side loss of bone prevents determination of wound entry outside of a laboratory environment. In conclusion, she appears to have been killed by a bullet wound to the right side of the skull, exiting transversely from the left side of the skull."

Among the Kurdish dead at Sardaw was Khabat Mohammad Garib. Garib, aged 23, was arrested at his home by the Iraqi secret police on October 17, 1985. Forced from his bed, Garib hurriedly pulled on a pair of trousers but kept his pajama shirt on. He was then taken to the secret police headquarters. According to a document found there after the uprising, Garib had been arrested because he had "a quantity of publications belonging to hostile parties" in his possession.[28] The day after Garib's arrest, he and ten other detainees were executed by firing squad. Another prisoner, Yassin Arif Nadir, who was arrested at the same time, "died during interrogation," according to the Security Directorate of the Sulaymaniyah Governante.

Garib's older brother, Araz Mohammad Garib, is one of two Kurdish officials now excavating the unmarked graves in Sulaymaniyah. "In my younger brother's case, my family tried every possible means to find out what had happened to him," Araz said in an interview. "We sent letters to the local authorities, to the president...we even gave presents to the security police. They said not to worry, he was alive, detained in another place." In October 1991, on the grounds of the base, Araz and a team of workers uncovered the remains of his brother. The pajama top, made partially of nylon, was still intact. Garib's body was found alongside the graves of ten other men--all of whom were later identified by their clothes as the group executed six years earlier.

"Now that my brother is identified, [my family] is in a better state," Araz said. "It was important for us to bury him properly. We did the same for the nine others. Thousands of people came to the re-burial, which was especially important for the community because it meant that if we were able to find these men, then maybe others could be located as well."

As for the Iranian soldiers, the Kurds believe that the Iraqis executed them after their capture: if it were true, this would be a grave breach of the Geneva Convention classified as a "war crime." During our stay in Sulaymaniyah, we exhumed four graves at Sardaw. Inside we found the skeletons of what appeared to be Iranian pilots. Still dressed in their uniforms, two of the skeletons were found with glass jars between their legs. Inside the jars were Iranian military identification cards. Two of the four bore single gunshot wounds to the head.

Later, in interviews with local residents, we reconstructed the story of how the Iranian soldiers had come to be buried at the base. Farad Mohammad and Jamal Rasool said that, in spring 1985, two years before the base was built, they were secondary students and that their class often went to Saywan hill on outings. On one occasion, the students arrived there and found the bodies of several Iranian soldiers. Some of them were still in uniform. They then notified local residents, who called the municipality, which, in turn, dispatched a local grave digger, Sadik Essa, to the site.

Essa examined the bodies and found that many of them had intravenous needles in their forearms. He speculated that they were captured Iranian soldiers who had been hospitalized by the Iraqis and then later executed in retaliation for an Iranian attack. "I could see some of them had been shot in the head," he said.

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[28]The document is dated July 14, 1989. It gives the names of the "criminals...ordered to be executed by the Respected Director General" and states that "no death certificates have been issued for them." In addition to Khabat Mohammad Garib and Yassin Arif Nadir, the document lists the following persons as having been executed on October 18, 1985: Dilair Abdulla Aziz, Tahir Mohammad Omar Amanj Tahir Mohammad Omar, Asso Tahir Mohammad Omar, Hussain Sharif Mohammad, Zaradasht Hussain Sharif, Awat Mohammad Sharif, Amanj Ahmad Gafoor, Bahrooz Sardar Abdulrahman, and Dilair Faiq Ali.

"And on some of them I found identification papers and even photographs of their families. I placed these things in glass jars and, as I buried them, I placed the jars between their legs."

Black Hill Cemetery, Erbil

Gerda Rash, or Black Hill Cemetery, is located 7 miles outside of Erbil and six miles east of the Iraqi army's front line. There are 12 cemeteries in Erbil, but, according to our informants, Gerda Rash was the principal cemetery used by the Iraqis in the late 1980s to bury their victims.

Today, the cemetery is known as Shahidan, or "Place of the Martyrs," and it is pockmarked with open pits and mounds of tattered clothing. In recent months, Kurdish investigators have exhumed dozens of graves there. In November, for example, they uncovered a mass grave containing the remains of 23 villagers from Shaqlawa. According to residents of the village, they had been arrested in Shaqlawa on October 16, 1987, and never heard from again. Relatives identified most of them by their teeth and shoes.

No one knows how many of those who were killed in the two decades are now buried in Gerda Rash. But grave diggers say that they interred the bodies of many hundreds of Kurdish prisoners there in the 1980s. Dozens of bodies have now been exhumed, but many, if not most, of them remain unidentified. In such cases, grave diggers reinter the remains and leave clothing remnants, secured with a rock, on top of the grave. Some day, they hope, a relative will come by and recognize the clothing.

As we walked past row after row of unmarked graves, a municipal grave digger named Hamad Sa'id Ahmad recounted how he had been ordered by Iraqi police and army officers to bury their victims. Two weeks earlier, Ahmad himself had discovered the grave of his disappeared brother, who he identified by his dentures. There was one case, however, that seemed to horrify Ahmad more than the others:

> It was in the Autumn of 1986. I was called to the hospital morgue soon after the attempted assassination of the governor of Erbil, Ibrahim Z'angang. In fact, it was the fourth attempt. An Iraqi officer met me at the morgue entrance and took me to a security police vehicle. Inside were the corpses of about 19 young men. Their bodies were riddled with bullets, their hands were tied behind their backs, and they were blindfolded. The officer said I was to bury these `dogs.' Later, the morgue workers told me that these young men were students who had been randomly rounded up and shot by a firing squad only a few hours earlier. It was nothing more than retaliation for the botched execution attempt, a way of warning the Kurds....So I went with the officer and the bodies to the cemetery. Traditionally, we wash the dead before burial and then wrap them in a white cloth. But the officer wouldn't allow it. He said it had to be done quickly. So I buried them with their clothes on. However, I did manage to place stones around the bodies and to turn their heads toward Mecca.

Two members of our delegation--Clyde C. Snow and Karen Burns--opened one of the graves that Hamad Sa'id Ahmad said contained the bodies of the executed students. They removed a skull. It bore two entrance and exit wounds that appeared to have been caused by an automatic weapon put on multiple lock hold. The skull was that of a young male aged 16 or 17. And a blindfold, a thick red material, like a turban, was drawn across the eye sockets and tied at the base of the skull.

Mass Graves in Southern Iraq

The Kurds estimate around 180,000 people disappeared in the Iraqi army's drive against them in the mid-1980s; though, how they reached this estimate is unclear. According to Kurdish officials, the tactics the Iraqi forces used followed a set pattern. The Army would encircle villages supportive of the guerrillas with Kurdish militia loyal to the government. This would be followed by artillery bombardment and aerial attacks, often with poison gas. The survivors would then be rounded up and sent to transfer points such as Dihuk. There the "lucky ones" were sent to live in encampments on a bleak desert strip outside Erbil. Many others, however, were crowded on to trucks and taken to camps near Kirkuk. Thereafter, many of them disappeared.[29]

Until recently, little was known about the fate of these people. For one thing, the Iraqis routinely denied that the Anfal campaign had ever taken place. By 1990, however, information began to leak through Baghdad's seemingly impenetrable security system. One of the first revelations that the Anfal was real came in the form of a letter sent from President Hussein's offices in Baghdad to a an ex-soldier and former prisoner of war named Assi Mujstafa Ahmad.

Assi Mujstafa Ahmad is a Kurd. He is now 35-years-old, and his home is in a village near Sulaymaniyah. In 1981, Ahmad joined the Iraqi army. A year later, he was captured by the Iranians. He spent 8 years as a prisoner of war in an Iranian jail outside of Tehran. Then, in September 1990, he was suddenly released in a prisoner exchange. He returned to his village only to find his home demolished and his entire family--his wife, his daughter, and his two sons--missing. On October 4, he wrote a letter to Saddam Hussein, pleading for information about the whereabouts of his family.[30]

Three weeks later, Assi Mustafa Ahmad received the following letter from the Presidency of the Republic of Iraq:

October 29, 1990
Number SA/B/4/16565

Mr. Assi Mustafa Ahmad
.....

Your petition dated October 4, 1990. Your wife and children were lost during the Anfal Operations conducted in the Northern Region in 1988.

With regard,

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[29]Several Kurdish peshmerga and civilians told us that the Iraqi army followed this kind of *modus operandi* during the Anfal campaign. *Also see* Peter Galbraith, *Kurdistan in the Time of Saddam Hussein--A Staff Report to the Committee on Foreign Relations of the United States Senate* (Washington, D.C.: U.S. Government Printing Office, November 1991), pp. 38-39.

[30]On December 26, 1991, Assi Mustafa Ahmad gave our delegation this letter and a copy of the response he received from the central government in Baghdad.

Signed,
Sa'adoon Alwan Muslih
for the Chief of Presidency

In Sulaymaniyah, we interviewed Abdulla Hassan Salih, a Kurd and a former captain in the Iraqi military intelligence who defected to the peshmerga in 1988. Salih, aged 30, said that he both witnessed and heard other officers talk about mass deportation and executions in the late 1980s.

Salih left secondary school in 1978 and rose quickly to the rank of Lieutenant. He fought in the Iran-Iraq war and, in 1986, President Saddam Hussein personally honored him because of his bravery. He was then promoted to captain and sent to Kirkuk to serve with the 1st Army Corp. "It was in February 1988," Salih recalled. "I don't remember the exact date, but I was there when Ali Hassan al-Majid gave the orders to begin the Anfal operations. The entire operation was to be kept secret." Soon thereafter, Salih says the commander of the 1st Army Corp summoned all the commanders from the region, as well as the heads of the Kurdish militia, to his headquarters to tell them about the plan. "As a Kurd, this upset me a great deal," Salih said. He then made contacts with the peshmerga and later defected.

Most of what Abdulla Hassan Salih knows about the Anfal operation came from documents he saw at the Army headquarters or from what he heard from fellow officers in the field. However, he said that, in 1987, he watched the execution of fourteen civilians near Chwarta, a town just north of Sulaymaniyah, following a chemical attack. As for the mass deportations, Salih said that it was common knowledge in the officers corps that military convoys transported people to the south. "They used to send them first to the Karadow area, [south of Erbil]. There they used to execute a few and then send the others to [southern Iraq]....These people were taken to Amadi or to the border of Saudi Arabia, at least that is what my friends [who were also officers] told me."

During the March 1991 uprising, the Kurds found only a few secret police records that specifically refer to the Iraqi army's activities during the Anfal operation.[31] According to Kurdish investigators now examining secret police files in Sulaymaniyah, the paucity of official documentation on the Anfal is partly because only the top brass were allowed to know about the full extent of the operation and partly because the Kurds suspect that all written communications about the Anfal were sent in code.

Even so, a few official memoranda escaped censorship. In a memorandum dated October 29, 1988, for example, the Director for Security of Sulaymaniyah informs his superiors that in recent months "(2532) persons and (1869) families numbering (6030) persons were sent to the Popular Army Camp in Ta'amim Governorate. These persons were arrested during the heroic Anfal Operation."[32] To date, the whereabouts of these people has never been disclosed.

[31]Interview with Ako Mohammad Wahbi, an official with the Patriotic Union of Kurdistan who is in charge of the investigation of the secret police records recovered in Sulaymaniyah, on December 26, 1991.

[32]The memorandum bears the seal of Directorate General of Security of Sulaymaniyah, Reference No. 25163, and is marked "Secret and Personal and to be Opened by Addressee."

Now, a fifteen-year-old boy living near Sulaymaniyah may have an explanation for what happened to them and may similarly have happened to tens of thousands of other Kurds who vanished after being abducted from their villages during the Anfal.[33] Taymur Abdulla says that, in August 1988, he was trucked down to the Iraq/Saudi border with his mother, sisters, and other villagers.

He recalls first being taken to a transfer camp called Koratu. They stayed there, under military guard, for ten days. Next, they were transferred by trucks to Topzwa, where they remained for several weeks. There, he says, the women and children were separated from the men, who were put on trucks and taken away. Days later, Taymur, along with the women and
children from his village, were transported on covered military trucks across the desert without food or water. Three children died during the journey.

He says he lost track of time, but remembers it was dark when the truck finally stopped. Soldiers ordered everyone out of the truck and herded them into pits. Each hole contained the occupants of one truck. Standing on the mounds of dirt above them were soldiers with automatic weapons.

"I remember being next to my mother and sisters in the hole, but in the confusion we were separated," he said. "Then the shooting began. When the first bullet hit me, I ran to a soldier and grabbed his hand."

The soldier threw Taymur back into the pit. The soldiers opened fire again, and the boy was wounded in the shoulder. After the firing had ceased, some of the soldiers left while others milled around. Though badly wounded in the shoulder and back, Taymur managed to climb out of the pit unnoticed and hid in an empty hole nearby. Taking advantage of the dark, he eventually climbed out of the pit and fled.

He walked for what seemed several hours until he came to a Bedouin camp. There, he found refuge with a family who, recognizing his Kurdish clothing, dressed his wounds and hid him. Three days later, the family sent him to stay with their relatives in Al-Samawah. Taymur says he spent two years there before returning to Kurdistan to live with his uncle.

[33]We interviewed Taymur Abdulla and examined his wounds in Erbil on December 29, 1991.

IV. CONCLUSION

A seven day visit to Kurdistan could never document the extent of Iraqi human rights violations over a period of two decades. Even so, if our findings in only one small area of the region hold true for other areas, then substantial evidence exists to support the proposition that Iraq has committed crimes against humanity in Kurdistan. Article 6 of the Charter of the Nuremberg Tribunal defines crimes against humanity as: "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime...whether or not in violation of the domestic law of the country where perpetrated."[34]

Iraq's conduct in Kurdistan raises a serious question as to whether the government of Saddam Hussein has committed acts of genocide against the Kurdish people. However, before that determination can be made, a more extensive and thorough investigation than has been conducted to date needs to be carried out by the international community. Middle East Watch has commenced such an investigation, which also requires the participation of others, including the United Nations.

Both the government of Saddam Hussein and his Ba'ath party are responsible not only for gassing, deporting, and massacring Kurds but for destroying some 4,000 Kurdish villages. Article II of the "Convention on the Prevention and Punishment of the Crime of Genocide," adopted by the U.N. General Assembly on December 9, 1948 and acceded to by the Iraqi government in 1959, defines genocide as meaning:

> [A]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intending to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Article III of the Convention states: "The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide."[35]

However one chooses to interpret these serious crimes, we believe the international community, and particularly the United Nations, has a moral responsibility to help the Kurds conduct a thorough and impartial

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[34] *See* William W. Bishop, Jr., *International Law: Cases and Materials* (Boston: Little, Brown and Company, 1962), pp. 839-843.

[35] Article IV of the Convention specifies that "Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." In this regard, the legislative history of the Convention, as then U.S. Deputy Under Secretary of State stated in 1950, "shows that the United Nations negotiators felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide, but rather that genocide meant the partial destruction of such a group with the intent to destroy the entire group concerned." *See* Louis B. Sohn and Thomas Buergenthal, *International Protection of Human Rights* (New York: The Bobbs-Merill Company, Inc., 1973), p. 915.

investigation of the gross violations of human rights described here and in other reports. As the Kurds readily admit, they have neither the resources or training to undertake this enormous task by themselves. International assistance for this effort should aim to improve methods and procedures for the collection, analysis, and preservation of anecdotal, documentary, and medicolegal evidence.

A. Anecdotal Evidence. We found that very little was being done to record oral testimony from victims of abuse and their families in Kurdistan. There is an urgent need to develop standardized questionnaires so that anecdotal evidence can be collected quickly and systematically.

B. Documentary Evidence. The Kurds now have a huge volume of secret police documents that need to be preserved, translated, and analyzed. It appears that this can only be done at a safe location outside of Kurdistan. Moreover, a single, centralized system will ensure that the information can be thoroughly checked and cross-referenced. Middle East Watch is currently engaged in efforts to establish an archive to permit such study and analysis.

C. Medicolegal Evidence. We found that the task of exhumation, retrieval of pre-mortem evidence (e.g. dental and medical records and X-rays), and identification of the human remains is far beyond the capabilities of local institutions in Kurdistan. We also found that most exhumations have been primarily carried out solely for the purpose of identification of the deceased rather than to establish the cause and manner of death. In addition, vital evidence, such as bullets, teeth, and bone fragments, have been lost because of improper excavation methods. Most importantly, we found our Kurdish colleagues were eager to learn more about forensic archeology and anthropology. To this end, international assistance should be provided for this training.

In our view, substantial evidence exists to warrant a U.N. supervised investigation into the charge that, in 1988, the Saddam Hussein government deported tens of thousands of Kurds to southern Iraq where they were killed and buried in mass graves. As a first step, the U.N. should visit Kurdish displaced persons camps, primarily in the Kirkuk and Dihuk regions, to interview refugees who may have witnessed the deportation of family or fellow villagers to the south. Establishing the truth in this matter may also require a large-scale forensic investigation aimed at trying to locate and excavate the putative graves.

APPENDIX A

Minnesota Protocol II
Model Protocol for Disinterment and Analysis of Skeletal Remains

Appendix A is part of the *Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, published by the United Nations in 1991. The purpose of the manual is to aid judges, lawyers, forensic specialists, law enforcement personnel, advocates of human rights, and relatives of victims of human rights abuses in the investigation of the following deaths: (a) political assassinations; (b) deaths resulting from torture or ill-treatment in prison or detention; (c) death resulting from enforced "disappearances"; (d) deaths resulting from the excessive use of force by law enforcement personnel; (e) executions without due process; and (f) acts of genocide. For information on how to obtain a copy of the manual in English, Spanish, or other languages, telephone or write to the United Nations, Sales Section, New York, NY 10017 (Telephone: 212/963-8302).

Model Protocol for Disinterment and Analysis of Skeletal Remains

A. Introduction

This proposed model protocol for the disinterment and analysis of skeletal remains includes a comprehensive checklist of the steps in a basic forensic examination. The objectives of an anthropological investigation are the same as those of a medicolegal investigation of a recently deceased person. The anthropologist must collect information that will establish the identity of the deceased, the time and place of death, the cause of death and the manner and or mode of death (homicide, suicide, accident or natural). The approach of the anthropologist differs, however, because of the nature of the material to be examined. Typically, a prosecutor is required to examine a body, whereas an anthropologist is required to examine a skeleton. The prosecutor focuses on information obtained from soft tissues, whereas the anthropologist focuses on information from hard tissues. Since decomposition is a continuous process, the work of both specialists can overlap. An anthropologist may examine a fresh body when bone is exposed or when bone trauma is a factor. An experienced prosecutor may be required when mummified tissues are present. In some circumstances, use of both this protocol and the model autopsy protocol may be necessary to yield the maximum information. The degree of decomposition of the body will dictate the type of investigation and, therefore the protocol(s) to be followed.

The questions addressed by the anthropologist differ from those pursued in a typical autopsy. The anthropological investigation invests more time and attention to basic questions such as the following:

(a) Are the remains human?

(b) Do they represent a single individual or several?

(c) What was the decedent's sex, race, stature, body weight, handedness and physique?

(d) Are there any skeletal traits or anomalies the could serve to positively identify the decedent?

The time, cause and manner of death are also addressed by the anthropologist, but the margin of error is usually greater than that which can be achieved by an autopsy shortly after death.

This model protocol may be of use in many diverse situations. Its application may be affected, however, by poor conditions, inadequate financial resources or lack of time. Variation from the protocol may be inevitable or even preferable in some cases. It is suggested, however, that any major deviations, with the supporting reasons, should be noted in the final report.

B. Proposed model skeletal analysis protocol

1. Scene investigation

A burial recovery should be handled with the same exacting care given to a crime-scene search. Efforts should be co-ordinated between the principal investigator and the consulting physical anthropologist or archaeologist. Human remains are frequently exhumed by law enforcement officers or cemetery workers unskilled in the techniques of forensic anthropology. Valuable information may be lost in this manner and false information is sometimes generated. Disinterment by untrained persons should be prohibited. The consulting anthropologist should be present to conduct or supervise the disinterment. Specific problems and procedures accompany the excavation of each type of burial. The amount of information obtained from the excavation depends on knowledge of the burial situation and judgement based on experience. The final report should include a rationale for the excavation procedure.

The following procedure should be followed during disinterment:

(a) Record the date, location, starting and finishing times of the disinterment, and the names of all workers;

(b) Record the information in narrative form, supplemented by sketches and photographs;

(c) Photograph the work area from the same perspective before work begins and after it ends every day to document any disturbance not related to the official procedure;

(d) In some cases, it is necessary to first locate the grave within a given area. There are numerous methods of locating graves, depending on the age of the grave:

(i) An experienced archeologist may recognize clues such as changes in surface contour and variation in local vegetation;

(ii) A metal probe can be used to locate the less compact soil characteristics of grave fill;

(iii) The area to be explored can be cleared and the top soil scraped away with a flat shovel. Graves appear lighter than the surrounding ground because the darker topsoil has mixed with the lighter subsoil in the grave fill. Sometimes a light spraying of the surface with water may enhance a graves outline;

(e) Classify the burial as follows:

(i) Individual or comingled. A grave may contain the remains of one person buried alone, or it may contain the comingled remains of two or more persons buried either at the same time or over a period of time;

(ii) Isolated or adjacent. An isolated grave is separate from other graves and can be excavated without concern about encroaching upon another grave. Adjacent graves, such as in a crowded cemetery, require a different excavation technique because the wall of one grave is also the wall of another grave;

(iii) Primary or secondary. A primary grave is the grave in which the deceased is first placed. If the remains are then removed and reburied, the grave is considered to be secondary;

(iv) Undisturbed or disturbed. An undisturbed burial is unchanged (except by natural processes) since the time of primary burial. A disturbed burial is one that has been altered by human intervention after the time of primary burial. All secondary burials are considered to be disturbed; archeological methods can be used to detect a disturbance in a primary burial;

(f) Assign an unambiguous number to the burial. If an adequate numbering system is not already in effect, the anthropologist should devise a system;

(g) Establish a datum point, then block and map the burial site using an appropriate-sized grid and standard archeological techniques. In some cases, it may be adequate simply to measure the depth of the grave from the surface to the skull and from the surface to the feet. Associated material can then be recorded in terms of their position relative to the skeleton;

(h) Remove the overburden of earth, screening the dirt for associated materials. Record the level (depth) and relative co-ordinates of any such findings. The type of burial, especially whether primary or secondary, influences the care and attention that needs to be given to this step. Associated materials located at a secondary burial site are unlikely to reveal the circumstances of the primary burial but may provide information on events that have occurred after that burial;

(i) Search for items such as bullets or jewelry, for which a metal detector can be useful, particularly in the levels immediately above and below the level of the remains;

(j) Circumscribe the body, when the level of the burial is located, and, when possible, open the burial pit to a minimum of 30 cm on all sides of the body;

(k) Pedestal the burial by digging on all sides to the lowest level of the body (approximately 30 cm). Also pedestal any associated artifacts;

(l) Expose the remains with the use of a soft brush or whisk broom. Do not use a brush on fabric, as it may destroy fibre evidence. Examine the soil found around the skull for hair. Place this soil in a bag for laboratory study. Patience is invaluable at this time. The remains may be fragile, and interrelationships of elements are important and my be easily disrupted. Damage can seriously reduce the amount of information available for analysis;

(m) Photograph and map the remains *in situ*. All photographs should include an identification number, the date, a scale and an indication of magnetic north;

(i) First photograph the entire burial, then focus on significant details so that their relation to the whole can be easily visualized;
(ii) Anything that seems unusual or remarkable should be photographed at close range. Careful attention should be given to evidence of trauma or pathological change, either recent or healed;

(iii) Photograph and map all associated materials (clothes, hair, coffin, artifacts, bullets, casings etc.). The map should include a rough sketch of the skeleton as well as any associated materials;

(n) Before displacing anything, measure the individual:

(i) Measure the total length of the remains and record the terminal points of the measurement, e.g. apex to plantar surface of calcaneus (note: This is not a stature measurement);

(ii) If the skeleton is so fragile that it may break when lifted, measure as much as possible before removing it from the ground;

(o) Remove all elements and place them in bags or boxes, taking care to avoid damage. Number, date and initial every container;

(p) Excavate and screen the level of soil immediately under the burial. A level of "sterile" (artifact-free) soil should be located before ceasing excavation and beginning to backfill.

2. Laboratory analysis of skeletal remains

The following protocol should be followed during the laboratory analysis of the skeletal remains:

(a) Record the date, location, starting and finishing times of the skeletal analysis, and the names of all workers;

(b) Radiograph all skeletal elements before any further cleaning:

(i) Obtain bite-wing, apical and panoramic dental X-rays, if possible;

(ii) The entire skeleton should be X-rayed. Special attention should be directed to fractures, developmental anomalies and the effects of surgical procedures. Frontal sinus films should be included for identification purposes;

(c) Retain some bones in their original state; two lumbar vertebrae should be adequate. Rinse the rest of the bones clean but do not soak or scrub them. Allow the bones to dry;

(d) Lay out the entire skeleton in a systematic way:

(i) Distinguish left from right;

(ii) Inventory every bone and record on a skeletal chart;

(iii) Inventory the teeth and record on a dental chart. Note broken, carious, restored and missing teeth;

(iv) Photograph the entire skeleton in one frame. All photographs should contain an identification number and scale;

(e) If more than one individual is to be analyzed, and especially if there is any chance that comparisons will be made between individuals, number every element with indelible ink before any work is begun;

(f) Record the condition of the remains, e.g. fully intact and solid, eroding and friable, charred or cremated;

(g) Preliminary identification:

(i) Determine age, sex, race and stature;

(ii) Record the reasons for each conclusion (e.g. sex identity based on skull and femoral head);

(iii) Photograph all evidence supporting these conclusions;

(h) Individual identification:

(i) Search for evidence of handedness, pathological change, trauma and developmental anomalies;

(ii) Record the reasons for each conclusion;

(iii) Photograph all evidence supporting these conclusions;

(i) Attempt to distinguish injuries resulting from therapeutic measures from those unrelated to medical treatment. Photograph all injuries:

(i) Examine the hyoid bone for cracks or breaks;

(ii) Examine the thyroid cartilage for damage;

(iii) Each bone should be examined for evidence of contact with metal. The superior or inferior edges of the ribs require particular scrutiny. A dissecting microscope is useful;

(j) If the remaisn are to be reburied before obtaining an identfication, retain the following samples for further analysis:

(i) A mid-shaft cross-section from either femur, 2 cm or more in height;

(ii) A mid-shaft cross-section from either fibula, 2 cm or more in height;

(iii) A 4-cm section from the sternal end of a rib (sixth, if possible);

(iv) A tooth (preferably a mandibular incisor) that was vital at the time of death;

(v) Sever molar teeth for possible later deoxyribonucleic acid fingerprinting for indentification;

(vi) A cast of the skull for possible facial reconstruction;

(vii) Record what samples have been saved, and label all samples with the identification number, date and name of person who removed the sample.

3. Final report

The following steps should be taken in the preparation of a final report:

(a) Prepare a full report of all procedures and results;

(b) Include a short summary of the conclusions;

(c) Sign and date the report.

APPENDIX B

Human Skeletal Remains Exhumed from Saywan Cemetery, Sulaymaniyah, Iraq, on December 27-28, 1991

Date of Disinterment: December 27-28, 1991
Location: Saywan Cemetery, Martyr's Hill
Sulaymaniyah, Iraq

Date of Examination: December 28, 1991
Location: Sulaymaniyah City Morgue

Persons Responsible for Excavation and Examination:Karen Burns
Burney McClurkan
Clyde C. Snow
Pamela Blotner
Eric Stover

Background: The entire day of 27 December was spent at Saywan Cemetery in an area known as the "Hill of Martyrs." Many unidentified persons were buried in this part of the cemetery. Some of the unidentified were execution victims whose bodies had been given to the cemetery workers to bury in secret. A grave digger who was present to locate some of these graves explained that he did the best he could to bury the victims properly with the restrictions given. Without the help of the family, the clothing was not removed and bodies were not washed or shrouded according to custom. The victims were, however, placed in the proper position in the ground and the graves were marked by rough slabs of stone at the head and foot. Many of the headstones were dabbed with blue paint to indicate that the remains were unidentified.

On December 27, two graves (No.1 and No. 2) were opened side-by-side. The shallowest burial--designated No. 2--was removed. On the same day, a third grave--designated No. 3--was opened across the road from the first two and the remains were removed.

On December 28, the remains were removed from grave No. 1. This grave was approximately a meter deeper than grave No. 2. Grave No. 4 was opened also and a fourth set of remains was disinterred.

All four skeletons were cleaned at the Sulaymaniyah City Morgue on December 28. They are described by number in the following section.

Grave No. 1, Saywan Cemetery

Summary: This grave was deeper and older than the adjacent grave, No. 2. It appears to be a traditional burial in that no clothes or sewing threads are evident. it also appears to have been buried much longer than the others in that the bones are markedly deteriorated. It was determined that this was not one of the execution victims and examination was curtailed.

Skeletal Description: The outer cortex of bone is separated and breaking away. The smaller bones are incomplete and friable.

Dental Description: None

Race: Caucasian

Sex: Male

Age at Death: Elderly

Stature: Not established

Trauma: None noted

Grave No. 2, Saywan Cemetery

Summary: The skeleton is that of a young man with a bullet entry wound in the dorsal aspect of the skull. The exit wound is through the upper neck. There is some crowding of the anterior teeth and evidence of a broken nose. Clothes are present.

Skeletal Description: The bone is free of all soft tissue, deeply stained, and without cortical erosion.

Handedness: There is evidence that he was right-handed.

Dental Description: Third molars are erupted. Caries present on mandibular second molars (#18 & #31). Anterior malalignment: maxillary lateral incisors both overlap the lateral margins of central incisors. There is lingual displacement of one mandibular central incisor.

Race: Caucasian

Sex: Male

Age at Death: Young adult, 17 - 22 years old. The vault sutures are patent, S1/2 is unfused, the medial clavicle is unfused, and other late-closing epiphyses are in the final stages of fusion.

Stature: 5'8" or 173 cm. (range 167.53 - 179.53 cm.)

Pre-mortem Disease/Trauma: The nasal bridge is prominent and deviated to the left, suggesting an old, healed nasal fracture. Otherwise, the skeleton displays no osseous pathologies that would be reflected in the deceased's medical history.

Post-mortem Trauma: An ovoid entry wound is located 40 mm. posterior to the coronal suture and 35 mm. lateral to the sagittal suture in the right parietal bone. The wound measures 11 mm. transversely and 9 mm. from anterior to posterior. An exit wound is located in the base of the skull. It is an irregular defect measuring approximately 16 mm. by 11 mm. and located lateral to the left mandibular fossa. There is traumatic damage associated with the gunshot wound involving the lateral superior articular facet of C2 and the anterior wall of the transverse foramen of C3.

Grave No. 3, Saywan Cemetery

Summary: The skeleton is that of an adult woman who has borne children. There are no visible wounds on the skeleton. The clothes from this woman were identified by the assistant to the pathologist, Anwar Ali Mohammad. Mohammad's description of the woman was consistent with the skeletal description to the extent possible. The woman's morgue records were located by Mohammad and the name of the deceased was said to be Gula Karim Ahmed. She had been brought to the morgue by Iraqi soldiers on November 24, 1989, after being hung to death by a rope. From the morgue, her body had been sent to the cemetery for anonymous burial.

Skeletal Description: The bone is exposed but still in association with both skin and muscle tissue. The conditions of the burial are consistent with anaerobic decomposition. (Thick, nonorganic clay soil, soaked by a slow water flow from an uphill fountain.) The sternum is fused; L5 is fused with the sacrum, early stage osteophytosis is apparent on the vertebral bodies, parturition scarring is present as well as deep preauricular sulcus.

Handedness: The person was right handed.

Dental Description: Adult dentition with attrition extending into the dentin and extensive periodontal disease.

Race: Caucasian

Sex: Female

Age at Death: Adult, 31 - 39 years old.

Stature: 5'2" or 157 cm. (range 150-164 cm.).

Hair: Dark brown, in braids.

Trauma: None apparent.

Grave No. 4, Saywan Cemetery

Summary: This skeleton is that of an adult man. There is a gunshot wound through the skull. The entrance is in the left side of the skull, exiting on the right. This appears to be a double entry wound, probably from an automatic weapon. One severely eroded projectile was recovered from the interior of the skull. Clothes are present.

Skeletal Description: The bone is free of all soft tissue, deeply stained, and without cortical erosion. The vertebral column is normal; S1/2 is closed; ribs are normal; the body of the sternum is skewed; all postcranial epiphyses are closed and no osteophytosis is apparent.

Handedness: The person was right handed.

Dental Description: Pre-mortem loss of #32 and #16, massive caries of #17.

Race: Caucasian

Sex: Male

Age at Death: Adult, 27-38 years.

Stature: 5'5" or 165 cm. (160-172 cm.).

Trauma: There is an entry wound in the squamous portion of the left temporal bone immediately superior to the left zygomatic process. The wound measures 15 mm. vertically and 16 mm. transversely. The exit wound straddles the posterior segment of the squamous suture and measures 45 mm. transversely and 20 mm. vertically.