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The Iraqi Government Assault on the Marsh Arabs

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Summary

This Briefing Paper details the ongoing campaign by the Ba'athist government of Iraq against the Ma'dan or so-called Marsh Arabs—the mostly Shi'a Muslim population that inhabits the marshlands (*al-ahwar*) in southern Iraq around the confluence of the Tigris and Euphrates rivers. Numbering some 250,000 people as recently as 1991, the Marsh Arabs today are believed to number fewer than 40,000 in their ancestral homeland. Many have been arrested, “disappeared,” or executed; most have become refugees abroad or are internally displaced in Iraq as a result of Iraqi oppression. The population and culture of the Marsh Arabs, who have resided continuously in the marshlands for more than 5,000 years, are being eradicated.

In December 2002, Human Rights Watch published a policy paper, *Justice for Iraq*,¹ detailing some of the serious crimes perpetrated in Iraq during the 1980s and 1990s. It urged the establishment of an international tribunal to bring to justice the perpetrators of genocide, crimes against humanity, and war crimes. This Briefing Paper focuses on one such crime.

For more than two decades, Shi'a Muslims across Iraq, who collectively form at least 60 percent of the Iraqi population, have been subjected to a violent government campaign of persecution, the authorities fearing that Iraqi Shi'a might seek to follow the example set by Shi'a in Iran.

Starting shortly after the end of the Gulf war in 1991, Marsh Arabs have been singled out for even more direct assault: mass arrests, enforced “disappearances,” torture, and execution of political opponents have been accompanied by ecologically catastrophic drainage of the marshlands and the large-scale and systematic forcible transfer of part of the local population.

The repression against the Marsh Arabs since 1988 has been motivated by a combination of factors. In addition to the fact that Marsh Arabs are Shi'a, Iraqi authorities have targeted them because the remote terrain of the marshlands provided refuge for political opponents of the regime and because, in 1991, Marsh Arabs themselves took part in rebellion against the Baghdad government. The marshlands also contain great wealth: they are today recognized as the site of some the richest oil deposits in the country.

Geographically and administratively the marshlands had remained relatively isolated from central government control until the end of the Iran-Iraq war of 1980 – 1988. The forced resettlement plan and brutal counterinsurgency campaign begun by the government in the early 1990's prompted the United Nations special rapporteur on Iraq in 1992 to voice his concerns directly to the U.N. Security Council. The Security Council failed to act, leaving the United States, United Kingdom and France to impose an

¹ Human Rights Watch, “Justice for Iraq,” *A Human Rights Watch Policy Paper*, December 17, 2002.

air exclusion zone in southern Iraq. This however, did not prevent Iraqi government forces from conducting ground operations backed by helicopters over the next few years. As evidence of the widespread destruction and human suffering grew with the number of refugees fleeing the area, the U.N. special rapporteur urged the U.N. to place human rights monitors on the ground - a request he repeated every year until his resignation in 1999. Both the Commission for Human Rights and the General Assembly adopted resolutions endorsing his recommendation and requesting the U.N. secretary-general to authorize the necessary funding, but it was never done. Iraq, needless to say, ignored the U.N.

Human Rights Watch believes that many of the acts of the Iraqi government's systematic repression of the Marsh Arabs constitute a crime against humanity. The crimes were committed as part of a widespread and systematic attack against the civilian population of the Marsh Arabs during the decade of the 1990s.² The attack involved the multiple commissions of acts in furtherance of state policy. The underlying crimes include:

- Murder of thousands of unarmed civilians following the abortive March 1991 uprising, through summary execution and the indiscriminate bombardment and shelling of residential areas in towns and villages in the vicinity of Basra, al-Nasiriyya, al-'Amara and across the marshes region;
- Forcible population transfer—coercive expulsion of part of the Marsh Arab population from their native villages to settlements on dry land on the outskirts of the marshes and along major highways to facilitate government control over them;
- Arbitrary and prolonged imprisonment of thousands who had been arrested during and in the aftermath of military bombardment of residential areas in the marshes, including civilians and others suspected of anti-government activities;
- Torture of Marsh Arab detainees held in government custody, in order to extract information from them, as punishment, and as a means to spread fear among the local population;
- Enforced disappearances of many of the Marsh Arabs arrested during the 1990s, whose fate and whereabouts remain unresolved to date;
- Persecution of the Marsh Arabs through the intentional and severe deprivation of their fundamental rights on the basis of their religious and political identity as a group.

Human Rights Watch calls on the government of Iraq to immediately release Marsh Arabs who remain in detention; to clarify the fate and whereabouts of those who “disappeared” following arrest; and to compensate the victims and the families of those who were arbitrarily held, tortured, “disappeared,” or executed. The perpetrators of the crimes against the Marsh Arabs should be brought to justice.

Introduction: Repression of the Shi'a

The Iraqi government's assault on the Marsh Arabs has occurred against the backdrop of its repression of the Shi'a Muslim population of the country as a whole. This repression has been as relentless and as brutal as that visited on the Kurds in the north. Discrimination against Iraqi Shi'a, who represent an estimated 60 to 65 percent of the country's population, has been rooted in the country's political history.

The fate of the Shi'a as a target of government repression was sealed following the February 1979 Islamic revolution in Iran. The Iraqi government, motivated by fears that revolution in Iran would spur its own Shi'a population to revolt, lost no time in mounting a repressive campaign. At the end of 1979 and in

² For crimes against humanity, the attack need only be “widespread or systematic,” not both, as is the case here.

early 1980, thousands of people were arrested in various towns and cities in central and southern Iraq, apparently on suspicion of supporting the Islamic revolution or for having links with the new regime in Iran. Many of these persons have since “disappeared” in custody and remain unaccounted for. Others died under torture or were executed.

This campaign of arrests was swiftly followed by another, more ambitious campaign: the forced expulsion of hundreds of thousands of Shi’a Muslims to Iran, the official justification being that they were of Iranian origin (*taba’iyya*). More than half a million Shi’a Muslims, at the very least, were systematically expelled over the course of the 1980s. They included large numbers of women, children, and the elderly. The male heads of these families, together with other younger male relatives, were arrested and imprisoned indefinitely without charge: most remain unaccounted for today. These measures were accompanied by the promulgation of discriminatory legislation against Shi’a Muslims, the introduction of retroactive death penalty legislation for membership in a Shi’a Muslim opposition group Islamic Call (*al-Da’wa al-Islamiyya*), and the execution in prison and targeted assassination of prominent religious leaders and scholars.

Another wave of repression followed an abortive March 1991 uprising in southern Iraq after Iraq’s defeat in the Gulf war. Civilians across the country, as well as some armed opposition forces, had taken part in widespread anti-government activities. Iraqi authorities rounded up thousands of people suspected of having participated in the three-week insurrection in numerous cities, towns, and villages across southern Iraq. As Human Rights Watch described it 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.”³ The fate and whereabouts of many of those who “disappeared” in custody remains unresolved to date.

Tens of thousands of army deserters, political opponents, and others who had sought shelter in the southern marshlands were systematically and relentlessly pursued by security and military forces following the Iraqi government suppression of the uprising.⁴ In the ensuing months, arbitrary arrests, indefinite detention of suspects, and killings continued unabated. The government also launched an unprecedented attack on the Shi’a Muslim faith and culture. The authorities destroyed and desecrated holy sites and shrines, and demolished libraries, mosques, and centers of religious instruction (*hussainiyas*). The closure of Shi’a centers of learning obliged students to transfer their studies to universities and institutions elsewhere in Iraq where Sunni rather than Shi’a theology was taught. Shi’a religious rites and practices were restricted, printed material was strictly censored, and religious broadcasts were banned.

The latter half of the 1990s witnessed targeted assassinations of at least three prominent religious scholars and leaders who had large followings among the Shi’a in the cities of Karbala’, al-Najaf, and other places. The Friday sermons of these scholars and leaders had been well attended and occasionally had contained

³ Middle East Watch (now Human Rights Watch/Middle East and North Africa), “Endless Torment: The 1991 Uprising in Iraq and Its Aftermath,” *A Human Rights Watch Report*, June 1992, p. 1. The 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.

⁴ Members of a U.N. fact-finding mission, who spent a week in the marshes region in June 1991, estimated that “more than 40,000 people were hiding there and reported combat-ready Iraqi troops deployed along roads there” (“Humanitarian Envoy Visits Iraq’s Southern Marshes,” Reuters, July 11, 1991).

veiled criticisms of government policy and repression. Three religious leaders were killed by unidentified gunmen in suspicious circumstances in Karbala' and al-Najaf between April 1998 and February 1999, and there were at least two other attempted assassinations.⁵ The most prominent victim was Ayatollah Muhammad Sadeq al-Sadr, shot dead with his two sons in al-Najaf in February 1999. Although in this and one other case the government later announced it had arrested, tried, and executed the alleged assassins, many Iraqis suspect that the killings were ordered by the government.⁶

The assassination of Ayatollah al-Sadr sparked off a series of demonstrations in several towns and cities in southern Iraq, culminating in armed clashes between government security forces and armed opposition activists, notably in the city of Basra in mid-March 1999. Demonstrations in al-Nasiriyya and other cities were violently put down and hundreds of people arrested. During a mission to Syria and Jordan in March and April 2000, Human Rights Watch interviewed scores of Shi'a Muslims who had fled Iraq in the preceding weeks and months. Many had witnessed or participated in those events in al-Najaf, Karbala', and elsewhere. They described a government campaign of terror, involving the shooting of unarmed civilians, widespread arrests, house-to-house searches in pursuit of suspects, and the torture and ill-treatment of suspects' relatives in order to force them to divulge the whereabouts of those wanted by the authorities.

Unlike other Shi'a, Marsh Arabs were also subjected to a government-engineered environmental catastrophe. Although government planners had been devising schemes to drain the marshlands for economic purposes since at least the 1950s, systematic drainage efforts began only after an abortive uprising against the government in 1991, described below, and were motivated primarily by political rather than economic concerns. Starting in 1991, in part to facilitate entry into the area by the armed forces, authorities built a series of dams, dikes, and canals aimed at preventing the waters of the Tigris and the Euphrates from flowing into the marshes. The result, less than a decade later, was the destruction of the Middle East's largest wetland ecosystem.

An environmental study carried out by the U.N. Environment Program (UNEP) in 2001, based on previously unseen satellite images, revealed the extent of the devastation of the marshland region.⁷ The satellite images, taken in 1992 and 2000 by the U.S.'s National Aeronautics and Space Administration (NASA), confirmed the destruction of around 90 percent of the marshlands, qualifying it as "one of the world's greatest environmental disasters."⁸ UNEP scientists attributed the desiccation of the marshlands in part to extensive damming upstream of the Tigris and Euphrates rivers (involving Iraq, Iran, and Turkey), a process begun in the 1950s and continuing today. However, UNEP concluded that the

⁵ Ayatollah Murtadha al-Burujerdi was shot dead, together with two companions, by armed assailants on April 22, 1998, in the city of al-Najaf. Less than two months later, on June 18, Ayatollah Mirza 'Ali al-Gharawi and three others were gunned down on the al-Najaf-Karbala' road.

⁶ The "confessions" of four men allegedly arrested in connection with the assassination of Ayatollah Muhammad Sadeq al-Sadr and his two sons were broadcast on Iraqi television on March 17, 1999. They were executed several weeks later, on April 6. One of them, Shaikh 'Abdul-Hassan 'Abbas al-Kufi, was reportedly already under arrest when the assassinations took place, having been in custody since late December 1998.

⁷ UNEP Press Release, May 18, 2001: "The Fertile Crescent, One Of The World's Most Important Wetlands, Devastated By Drainage". The detailed findings were subsequently published by UNEP in its report, *The Mesopotamian Marshlands: Demise of an Ecosystem* (UNEP/DEWA/TR.01-3).

⁸ *Ibid.*, p. viii. UNEP found that the Central and al-Hammar marshes "have completely collapsed with respectively 97% and 94% of their land cover transformed into bare land and salt crusts," with only one third of the al-Huwaizah/al-Azim marshes remaining (p. ix). UNEP also detailed the impact of the drainage works on wildlife decline, the extinction of certain species and on regional climate change (pp. 34-35).

“accelerated scale and speed of marshland disappearance ... was mainly driven by massive drainage works undertaken in the wake of civil unrest following the second Gulf War in 1991,” and that “analysis of satellite imagery has shown that the marshland ecosystem had collapsed by 2000.”⁹

The Marshlands

Prior to their destruction, the marshlands (*al-ahwar*) had covered an area of up to 20,000 square kilometers around the confluence of the Tigris and Euphrates rivers in southern Iraq. Administratively, the marshlands cut across three of Iraq’s eighteen provinces: Misan (originally al-‘Amara), Dhi Qar (originally al-Nasiriyya), and Basra. Geographically, the heartland of the marshes comprised three principal areas: a) the al-Hammar Marshes, located south of the Euphrates between al-Nasiriyya and Basra; b) the Central Marshes, located between the Tigris and the Euphrates rivers in a triangular area bounded by al-Nasiriyya, al-Qurna, and Qal’at Salih, with a section further north around the city of al-‘Amara (commonly known as the al-‘Amara Marshes); and c) the al-Huwaizah Marshes, located east of the Tigris and extending into Iran (where they are known as the al-Azim Marshes). Together, these wetlands formed a series of interconnected permanent marshes and lakes covering an area of some 8,800 square kilometers, extending to some 20,000 kilometers when large tracts of dry or desert land were seasonally inundated.¹⁰

The marshland region is also the site of some of the richest oil deposits in the country. Iraq’s proven oil reserves, estimated at 112 billion barrels, are second only to those of Saudi Arabia, and its major reserves are in the southern region.¹¹ Of those located in the marshlands, the largest are the Majnun fields with reserves of 10-30 billion barrels, and West Qurna with reserves of 15 billion barrels.¹²

The marshlands were once home to several hundred thousand inhabitants, the Ma’dan, a people whose unique way of life had been preserved for over 5,000 years. The Ma’dan consist of a number of different Shi’a tribes, including the Bani Asad, Bani Tamim, Albu-Hassan, Albu-Muhammad, and Bani Lam.¹³ Estimates of population size have varied largely due to the paucity of official government data and the relative inaccessibility of the region, which left sections of the Ma’dan population unaccounted for in population censuses.¹⁴ One anthropological study put their number at 400,000 in the 1950s.¹⁵ Economic migration between the 1960s and the 1980s had reduced the population to an estimated 250,000 by 1991. In 1993, Human Rights Watch estimated the rural population of the marshlands to be around 200,000, which took into account the huge numbers of army deserters and political opponents seeking shelter in the

⁹ Ibid., p. 36.

¹⁰ UNEP, *The Mesopotamian Marshlands*, pp. 14-15.

¹¹ Middle East Economic Survey, “Iraqi Oil Industry in 2002: A Turning Point,” Vol. XLV, No. 2, January 14, 2002.

¹² U.S. Department of Energy, Energy Information Administration, *Iraq*, March 2002. Contracts awarded by the Iraqi government in recent years to Russian, French, Chinese and other oil companies to rehabilitate existing oilfields or to explore untapped reserves (estimated at 220 billion barrels) have remained suspended under the terms of the U.N.-imposed sanctions.

¹³ For an account of the conversion to Shi’a Islam by Iraq’s southern tribes, see Yitzhak Nakash, *The Shi’is of Iraq* (New Jersey: Princeton University Press, 1994).

¹⁴ Some of the more well known accounts of the marshes and their inhabitants include the following: Gavin Maxwell, *A Reed Shaken by the Wind* (London and New York: Longmans, 1957); S. M. Salim, *Marsh Dwellers of the Euphrates Delta* (London: 1962); Wilfred Thesiger, *The Marsh Arabs* (London: 1964); and Gavin Young, *Return to the Marshes: Life with the Marsh Arabs of Iraq* (London: Collins, 1977).

¹⁵ S.M. Salim, *Marsh Dwellers*, cited in Christopher Mitchell, “Assault on the Marshlands,” in *Iraqi Marshlands: Prospects*, a series of conference papers issued by a U.K.-based charity, the AMAR (Assisting Marsh Arabs and Refugees) International Charitable Foundation, London May 21, 2001.

region after 1991.¹⁶ Today, there may be as few as 20,000 of the original inhabitants remaining, the rest having fled or migrated to Iran and elsewhere, while an estimated minimum of 100,000 have become internally displaced in Iraq.¹⁷

Until the 1950s, the traditional subsistence lifestyle of the Ma'dan had hardly been disturbed. Their largely self-sufficient economy, structured around the aquatic environment, was based on the traditional occupations of fishing, cultivation, buffalo breeding, and reed gathering (from which a cane handicrafts industry evolved). Migration to urban centers, whether for permanent or seasonal work, accounted for much of the reduction in the size of the indigenous population up to the late 1980s, when the government policies targeting the Marsh Arabs described in this briefing dramatically increased the pace of depopulation.

“Life in the marshes was extremely hard, and as Iraq became increasingly prosperous during the 1960s and 1970s and even into the 1980s, the lack of amenities and the harsh environment would have encouraged many marsh dwellers, particularly educated young people, to leave for the cities.”¹⁸ Urban economic activity became the main source of income for many families even though, geographically and administratively, the marshlands themselves remained relatively isolated. Even by the early 1970s, the encroachment of the Iraqi state—in the form of educational and health services as well as the permanent presence of law enforcement and administrative personnel—had only reached the outer and more accessible fringes of the marshlands.¹⁹ It was only during and in the aftermath of the Iran-Iraq war that the Iraqi government began to draw up plans for direct military intervention in the area.

The Government’s “Plan of Action”

The government’s agricultural plans for the marshlands date back to the early 1950s. A major project begun in 1953, known as the Third River project, involved the construction of a massive drainage canal aimed at rendering large tracts of land between the Tigris and the Euphrates arable through desalination.²⁰ The construction of the canal, which came to be known officially as the Saddam River, was still in progress during the 1970s and 1980s, but its “focus gradually shifted from building an irrigation drainage system to marshland reclamation. Concrete engineering proposals were developed to drain the marshlands proper.”²¹

Implementation was deferred for the duration of the 1980-1988 Iran-Iraq war, which for the government underscored the urgency of proceeding with drainage after a section of the marshes became the site of military operations. In February-March 1984, Iran had opened a new front in the al-Huwaizah marshes,

¹⁶ Middle East Watch (now Human Rights Watch/Middle East and North Africa), “Current Human Rights Conditions Among the Iraq Shi’a: Summary of Findings of a Middle East Watch Mission, January 28-February 14, 1993,” *A Human Rights Watch Report*, March 1993. In the same year, Minority Rights Group estimated that the size of the indigenous population had dwindled to some 50,000 (in *The Marsh Arabs of Iraq*, London: 1993).

¹⁷ John Fawcett and Victor Tanner, *The Internally Displaced People of Iraq* (Washington D.C.: The Brookings Institution – SAIS Project on Internal Displacement, October 2002). Brookings estimates that between 20,000-40,000 of the local population may be remaining in the marshes region, and that “upwards of 100,000 must be displaced” (p. 31).

¹⁸ Peter Sluglett, “The Marsh Dwellers in the History of Modern Iraq,” in *Iraqi Marshlands: Prospects*, p. 110.

¹⁹ Young, *Return to the Marshes*.

²⁰ Upon completion, the canal extended over 565 kilometers from Mahmudiyya, twenty kilometers southeast of Baghdad, joining the Shatt al-Basra Canal north of Umm Qasr.

²¹ UNEP, *The Mesopotamian Marshlands*, p. 23.

east of the town of al-Qurna, capturing the oil-rich Majnun Islands.²² In the aftermath of the 1991 Gulf War and the mass uprising that followed, “a massive hydro-engineering programme was launched to drain the marshlands. After approximately nine months of round-the-clock shifts, the Iraqi government officially inaugurated the opening of Saddam River on 7 December 1992.”²³

When the Iraqi government turned its attention to the southern marshes in earnest after the 1991 uprising, it also began implementing plans laid four years earlier to increase the penetration of its military and security forces into the heart of the region. According to documents uncovered in 1992 by Human Rights Watch researchers examining and analyzing Iraqi government documents captured during the March 1991 uprising, plans for a direct assault on the marshes had been in place since the last years of the Iran-Iraq war. One document, dated January 30, 1989—entitled “Plan of Action for the Marshes” and marked secret and confidential—refers to an original plan “which was adopted in 1987 and approved by the President and Commander-in-Chief.”²⁴ It discusses the activities being carried out by “subversives” and “hostile elements” in the marshlands, specifically army deserters and “Iranian-trained agents” (the latter refers to the armed wing of the opposition Supreme Islamic Council for the Islamic Revolution in Iraq (SCIRI), the Badr forces). Among the instructions to be carried out “in order to put an end to the hostile presence” in the marshes, as listed in the document, were the following:

- Carrying out “strategic security operations” in the region, such as causing explosions, poisoning the environment and burning homes, in order to worsen the security situation there.
- Offering army deserters and evaders pardons in return for carrying out assassinations of “hostile elements” in the marshes.
- Conducting periodic and regular “punitive and deterrent operations” against those inhabitants of the marshes deemed to have “collaborated with the subversives.” Such operations were to include the demolition or burning of homes.
- Enforcing an economic blockade on areas in which “subversives” were operating, to be implemented through the withdrawal of food supply agencies, imposing a ban on the sale of fish, taking “the severest measures” against those who smuggle food to “deserters, outlaws and hostile groups,” and prohibiting all commercial traffic to the areas in question.
- Using an extensive network of “undercover collaborators” to determine the location of army deserters and other “hostile groups,” and attempt to “lure” them out of their hiding places to facilitate capture.

²² Iraq eventually recaptured the islands in 1988. For a chronological account of the Iran-Iraq war, see Library of Congress, Area Handbook Series, *Iraq: A Country Study*. U.N. investigative teams subsequently found evidence of the use of chemical weapons by Iraq on numerous occasions during the war between 1984 and 1986, including in the al-Huwaizah marshes: “After having conducted the examination of various sites, weapons components and numerous casualties in our investigations undertaken in 1984, 1985 and 1986 ... together with circumstantial evidence, we unanimously conclude that ... on many occasions, Iraqi forces have used chemical weapons against Iranian forces” (*Report of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq*, United Nations Security Council, March 12, 1986, S/17911, p. 18, para. 58). Details of the U.N. investigation are also summarized in J. P. Robinson and J. Goldblat, “Chemical Warfare in the Iraq-Iran War,” Stockholm International Peace Research Institute, Fact Sheet, Chemical Weapons I, May 1984.

²³ UNEP, *The Mesopotamian Marshlands*, pp. 23-24. Evidence of the partial drying out of some areas was already apparent by 1990, according to UNEP: “A large eastern swath of the Central marshes had already partially dried out by 1990 as a result of the construction of causeways to facilitate transport of armoured units during the Iran-Iraq war” (p. 25). Drainage of parts of the al-Hammar marshes had also been carried out in the first half of the 1980s to enable the exploitation of oil reserves.

²⁴ The document (bearing the reference Section/1657) was sent from the Directorate of Security of Irbil province, and was addressed to the Security Director in the town of Shaqlawa (in Irbil province), informing him about security measures being taken in respect of the marshes region.

- Assigning to security committees in the relevant provinces the task of controlling vehicle traffic between the marshes region and the major town centers, and coordinating all security activities with the air force such that helicopters and military aircraft could be made available for operations involving the pursuit of army deserters and others.
- Examining the possibility of “regrouping the marsh villages on dry land (which is easy to control)” and extending roads deeper into the marshes to facilitate access.

Human Rights Watch made this document available to then U.N. special rapporteur on Iraq, Max van der Stoel, who published it in his February 1993 report to the U.N. Commission on Human Rights.²⁵ Subsequent developments have shown that the Iraqi government in fact succeeded in carrying out a far more ambitious plan, culminating in the almost total eradication of an indigenous people through brute force and the systematic destruction of their economic livelihoods and natural environment.

During the first year after the 1991 uprising, the government focused on flushing out and capturing army deserters and those suspected of having participated in the uprising; it did not initially embark on a program of forcible relocation of the local population.²⁶ Nevertheless, the Ma’dan from the beginning bore the brunt of the military maneuvers as well as the drainage schemes that were by now in full swing.²⁷ By late 1991 and early 1992, military attacks on the marshes were resulting in scores of casualties per month. Regular and persistent artillery bombardment of areas designated for drainage or for security operations drove out villagers from their homes. When the government’s forces met with resistance by villagers, they sometimes implemented a shoot-to-kill policy. Initially, families whose homes had been destroyed after an army raid or shelling moved on to another section of the marshes and rebuilt their reed huts there. However, as the government expanded its drainage operations and intensified the artillery bombardment, this option was eliminated. Consequently, tens of thousands of the inhabitants began

²⁵ United Nations, *Report on the situation of human rights in Iraq*, February 19, 1993, E/CN.4/1993/45, p. 35, para. 115. Van der Stoel wrote in his report: “With the corroborative value of this document, and seen in the light of the Special Rapporteur’s possession of a video-cassette showing the present Prime Minister instructing generals to “wipe out” certain tribes ..., video-cassettes showing widespread destruction of marsh area villages and habitat, the fact that the described “Plan of Action” and reported events mirror the Government’s Anfal operations in the Kurdish northern area ..., reports that the present military actions in the south of Iraq are under the direction of Ali Hassan al-Majid who previously directed the Anfal operations, the admission of the Government of Iraq that it has in fact been pursuing large-scale “police” actions and “development” projects, and the refusal of the Government to allow human rights monitoring, the Special Rapporteur feels compelled to give considerable credence to the allegations [detailed in his report]” (p. 35, para. 115).

²⁶ A U.N. delegation visited Iraq between July 8-13, 1991, charged with assessing the humanitarian needs of Iraqi civilians under the terms of the Memorandum of Understanding signed by the Iraqi government and the U.N. on April 18, 1991. Headed by Prince Sadruddin Aga Khan, the Secretary-General’s humanitarian envoy, the delegation visited the marsh village of al-Hammar on July 11. The visit was prompted by reports of a large-scale build-up of Iraqi troops in the area, encircling tens of thousands of people hiding in dire conditions in the marshes and without access to food and water supplies. The Iranian government had also said the previous month that it could no longer cope with the flow of Iraqi refugees crossing its border. The Iraqi government initially agreed to the establishment of a U.N. center in the marshlands for the distribution of humanitarian aid, but within days of Prince Sadruddin Aga Khan’s departure, it ordered U.N. staff to close the center and leave. It also redeployed troops and weaponry that had been withdrawn from the area for the duration of the U.N. delegation’s visit (Trevor Rowe, “U.N. Says Iraq ‘Tricked’ Aid Mission,” *Washington Post*, July 19, 1991). On July 19, the five permanent members of the Security Council called on Iraq to withdraw its troops from the marshes and allow U.N. staff to distribute humanitarian aid to the besieged civilians.

²⁷ A study based on the analysis of satellite imagery commissioned by the AMAR Foundation, published in 1994, found that by 1991/1992, the al-‘Amara marshes had been reduced to sixty-seven per cent of their 1984/1985 size (Edward Maltby (ed.), *An Environmental and Ecological Survey of the Marshlands of Mesopotamia*, AMAR Foundation, May 1994).

fleeing to Iran or moving to safer areas outside the marshlands. There were also persistent allegations that the armed forces were using napalm in these attacks.²⁸

In April 1992 (as part of the plan to “regroup the marsh villages on dry land” noted above), the Iraqi National Assembly approved a new housing program for the Ma’dan. According to then speaker of the Iraqi parliament, Sa’di Mahdi Saleh, the government’s intention was to relocate some 3,000-4,000 inhabitants of the marshes to houses constructed along the highway between Basra and al-Qurna, to “provide them with electricity, clean water, schools and medical care,”²⁹ and to “make them good citizens.”³⁰ Saleh told the media that the plan approved by parliament “does not specify [whether the families to be relocated] will be given a choice to move or stay ... whether we say it is compulsory or optional is of no significance to them”.³¹ The initiative was widely understood as a means through which the government could force political and military fugitives out of hiding, enable its program of drainage of the marshes to proceed without hindrance, and subjugate the local population once and for all. Moreover, the forced relocation served as a means of depriving the marsh villagers of all sources of economic livelihood—mirroring precisely what had happened to the Kurds when they were forcibly relocated to resettlement camps in the 1980s as a prelude to the Anfal campaign.

The parallel between the Kurds and the Ma’dan was not lost on the speaker of the parliament. Referring to the Kurds, Saleh told the Reuters news agency: “At the time we evacuated those people and put them in complexes and provided them with amenities, [but] for political reasons there was a row against us in the West. Concerning the marsh people the West should help us to move their homes, build schools for them, improve their health conditions, instead of criticizing. America wiped the Red Indians off the face of the earth and nobody raised an eyebrow.”³²

The forced resettlement program in the marshes was accompanied by a counterinsurgency campaign that included indiscriminate attacks by artillery, helicopter gunships and fixed-wing aircraft on villages. The attacks were reportedly accompanied by the arrest and execution of civilians, including tribal leaders, the destruction of property and livestock, and the razing of entire villages.³³ Those targeted included whole families that had refused to vacate their homes. The waves of arrests were soon followed by reports of mass summary executions. Among the reports received by Human Rights Watch at the time was one incident involving the execution of some 2,500 villagers in August 1992. The victims, among them women and children, were rounded up in the marshes of al-Chibayish (west of al-Qurna) together with captured fighters of the opposition SCIRI. According to testimony obtained by Human Rights Watch, including that of a survivor, they were taken to an army camp in northern Iraq, where they were executed over a period of about two weeks.³⁴ The UN special rapporteur on Iraq detailed similar reports he had received.³⁵

²⁸ The first allegations of the use of napalm against civilians emerged in late 1991, when the AMAR Foundation reported that villagers living near the border with Iran had sustained burns consistent with the use of napalm. The opposition group SCIRI also said that napalm was used in later attacks in 1992 and 1994.

²⁹ James Anderson, “Iraq to uproot isolated Marsh Arabs,” Reuters, May 7, 1992.

³⁰ Patrick Cockburn, “Tide turns against the marsh Arabs – government starts programme of relocation,” *The Independent*, May 7, 1992.

³¹ Anderson, “Iraq to uproot isolated Marsh Arabs,” Reuters.

³² Ibid.

³³ Human Rights Watch, *World Report 1993*, p. 306.

³⁴ Ibid., pp. 306-307.

³⁵ United Nations, *Report on the situation of human rights in Iraq*, February 19, 1993, p. 37, para. 119.

The Failure of the United Nations to Act

In 1992, the cumulative force of continuing, consistent reports of a government campaign of terror against the Ma'dan prompted the special rapporteur on Iraq to voice his concerns directly to the U.N. Security Council for the first time. His intervention, on August 11, 1992, came hot on the heels of some of the fiercest aerial attacks the marshlands had witnessed up to that point.³⁶ Human Rights Watch reported that in "late July, after days of aerial strafing of villages south of al-'Amara, especially near the town of Salaam, international observers reported that the main hospital in al-'Amara was overflowing with 'hundreds' of casualties. The heaviest attacks, which involved the use highly destructive ordnance against villages, lasted from July 20 to 27."³⁷ On August 27, U.S., U.K., and French forces launched Operation Southern Watch, imposing an "air-exclusion" zone south of the 32nd parallel.³⁸ The Iraqi government's response was simply to change tactics and the result was an overall worsening of the situation.

Notwithstanding the Iraqi government's continuing refusal to cooperate with the U.N.'s human rights mechanisms, the special rapporteur had requested as early as February 1992 "the sending to Iraq of a team of human rights monitors who would remain in Iraq until the human rights situation had drastically improved."³⁹ He justified his recommendation by stating that "this exceptionally grave situation demands an exceptional response—a response that would have to be considered as disproportionate in most other cases of human rights violations."⁴⁰ In February 1993, he recommended the placement of monitors "in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq."⁴¹ Such locations included neighbouring countries that were hosts to large numbers of Iraqi refugees, notably Iran and Turkey.

The special rapporteur reiterated his recommendation every year until his resignation in 1999, but it was never acted upon despite being endorsed in annual resolutions adopted by the Commission for Human Rights and the General Assembly. These resolutions had requested the U.N. secretary-general "to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient funds and material resources for the sending of human rights monitors" to Iraq and other relevant locations.⁴² In an expression of frustration, the special rapporteur took the unusual step of criticizing the U.N. in his 1994 report to the Commission, in which he described his own efforts at monitoring the human rights situation in Iraq as constituting "a bare minimum." He stated that "these modest activities have not been achieved easily owing to the scarcity of resources allocated for the purpose and the very slow decision-making process within the United Nations. Consequently, the Special Rapporteur must record his disappointment that to date no staff has been assigned for specific monitoring

³⁶ The special rapporteur addressed the Security Council again some three months later, on November 23, 1992.

³⁷ Human Rights Watch, *World Report 1993*, p. 306.

³⁸ Imposed by allied forces acting under Security Council Resolution 688. The zone was extended northwards up to the 33rd parallel in 1996.

³⁹ United Nations, *Report on the situation of human rights in Iraq*, February 18, 1992, E/CN.4/1992/31, pp. 65-66, para. 156. Human Rights Watch endorsed the special rapporteur's recommendation, calling on the international community to demand a continuing presence of independent human rights observers inside Iraq. It also called on the U.S. "to take a leading role in marshalling world support" for such a monitoring system (Middle East Watch, "Endless Torment," p. 3).

⁴⁰ *Ibid.*

⁴¹ United Nations, *Report on the human rights situation in Iraq*, February 19, 1993, p. 64, para. 187(f).

⁴² See, for example, Resolution 52/141: Situation of human rights in Iraq, adopted by the General Assembly on December 12, 1997 (A/RES/52/141).

purposes nor, so far as he knows, has any discernible and secure budget been allocated for the mandate.”⁴³ The special rapporteur’s contention that the Iraqi government’s continuing repression of the civilian population in the country “is in violation of Security Council resolution 688 (1991) which mandated ‘that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression,’” also fell on deaf ears at the Security Council.

This lack of resolve on the part of the international community effectively gave the Iraqi government a free hand to carry on with large-scale repression. It proceeded to do this through a range of methods that set the pattern for the next several years. Except when it violated the terms of the 1991 ceasefire agreement by using fixed-wing aircraft within the zone, Iraq was essentially left to conduct ground operations backed by helicopters (which were not prohibited under the ceasefire agreement) with impunity. Scores of refugees who had fled to the safety of Iran and who were interviewed by Human Rights Watch in early 1993 were consistent in describing the tactics being used by government forces:⁴⁴

- Intensified attacks, including indiscriminate bombardment and shelling of residential areas in towns and villages in the vicinity of Basra, al-Nasiriyya, and al-‘Amara.
- Mass arrests involving house-to-house searches following artillery and mortar attacks on villages. Regular armed forces as well as special forces and Republican Guards were used in these operations. While in most cases those arrested were taken away blindfolded to an unspecified destination and did not return, others were held for several days and then released after undergoing interrogation and torture. This was apparently designed to spread fear among the local population and to demonstrate that despite the imposition of the “air-exclusion zone,” the Iraqi government remained in control of the region.
- Widespread and deliberate destruction of homes and property through bulldozing or burning.⁴⁵ This was carried out systematically following the shelling or bombardment of targeted villages, both to prevent the inhabitants from returning and to deprive them of their assets. Similarly, crops and other vegetation were also set on fire, and livestock deliberately were killed.
- The indiscriminate laying of land and water mines. The use of unmarked mines was reported in early 1992 but continued after the imposition of the “air-exclusion zone.” Most water mines were laid in the al-Hammar and al-‘Amara marshes, concealed in and around river entrances leading to the marshes, apparently with the aim of deliberately killing or maiming those entering or leaving these areas.⁴⁶ Until the drainage works rendered it impossible to use boats as the principal means of transport in the marshes, water mines were also laid in the shallow waters used by the local population. They were reportedly responsible for scores of civilian deaths and injuries, as well as the deaths of large numbers of water buffalo and cattle on which

⁴³ United Nations, *Report on the situation of human rights in Iraq*, February 25, 1994, E/CN.4/1994/58, p. 6, para. 9. Until his resignation, the special rapporteur continued to operate with a skeleton staff of two persons who, “performing the functions of human rights monitors,” were deployed on field missions as necessary, including two visits to south-western Iran in 1993 and 1994 to interview Marsh Arab refugees who had crossed the border to escape the continuing attacks on their villages by Iraqi government forces.

⁴⁴ Middle East Watch, “Current Human Rights Conditions,” pp. 5-10.

⁴⁵ In November 1993, the U.K. government released aerial photographs of a section of the marshes taken by the Royal Air Force in late September. The defense ministry said the photographs were of four destroyed settlements, with scorch marks visible around some of the damaged buildings. A ministry spokesman was quoted as saying: “It is unclear whether the destruction is related to marsh drainage construction projects, Iraqi counter-insurgency operations or harassment of Shi’a Arabs by the authorities in Baghdad” (Alan Wheatley, “Britain says Iraq destroyed marsh villages,” Reuters, November 15, 1993).

⁴⁶ The al-Huwaizah Marshes were reportedly already mined, having been a battleground during the Iran-Iraq war.

much of the local economy depended. Land mines were used principally in areas cleared for drainage, including in and around destroyed villages, to deter the inhabitants from returning. They were also laid along embankments, apparently to protect them from attack by armed opposition forces.

- The denial of medical treatment to injured civilians, particularly to individuals belonging to tribes considered “hostile” to the government, or those whose homes were located in the “prohibited zones” (cleared for drainage or for military purposes). Seeking medical treatment in state-run clinics or hospitals meant risking certain arrest. Where possible, the injured were smuggled to Iran for treatment, but the journey was hazardous and some did not survive it. Civilians who fell ill or required medical treatment for ordinary conditions also faced similar problems, particularly after the government began removing medical stocks from hospitals and clinics from the major cities in the vicinity of the marshes (including Basra, al-Nasiriyya, and al-‘Amara) and taking them northwards to areas beyond the 32nd parallel.
- The tightening of the economic blockade the government had imposed on the region (as per the ‘Plan of Action for the Marshes’). This entailed a total ban on the transport into the marshes of foodstuffs, refined oil products, and medicines. Army patrols were reported to be searching travelers into the region, and any food judged to be in excess of a family’s needs was either seized or destroyed. Food smugglers who were caught were often harshly dealt with, including by summary execution.⁴⁷ The U.N. special rapporteur, citing reports from marshes refugees reaching Iran, said that the authorities had denied families who refused to relocate to government housing the monthly food supplies distributed in accordance with the ration card system introduced following the imposition of U.N. sanctions.⁴⁸ This compounded an already dire situation since, by virtue of the isolation and inaccessibility of the marshlands, some of the Ma’dan were not officially registered in government records and did not possess the identity cards necessary to register for the receipt of rations.

In November 1993, UNSCOM experts visited Iran and Iraq to investigate allegations that Iraqi forces had used chemical weapons in attacks launched in the vicinity of the village of ‘Alawi, located on the eastern edge of the al-Hammar marshes. According to local inhabitants from the area who fled to Iran, Iraqi troops equipped with gas masks bombarded the village on September 26 with shells emitting “a thick, white, ball-shaped gas cloud that hung a few yards above the ground for about an hour, causing breathing difficulties.”⁴⁹ Similar attacks were reportedly carried out in the ensuing days, according to SCIRI, who also said that Iraqi military documents seized by its forces during a battle in the al-Hammar marshes at the end of September contained instructions to troops to take precautionary measures against phosgene gas.⁵⁰ The UNSCOM team interviewed refugees who had fled to Iran, and then inspected the site of the alleged chemical attacks in the al-Hammar marshes, taking soil, water, flora and fauna samples for analysis. The UNSCOM team found no evidence to support the allegations.⁵¹

⁴⁷ Middle East Watch, “Current Human Rights Conditions,” p. 5.

⁴⁸ United Nations, *Report on the Human Rights Situation in Iraq*, February 13, 1993, p. 39, para. 128.

⁴⁹ Julie Flint, “Iraqi scientist tells of gas atrocities,” *The Guardian*, November 8, 1993. Information about the attack was documented by Dr. Hussain al-Shahristani, a former Iraqi nuclear scientist who was incarcerated for over a decade in Abu Ghraib prison in the 1980s. He founded and ran a charitable organization, Gulf War Victims, which assisted thousands of Iraqi refugees who had fled to Iran from southern Iraq, including the marshes region.

⁵⁰ Julie Flint, “Saddam used ‘choking gas,’” *The Guardian*, November 10, 1993).

⁵¹ In its report to the Security Council, UNSCOM stated that “The chemical analysis of the samples ... showed no evidence of the presence of chemical-weapons agents in the samples and so indicated that chemical weapons had not been used during the previous two years in the inspected area ... The environmental conditions ... observed and documented by the team supported the results of the analysis” (Sixth report under resolution 699, S/1994/750, June 24, 1994, para. 29). In an earlier report,

Massive Displacement

As of early 1993, the Iraqi government pressed ahead with extensive drainage works, of which the construction of the Third River was only the start. To further deprive the marshes of the waters of the Tigris, the Euphrates, and their tributaries, at least four other major drainage canals were completed in 1993 and 1994: the *al-Qadisiyya* River, the *Umm al-Ma'arik* (Mother of All Battles) River, the *al-'Izz* (Prosperity) River, and the *Taj al-Ma'arik* (Crown of All Battles) River.⁵² Several dams were also constructed to prevent backflow, and embankments were raised or built high enough to prevent floodwaters from overflowing into the marshes. Additionally, stretches of the al-Hammar and al-'Amara marshes "were intensively partitioned into polders using dikes. Canals some 20-30 km long were then built to drain the land. The canals further divided the polders into smaller blocks and the remaining standing water was left to evaporate."⁵³

At this point, the Iraqi government was still maintaining that "these rivers and projects will promote the economic, social and cultural revival of the area," namely through an increase in the extent of reclaimed land and the consequent expansion in the cultivation of staple crops; an improvement in the living conditions of farmers; the provision of "suitable fishing grounds"; the alleviation or avoidance of flooding; the provision of health and educational services; and the settlement of "some nomadic tribes in the area following the provision of a suitable livelihood."⁵⁴

Refugees fleeing the marshlands to Iran told a different story, and many of those interviewed by the U.N. special rapporteur on Iraq in the summer of 1994 cited the drainage of the marshes and its consequences as the principal reason for their flight.⁵⁵ Independent reports also pointed out that the drained marshlands, reclaimed at great cost, were being left unused, contradicting the government's claimed rationale for the project. The drainage works had already devastated the local economy, reflected in a significant decrease in fish supplies, and a decline in agricultural production and animal husbandry.⁵⁶ The drying out of the reed beds deprived local inhabitants of the principal raw material used in the construction of boats, shelters, and various household items, and led to the disappearance of the local cane handicrafts industry. Boats could no longer be used as the principal mode of transport in large stretches of marshland. The remaining pockets of water became stagnant, and supplies of drinking water also significantly declined.⁵⁷

UNSCOM noted that during its field visit, "Iraq refused the inspection team's demand to interview army personnel who were in the vicinity of the site of the alleged attack at the time when it was said to have occurred" (Fifth report under resolution 699, S/26910, December 21, 1993, para. 8).

⁵² UNEP, *The Mesopotamian Marshlands*, pp. 22-29.

⁵³ Ibid, p. 27. Details of some of these drainage schemes, including the partitioning of the marshes, were contained in a document made public by the opposition group, SCIRI, in December 1992. The document described a five-stage drainage operation and, according to SCIRI, was found in the possession of an Iraqi government engineer captured by SCIRI forces in the marshes (the full text of the document was published in SCIRI's bulletin, "Iraq Update," December 25, 1992).

⁵⁴ United Nations, *Reply of the Government of the Republic of Iraq to the report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights to the forty-ninth session of the General Assembly of the United Nations*, E/CN.4/1995/138, February 7, 1995, pp. 5-6.

⁵⁵ United Nations, *Report on the situation of human rights in Iraq*, E/CN.4/1995/56, February 15, 1995, p. 13, para. 50.

⁵⁶ For an assessment of the economy of the marshlands, see Alexander Tkachenko, "The Economy of the Iraq Marshes in the 1990s," in AMAR, *Iraqi Marshlands*, pp. 9-28. See also the U.N. special rapporteur's interim report to the General Assembly, *Situation of human rights in Iraq*, A/49/651, pp. 8-10, paras. 37-43.

⁵⁷ Refugees fleeing the area had consistently reported to Human Rights Watch and the special rapporteur that Iraqi forces had deliberately poisoned the marsh waters with toxic chemicals, but no concrete evidence of this could be obtained. Writing in 1993, the special rapporteur said: "Witnesses point to the greenish colour of the water, 'black spots' on the surface, its bitter

The special rapporteur observed that he found “extremely little evidence” of successful land reclamation, while finding “indisputable evidence of widespread destruction and human suffering which have resulted in massive displacement, an influx of destitute refugees to the Islamic Republic of Iran, and the loss of a way of life for the Marsh Arab people.”⁵⁸ In its 2001 report, UNEP also noted that “most of the reclaimed lands as depicted in the 2000 image of Landsat have remained barren since the works were completed in 1993/94, and there is little sign of new cultivation.”⁵⁹

In March 1995, the U.N. Commission on Human Rights called on Iraq to implement without delay the special rapporteur’s recommendations concerning the marshlands, “in particular to halt and reverse the draining of the marshes and to receive a mission of recognized international experts to determine the effects on the population and the environment of these drainage projects.”⁶⁰ The Iraqi government ignored these calls and continued with its drainage works. The last major drainage canal, the *al-Wafa’ lil-Qa’id* (Loyalty to the Leader) River was completed as late as December 1997. Between 1995 and 1997, military operations in search of suspected government opponents hiding in the marshes also continued, as did indiscriminate attacks on civilian targets. Government forces reportedly employed artillery and armored divisions in attacks against a number of villages in 1996.⁶¹ The special rapporteur also reported on the continuing use of the ration card system as a means of enforcing “loyalty” to the authorities,⁶² or as a tool for collectively punishing marsh tribes deemed “hostile.”⁶³

In the latter half of 1998, the government launched a new offensive to crush armed opposition forces in the marshlands. Between August and November, in particular, ground forces backed by tanks and artillery launched fierce attacks on targets in the vicinity of Basra, al-‘Amara, and al-Nasiriyya. These operations were said by Iraqi opposition activists to have been supervised in part by Qusay Saddam Hussain, the president’s younger son, and ‘Ali Hassan al-Majid, a cousin of the president who had overall responsibility for the Anfal campaign against the Kurds a decade earlier.

taste and the volumes of dead fish as proof of some kind of poisoning. However, as it has not been possible for anyone to conduct a scientific analysis of the marsh water, it is unclear whether these phenomena result from deliberate chemical poisoning, the pumping of sewage waste into the marshes, or simply the drop in water levels. However, irrespective of the cause, the water which remains in the depleted areas of the marshes has reportedly become contaminated and is unfit for human or animal consumption,” (United Nations, *Situation of human rights in Iraq*, February 13, 1993, pp. 38-39, para. 125). In the absence of supporting evidence, Human Rights Watch also judged that the condition of the waters very likely derived “from the deteriorating quality of marsh water, itself a consequence of the overall decline in levels and reduction of flow, causing stagnation” (Middle East Watch, “Current Human Rights Conditions,” p. 8).

⁵⁸ United Nations, *Report on the situation of human rights in Iraq*, February 15, 1995, p. 15, para. 59.

⁵⁹ UNEP, *The Mesopotamian Marshlands*, p. 27. A project sponsored by the Washington, D.C.-based NGO, The Iraq Foundation, is currently under way to develop a viable method of restoring the marshlands. Known as the *Eden Again Project*, it aims to produce a phased restoration plan by mid-2003.

⁶⁰ Resolution of the U.N. Commission on Human Rights, “Situation of human rights in Iraq,” E/CN.4/RES/1995/76, March 8, 1995.

⁶¹ Human Rights Watch, *World Report 1997*, p. 286.

⁶² A referendum was held in Iraq on October 15, 1995, in which Iraqis were asked to vote on the following question: “Are you in favour of Saddam Hussain assuming the post of President of the Republic of Iraq?” In connection with this event, the special rapporteur stated that “security forces were dispatched to the marshes area where they reportedly intimidated people, warning them that their ration cards would be confiscated if they did not vote for Saddam” (United Nations, *Report on the human rights situation in Iraq*, March 4, 1996, E/CN.4/1996/61, p. 12, para. 43). These and other methods were used throughout the country to ensure the required result in the referendum. Iraqi officials later announced that 99.467 per cent of eligible voters had taken part in the referendum, giving an approval rating of 99.96 per cent to President Saddam Hussain.

⁶³ United Nations, Interim reports to the General Assembly, *Situation of human rights in Iraq*, A/51/496, October 15, 1996, pp. 15-16, paras. 73-76, and A/52/476, October 15, 1997, pp. 12-13, paras. 50-51.

The renewed assault came in the wake of disturbances elsewhere in southern Iraq following the assassinations of two prominent Shi'a Muslim clerics in Karbala' and al-Najaf in April and June 1998.⁶⁴ Artillery and mortar attacks were followed by the burning or bulldozing of homes by ground troops, including in the town of al-Qurna.⁶⁵ Crops were also systematically set on fire. Hundreds of local inhabitants were reportedly rounded up, including women, children, and the elderly. According to U.S. government sources, an estimated 160 homes were reportedly razed to the ground on June 29, 1998, in the village of al-Masha.⁶⁶

Accounts received by the special rapporteur from refugees indicated that scores of people from targeted tribes had been arrested or had their homes demolished, that entire villages and surrounding lands were seized to serve as military outposts, and that the water supply to certain areas had been deliberately cut off.⁶⁷ An estimated 150 people were reportedly executed in al-'Amara. Further attacks on villages in the marshes were carried out in the months following the assassination of a third prominent Shi'a cleric, Ayatollah Muhammad Sadeq al-Sadr in al-Najaf in February 1999,⁶⁸ which triggered protests and disturbances across southern Iraq. In one attack in mid-May 2001, government forces assaulted two villages in the al-Chibayish region after reportedly accusing the local inhabitants of sheltering political fugitives. The number of people killed in the ensuing clashes was not known, but the head of one of the villages, al-'Amayra, was reported to have been arrested and later executed.

The majority of the Ma'dan who sought refuge in Iran did so between 1991 and 1994, when cross-border movement was still possible albeit under extremely hazardous conditions. The completion of much of the drainage works by early 1995 enabled the Iraqi government to seal off large stretches of marshland adjoining the border with Iran, and refugee flows subsequently dwindled dramatically as a result. Of the estimated 95,000 Shi'a Muslim refugees from southern Iraq currently in Iran, some 40,000 are from the marshlands.⁶⁹ Of these, 15,000 are dispersed among eleven refugee camps (principally in Khuzestan and Fars provinces), while the remaining 25,000 are classified as "non-camp" refugees—in other words, living in squatter settlements (in Khuzestan and elsewhere).⁷⁰ There are no reliable figures for the number of those who are internally displaced within Iraq: the government neither releases its own data nor allows international NGOs access to the marshlands. According to various estimates, the numbers of displaced people is at least 100,000 but may be as high as 190,000.⁷¹

⁶⁴ See Footnote 5.

⁶⁵ Human Rights Watch, *World Report 2000*, p. 359.

⁶⁶ *Ibid.* The U.S. government released aerial photographs of the site, which it said confirmed accounts by Iraqi opposition sources of the punitive house demolitions in al-Masha (Martin Indyk, Assistant Secretary, Bureau of Near Eastern Affairs, and James Rubin, State Department spokesman, at a press briefing on September 13, 1999, Washington, D.C.). The following month, additional aerial photographs were presented by a U.S. official, David Scheffer (then Ambassador-at-Large for War Crimes Issues), showing further destruction near al-Masha: "We have four photos showing the sequence of destruction of a village near al-Masha. The June photo is before – the July photo indicates wide scale destruction; by August the rubble has been cleared; in September the trees have even been removed" (David Scheffer, "The Continuing Criminality of Saddam Hussein's Regime," paper presented at the Carnegie Endowment for International Peace, Washington, D.C., October 27, 1999).

⁶⁷ United Nations, *Situation of human rights in Iraq*, E/CN.4/1999/37, February 26, 1999, p. 4, para. 17.

⁶⁸ See Footnote 6.

⁶⁹ The lower estimate for the number of refugees was published by AMAR in May 2001, while the slightly higher figure is based on data provided by Iraqi charitable NGOs providing humanitarian assistance in the camps.

⁷⁰ Jerome Le Roy, "Statistical Outline of the Situation of the South Iraqi Refugees in Iran, including the Marsh Dwellers," in AMAR, *Iraqi Marshlands*, pp. 133-134. Iraqi NGOs providing humanitarian relief to these refugees in Iran cite a slightly higher figure for the camp population: an estimated 18,000 divided among the eleven camps in Khuzestan, Fars and elsewhere.

⁷¹ Fawcett and Tanner, *The Internally Displaced People of Iraq*, p. 33.