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Relatives of the missing search through bags containing corpses recovered from a mass grave near Hilla. © 2003 Peter Bouckaert/Human Rights Watch

The chaotic and unprofessional manner in which the mass graves around al-Hilla and al-Mahawil were unearthed made it impossible for many of the relatives of missing persons to identify positively many of the remains, or even to keep the human remains intact and separate. In the absence of international assistance, Iraqis used a backhoe to dig up the mass grave, literally slicing through countless bodies and mixing up remains in the process. At the end of the process, more than one thousand remains at the al-Mahawil grave sites were again reburied without being identified. In addition, because no forensic presence existed at the site, crucial evidence necessary for future trials of the persons responsible for the mass executions was never collected, and indeed may have been irreparably destroyed.

## THE MASS GRAVES OF AL-MAHAWIL: THE TRUTH UNCOVERED

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# IRAQ

## THE MASS GRAVES OF AL-MAHAWIL: THE TRUTH UNCOVERED

### Table of Contents

I. Summary .....	1
II. Recommendations .....	2
To political, religious, and other community leaders in Iraq.....	2
To the U.S. Office of Reconstruction and Humanitarian Assistance.....	3
To U.S. and coalition forces.....	3
To donors, nongovernmental and governmental agencies, and U.N. agencies.....	4
To the U.N. Security Council.....	4
To the special representative of the U.N. secretary-general.....	4
III. Background: Repression of the 1991 Uprising.....	5
IV. Discovery of the Mass Graves at Al-Mahawil .....	5
V. Failure of the U.S. and Coalition Forces to Support Exhumations .....	6
VI. Consequences of the Failure to Provide Forensic Assistance.....	7
VII. The Victims .....	7
VIII. A Survivor .....	10
IX. Witnesses to the Al-Mahawil Arrests and Detentions .....	11
X. Witnesses to the Executions .....	13
XI. Establishing Accountability for the Mass Murder.....	14
Acknowledgements .....	15

## I. SUMMARY

On March 4, 1991, thirteen-year-old Khalid Khudair and his thirty-three-year-old cousin Fuad Kadhim, a former Iraqi soldier, left their village of Albu `Alwan to walk to the southern Iraqi city of al-Hilla looking to buy food. They were never seen alive again: like tens of thousands of other Iraqis in the predominantly Shi`a South, they were arrested and “disappeared” in Iraqi government custody.

More than twelve years later, on May 16, 2003, their families’ search finally ended when their identification documents were found on decomposed remains at an exhumation of a mass grave located in an open field. Two significant mass graves have been discovered near the al-Mahawil military base, located some twenty kilometers north of al-Hilla—one located in an open field and containing the bodies of more than two thousand persons (“the al-Mahawil mass grave”) and a second located some five kilometers away behind an abandoned brick factory containing the bodies of several hundred persons (“the al-Mahawil brick factory mass grave”). A third mass grave is suspected to exist on the premises of the military base itself. At least one other mass grave, just south of al-Hilla in the village of Imam Bakr, contained an additional forty bodies from the same period. In all these sites the bodies were buried *en masse*, in contact with one another, rather than in individual plots. Mass graves in this sense are unusual, and almost always signify that the deaths were the result of mass atrocities or natural disasters.

The chaotic and unprofessional manner in which the mass graves around al-Hilla and al-Mahawil were unearthed made it impossible for many of the relatives of missing persons to identify positively many of the remains, or even to keep the human remains intact and separate. In the absence of international assistance, Iraqis used a backhoe to dig up the mass grave, literally slicing through countless bodies and mixing up remains in the process. At the end of the process, more than one thousand remains at the al-Mahawil grave sites were again reburied without being identified. In addition, because no forensic presence existed at the site, crucial evidence necessary for future trials of the persons responsible for the mass executions was never collected, and indeed may have been irreparably destroyed.

This report attempts to tell the story of the mass graves around al-Hilla. It identifies the victims, the circumstances of their arrest, and their ultimate execution and mass burial. The conclusion is inescapable: those whose bodies were recovered from these mass graves were the victims of a coordinated campaign of repression, arrests, and executions carried out by the Iraqi government in the aftermath of the failed Shi`a uprising in 1991. The report demonstrates the importance of the evidence that can be gathered from the mass graves that are being discovered all around Iraq—all of which have their own individual history, but which together testify to decades of mass murder by the Iraqi government.

Human Rights Watch researchers spent five days at the three mass grave sites near al-Mahawil and al-Hilla, collecting as much testimony as possible before the relatives of the missing returned to their homes. By interviewing the relatives who said they had identified victims in the mass graves through identity documents, items of clothing, medications, and the like, Human Rights Watch was able to establish who many of the persons in the grave were, and when and how they disappeared. Farmers living in the proximity of the mass grave were able to speak out for the first time about the daily executions and burials they had witnessed in 1991. A survivor of the executions at the al-Mahawil brick factory—he was dumped in the mass grave with his mother and two relatives, but miraculously was not shot and managed to escape alive—told his remarkable story to Human Rights Watch, thereby making the crucial link between the arrests of thousands in the al-Hilla area in March 1991, their detention at the nearby al-Mahawil base, and their ultimate execution and burial in the mass graves discovered around al-Hilla and al-Mahawil in May 2003.

This report also documents the failure of the occupying powers to assist Iraqis at this time of great need. Human Rights Watch estimates that as many as 290,000 Iraqis have been “disappeared” by the Iraqi government over the past two decades. Many of these “disappeared” are those whose remains are now being unearthed in mass graves all over Iraq. For the moment, the Iraqi people are being left to their own very limited resources in

attempting to exhume and identify those remains. Iraqis are in desperate need of expert assistance, and there is an urgent need for the occupying powers, with the assistance of the international community, to put in place a process of assistance for the recognition of the “disappeared,” the exhumation of mass graves, the identification of those buried in them, and the collection of important forensic evidence.

U.S. forces have explained this failure by asserting that any efforts to halt diggings at mass graves of victims of massacres would thwart the understandable determination of desperate relatives to confirm the fate of missing loved ones, and would thereby risk causing serious disturbances. Yet, despite the fact that U.S. authorities had every reason to anticipate that this would be a pressing matter, based on what was known about Iraqi repression and the experience in other post-conflict situations, they made no serious effort to enlist local authorities to undertake jointly an effective public information campaign that would stress the value of professional exhumation as a way of positively identifying the victims as well as preserving evidence of crimes. The overwhelming emotional need of Iraqis to recover and restore dignity to their dead can be met by means more satisfactory than plowing through killing fields with backhoes.

The occupying powers in Iraq should, in cooperation with Iraqi officials and community leaders as well as the International Committee of the Red Cross (ICRC), establish as an urgent matter a sensitive and efficient mechanism to register the cases of the “disappeared” and collect ante-mortem information that will aid in the identification and recovery of remains. Such a mechanism can better provide the recognition and commemoration of these victims, whether or not remains are ever positively identified and recovered. It will also contribute to an official process that will give families legal recognition of the deaths. Finally, in this context the occupying powers should identify specific sites to protect for scientific exhumation under international standards for the purpose of preserving evidence of crimes for eventual trials, truth commissions, historical accounts, and other mechanisms of accountability.

## II. RECOMMENDATIONS<sup>1</sup>

### **To political, religious, and other community leaders in Iraq**

- Urge U.S. and coalition forces, the U.S. Office of Reconstruction and Humanitarian Assistance (ORHA), the ICRC, and other relevant parties to immediately establish an efficient, expeditious and sensitive process to collect and maintain information on the “disappeared” as a first step toward recovery of their remains and an official recognition of their death. Such a process must address the families’ need to identify and rebury their dead as well as the need to preserve evidence for future accountability mechanisms and should be consistent with the recommendations adopted by consensus by governments, NGOs, family groups, and experts at the International Conference of the Missing held in February, 2003 in Geneva, Switzerland<sup>2</sup>;
- Conduct public education and outreach on the value and limitations of scientific exhumation in providing reliable identification of the dead and the circumstances of death;
- Help to identify key grave sites where evidence would be particularly vital to eventual criminal proceedings. In the absence of a clear accountability process and until such time as this is established, this should involve consultations with both Iraqi and international human rights organizations and others who

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<sup>1</sup> Human Rights Watch drew upon the expertise of Physicians for Human Rights and its International Forensic Program in issuing the following recommendations.

<sup>2</sup> The Missing: Action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families, “Report by the Chairman to the Plenary Mr. Nicolas Michel, Director, Directorate of Public International Law, Federal Department of Foreign Affairs, Switzerland: Observations and Recommendations,” February 21, 2003 (International Conference of Governmental and Non-Governmental Experts Geneva, February 19-21, 2003) [online], [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/881CB6F1912554CDC1256CD40041F954/\\$File/TheMissing\\_Conf\\_022003\\_EN\\_1AND82.pdf?OpenElement](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/881CB6F1912554CDC1256CD40041F954/$File/TheMissing_Conf_022003_EN_1AND82.pdf?OpenElement) (retrieved May 28, 2003).

have documented genocide, crimes against humanity, war crimes, or other serious violations of international humanitarian law during the past two decades;

- Urge Iraqis to refrain from conducting or encouraging exhumations until processes are in place to ensure that all victims' remains are treated with dignity and a maximum number of victims can be identified and reburied. This may mean delaying exhumations until a process is in place to collect pre-death data about the missing and "disappeared," locate sites for immediate exhumation and reburial, and recruit and position trained forensic pathologists, anthropologists, archaeologists, and other technicians to lead or advise exhumations as well as to train local persons in the necessary skills;
- When exhumations are conducted of graves that are the likely result of serious crimes, insist that expert assistance is on hand to ensure that the grave site and its contents can be used as valid evidence in trials, truth commissions, reparations processes, historical accounts, and other mechanisms the Iraqi people may wish at some point to employ.

#### **To the U.S. Office of Reconstruction and Humanitarian Assistance**

- In consultation with the ICRC, convene relevant community leaders, victims and relatives' associations, and others to organize a process to address the needs of relatives to resolve the fate of missing persons, including the organized exhumation of remains consistent with the recommendations adopted by consensus by governments, NGOs, family groups, and experts at the International Conference of the Missing held in February, 2003 in Geneva, Switzerland. The emotional and spiritual needs of relatives of the missing to restore dignity to the dead, register the circumstances of their disappearance, and gain official recognition of deaths and if possible the circumstances of death should be addressed. Such efforts should include a realistic description of the timeframe of various exhumation options and the constraints of what exhumation and identification processes can achieve so as not to raise unrealistic expectations;
- Take immediate steps to bring together Iraqi community leaders, family associations, and scientists, along with relevant international organizations and others, to develop a process to preserve and protect key mass graves;
- Communicate to relatives of victims, as an urgent matter, to assure them that U.S. and U.K. coalition forces will address to the extent possible their need to identify and recover the dead, and that processes for registering disappearances are being established and should be used rather than ad hoc exhumations. If mass media is not functional, use other informal communication mechanisms;
- Recruit and position trained forensic pathologists, anthropologists, archaeologists and other technicians so they are available to both lead or advise exhumations as well as to train local persons in the necessary skills. International participation in this process and involvement of experienced NGOs would heighten the credibility of this effort;
- Ensure that psychosocial and spiritual assistance is available to relatives who are confronted with the truth about the crimes their loved ones suffered.

#### **To U.S. and coalition forces**

- Immediately communicate with relatives and community leaders to assure them that their needs to rebury the dead will be met, but that this must be done in an orderly manner to ensure that as many remains as possible are identified and all are treated with dignity;

- Expand the designation of sites to receive twenty-four hour protection to include those containing victims of serious crimes other than war crimes and assign adequate troops to ensure that the sites are not disturbed.

**To donors, nongovernmental and governmental agencies, and U.N. agencies**

- Provide resources to facilitate identification of remains and preservation of evidence, including:
  - deploying governmental and nongovernmental forensic experts, given the magnitude of the need. Ensure that such teams use uniform scientific protocols and coordinate methodologies for collecting evidence of crimes, identifying remains as well as for addressing the needs of families and communities;
  - funding and training for data collection and preservation programs;
  - training for Iraqi scientists in exhumation and identification so that such efforts are carried out in accordance with international standards;
  - expanding Iraq's forensic capabilities to ensure adequate facilities for body storage and properly equipped examination and identification facilities; and
  - supporting families in locating and identifying remains in the context of an overall process for registering and resolving the cases of the "disappeared."

**To the U.N. Security Council**

- As an initial step, establish an international commission of experts to make recommendations to the Council regarding the forms of justice mechanism best suited to the current situation;
- Create an international criminal tribunal to prosecute those most responsible for exceptionally grave international crimes including genocide, crimes against humanity, war crimes, and other serious violations of international humanitarian law.

**To the special representative of the U.N. secretary-general**

- Impress upon the occupying power and transitional authorities the urgent need for protection and preservation of mass grave sites;
- Assist the occupying power and transitional authorities with public education efforts to discourage the disorderly exhumation of graves and recovery of bodies;
- Mobilize international assistance and resources to facilitate exhumations, identification of remains and preservation of evidence;
- Assist in identifying trained forensic pathologists, anthropologists, archaeologists and other technicians from both governmental and nongovernmental agencies to bolster confidence in any process for recovery and identification of remains. These professionals should lead and advise on exhumations as well as train local persons in the necessary skills;
- Assist in identifying trained forensic pathologists, anthropologists, archaeologists and other technicians both to lead or advise exhumations as well as to and train local persons in the necessary skills;
- Facilitate training programs for Iraqi scientists in international standards of exhumation and identification;
- Facilitate and support the efforts of international and local NGOs in the collection and preservation of evidence.

- Co-ordinate the efforts of the U.N. agencies, donors, and nongovernmental and governmental agencies with the occupying power to implement these recommendations.

### III. BACKGROUND: REPRESSION OF THE 1991 UPRISING

Following the 1991 Gulf war, mass uprisings against the Iraqi regime occurred in the Kurdish north and the Shi`a south, at least in part encouraged by then-President George H. Bush's broadcasted call to the Iraqi people to "take matters into their own hands to force Saddam Hussein, the dictator, to step aside."<sup>3</sup> The uprising began in the southern cities of Zubair and Basra on February 28-March 1 and by the end of the first week of March had spread to all major urban areas in the south. In al-Nasiriyya, for instance, returning soldiers from Kuwait joined up with Shi`a army deserters and rapidly seized the local army garrison.<sup>4</sup> In the south the uprising gained support from the largely Shi`a population long repressed by the Sunni-dominated regime of Saddam Hussein. Throughout the south, vengeance killings took place as the population acted out its anger against anyone associated with the Iraqi government, killing hundreds of Ba`th party officials, local bureaucrats, and intelligence agents.<sup>5</sup>

The U.S. backed away from supporting the uprising, which failed to acquire any momentum in Baghdad or the center of the country. The Iraqi government was able to reorganize loyalists within the army, and with the support of Ba`th Party cadre and supportive tribal allies soon mounted a counter-offensive against the rebels. By the end of March, these loyalist forces had brutally crushed the rebellion in the south. As Human Rights Watch described in a 1992 report:

In their attempt 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.<sup>6</sup>

Following the defeat of the rebellions in the north and south, the government began indiscriminately arresting tens of thousands of persons on suspicion of supporting the rebellion. Because of the active role played by Shi`a soldiers and deserters in the uprising, they were particularly targeted. In city after southern city, loyalist forces organized checkpoints and went house to house to round up suspects. Their arrest campaign was as indiscriminate as the firepower used to crush the rebellion. Countless civilians, at times entire families, were arrested and "disappeared."

### IV. DISCOVERY OF THE MASS GRAVES AT AL-MAHAWIL

For twelve years the fate and whereabouts of those who "disappeared" in custody in 1991 remained unresolved. Witnesses to the killings inside Iraq were afraid to speak out, and human rights investigators were barred from Iraq. Families of the "disappeared" also were too afraid to search for their relatives. When they did ask questions, Iraqi officials told them that their relatives remained alive in detention or simply refused to provide information.

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<sup>3</sup> "Excerpts from Statements by Bush on Strategy in Gulf," *New York Times*, February 16, 1991.

<sup>4</sup> Faleh Abd al-Jabbar, "Why the Uprisings Failed," *Middle East Report* #176, May-June 1992, pp. 2-14; Dilip Hiro, *Iraq: In the Eye of the Storm* (New York: Thunder's Mouth Press, 2002), pp. 40-41.

<sup>5</sup> Human Rights Watch, *Endless Torment: The 1991 Uprising in Iraq and its Aftermath*, (New York: Human Rights Watch, 1992), pp. 45-56.

<sup>6</sup> *Endless Torment*, p. 1. This report documented the atrocities perpetrated by Iraqi government forces during these events, and included testimonies from Iraqi refugees who had fled to Iran, Kuwait, Saudi Arabia and Kurdish-controlled northern Iraq.

That all changed with the collapse of the Iraqi government in early April 2003. Almost immediately, across Iraq, people began to locate mass graves. The first mass grave near al-Hilla in the village of Imam Bakr was discovered on May 2, 2003, and contained the remains of between forty and fifty victims of the 1991 crackdown.

Two much larger mass graves were discovered around May 13 near the village of al-Mahawil, the site of a major Iraqi military base where many of those arrested in 1991 had been detained. The first site, located in the clay pits behind an abandoned brick factory on the main Baghdad-Hilla highway, contained the bodies of some six hundred victims, according to local (municipal and religious) officials<sup>7</sup>. A second site, located just a few kilometers north in an open field in an agricultural area, contained the bodies of at least two thousand people, according to local officials.

## **V. FAILURE OF THE U.S. AND COALITION FORCES TO SUPPORT EXHUMATIONS**

Iskandar Jawad Witwit, who was appointed acting mayor of al-Hilla after the collapse of the Iraqi government, informed U.S. Marines based in the area of the existence of the mass grave containing between forty and fifty corpses just south of al-Hilla as early as May 3. U.S. Marine forces briefly secured the site, but then allowed civilians to begin exhuming the remains. On May 5, an assessment team from the Office of Reconstruction and Humanitarian Assistance (ORHA) visited the mass grave site, and recommended that U.S. military forces should secure mass grave sites in the future in order to preserve evidence and that mobile forensic teams should be mobilized to assess the grave sites and exhume them in a professional manner.

The U.S. government soon became aware of the possible existence of much larger mass graves in the al-Hilla area. By May 7, intelligence information gathered by the U.S. concluded that mass graves containing perhaps tens of thousands of bodies existed in the greater al-Hilla area. Despite this information, the U.S. and coalition forces as of this writing failed to come up with a strategy to assist with the exhumations of the large mass graves.

When asked about the lack of forensic assistance at the al-Mahawil mass grave site, Lt. Col. Rick Long of the U.S. Marines explained to Human Rights Watch that his orders were to classify mass graves as ones relating to suspected war crimes—a category he defined as crimes committed during international hostilities or involving the executions of prisoners of war—and ones involving suspected crimes against the Iraqi people. If the mass grave was classified as involving suspected war crimes, he explained, his orders were to secure it. If the mass grave involved suspected crimes against the Iraqi people, he was to “assist” the local authorities.<sup>8</sup>

The U.S. Marines at the site—who, it must be noted, do not have any forensic experience—provided water and shelter for the local authorities, and brought in some U.S. Marine counterintelligence officers to interview witnesses and gather testimonial evidence. With their limited resources, the U.S. forces on the ground mobilized military photographers to videotape and photograph the remains. The U.S. forces also brought in mechanical diggers after the exhumations were completed at the large al-Mahawil mass grave site to assist with the reburial efforts for the unidentified remains, and U.S. Marines helped provide security at the site. In all, the U.S. military forces at the location went to significant lengths to provide the assistance that was asked from them by the local authorities, and seemed dedicated to doing whatever they could on site.

However, the assistance provided at the site did not extend to bringing in professional forensic experts to assist with the exhumation. The U.S. military officials explained this failure by pointing out that they were simply respecting the wishes of the local population, who wanted to exhume the mass grave as quickly as possible. Equally likely, the failure to bring forensic experts to the scene of the mass grave was due to the fact that as far as Human Rights Watch has been able to learn as of this writing, the U.S. and coalition forces have yet

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<sup>7</sup> Throughout this report, “local” leaders, officials, and authorities, refer to municipal and religious leaders.

<sup>8</sup> Human Rights Watch interview with Lt. Col. Rick Long, Mahawil, May 17, 2003.

to define a comprehensive strategy to assist with the exhumation of mass graves in Iraq—in sharp contrast with the international efforts made in the Balkans to assist with the exhumation and identification of remains.

## **VI. CONSEQUENCES OF THE FAILURE TO PROVIDE FORENSIC ASSISTANCE**

The U.S.-led coalition forces, based on credible reports of tens of thousands of Iraqis “disappeared” by the authorities over the past two decades, had every reason to anticipate that mass graves would likely surface as a pressing matter. The main questions were when and where, not if. What was needed—and what is still lacking today, weeks after the first mass graves were uncovered—is a comprehensive strategy that must include identification and assessment of grave sites, liaison with local and religious officials as well as the families of victims to explain the options available to them, the collection of ante mortem information that would help identify the dead, and the provision of security to and forensic exhumation of the sites. The failure of U.S. authorities to devise and implement such a strategy has left local volunteers to their own limited resources, with the result that they have inadvertently destroyed much of the evidence needed to identify the missing as they sought to exhume the remains of thousands in the al-Mahawil mass graves.

Both al-Mahawil mass grave sites were exhumed with a large backhoe, which sliced through the remains in the graves and mixed up the bodies. Many of the corpses became separated into different parts, identity documents were lost, and many of the corpses recovered from the mass grave became unidentifiable. Human Rights Watch found a set of identity documents that had blown away from one corpse, and found many sets of remains that had duplicate bones, including multiple skulls.

The greatest tragedy of the flawed exhumation in al-Mahawil is that about half of the bodies may have been rendered unidentifiable. The main exception was a large number of military personnel among the executed, whose remains were accompanied by good quality, military identity documents encased in plastic. However, shortly before a reburial ceremony was conducted for unidentified remains from the large al-Mahawil site, Human Rights Watch counted the remains of some 1,200 persons still unidentified.

The impact of flawed exhumations was even clearer at the al-Mahawil brick factory site, where some six hundred bodies were uncovered, according to local officials. Human Rights Watch researchers walked alone for more than an hour among the unidentified remains of more than one hundred persons left behind by the diggers in the rush to uncover the larger al-Mahawil site. Human remains were scattered everywhere, still deprived of a proper burial.<sup>9</sup>

Crucial evidence of the crimes that led to the creation of these mass grave sites is also being lost in the absence of forensic assistance. Mass graves are usually crime scenes, and the forensic evidence gathered at the sites of mass graves can form an important component of future prosecutions—although other types of evidence such as eyewitness accounts and Iraqi state documents documenting the atrocities are equally important. A proper forensic investigation could have determined how the people in the mass grave had been killed and came to be buried, and could have assisted in the identification of the missing—establishing a crucial evidentiary link between the “disappeared” last seen alive in government custody and the manner of their death.

## **VII. THE VICTIMS**

While many of those buried in the al-Mahawil mass graves remain unidentified, those remains that have been identified by relatives establish that the bodies are those of Iraqis arrested during the 1991 uprisings and

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<sup>9</sup> In the hurried exhumation process, local officials failed to gather basic information about the mass graves, such as the number of bodies recovered from each mass grave, although more careful efforts were made to document the identified remains. Local officials were only able to give Human Rights Watch estimates of the number of bodies recovered from each grave, and such estimates varied significantly.

killed in Iraqi government custody. Human Rights Watch conducted interviews with many of the relatives of the persons identified in the mass grave, making the crucial link between their disappearance in 1991 and the discovery of their remains in the al-Mahawil mass graves.

Kamil Muhammad Dawud, a Baghdad lawyer aged seventy-four (all ages are given as of the time of their disappearance), and his son Khalid, a twenty-nine-year-old university student, drove down from Baghdad to al-Hilla around March 9 or 10, 1991, searching for Kamil's older son, then a soldier in the Iraqi army. While the older brother soon returned home, Kamil and Khalid disappeared. Their family found Kamil's half-looted car near the al-Mahawil army base sometime later, but received no indications as to their fate. On May 17, 2003, their bodies were identified by the family at the large al-Mahawil mass grave site, based on the father's watch and the son's identification document. The father was blindfolded, and both men had their hands bound.<sup>10</sup>

Karim Hadi Kadhim, aged forty-two, was at the al-Mahawil grave site looking for five relatives who went missing from a rural village in the al-Madhathiyya district, located some twenty kilometers southwest of al-Hilla. According to Karim Hadi Kadhim, three of his brothers were arrested on March 23, 1991, when local Ba'th officials demanded that all local villagers attend a meeting at the local Ba'th party headquarters and arrested some fifteen people. His farmer brothers Subhan, aged fifty-four, Hamid, aged forty-four, and Salim, aged thirty-six, were among the arrested and were never seen again. Karim himself was briefly arrested with the other three, but was released just as they were taken to al-Mahawil military base, because he was a soldier on active military duty who had not abandoned his post during the war. Karim was able to identify the remains of one of his brothers, Subhan, among the bodies recovered from the al-Mahawil mass grave, based on the identity documents he found on the remains.

Two other relatives of Karim Hadi Kadhim were also arrested around the same time. Haidar Hamid Hadi, the twenty-one-year-old son of his brother Hamid, and Ali Omran Kadil, aged twenty-two, were soldiers returning to duty. A person who said he was an eyewitness told Karim Hadi Kadhim at the time that the two were arrested at a Ba'th Party-operated checkpoint on their way to their military division.<sup>11</sup> The two cousins remain missing, but as they were arrested around the same time as relatives whose remains have been identified in the mass grave, the family believes they are likely to have been executed and buried around the same time.

Ahmad Fadil Yasir, a forty-year-old teacher, told Human Rights Watch that loyalist Iraqi forces had entered his district in March 1991:

The military entered al-Shamali [the northern part] on March 15, and the cleansing operation started in the villages. They destroyed many houses in the villages using bulldozers. They cut down the palm trees and the orchards. They chased and traced all the sons of my tribe. They arrested many people who were on the street, even people just passing through the area. ... They distributed checkpoints all over, they controlled all the roads.<sup>12</sup>

Nine relatives of Ahmad Fadil Yasir were arrested on the same day in March 1991. His only brother, Hassan Fadil Yasir, a twenty-five-year-old army deserter, was arrested from his home by a group of Ba'th party members, security officials, and police officers; his thirty-one-year-old cousin Karim Jabir Yasir, an army officer, was also arrested from his home; his father's uncle Muhammad Obaid Hussein, aged fifty-four, was arrested at his home with his three sons: twenty-three-year-old Ali Muhammad Obaid, a soldier, twenty-seven-year-old Abbas Muhammad Obaid, an agricultural worker, and twenty-nine-year-old Hashim Muhammad Obaid, a soldier. Sixty-seven-year-old Hadi Obaid Hussein, another uncle of his father, was arrested as he was coming home from his shop; Salem Awad Obaid, a thirty-year-old teacher, and Ibrahim Kadim Obaid, a farmer cousin whose age he did not know, were also arrested. At the al-Mahawil mass grave, he was able to identify the remains of Abbas

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<sup>10</sup> Human Rights Watch interview with Rashid Kamil Muhammad, Baghdad, May 18, 2003.

<sup>11</sup> Human Rights Watch interview with Karim Hadi Kadhim, Mahawil, May 16, 2003.

<sup>12</sup> Human Rights Watch interview with Ahmad Fadil Yasir, Mahawil, May 16, 2003.

Muhammad Obaid, the agricultural worker, and Hadi Obaid Hussein, the shopkeeper, based on the identity documents found on their remains. He believed that his other relatives were also buried in the same mass grave, as they were all arrested and “disappeared” on the same day.<sup>13</sup>

`Aziz Hussein Muhammad `Ali, a forty-six-year-old worker, was arrested and “disappeared” on March 12, 1991, as he was coming home from his shop in al-Hilla, together with a son, a soldier. A second son, Ahmad `Aziz Hussein, sixteen at the time of the arrest, told Human Rights Watch that he was in the car with his father and brother when they were stopped at a checkpoint operated by the General Security (*al-Amn al-`Am*): “The Amn had the names of my father and brother, and said they needed to investigate them.”<sup>14</sup> Ahmad identified the remains of his father `Aziz at the al-Mahawil mass grave based on identity documents found on his remains, and was still attempting to locate his brother’s remains at the time of the Human Rights Watch interview.

Thirteen-year-old Khalid Hassan Khudayyir and his thirty-three-year-old cousin Fuad `Abd al-Hussein Kadhim left their native village of Albu Alwan on March 4, 1991, walking by foot toward the nearby city of al-Hilla to purchase food. Fuad had been a soldier two years before the 1991 uprising, but had returned to civilian life. The two young men disappeared, and for years the family had no information about their fate. Their bodies were found at the al-Mahawil mass grave, and the men’s identity documents were found on the corpses.<sup>15</sup>

Many more families told similar stories of unresolved “disappearances” to Human Rights Watch, but were still attempting to find their relatives. Balqis `Abud Hassan, a forty-five-year-old woman, was typical. Her fourteen-year-old son `Ali went missing on March 7, 1991, after she had asked him to go fetch some water from the river in al-Hilla’s Bab al-Hussein neighborhood. When she attempted to ask the soldiers stationed on a bridge nearby about him, they threatened to shoot her and ordered her to leave. She never heard again of her son, and failed to locate his remains after looking through hundreds of bags containing human remains at the al-Mahawil mass grave site.<sup>16</sup>

Human Rights Watch was provided with a list that, according to local officials, contained more than 1,200 names of identified victims from the two al-Mahawil mass graves. However, the list appears to have some serious inaccuracies that limit its reliability. The actual numbering of the victims was sloppy—the list suddenly jumps from victim 830 to victim 931, many victims take up more than one number, and some victims are listed multiple times. A closer examination of the list suggests that probably just under one thousand victims from the mass grave were claimed by relatives. Identifications were arrived at in a variety of ways, some of dubious reliability. While relatives found some remains containing identity papers, in other cases family members made suppositions as to identity based on much more circumstantial criteria, such as items of clothing, medications, and cigarettes found with corpses.

It is similarly difficult to estimate the number of unidentified persons exhumed from the two al-Mahawil mass graves, as no records appear to have been kept. Local officials gave widely varying figures, but a count of the remaining bodies by Human Rights Watch just before the reburial of unidentified remains found about 1,200 bodies left at the large al-Mahawil mass grave and just over one hundred bodies left at the al-Mahawil brick factory mass grave. It appears, moreover, that some of the bodies from the brick factory mass grave were moved to the large al-Mahawil mass grave site. Taken together, it seems unlikely that more than 2,300 bodies were recovered from the two al-Mahawil mass graves.

Although the list of claimed victims provided by local authorities is of limited reliability in terms of numbers of victims, it does provide some crucial information about the likely identity and residence of the victims. The vast majority of the victims appear to have been young men from the general area around al-Hilla,

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<sup>13</sup> Ibid.

<sup>14</sup> Human Rights Watch interview with Ahmad `Aziz Hussein, Mahawil, May 14, 2003.

<sup>15</sup> Human Rights Watch interview with Shakir Muhsin Kadhim, Mahawil, May 15, 2003.

<sup>16</sup> Human Rights Watch interview with Balqis `Abud Hussein, Mahawil, May 14, 2003.

indicating that the mass grave was a result of a localized campaign of arrests and executions in the al-Hilla area. The relatively few residents of Karbala, Diwaniyya, al-Najaf, and Baghdad claimed from the mass grave appear to have been traveling through the al-Hilla area at the time of their detention, rather than arrested elsewhere and transferred to the area. Among the victims are more than a dozen Egyptian nationals who were working and living in the al-Hilla area.

### VIII. A SURVIVOR

According to local officials in al-Hilla, several persons who were taken to the al-Mahawil mass grave sites managed to survive the executions at the al-Mahawil brick factory mass grave site. Human Rights Watch was able to locate one such survivor, and his remarkable story provides important clues about the manner in which the mass execution campaign was conducted in al-Mahawil.

Nasir Khadi Hazim al-Husseini was only twelve years old at the time of the 1991 mass arrest campaign. On March 16, 1991, his twenty-eight-year-old mother Khulud `Abud Naji took Nasir and two other thirteen-year-old relatives, his uncle Muhanad `Abud Naji, and his cousin Muhammad Yassin Muhammad, from their home in the al-Sa`da neighborhood to leave for their grandfather's house in the Sha`awi neighborhood.

On their way, a soldier stopped the group, asked them where they were going, and accused them of being looters. Nasir's mother explained that they were just going to their grandfather's house, but the soldier arrested all of them and took them to a nearby school building: "They put us in a school in a classroom. By the evening, the classroom was filled with people because they kept arresting people."<sup>17</sup>

As evening fell, the people gathered in the classroom were taken to the al-Mahawil military base:

They blindfolded us and bound our hands, and then they put us in landcruisers with shaded windows and a bus. We were about twenty-five to thirty people [detained]... They took us to the al-Mahawil military base. Some of us were taken to another area [of the al-Mahawil base]. They put me, my mother, my cousin, and my uncle in a tiny room. In the night of the same day, they brought a fourteen-year-old girl and a thirty-year-old woman to the same room.<sup>18</sup>

The family spent the night in the tiny room, and received no food since their arrest the prior day. The next morning they were taken for investigation, where high-ranking officers, including a lieutenant-colonel, took down their names, the neighborhood they came from, and similar details. Following the perfunctory investigation, they were taken to a large hall at the al-Mahawil military base, where they were again joined by other detainees:

They took us to a big hall [and] started bringing in people now and then. We stayed there for two days. There were so many people... They were children, women, and men. We were sitting in [family] groups, me with my relatives and the others with their relatives. No one dared to speak to the other groups.<sup>19</sup>

Toward the end of the second day—the evening of March 18, 1991—the detainees gathered in the big hall were taken outside and lined up in the yard of the compound. "They brought some blankets which they ripped and they tied our hands and blindfolded us with those," Nasir recalled. "They covered our eyes and put us inside some TATA buses looted from Kuwait. We were between forty-five and fifty people on each bus. It was very crowded, there were two people on each chair."<sup>20</sup>

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<sup>17</sup> Human Rights Watch interview with Nasir Khadi Hazim al-Husseini, May 16, 2003.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

After the detainees were loaded on the buses, they were told that there were some checkpoints on the road, and that if asked, they should say they were going to Baghdad. Nasir, who could see a bit through the blanket covering his eyes, recounted the route taken by the bus:

There was an asphalt road from the door of the military camp. Then we turned off into a remote, dusty dirt road, an agricultural road. We turned off the main road, and I didn't know where we were going. I was sitting on the bus at the chair near the window. There was an abandoned canal, I was sitting on that side of the bus. ... I couldn't see clearly, but there was a building—later, when I looked [after the executions], it was a brick factory.<sup>21</sup>

Almost as soon as the buses stopped, the executions began. People were pulled off the buses, thrown in a pre-dug pit, machine-gunned, and then buried with a bulldozer. Nasir told Human Rights Watch how he miraculously survived:

When they started taking us off the bus, some of us began reciting the shahada [Muslim declaration of faith]. My mother told me, "Repeat the shahada, because we are about to die." I heard the shouting of the children. We grabbed each other's hands—me, my mother, my cousin, and my uncle. They pulled us, we were all together.

They threw us into the dug-out grave. When I fell down, there were so many bodies underneath me. I layed down on top of them. They started to shoot on us.

There were two [groups of] men. One was taking the people off the bus, and others were shooting at people in the hole.

One of them pulled at my clothes, and said "That one isn't dead, shoot him." They shot again, but still I was not shot.

So they gave an order to the bulldozer driver to bury the grave. I was at the edge of the grave. When the shovel came, I spontaneously tried to crawl out. It was sundown now. I crawled to the edge of the grave, and got to a place where the bamboo was on my face and I was able to breathe through it. I heard the man who was standing on the hill instruct the shovel driver to bury us more—he had seen that I was not yet buried—but the driver left the place and didn't do it.<sup>22</sup>

After he heard the noises of the vehicles fade away, Nasir crawled out of the mass grave, leaving his dead relatives behind. He made his way to the main al-Hilla-Baghdad road, and met four sympathetic Shi'a Iraqi soldiers who helped him return home.

## **IX. WITNESSES TO THE AL-MAHAWIL ARRESTS AND DETENTIONS**

There are many others in the al-Hilla area who witnessed the mass detentions and executions. Their testimonies provide further evidence of the mass detentions at al-Mahawil military base and the subsequent executions of thousands.

Iskandar Jawad Witwit, the newly-appointed mayor, was a high-ranking air force officer based at al-Mahawil at the time. He said that the Iraqi government was able to crush the uprising in al-Hilla by March 11, 1991, and immediately began a massive arrest campaign throughout the area:

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

They arrested everyone they saw [and took them to al-Mahawil military base]. If they found men, women, or children, they took them. People were brought from al-Hilla, al-Najaf, and Karbala for execution. The executions happened every day—they killed thousands of people.<sup>23</sup>

Witwit, who was himself arrested on March 16, 1991 on suspicion of supporting the uprising, explained that part of the massive al-Mahawil military base had been taken over by individuals and organizations directly involved in the arrests and the killings, including high-ranking Ba’th party members, General Security, Special Security (*al-Amn al-Khas*), the intelligence services (*mukhabarat*), and leading members of the pro-government Albu Alwan tribe, including its head shaikh, Muhammad Jawad Onaifis, who is currently in U.S. custody on suspicion of involvement in the al-Mahawil executions.

Another eyewitness, himself a soldier at the time of the mass executions, provided detailed information to Human Rights Watch about the involvement of Special Republican Guard troops in the detentions and executions. Salim Murgan Hitban drove from al-Najaf to Babel on March 8, together with his cousin Karim `Abd al-Sadiq Hitban, aged thirty-five, and also a soldier. The two men had just completed a three-day leave and were returning to their military base when they were stopped outside al-Hilla by Special Republican Guard troops, whom they identified by the red triangular badges on their uniforms. The Special Republican Guards, he said, detained everyone who came to their checkpoint, loading more than one hundred persons into their trucks, and took them to the al-Mahawil military base:

They took us directly to prison. The prison was in the territory of al-Mahawil military training camp near Babel [Babylon], thirty kilometers from the place where we were detained. There were many people in the track, like one hundred or 150, both servicemen and civilians. They blindfolded us and tied our hands behind our backs. In the prison they took away the blindfolds and untied our hands.<sup>24</sup>

The conditions in the al-Mahawil detention camp were very abusive:

We were all herded to a hall where we could hardly stand. We were not allowed to use the toilet and we used a corner of the hall for our necessities. It was very dirty, stuffy and smelly there. From time to time three or four Special Republican Guards came in to the hall and began beating us with their rifles, sticks, or iron bars. They picked out people in groups of three or four, blindfolded them, tied up their hands again and took away from the hall. These people would never return. They also took away my cousin.<sup>25</sup>

Salim Hitban was fortunate: his former military commander whom he had served under in Mosul, Major Hussein `Abdallah, was one of the Special Republican Guard officers at the al-Mahawil military base. Major Hussein Abdallah recognized his former soldier and released him to return to his military unit. According to Salim Hitban, Major Hussein Abdallah was one of three members of an “execution committee” that decided who would die and who would live:

I know about the execution committee from the Special Republican Guards themselves. When I went out of the hall I saw a group of them at the door of the next building. They told me that the execution committee behind that door decided who will be executed. The door was open and I saw a big room, a table and the members of the execution committee, sitting at the table.<sup>26</sup>

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<sup>23</sup> Human Rights Watch interview with Iskandar Jawad Witwit, Hilla, May 17, 2003.

<sup>24</sup> Human Rights Watch interview with Salim Murgan Hitban, Mahawil, May 16, 2003.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

## X. WITNESSES TO THE EXECUTIONS

The executions carried out near the al-Mahawil military base—at the site where the large mass grave was discovered in an open field in May 2003—were also witnessed by local farmers in the area. The farmers were threatened with death, and remained silent about the killings until the fall of the government of Saddam Hussein.

Sayyid Jabir Muhsin al-Husseini, a farmer who lives close to the mass grave site, described a month of almost daily executions that he witnessed from his home:

They started to bring groups of innocent people to this graveyard and began executing them here. Every day, those criminals started executing people at 9:00 a.m. until 5:00 p.m. They brought people here in buses—each group was between 120 and 150 people. They would bring three groups of this size each day.

Before they brought these people, they would bring a bulldozer to dig holes. Military members surrounded the area so no one would come near the place. When they brought the people, they pushed them into the holes with their hands tied and their eyes covered. When they pushed them into the holes, they would start shooting massively. Afterwards, they would bring the bulldozers to bury the people. Then the criminals would prepare for the second and third groups [of victims.] This operation lasted from March 7 until April 6, 1991.<sup>27</sup>

His brother, Sayyid Hassan Muhsin al-`Ardawi, told Human Rights Watch how he also had watched the executions:

They used to bring people from al-Mahawil military base to this site. Their hands and eyes were bound. They would bring them here in Kuwaiti buses that carried about forty-five passengers and a Toyota Coaster bus that carried about twenty-one passengers. ...

They brought a full army division and surrounded the area. Most [non-military at the site] were Ba'th party members, the others were from pro-government tribes. The military were in uniform, the Ba'th and the tribal people were in civilian clothes with red kaffiyas....

I heard the sound of the shooting and heard the executed people shout. I would hear this several times each day.

They used a bulldozer shovel to bury the graves—after they finished their work, they took it with them....

I would go to the roof and watch the executions—when they shot them and buried them in the holes. They used to take them from the cars and push them inside the holes. Their hands were tied and their eyes covered, sometimes two people were bound together. They put them inside the holes. They used to hit them, they had no mercy. The victims were unable to do anything—they would just start to shoot at them. After they were killed, they buried them using the bulldozer shovels. Every day, they used to dig three holes. Those were the holes they would use for that day.<sup>28</sup>

Shortly after the executions at al-Mahawil, the authorities expropriated the land of local farmers on which the mass grave was located and gave it to Qais Farwan al-Alwani, a member of the pro-government Albu Alwan tribe—according to many witnesses, members of the Albu Alwan tribe were directly involved in the arrest and execution campaign. Qais Farwan al-Alwani is currently believed to be in hiding inside Iraq. As noted above,

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<sup>27</sup> Human Rights Watch interview with Sayyid Jabir Sayyid Muhsin al-Husseini, Mahawil, May 16, 2003.

<sup>28</sup> Human Rights Watch interview with Sayyid Hassan Muhsin al-`Ardawi, May 16, 2003.

Shaikh Muhammad Jawal Oneifis, the head of the Albu Alwan tribe, is currently in U.S. custody on suspicion of involvement in the executions.

The farmers who had witnessed the killings were regularly harassed, threatened, and arrested by Iraqi officials who accused them of trying to leak out information about the mass grave to the international community. On June 6, 1993, Iraqi officials arrested the entire farming community in the area, and took them to the police station in Iskandriyya city. There, Qais Farwan al-Alwani accused the farmers of digging up the mass grave and photographing the sites in order to smuggle out information to foreign journalists, but the men were ultimately released.

## **XI. ESTABLISHING ACCOUNTABILITY FOR THE MASS MURDER**

The mass executions documented in this report took place at a time when the Iraqi government was in great turmoil. Its infrastructure and its military were severely damaged from the effects of the first Gulf War and many of its local officials in the south were killed during the 1991 uprisings. In the face of these setbacks, the Iraqi government organized a coordinated campaign to defeat the uprising and to carry out the brutal arrest and execution campaigns that followed.

The similarity of the detentions and executions throughout the south is evidenced by the mass graves that are being discovered in this region in the aftermath of the collapse of the Iraqi government. Such a coordinated campaign of killing could not have taken place without direct involvement from the highest levels of the Iraqi government.

At the local level, the campaign of arrests and executions directly involved local Ba'th party officials, members of the General and Special Security divisions, the intelligence services, regular army troops (*al-jaysh*), and Special Republican Guard (*al-Haras al-Jumhuri al-Khas*), members of pro-government Arab tribes such as the Albu Alwan, and members of the police (*al-shurta*). The composition of the local officials involved in the arrest and execution campaigns varied from area to area, according to Iraqis interviewed by Human Rights Watch, with Ba'th officials playing a dominant role in one area, while army or Special Republican Guard forces took a more prominent role in other areas.

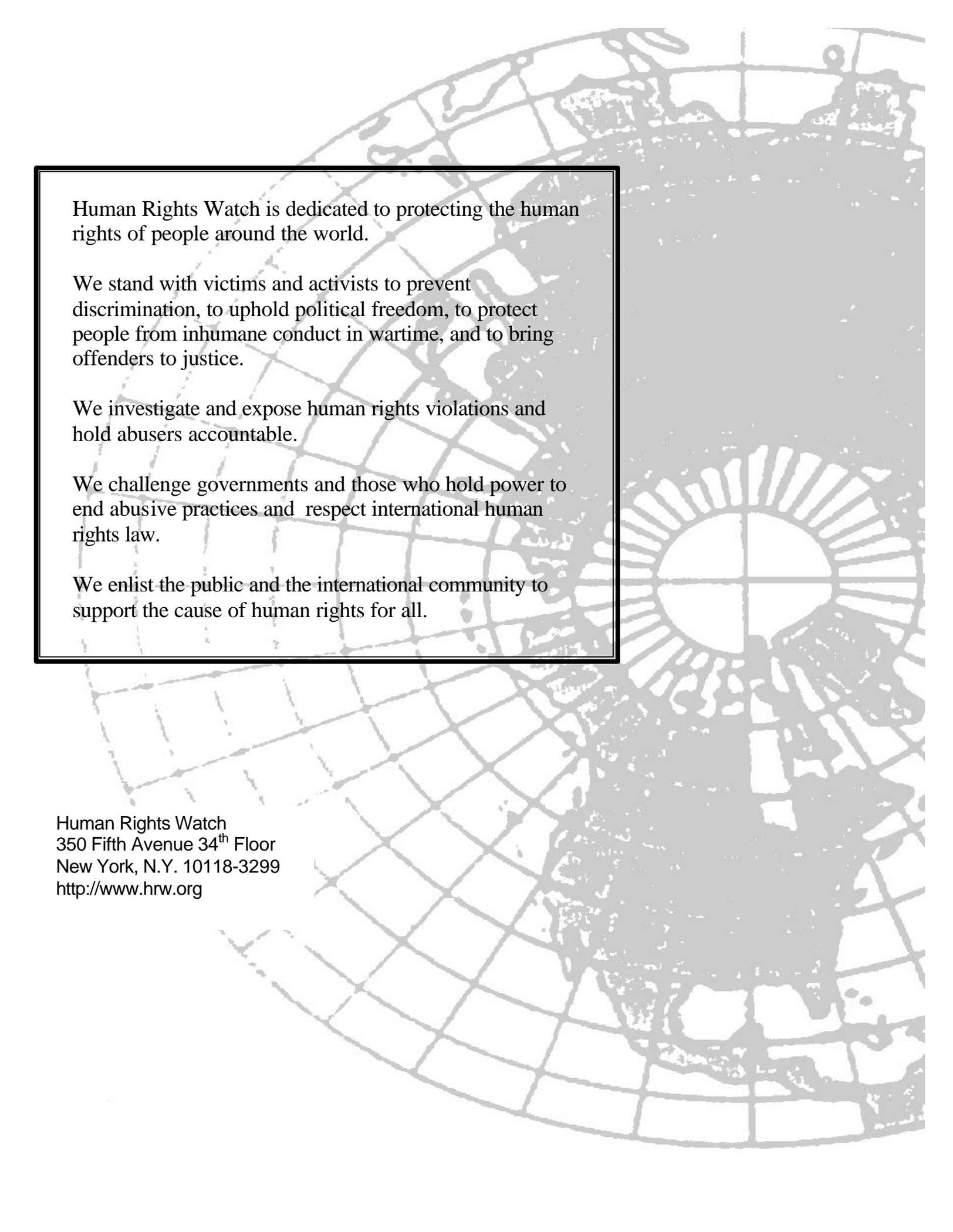
The crimes committed by Iraqi officials in al-Mahawil, al-Hilla, and many other locations throughout Iraq may amount to crimes against humanity, war crimes, and genocide, and accountability for those crimes must be established. However, the U.S. and coalition forces now occupying Iraq have yet to present a plan for accountability for the crimes of the Iraqi regime, or to even affirm their commitment to upholding internationally recognized standards during trials.

During the course of its investigation, Human Rights Watch was able to obtain the names of many of the Iraqi officials directly implicated in the mass arrest and execution campaign in the al-Hilla area—most of whom have gone into hiding or have fled since the fall of the Iraqi government. Because the identification of those perpetrators by victims could not be adequately confirmed, Human Rights Watch cannot release the names of all the suspected perpetrators at this time. Identifying local officials responsible for the mass executions will take additional investigations, but it is clear that the identity of many of the perpetrators can be established. In addition, there may be crucial evidence relating to the 1991 mass executions in the files of the Iraqi state archives and its security and intelligence agencies that could help establish the identity and culpability of certain individuals for the crimes in the al-Hilla area as well as elsewhere.

The thirst for justice among the surviving relatives is great, and the international community should move quickly to put in place an international criminal tribunal for Iraq that can bring about accountability for the crimes of the Iraqi government of Saddam Hussein.

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