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Federal Bureau of Investigation

Prosecutive Report of Investigation Concerning

SADDAM HUSSEIN

IRAQI SPECIAL TRIBUNAL

Article 11 - GENOCIDE
Article 12 - CRIMES AGAINST HUMANITY
Article 13 - WAR CRIMES

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Copy to: Regime Crimes Liaison Office

Report of: SADDAM HUSSEIN

Date: March 10, 2005

Office: FBIHQ

Case ID # 163I-HQ-1462938

Narrative of Offense:

BACKGROUND

Introduction

From 1980 to 1988, Iraq was involved in a full-scale war with its neighbor, Iran. The Iraq-Iran war was fought on several fronts, including the Northern Region of Iraq which borders Iran. This region, sometimes called Kurdistan or the Autonomous Region, was home to the Kurds. Two major parties represented the Kurdish population: the Kurdistan Democratic Party (KDP) headed by MAS'UD AL-BARZANI, the son of MULLAH MUSTAFA BARZANI (hereinafter MULLAH BARZANI), and the Patriotic Union of Kurdistan (PUK) headed by JALAL TALABANI (hereinafter TALABANI). The Kurds had been seeking governmental autonomy for years.

On or about approximately February 12, 1987, the Iranian Armed



Forces (IAF) initiated a series of military offensives in Northern Iraq against the Iraqi government. On March 4, 1987, the IAF, with the assistance of Kurdish guerrilla fighters known as *Peshmergas* from both PUK and KDP, launched its most alarming offensive of the series. Code named Karbala 7, the IAF penetrated eight miles into Iraqi territory east of Rawanduz.

Indeed, SADDAM HUSSEIN and his officers in the Iraqi regime regularly referred to MULLAH BARZANI, his sons, and the KDP as the "offsprings of treason," and to TALABANI and the PUK as "Iranian agents."

During Operation Iraqi Freedom (OIF), hundreds of Iraqi documents detailing HUSSEIN and his regime's offensive and retaliatory actions against the Kurds were recovered, and relevant documents are summarized in this report. This report also relies upon Iraqi documents Kurdish Rebel Parties had seized from various Iraqi government offices during the 1991 Uprising had given to the Human Rights Watch (HRW). HRW has published those documents in their reports, most notably in "Bureaucracy of Repression, the Iraq Government in its Own Words," February 1994.

The charging proposal detailed in this report also relies upon relevant statements and admissions made by various high-level Iraqi government officials, including SADDAM HUSSEIN. These statements were made to United States investigators while in United States custody in Iraq. All interviews were voluntary in compliance with Geneva Conventions.

Iraq's Governmental Structure

According to the Iraqi Constitution in effect prior to HUSSEIN assuming the Presidency in 1979, the Revolutionary Command Council (RCC) was the supreme law-making body in Iraq and was Iraq's highest authoritative body and was superior to the Cabinet. RCC decrees held the full force and effect of national law. Prior to OIF, the RCC was comprised of the following high level Ba'ath Party officials: SADDAM HUSSEIN, Chairman; IZZAT IBRAHIM AL-DURI (hereinafter AL-DURI), Vice-Chairman; TARIQ AZIZ (hereinafter AZIZ); TAHA YASIN RAMADAN (hereinafter RAMADAN); ALI HASAN AL-MAJID (hereinafter AL-MAJID); TAHA MUHYI AL-DIN MARUF (hereinafter MARUF); and MIZBAN KHADR HADI (hereinafter HADI).

Immediately upon his assumption of the Presidency, HUSSEIN successfully eliminated the RCC's power and consolidated

it into his own hands. AZIZ stated that between 1979 and 1981, HUSSEIN took other, less dramatic steps to consolidate governmental power into his own hands. For example, until 1979, the RCC held regular meetings and recorded the minutes of those meetings. However, after HUSSEIN became President, meetings were less frequent and were not formally recorded. HUSSEIN told the RCC there would be times when he would not be able to consult with them and therefore, the RCC had to give him power to make unilateral decisions, which it did. [TARIQ AZIZ January 30, 2004 interview].

HAMED YOUSEF AL-HUMMADI (hereinafter AL-HUMMADI), HUSSEIN's Presidential Secretary, stated that he was responsible for assembling and presenting all reports and letters to HUSSEIN, and for preparing and disseminating all reports, letters and orders drafted by HUSSEIN. AL-HUMMADI's role as Presidential Secretary was purely administrative and AL-HUMMADI held no authority whatsoever.

Similarly, the Presidential Diwan performed the same role for the RCC Secretary; that is, the Presidential Diwan facilitated correspondence to and from the RCC and was purely administrative in role and was without authority. [AL-HUMMADI interview June 2, 2004]

AHMED HUSSEIN KHUDAIYER (hereinafter KHUDAIYER), the Presidential Diwan, stated that as the Secretary of the RCC, the Diwan issued all finalized RCC decisions. KHUDAIYER stated that most Iraqis who read the RCC decisions assumed that they were promulgated after debate and consultation which simply was not true. The RCC rarely met as a governing body. Rather, HUSSEIN, the Head of State and therefore the Head of the RCC, assigned all decisions as a function of his own determination; that is, HUSSEIN made nearly all RCC decisions unilaterally without RCC input or debate. If meetings occurred at all, only HUSSEIN's closest two or three advisors would have been involved. KHUDAIYER generally learned of the RCC's "decisions" via a telephone from SADDAM HUSSEIN or from Presidential Secretary ABID HAMID MAHMUD AL-TIKRITI.

KHUDAIYER forwarded HUSSEIN/RCC's instructions to his legal section which prepared the ordered document. KHUDAIYER reviewed the document, inspecting it for typographical errors and formatting, and editing as needed. [KHUDAIYER interview, June 12, 2004]

In early 1987, MOHAMMAD HAMZA AL-ZUBAYDI (hereinafter

AL-ZUBAYDI) was the senior Ba'ath Party official in the Northern Region. AL-ZUBAYDI admitted during an interview that he failed to control the on-going Kurdish activity within his jurisdiction. In approximately March, 1987, HUSSEIN relieved AL-ZUBAYDI of his position in the Northern Region and ordered AL-ZUBAYDI back to Baghdad.

On March 29, 1987, HUSSEIN, through RCC Decree 160, appointed AL-MAJID as the RCC and the Ba'ath Party Regional Command representative who was empowered to implement their policies in the Northern Region which included the Autonomous Region of Kurdistan. This decree gave AL-MAJID control of the state's civil, military, and security apparatuses in the Northern Region, including the Autonomous Region. AL-MAJID's authority and special power far exceeded AL-ZUBAYDI's. AZIZ, a longtime RCC member, stated that HUSSEIN unilaterally chose AL-MAJID and defined the scope of the authority RCC Decree 160 granted AL-MAJID. AZIZ stated that HUSSEIN successfully seized the RCC's authority and decision-making ability from its members in the early 1980s. The RCC did not discuss or vote on the appointment of AL-MAJID. [AZIZ interview, February 2, 2004] [RCC Decree 160 attached as document XX].

KHUDAIYER examined a photocopy of RCC Decree 160 and recognized it as the copy of an authentic RCC document in format and substance. KHUDAIYER did not remember attending any meeting at which the contents of RCC Decree 160 was discussed. Rather, he recalled receiving the information via handwritten instructions as usual. He vaguely recalled making a non-substantive correction on the original draft that his legal section had prepared.

KHUDAIYER stated the difference between AL-MAJID's appointment and AL-ZUBAYDI's was that AL-ZUBAYDI received his position based on his Ba'ath party status, not a Decree issued through the Presidential Diwan's office. Furthermore, AL-ZUBAYDI did not enjoy the trust from HUSSEIN that AL-MAJID did. When asked to define what he meant by trust, KHUDAIYER explained that everyone knew AL-MAJID would never do anything against SADDAM, and that he possessed the ruthlessness needed to quell the violence. [KHUDAIYER interview, June 12, 2004]

PRE-ANFAL (1987)

On March 10, 1987, the Iraqi Directorate of Military

Intelligence (DMI) submitted a Top Secret and Confidential intelligence report, M1/sh3/Q2/5809, to the Army Chief of Staff regarding Kurdish insurgent activity. The report identified the location of many of AL-BARZANI's bases, the cooperation and mutual assistance between AL-BARZANI's group and Iranian forces, and detailed acts of sabotage by AL-BARZANI's group. The report also noted that previous Iraqi aerial strikes had been ineffective because of the geography and size of the bases. [attached as document #XX]

The intelligence report was signed by Staff Major General SABIR ABD AL AZIZ HUSAYN AL-DURI (hereinafter SABIR), Director of the *Istkhbarat* or Iraqi DMI. Copies of the report were provided to the Presidential Secretary, the Secretary Bureau of the General Command of the Armed Forces, the RCC Committee of Northern Affairs, the RCC Deputy Bureau, the Office of the Ministry of Defense, and the Fifth Corps Headquarters.

On March 11, 1987, based on DMI Intelligence Report 5809, the Army Chief of Staff, through Staff Major General TAREQ HUSSEIN NAJIB (hereinafter NAJIB), the Senior Secretary, directed the Fifth Corps Headquarters through memo Number 2786 to take measures necessary to limit the activities of saboteurs by destroying their essential bases. Copies of this memo were provided to the RCC Committee of Northern Affairs, Office of Ministry of Defense, and the DMI. [attached as document #XX].

On March 12, 1987, HUSSEIN responded to DMI's Intelligence Report 5809. In a Presidential Memo to the DMI, Number 7/G2/808/K, authored by Presidential Secretary AL-HUMMADI, HUSSEIN ordered the DMI and specialists to conduct a joint study for the use of "special ammunition" in a direct strike by the air force, army air assets, or artillery against the bases of Khomeini Guards and the First Branch of the AL-BARZANI Group. HUSSEIN's letter instructed the DMI "to do the necessary" and notify the President's office. [attached as document #XX]

SABIR stated that in 1987, the primary role of the DMI in the Northern Region of Iraq was to gather intelligence on Iranian forces. A secondary role was gathering intelligence on the Kurds and determining their relationship with the Iranians. SABIR believed the planning stages for the *Anfal* campaign occurred between 1985 and 1987. SABIR acknowledged that "special ammunition" was a term the President and other high level Iraqi Government Officials, including himself, used to represent chemical weapons (CW). [SABIR interview, June 4, 2004].

AL-HUMMADI examined a photocopy of HUSSEIN's memorandum responding to the DMI, recognized it as a copy of an authentic document in format and substance, and verified his signature on the document as the Presidential Secretary. Because Generals are not Ministers, they could not correspond directly with HUSSEIN but rather sent correspondence through the Presidential Secretary's Office. Hence, the DMI submitted the referenced March 10, 1987 correspondence to Presidential Secretary AL-HUMMADI. AL-HUMMADI, in turn, presented it to HUSSEIN.

HUSSEIN normally wrote his responses or directives on the margins or bottoms of the incoming correspondence. If the matter were urgent and time sensitive, AL-HUMMADI made a photocopy of the correspondence with HUSSEIN's original notes on it, filed the original, and sent the photocopy to the author of the correspondence. On more routine correspondence, AL-HUMMADI transcribed verbatim HUSSEIN's written remarks into a Presidential Secretary Office letter. Such was the case with this March 12, 1987, letter to the DMI. HUSSEIN read the DMI letter, accepted it and authorized the DMI's proposed use of "special ammunition." AL-HUMMADI then prepared HUSSEIN's March 12, 1987 official response memorandum and sent it to the DMI.

AL-HUMMADI stated that the phrase "special ammunition" meant chemical weapons, and that HUSSEIN's order that the DMI conduct a study of special ammunition usage, coupled with the order to, "Do the necessary, and notify us", indicated HUSSEIN knew of and authorized his military commanders' proposed use of chemical weapons. AL-HUMMADI reiterated his certainty that the document and his signature were authentic. [AL-HUMMADI interview, June 2, 2004]

The DMI Third Department, or Sh3, was responsible for handling the Kurdish insurgency. On March 13, 1987, the Director of the Sh3 responded to HUSSEIN's orders. The Director recommended the use of the air force to carry out the strikes because air strikes would be:

- ▶ more accurate and effective,
- ▶ achieves the surprise attack objectives, since using artillery would reveal our intentions,
- ▶ no doubt, some targets are beyond the artillery and helicopter ranges. [attached as document #XX]

In the same report, the Sh3 Director also enumerated "the conditions and requirements for directing the [Special] Aerial Assault to inflict the required damage and make it more

effective:

- ▶ Provide the Air Force with detailed and accurate information about the targets.
- ▶ It is necessary to brief the pilots about the targets descriptions and to make use of the aerial images.
- ▶ Execute the strike at day break or a little later.
- ▶ Dedicate the maximum effort (more than one airplane per target) and repeat air strikes with follow up airplanes, or make it a compound strike (The Special Ammunition, high explosive bombs, and surface to air missiles) using integrated or follow up bombing.
- ▶ Strike all targets simultaneously with the most effective effort.
- ▶ Use the artillery after a suitable time (a few days) to strike the targets within the range.
[attached as document #XX]

On March 13, 1987, Iraqi Cabinet Minister HASHIM HASSAN AL-'AQRAWI (hereinafter AL-'AQRAWI) stated during a media interview, "The Iranians are trying to use these people [the Kurds] to carry out dirty missions, and since they know the geography of the area and its ins and outs, the Iranians use them merely as guides for the Khomeini Guards and the Iranian forces."

On March 18, 1987, the DMI responded to the Presidential Office through Memo, Number M1/Sh3/Q2/6414. The subject of the memo is, "Use of Special Ammunition" and contains the following:

1. The following are the available capabilities to us for the use of the Special Ammunition directed at Khomeini Guard Bases and the bases of the saboteurs, AL-BARZANI Group - The First Branch.
2. The climate conditions do not permit the use of the (Sarin) agent at the present time because the target locations are covered with snow, which causes the agent to dissolve and transform into a non-poisonous substance. The same conditions apply to the (Tabun) agent.
3. We possess adequate (Mustard) agent. The

predicted effect will be a (miracle) in these conditions unless a large, concentrated dose is received, and that it evaporates slowly in snow covered areas.

4. We are capable of using the Air Force, tube launchers, and helicopters at night.

5. We suggest the following:

a. The postponement of the strike against the Khomeini Guard Bases and the bases of the AL-BARZANI Group until next June. We prefer selected target locations outside the range of the Iraq-Turkey boundary line. We have selected targets that are located away from the probable effect of the forces along the Turkish border or Turkish villages.

b. Start off with similar plans to execute limited operations toward the Iranian agents' bases.

6. Please review and inform us of the assignment... with respect, Walid

On March 19, 1987, in Presidential Memo Number 7/G2/877/K, HUSSEIN approved the DMI's suggestions. [attached as document #XX]

On March 25, 1987, the DMI concluded its study as directed by HUSSEIN and reported its finding in report Number S3/Q2/6885 titled, "Use of Special Ammunition" which SABIR signed. The report identified the locations of the Iranian agents' bases, and selected targets according to enemy size and their effect on the internal security in the Northern Region. The Report listed suitable and available capabilities of the "special ammunition" and the launching means. (attached as document #XX)

The report identified Iranian agents' bases in the region of Balisan Basin (Balisan villages, Tutemeh, Khatti, and Sheikh Wasan) located near the main road between Chuwa'r Qurna-Khalifan, and the region of Qaradagh Basin (Tekyah, Belkjar, and Siosenan) "as important to both Iranian agents and enemy personnel. Their size effected the internal security to the Northern Region and were far enough from Iraqi forces, making them more suitable than other targets, for 'special ammunition'."

Because limited amounts of "special ammunition" were available to the Iraqis at the time, SABIR described the following options:

- ▶ Directing a strike to the selected targets during this period by using two thirds of what is available of the "special ammunition" (Sarin agent). In addition, one third of what is available of the "special ammunition" (Mustard agent), and keeping the rest for emergency situations in the operating sector.
- ▶ Postpone strike until mid-April 1987, until there is enough "special ammunition" available, after improvements will be made in the production.

AL-HUMMADI examined a photocopy of the above correspondence sent from the DMI to the Presidential Secretary's Office. AL-HUMMADI recognized it as a copy of the authentic document in format and substance and would have given it to Huessin in the normal course of his duties.

On March 29, 1987, AL-HUMMADI authored the Presidential Office's response to SABIR's DMI correspondence which is numbered Presidential Memo 953/965/K. This memorandum relayed HUSSEIN's approval for the chemical weapons strike and emphasized that his approval was conditioned upon "exploiting the results of the strike as the purpose is not to simply hurt the sabatours." HUSSEIN directed SABIR and the DMI to coordinate with the intended Corps and inform the Presidential Office before initiating the strike. [attached as document #XX]

AL-HUMMADI examined a photocopy of HUSSEIN's March 29, 1987 memorandum. AL-HUMMADI stated that it was an accurate copy of the authentic document in format and substance, and verified his signature.

AL-HUMMADI explained that HUSSEIN himself did not correspond directly with his officers and advisors; rather, pursuant to normal communication protocol, the Presidential Secretary's Office issued all of HUSSEIN's communications and orders. Hence, AL-HUMMADI communicating HUSSEIN's orders to the intended recipients. Based upon his daily contact with HUSSEIN, it was clear to AL-HUMMADI that HUSSEIN was, in this series of communications, approving and authorizing SABIR and the DMI to begin chemical weapon strikes near Turkey.

On March 31, 1987, SABIR advised the Army Chief of Staff in Memorandum 7371 that HUSSEIN had ordered a study of the use of "special ammunition," and made the same suggestions he had made for HUSSEIN. SABIR, who signed the report, also detailed

the results of the DMI study and its recommendation of which bases to strike, and advised that the DMI had Presidential authority to proceed. [attached as document #XX]

On April 5, 1987, in response to DMI Memorandum 7371, the Army Chief of Staff, Staff General SA'AD AL-DIN AZIZ MUSTAFA (hereinafter MUSTAFA), drafted Memorandum 3656 titled "Using Special Ammunition" which directed the First Corps and Special Corps to conduct counter-operations against saboteurs, Iranian agents, and Khomeini Guards by using "special ammunition" against Iranian agents' bases in the region of Balisan Basin (Balisan villages, Tutemeh, Khatti, and Sheikh Wasan), located near the main road between Chuwa'r Qurna-Khalifan and in Qaradagh Basin villages (Tekyah, Belkjar, and Siosenan). [attached as document #XX]

The Army Chief of Staff MUSTAFA instructed the First Corps to prepare a joint plan to complete the strikes against the first group of targets and forward the plan to him by courier for approval and coordination. MUSTAFA also ordered the preparation of a plan regarding the second group of targets listed above, to be presented during a visit to the First Corps Headquarters on April 9, 1987.

This memo was also sent to the Presidential Office and advised that the Army Chief of Staff MUSTAFA would inform the Presidential Office of the plan in detail and would "exploit" the results. Additionally, this memo was forwarded to the Operations Department of the Ministry of Defense. The memo referenced a previously-convened meeting on April 5, 1987, and asked that the Special Ammunition Group be sent to the First Corps Headquarters on April 7, 1987 to consult with the Corps and put in place an executable plan.

SABIR reviewed, in Arabic, the above-described series of memorandums between HUSSEIN and the various military entities regarding the use of "special ammunition" in the Northern Region of Iraq. SABIR admitted that "special ammunition" was a term used by HUSSEIN and the Iraq Government to mean chemical weapons. SABIR did not remember each and every document; however, he did verify his signature on the bottom of several previously identified documents, and thus concluded they were authentic.

While examining the copies and verifying his signature, interviewing agents observed the following physical changes in SABIR; he started to perspire profusely, his facial characteristics dramatically changed, and his lower lip began to

uncontrollably quiver. Additionally, SABIR's eyes began to tear after he described the April 16, 1987, chemical weapons attack on the villages of Balisan and Sheikh Wasan. SABIR stated that HUSSEIN's decision to utilize chemical weapons directly caused the deaths of the men, women, and children in those villages.

The idea of using chemical weapons first arose in approximately 1986 after the loss of the Faw Peninsula to Iranian forces which lead the Iraqi government worry that Iraq was losing the war with Iran. SABIR believed the general consensus was that Iraqi forces needed a small victory to boost their confidence and commitment to the war with Iran. SABIR's subordinates within the DMI initially proposed the use of chemical weapons against Iran to provide such a moral and commitment boost. However, the DMI's primary mission was to defeat and expel Iranian forces and not to utilize chemical weapons against the innocent women and children in the civilian population. SABIR advised that in 1987, the DMI was responsible for collecting information for target identification and providing that information to the Iraqi military. [SABIR interview, June 3, 2004]

SABIR stated that during the *Anfal* Campaign, the DMI was responsible for gathering intelligence from within each of the Corps. The military was responsible for fighting on the front lines and clearing areas of resistance. The military was also responsible for removing Kurdish populations from the Northern Region, and the Governors in each of those areas were responsible for relocating the displaced Kurds. Each Governor was responsible for reporting directly to AL-MAJID. SABIR did not know the full extent of AL-MAJID's responsibility and advised that areas outside of AL-MAJID's responsibility would have been assigned to the military. [SABIR interview, June 3, 2004]

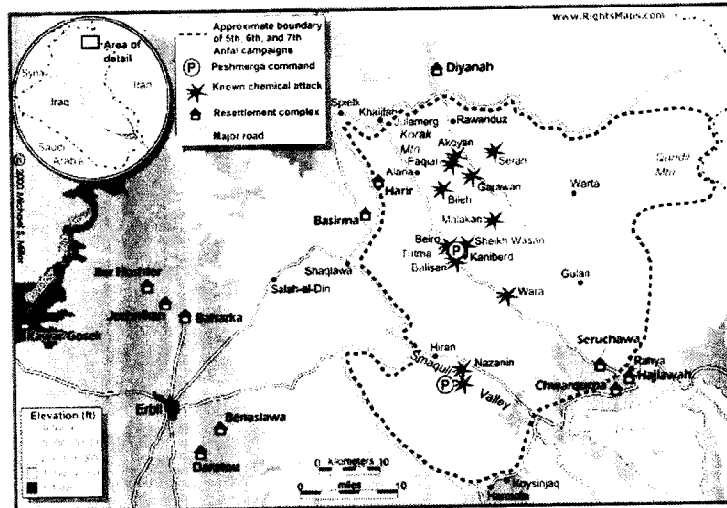
April 16, 1987 Chemical Attack
on Balisan and Sheikh Wasan

During an interview with *Le Monde* in April 1987, PUK representative NAYWSHIRWAN MUSTAFA AMIN commented that one option under consideration by the PUK was the "severance of Iraq into a number of small states: Shia, Kurdish and Sunni."

In early April 1987, PUK *Peshmergas* launched an assault in the Jafati Valley, overrunning dozens of small Iraqi military posts and taking hundreds of prisoners. The Jafati Valley was home to the PUK's national headquarters. The Iraq Government responded on April 15, 1987 by launching chemical artillery

shells in the Jafati and Shahr-bazar Valleys.

Balisan and Sheikh Wasan lay scarcely a mile and a half apart in a steep-sided valley south of the town of Rawanduz. The Balisan Valley was home to the PUK's Third Regional Command. Balisan was described as a sizeable village containing approximately 250 households, with an approximate population of 1,750 from the Khoshnaw Tribe. The village had four mosques, one primary school and one intermediate school. Sheikh Wasan was a smaller settlement of approximately 150 homes.



In July 1993, the Human Rights Watch (HRW), a non-governmental organization, published the report, "Genocide In Iraq: The Anfal Campaign Against the Kurds" which documented the Iraqi Government's use of chemical weapons against the Kurds during operations known as the "Anfal Campaign" in 1987 and 1988. HRW reported that its findings were based on interviews of survivors, examination of seized Iraqi documents, and examination of massacre sites.

According to HRW, the following is an account of the attack on Balisan and Sheikh Wasan:

During the evening hours of April 16, 1987, the villagers of Balisan and Sheikh Wasan heard the sound of approaching aircraft. Some villagers stayed in their homes, while others fled to air-raid shelters when a dozen aircraft came into sight, flying low over the villages. There were a number of muffled explosions. Witnesses and survivors, describing the effects of the attack to HRW stated, "It was all dark, covered with darkness, we could not see anything, and were not able to see each

other. It was like fog, and then everyone became blind." Some vomited. Faces turned black; people experienced painful swelling under the arms, and women under the breasts. Later, a yellow watery discharge oozed from the eyes and nose. Many of those who survived suffered severe vision disturbances, or total blindness, for up to a month. In Sheikh Wasan, survivors watched as a woman staggered blindly, clutching her dead child, and not realizing the baby was dead. Some villagers ran into the mountains and died there. Others, who had been close to the impact points of the bombs, died where they stood.

The following morning, ground troops and pro-regime Kurdish militia entered Balisan, looted the villagers' deserted homes and razed them to the ground. Sometime later, army engineers dynamited and bulldozed Sheikh Wasan. The surviving inhabitants had already fled during the night of the attack. Some made their way to the city of Suleimaniyeh, and a few to Shaqlawa. But most headed southeast to the town of Raiya where there was a hospital. They were helped on their way by people from neighboring villages, including Barukawa, Kaniberd, and Tutma, which had also suffered from the effects of the wind-born gas. The people of Beiro sent tractor-drawn carts to Sheikh Wasan, and 10 of these vehicles, each carrying 50 or 60 people, left for Raniya. At the complex of Seruchawa, just outside the town, the tractors stopped to bury the bodies of 50 people who were already dead. The refugees who reached Raniya spent one night there. Local doctors washed their wounds and gave them eye-drops, but that did nothing to ease the effect of the gas on their vision.

The next morning, agents from Amn [Directorate of General Security, or DGS] and possibly from military intelligence arrived at the hospital. They ordered everyone out of bed and into a number of waiting vehicles,

consisting of 21 passenger vans, pickup trucks and cars. The villagers were told these vehicles would take them to the city Erbil for medical care. However, they were later warned their medical care was contingent on them reporting that their injuries were the result of an attack by Iranian airplanes.

At about 9:00 that morning, people in Kurdish dress began to stream into the emergency room of the Republic Hospital in Erbil. Approximately 200 unarmed civilian men, women and children arrived at the hospital. Four were dead on arrival. The survivors arriving from Ranya told doctors that they had been attacked with chemical weapons. Despite their burns, their blindness, and other, more superficial injuries, those who had survived the journey from the Balisan Valley were generally still able to work, although some were unconscious. Even with the assistance of doctors who rushed across from the nearby Maternity and Pediatric Hospital, the facilities were not sufficient to deal with a large-scale emergency. There were far from enough beds to deal with so many victims; many of the patients were laid on the floors, and the occupants of the vans were obliged to wait in the parking lot while the preliminary triage was done and the first treatment carried out. On examination, the doctors found that the victims' eyes were dried out and glued shut. Having some rudimentary notion of how to treat chemicals, the doctors applied eye drops, washed their burns and administered injections of atropine, a powerful antidote to nerve agents.

The doctors had been at work on their patients for about an hour when HASSAN NADURI, the head of the local branch office of Amn, arrived. When NADURI arrived on the morning of April 4, 1987, every doctor in the hospital was busy dealing with the emergency. NADURI was accompanied by two other Amn

officers, and, possibly IBRAHIM ZANGANA, the governor of Erbil, and a second local Ba'ath Party official, ABD-AL-MON'EM. The Amn officers questioned the hospital guards, demanding to know where the new patients were from and who the doctors were who were treating them. They then repeated these questions to the medical staff, and demanded to know what treatment was being given. As these questions were answered, NADURI telephoned the Amn office for instructions. After hanging up, he ordered that all treatment cease immediately. He told the doctors to remove the dressings from the patients' wounds. When the doctors asked why, NADURI stated that he had received orders from his superiors to transfer all the patients to the city's military hospital. At first, the hospital staff demurred, but the three Amn officers drew their pistols and ordered them to stop what they were doing at once. Otherwise, they would be taken to Amn headquarters themselves. After a second telephone call, this time ostensibly to the military hospital, a number of ambulances or trucks arrived and took the patients away, together with those who remained, for a full hour now, in the three parked vans.

Later that day, the doctors telephoned the military hospital to check on the condition of their patients. They had never arrived there. The doctors never saw any of the survivors of the Balisan Valley chemical attack again. They later heard that loaded military ambulances had been seen driving off in the direction of Makhmour, to the southwest of Erbil.

A handful of survivors told Middle East Watch that the Balisan Valley victims were taken to a former police station that was now an Amn detention center, a stark white cement building in the Arab quarter of the city, near the Baiz casino. There was a chaotic scene on arrival, as Amn officers attempted to sort out detainees by age and sex, and, in the confusion, several people managed to

escape. At least one woman fled leaving her children behind. Those who remained were thrown into locked cells, and guarded by uniformed agents; some dressed all in the green and others in blue. Here, they were held for several days without food, blankets or medical attention.

HAMOUD SA'ID AHMAD, an employee of the municipal morgue attached to Erbil's Republic Hospital, was summoned on a number of occasions over the next few days to the Amn jail in the city's Teirawa quarter and ordered to pick up bodies to be prepared for burial. Over a three day period, AHMAD counted 64 bodies. Arriving to collect them, AHMAD saw other prisoners wandering around the in the prison courtyard. Some had clear fluid oozing from their mouths; others had dark, burn-like marks on their bodies, especially the throat and hands. AHMAD saw men, women, and children in detention, including several nursing babies in their mother's arms. The bodies, kept in a separate cell, bore the same marks. None showed any signs of gunshot wounds. Most of the dead appeared to be children and elderly people. An Amn official told AHMAD that "they are saboteurs, all saboteurs we attack with chemical weapons." An ambulance driver told AHMAD that he recognized one of the dead as a Republic Hospital employee from Sheikh Wasan.

Family members waiting outside the jail for news said that the detainees were being held as hostages to compel their *peshmerga* relatives to surrender. On the last of his three visits, AHMAD saw two large buses pull up outside the prison, their windows sealed with cloth. Later that day, a female prisoner managed to whisper to him "do you know what the buses were doing here? They took all the men away, to the south, like the Barzanis." The men were never seen alive again.

After the mass disappearance of the men, the surviving women and children were taken out during the night and driven off in the direction of Khalifan, three hours to the northeast of Erbil. At a place called Alana, they were dumped in an open plain on the banks of the river, and left to fend for themselves. They were reunited here with the Balisan Valley villagers who had fled to Suleimaniyeh.

At Alana, the mother who had escaped from the Amn jail in Erbil was reunited with her children. She recognized families from the villages of Kaniberd, Tutma, Sheikh Wasa, and Balisan, who told her that many children had died in place from hunger, thirst, and exposure.

On the basis of interviews with four survivors, and with a number of medical and morgue personnel in Erbil, HRW determined a rough estimate of the numbers who died as a result of exposure to chemical weapons.

There were 24 deaths in Balisan as a direct result of exposure to chemical weapons; these people were buried in a mass grave in the village.

There were 103 deaths in Sheikh Wasan, including approximately 50 buried in a mass grave in the government complex in Seruchawa. The dead included:

- 33 children under the age of four
- 28 children between the ages of 5-14
- 9 elderly people aged 60-85
- 8-9 dead at the hospital at Raniya
- 4 dead on arrival at the Erbil
Emergency Hospital
- 64 -142 deaths in the Amn jail in
Erbil.

The deaths in the Amn jail were the result of untreated injuries sustained in the chemical bombing, aggravated by starvation and neglect. The victims included two

elderly women identified as SELMA MUSTAFA HAMID and ADILA SHINKO, and a nine-year old girl identified as HOWSAT ABDULLAH KHIDR.

The number of adult men and teenage boys taken by two busloads from the Amn jail and presumed to be executed later is estimated at 70 to 75. Twenty two are believed to be from Balisan, 50 from Sheikh Wasan, and four from nearby villages. Among those that disappeared were MOHAMMAD IBRAHIM KHIDR, age 18, and MOHSEN IBRAHIM KHIDR, age 12, the two youngest sons of the Mullah of Balisan.

Allowing for some overlap, the Middle East Watch calculated that at least 225 and perhaps as many as 400 civilians from the Balisan Valley died as a result of the April 16, 1987 Iraqi Air Force's chemical strike on their villages.

[redacted] (hereinafter [redacted] also witnessed the April 16, 1987, attack on Balisan. According to [redacted] the Iraqi military attacked the villages of Sheikh Wasan and Balisan during the evening hours of April 16, 1987. The aerial attack was the first night attack conducted by the Iraqi military against the Kurds. [redacted] believed the Iraqi military used chemical weapons against the villages at night because the highest concentration of villagers would be in their homes and the villages at night; the men who remained in the villages were the toughest in the valley; and it gave the Iraqi military the opportunity to attack the rear of the *Peshmaga* front lines. At the time of the attack, [redacted] estimated there were 200 to 300 civilians and *Peshmegas* in Balisan and approximately 400 in Sheikh Wasan. .

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On April 16, 1987, [redacted] who lived in Balisan, was in the village of Tutma, located within the Balisan Valley. [redacted] saw Iraqi aircraft over the villages of Balisan and Sheikh Wasan. While over the villages, the aircraft conducted dive runs but [redacted] did not hear any explosions. Approximately an hour later, [redacted] heard the sound of helicopters, followed by dull explosions, and he saw large, high flames coming from the villages and knew that it had been a chemical attack. [redacted] later learned through the PUK that the helicopters had taken off earlier from Kirkuk. The PUK has estimated that approximately 36 helicopters were involved in the attack.

[redacted] immediately began walking to Balisan because his

brother, [] was there. The journey took him approximately an hour. Upon arrival at the village, [] saw villagers acting normally and going about their normal routine. [] learned that his brother had fled the village because he had been injured in the attack. After some time, [] began to see the effects of the attack on some of the villagers. The most common symptoms were pain to the eyes and loss of vision. People began to flee the village as word of the injuries spread throughout the village.

[] went to the PUK field hospital in the village of Khati to search for his brother. Because [] face was so badly burned, [] did not initially recognize his brother and found him only after his brother called out upon hearing [] voice. [] face was dark from the burn and appeared sunken, as if dehydrated. All the patients at the hospital were victims of that evening's chemical attack.

On April 17, 1987, at approximately 6:30 am, [] heard the sound of artillery approaching the village of Khati. The Iraqi military had started a ground offensive in the Balisan Valley. The Iraqi military began clearing the valley one village at a time. The Iraqi military first fired artillery at the village, and then cleared it with tanks. When [] heard the artillery fire approaching Khati, he knew that village would soon be the next target.

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[] along with his brother and four other injured Kurds, fled the valley to hide in a cave in the mountain. [] identified the others as two civilians from Balisan, a civilian from Sheikh Wasan, and a fighter from [] hometown. When they arrived at the cave, [] saw other victims from the chemical attack, captured Iraqi soldiers and civilians hiding. [] estimated their number to be approximately 40. [] interview, December 15, 2004).

On April 19, 1987, [] led his brother and the remaining injured to the village of Sheikh Wasan. Although the Iraqi chemical attacks had concentrated on Sheikh Wasan and Balisan, the gasses had dissipated from a section of Sheikh Wasan because of the topography of the area. As a result, [] and his group stayed the night of April 19 on that relatively safe side of the village.

The next morning, [] and his small group traveled from Sheikh Wasan to Balisan. He gathered the food he had previously hidden on April 18, 1987. Although the food had been

contaminated with chemicals, the group was so hungry that they had no choice but to eat it. By nightfall, approximately 10 people had gathered around [redacted]. Most of the homes in the village had been burned by the Iraqi troops, but they managed to find a house at the edge of the village to spend the night. [redacted] noted that although approximately 2,000 people lived in Balisan, only 10 or 12 people had returned after the attack.

On April 21, 1987, [redacted] intended to travel with his brother to Shaqlawa to locate medical supplies. At approximately 9:00 am, [redacted] was still in Balisan when two Iraqi Gazelle helicopters flew over the village. [redacted] recognized them by sight and knew they carried 20mm machine guns. [redacted] soon heard machine gun bursts as the helicopters traveled northwest from Balisan. He and another raced to the sound of the guns and found seven people, five males and two females, shot dead on the government road northwest of Balisan. One of the woman had been carrying an infant who had not been shot and was trying to breast feed from its dead mother.

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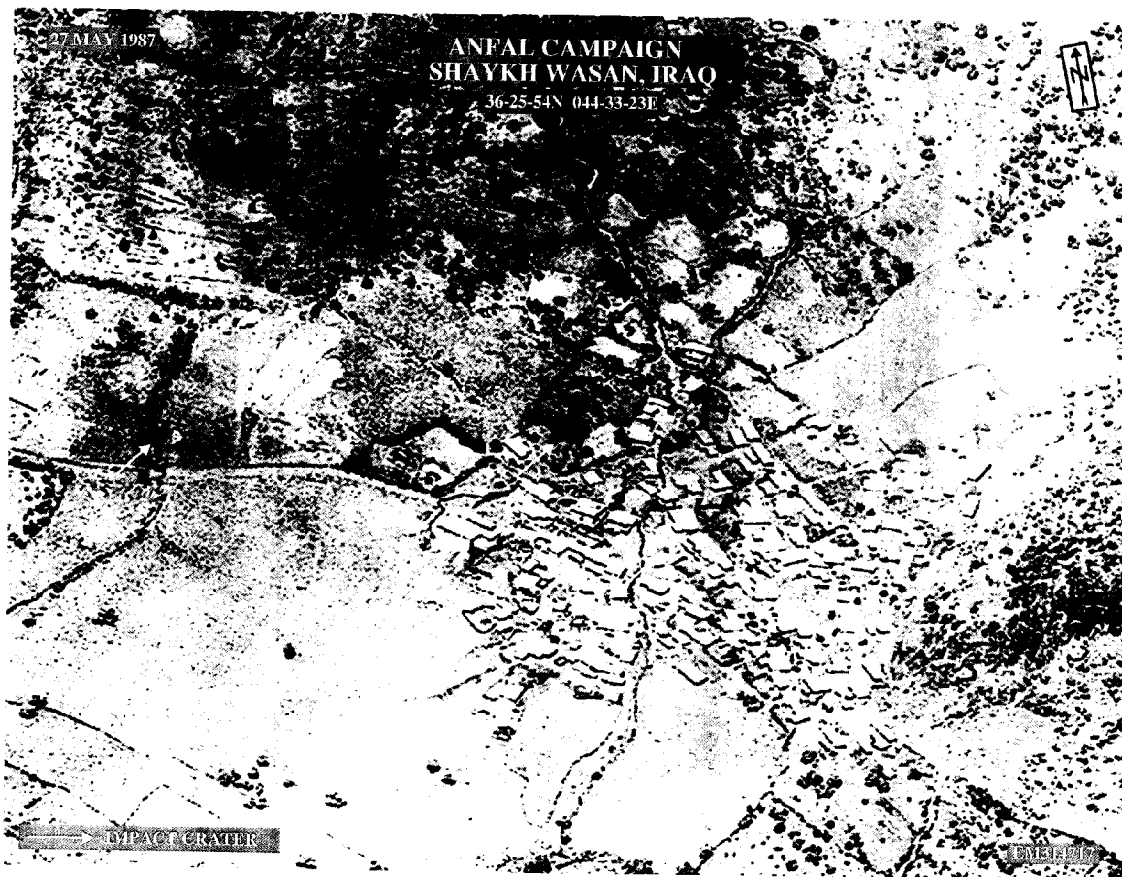
[redacted] estimated that the total populations of all of the villages in the Balisan Valley ranged from 400 to 2,000 (Balisan). Most were located within a mile or two of each other. Although the Iraqi military attacked and burned all 42 villages in the valley, the Iraqi government forces seemed to concentrate on the villages of Balisan, Sheikh Wasan, Tutemeh, Balanukawa, Kanibard, Berawa, and Khati which are all located within three miles of each other. The chemical attacks were most concentrated on Balisan and Sheikh Wasan, but other villages not directly attacked were indirectly affected by the gas as well. It appeared that Berawa, Khati, and Kanibard were attacked by artillery or airplanes employing conventional weapons only. [redacted] interview, January 27, 2005].

The following declassified satellite imagery, illustrating Sheikh Wasan on May 27, 1987, depicts the impact

craters in and near the villages.

The FBI obtained several audiotapes, consolidated onto — one CD, from Philip Trewhitt, United Kingdom Liaison on Transitional Justice, Office of Human Rights & Transitional Justice, Coalition Provisional Authority, Baghdad, Iraq. These tapes are referenced in the HRW report dated July, 1993, Appendix A, "The ALI HASAN AL-MAJID Tapes." These tapes contain recordings of Al Majid during Northern Command meetings held between approximately 1987 to 1989. Portions of the tapes were played for AL-MAJID.

We said that at that date we will start to implement the deportation campaign. And we did it everywhere, with the help of God. The same day they captured Qara Dagh in retaliation. JALAL TALABANI asked me to open



a special channel of communication with him. That evening I went to Suleimaniyeh and hit them with the special ammunition. That was my answer. 'I will attack it with chemical weapons.' and 'I will kill them all with chemical weapons!' Who is going to say anything? The international community? Fuck them! The international community and those who listen to them. [Tape 2A segment marked approximately 21:59 to 26:44]

AL-MAJID is presumably referring to the April, 1987 chemical attack on the PUK headquarters in the Jafati Valley. AL-MAJID also listened to the following portion of Tape 2B:

I will not attack them with chemicals just one day, but I will continue to attack them with chemical weapons for fifteen days.
[Tape 2B]

We will surround them in a small pocket and attack them with chemical weapons. I will not attack them with chemicals just one day, but I will continue to attack them with chemicals for 15 days.

After listening to Tape A, AL-MAJID stated, "This tape has been altered" and that "this tape is not correct." He claimed the audiotape had been "assembled" from tapes of two different meetings; one meeting in the first half of 1988 and the other in Mosul on March 30, 1991.

AL-MAJID admitted that the audiotape A was a recording of his voice and his words at a meeting with Ba'ath Party Section officials and Governors of the Autonomous Region of Kurdistan on April 15, 1987. AL-MAJID stated that his statements were attempts at "psychological warfare" against the enemy in the beginning of the campaign against the saboteurs in the Northern Region. His words were meant as a scare tactic similar to what was later used in Dohuk. In AL-MAJID's opinion, the saboteurs would be "weakened by words." Logistically, they would later be weakened by their forced separation from the cities. [AL-MAJID interview, April 9, 2004]

AL-MAJID said he personally inspected Suleimaniyeh and it had not been hit. He added that he never heard of such an attack, particularly with chemical weapons. He stated he did not order a chemical weapons attack on TALABANI and his headquarters in the Jafati Valley near Suleimaniyeh. He claimed he actually went to Suleimaniyeh to meet with TALABANI, and that the words

"and hit them with the special ammunition" have been inserted into this tape. The remainder of the tape is a threat or scare tactic AL-MAJID used against the saboteurs in Dohuk.

According to AL-MAJID, when the Iraq Government lost control of the cities of Suleimaniyeh, Dohuk, Erbil, and Kirkuk in 1991, HUSSEIN tasked AL-MAJID with "liberating" Dohuk. He invited ABD JAWAD THANNON, Governor of Dohuk, NASIR SAID (hereinafter SAID), Fifth Corps Commander, and all state and Party officials to a "reception" at the Mosul Hotel in Mosul. There, AL-MAJID gave a speech declaring, "Whoever has a friend in Dohuk, I will attack with chemical weapons tomorrow." SAID attempted to interrupt AL-MAJID because he did not want the timing of the operation to be revealed. AL-MAJID directed him to communicate this information to those in Dohuk. He wanted "the illusion" of a chemical weapons attack to be imprinted in the minds of those controlling Dohuk. AL-MAJID stated the Iraq Government was weak in 1991. Thus, he used the chemical weapons "threat" as a "scare tactic" to control the saboteurs in Dohuk.

AL-MAJID directed the military to procure bags of flour or cement and attach them to helicopters. The helicopters were then used the following morning to spread the material over Dohuk to further "illusion" of a chemical weapons attack. AL-MAJID used this "scare tactic" to reduce losses on "our side and their side." AL-MAJID walked into Dohuk at 9:30 a.m. the same morning. Some Iraqi military members would not enter the city however, thinking that it had been contaminated with chemical weapons.

According to AL-MAJID, NIZAR AL-KHAZRAJI (hereinafter AL-KHAZRAJI), Army Chief of Staff, once told ABBAS MAHMOUD (NFI) or RASOOL MAHMOUD (NFI) that AL-MAJID ordered the chemical weapon attack on Halabja which was not true. AL-MAJID is known as "Chemical Ali" because of the events at Dohuk and not at Halabja.

During his interview, TARIQ AZIZ confirmed that HUSSEIN's decision to deploy chemical weapons against the Kurds was a unilateral one; that is, HUSSEIN did not convene a meeting of the RCC, National Assembly, or any other Iraqi or Ba'ath Party government entity to discuss the use of chemical weapons in the April, 1987 attacks. Moreover, HUSSEIN gave no official written or verbal notification to these entities that he had authorized, or that chemical weapons had been used, in the attacks. AZIZ stated the RCC was "informed" and "it was mentioned." He added it was "common knowledge" through the media that chemical weapons had been used. No RCC member protested their use for fear of reprisals from HUSSEIN and fear that Iraq would lose the war.

without such a drastic step. At the time, the situation was viewed as dire and "life or death." AZIZ admitted that Iraq and Iran had each violated provisions of the Geneva Conventions of 1917 and 1948, of which each was a signator, which prohibited the use of chemical weapons. [AZIZ interview, February 2, 2004].

May 25, 1987 Chemical Attack on the Malakan Valley

Pursuant to the authorization to use chemical weapons that HUSSEIN had given to the military in the series of previously identified letters, the Iraqi military attacked the Malakan Valley with chemical weapons on May 25, 1987. Specifically, based on an April 24, 1987 DMI report, Number 28357, the Secretary General for the Ministry of Defense, Staff General MAHMOOD SHOKER SHAHEEN, sent letter Number D/A/51/1/10374 to the Headquarters of the Army Chief of Staff. The letter, dated May 1, 1987, advised that the Deputy to the Minister of Defense had ordered:

All agents' sites should be struck with aerial weapons, traditional and special, and all weapons within range. (Attached as document #XX)

This letter prompted the Senior Secretary of the Army Chief of Staff, Staff General TAREQ HUSSEIN MAJEED, to direct the DMI via letter Number RAG/1/15787, dated May 2, 1987, to:

Please take the necessary procedure and provide the Headquarters of the Air Force and Air Defense with the Agents' sites in order to destroy them. (Attached as document #XX)

On May 3, 1987, the DMI informed the Headquarters of the Army Chief of Staff via report Number M1/Sh3/Q2/9819 that it had provided the locations of the Iranian Agents' sites to the Headquarters of the Air Force and Air Defense. The DMI identified 17 villages by name and by what appears to have been grid coordinates. Additionally, the DMI suggested "ordering a study on the issue of striking the Iranian Agents's sites with special ammunition by the authorized committee." SABIR AL-DURI signed the report as the Director of the DMI. (Attached as document #XX)

On May 9, 1987, the Headquarters of the Air Force and Air Defense notified the Ministry of Defense via letter Number Sh1/QD/690 that based on SABIR's report Number 9819, and Army

Chief of Staff letter Number 15787, "air strikes were launched with traditional ammunition by (20) aircrafts, and with special ammunition by (44) aircrafts against the Agents' sites mentioned in the DMI's report, except for Shadlah Alolya, due to its nearness to the troop line." The letter was signed by Lieutenant General HUMAID SHABAAN, Commander of the Air Force and Air Defense. (Attached as document #XX)

On May 12, 1987, the Headquarters of the Air Force and Air Defense identified for the DMI in letter Number SH/QS/707 the locations of sites struck by traditional ammunition and those struck by special ammunition. The ten sites struck by traditional ammunition on May 4 and May 8, 1987 and listed by name and grid coordinates were among the 17 sites the DMI had previously identified in report Number 9819. The sites struck by special ammunition on May 7, 1987 were identified only by grid coordinates. The letter was signed by Staff Pilot General HASSAN KHADER ALHAJ AHMED, the Director of Air Movements. (Attached as document #XX).

On May 20, 1987, the DMI summarized the strikes directed at the Iranian Agents' sites as reported by the Air Force and Air Defense in report number M1/Sh3/Q2/11144 addressed to the Ministry of Defense. The report identified the ten sites struck with traditional ammunition and further reported:

2. As for the other targets, which were hit by air strikes (44) aircrafts using special ammunition (mentioned in the above Air Force and Air Defense letter), were groups of Iranian Agents existing North and East of Gowarta. (Attached as document #XX)

A handwritten memorandum, Number 4947 (attached as document #XX), dated June 11, 1987, from the Director of General Security of the Erbil Governate to the Security Directorate of Shaqlawa, provided information about attacks on "saboteurs" that resulted in their blindness. The document stated, in part:

On 5/27/87, our aircraft attacked the villages of Malakan, Talinan, Kandor, Bileh Aliya and Bileh Sufla in the Khalifan subdistrict, which harbor some saboteurs. As a result of the bombing, [REDACTED]...lost his eyesight....A number of saboteurs were killed and about 30 people lost their eyesight as a result of the bombing,

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including the family of KAMAL HAJI KHIDR AGHA, the commander of the 12th [PUK] division.

Temporary blindness is a common side-effect of a chemical attack. HRW interviewed KAMAL AGHA in March, 1993, who confirmed that he and his family had been temporarily blinded in a chemical attack on May 27, 1987.

On May 26, 1987, [] was part of a *Peshmerga* group that arrived in the Malakan Valley. In the late afternoon of May 26th, 1987, [] witnessed a MIG-25 flying slowly over the Malakan Valley. Approximately five or six miles long, the Malakan Valley was home to the villages of Malakan, Talinan, Bila-Zohri, and Bila-Zehri. [] believed the airplane was taking surveillance photographs for an upcoming attack. [] later learned from an Iraqi deserter that it was common for the Iraqi Air Force to send a MIG-25 to an area that it planned to attack. The MIG-25 would fly to the area of interest to take pictures of the villages and areas where people lived. The next day, the area would be attacked with chemical weapons.

As [] and his group prepared to depart Malakan shortly after 6 a.m. on May 27, 1987, Iraqi government forces attacked the top of the Malakan Valley with chemical weapons. A spring at the top of the valley which was the villages' water source channeled the heavy chemical gas through the valley and down towards the villages. Believing the attack was part of a larger operation that might include an attack on the Balisan Valley, HASSAN SHUSTANI, the PUK Third *Malaband* Commander, ordered his group of *Pershmergas* to leave immediately for Balisan. On the way out of Malakan which is on the north side of the valley, the group had to head down into the valley and through the gas. However, no one in GOZEH's group was severely effected by the chemical gases. The villagers in the area were left to deal with the chemical attack themselves.

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[] believed this attack was in retaliation for an entire *Jahsh* regiment's (Kurdish pro-regime militia) recent defection and relocation to the Malakan Valley. According to [] a total of fifteen died from the chemical attack, four of whom were members of the defected *Jahsh* regiment. [] interview, February 3, 2005].

June 6, 1987 Chemical Attack on the Zewa Valley

A handwritten note by the Director of Sh3 (DMI) dated

June 5, 1987, was attached to the DMI study, Number Sh3/Q2/6885, which was submitted to the Presidential Secretary for HUSSEIN's review and information. [Enclosure #8]. The note stated:

Regarding obtaining approval of the Presidency's Office on the said suggestion, and in paragraph A under item 2 of the attached letter which stipulates postponing the strike of Khomeini Guards in Barzani's First Division till June, therefore:

1. On June 4, a study was completed on directing a severe strike against these quarters and against Barzani's First Division quarters in (Zewa, Barzan, Katirash, and Lakirash), and this study was completed by participants from the General Staff, Planning Department, Army, Air Force, our Directorate, and the Chemical Division.
2. Support for the Strike on Zewa Village was obtained despite of its close proximity to the Turkish border, but striking the targets listed hereunder were not supported for the following reasons:
 - a. Katirash - it's too close to the Turkish border.
 - b. Lakirash - its close proximity to our army units in Jabal Kuwait.
 - c. Barzan, where the Khomeini Guards are few and disbursed in the Barzan Basin, does not constitute a viable target.

In June, 1987, [redacted] (hereinafter [redacted]) was living at an Iraqi Communist Party (ICP) compound in the Zewa Valley which is located in the top part of Kurdistan above Dohuk near Kani Masi. The compound housed the ICP leadership including HAMID MUSA, aka ABU MUSA, currently a member of the interim Iraqi Government, SLAYMAN YOUSEF, aka ABU AMIL, head of the military committee, TOMA TOMAS, aka ABU JAMEEL, head of the Bahdinan area, and ABU ADEL, political advisor for the Bahdinan area.

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The Zewa Valley is surrounded by mountains and was home to approximately 1,000 *Peshmergas* from the various Kurdish parties. The ICP compound was located near two civilian villages. The valley was protected by *doshkas*, Russian anti-aircraft missiles.

On approximately June 5 or 6, 1987, between 6:00 or 7:00 p.m., 12 grey Iraqi MIG aircrafts attacked the valley while most residents were preparing for dinner. The aircraft came in very low at approximately 1,000 feet. The aircraft circled the

valley and conducted two bombing runs which lasted a total of approximately 10 minutes. There were approximately six to eight explosions. One bomb landed approximately 50 feet from [REDACTED]. Everyone in the compound ran for the bomb shelters. According to [REDACTED] this was the first time the Iraqis attacked with so many aircraft at such a low altitude and so close to homes and structures. [REDACTED] described the explosions as a dull noise accompanied by heavy white smoke. Initially, there was no smell, but then [REDACTED] noted a garlicky smell associated with the explosions.

Initially, [REDACTED] did not notice any injuries except for [REDACTED] (NFI), who sustained a leg injury as a result of the attack. No one in the compound initially realized that the attack had been a chemical attack. After approximately one half-hour, however, [REDACTED] heard someone call for the doctor as symptoms of the chemical attack began to appear. [REDACTED] friend, ABU RAZKAR, began vomiting, which alarmed her. He told her he believed he had inhaled sulfur.

Most people in the compound went to sleep at approximately 9:00 or 9:30 pm that evening. At that time, it was common for people to sleep on the roof of the homes. However, that night, [REDACTED] decided to sleep inside. At approximately midnight or 12:30 am, [REDACTED] was awoken and informed that the attack had been a chemical one. [REDACTED] was instructed to go to the support detachment (*isnad*). When [REDACTED] arrived, she saw hundreds of men, women and children from the compound and nearby villages standing around a large bonfire. Most were suffering from some effects of the chemical attacks and were in a great deal of pain. [REDACTED] stated that "no artist could paint, no writer could write, or no cinematographer could film the suffering." Many were complaining of a burning pain to the eyes and tearing. [REDACTED] also began to experience a burning pain to her eyes. Everyone believed that fire would counter the effects of chemical attack, hence the large bonfire. Approximately 400 to 500 *Peshmergas* and civilians, to include approximately 50 children, were effected by this attack.

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The *Peshmerga* leadership ordered everyone to evacuate the area and head to high ground. *Peshmergas* and civilians from the nearby effected villages began to make their way, on foot, to the top of the mountain through a small foot path, leaving everything behind. By this time, many of the victims were going blind and were unable to make their way up the path. Others complained of stomach pains. Many were unable to complete the journey. [REDACTED] helped a blind man up the foot path, arriving

to a safe haven at approximately 3:00 am.

It was very cold at the top of the mountain and many suffered. They had no food, water or blankets. Those who reached the top were forced to eat berries from nearby trees. The victims went without food for three days until help finally arrived. Blisters began to appear on everyone's body which varied in size based upon the individual's proximity to the explosions. Those nearer to impact point blistered and suffered more. Three days after the attack, ABU EUAD died as a result of exposure to the chemical weapons. ABU EUAD (NFI) was very close to the point of impact of one of the bombs. On the fifth day, ABU RAZKAR (NFI) died as well.

As a result of the attack, the victims were forcibly removed from their homes and forced to live in the mountains for a month without shelter. Animals died. Trees in the surrounding area lost their leaves. It was not until September, 1987, that villagers were able to return to Zewa Valley. The valley had experienced heavy rain fall, which [] believed helped clear the valley of the chemical residue. Some victims were blind for 40 days. To this day, [] still suffers from her exposure. [] hands still shake, and she has breathing difficulties.

[] stated that at one point, all the Kurdish parties had joined efforts in resisting Iraqi forces and were referred to as the United Front. Prior to the attack, the Parties were planning a large scale offensive against the Iraqis in the area. The plan developed over a period of time at large planning meetings. On the day of the attack, a planning meeting had been scheduled to take place with representatives from all of the Kurdish parties at the Iraqi Communist Party compound. It was known that the *Peshmerga* had been infiltrated by Iraqi spies or double agents. [] believed the attack was meant to thwart the Kurdish offensive.

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DEPRIVATION OF LIBERTY AND FORCIBLE DEPORTATION

AL-MAJID read a copy of RCC Decree 160, dated March 29, 1987, which was written in Arabic and signed by HUSSEIN. AL-MAJID acknowledged that this decree had been issued and that granted him authority over all civilian, military and security agencies in the Northern region. He explained that a Decree is issued at the conclusion of an RCC meeting and details issues addressed by the RCC during the meeting. AL-MAJID stated that he received a written copy of Decree #160 at a later time. Immediately after the RCC issued the Decree, he also received

additional written instructions from the Presidential Diwan which further defined his authority. The Presidential Diwan's instructions restricted AL-MAJID's authority to villages in the Northern Region located within five kilometers of provinces and areas classified as cities, zones, or suburbs.

AL-MAJID denied however, having authority over the military forces or security services in the region as the security services were never subordinate to anyone in the government except HUSSEIN. The Security Services, Fedayeen Saddam and Saddam's Cubs, answered only to HUSSEIN and took their instructions only from HUSSEIN. Pursuant to the additional instructions, AL-MAJID claimed he only used the powers granted to him by the Decree for the "collectivization" of the villages within the defined parameters in the Northern Region. This "collectivization" consisted of moving Kurdish villagers from their homes to Iraq Government housing complexes. Per the additional instructions, areas beyond five kilometers fell within the control of the military, including cities near the border between Iraq and Iran.

AL-MAJID stated that the *Anfal* Campaign in Kurdish territory in 1988 was conducted by the military under the command of SULTAN HASHEM AHMAD AL-TAI (hereinafter HASHEM). AL-MAJID admitted delegating orders to the Security Services as it pertained to areas within his control, but the Services acted independently everywhere else, to include their technical work.

During his interview, Presidential Diwan KHUDAIYER was asked if he ever drafted a follow-up to RCC Decree 160 which limited AL-MAJID's authority to a five kilometer radius around the major cities of Northern Iraq. KHUDAIYER stated that he never published such a Decree. KHUDAIYER was asked whether it was possible that the limiting instruction could have been given verbally. KHUDAIYER stated that such an order which contradicts a Decree would be very big and written. The original RCC Decree 160 was sent to the Ministry of Interior, to governates and to a variety of receivers. The Chief of Staff, the Military Intelligence, the Party and the Security Services were all aligned under the details of RCC Decree 160. Therefore, if the original Decree were to be modified, written coordination would be the only way to notify all of these groups who were required to abide by the details of the original RCC Decree 160. To modify a Decree would require the same legal authority. Doing it verbally would not be lawfully feasible. If such an event occurred it would be, legally speaking, unprecedented according to KHUDAIYER.

KHUDAIYER was asked what he thought about AL-MAJID's claim that he received the five kilometer limitation verbally. KHUDAIYER said that this instruction would only be in a written format. If AL-MAJID said it was passed verbally, he was lying.

AL-MAJID admitted that he supervised the implementation of the Iraqi Government's plan to control the activities of the *Peshmergas* whom the government labeled saboteurs. AL-MAJID explained that "saboteurs" was the term Iraqis used in official documents to describe Kurds who resisted Iraq Government rule, and that TALABANI was the "Sheikh of the Saboteurs." AL-MAJID stated that because Iran continuously attempted to establish its presence and take control of areas like Halabja, the Iraqi Government devised a plan which created security zones along the northern Iraq-Iran border. Mere presence in these areas was prohibited. The residents of Kurdish farming villages within the targeted areas were forcefully relocated from their homes to government complexes known as *mujamma'at* in a process that became known as "village collectivization." AL-MAJID stated that it was difficult for the Iraq Government to distinguish Kurds from Iranians or good individuals from bad ones.

AL-MAJID denied knowledge of any executions of Kurds in Northern Iraq. AL-MAJID stated his duties included collectivization of Kurdish villagers within the specified five kilometer boundary into government housing complexes. According to AL-MAJID, villages outside the five kilometer radius were controlled by KHAZRAJI.

AL-MAJID stated that most Kurds did not want to move from or leave their homes. Those who did were seeking improvements such as electricity, refrigerators, and school teachers. If Kurds refused to be relocated, they were forced into vehicles and taken, along with their belongings, to government housing complexes. Once the villagers were deported, the villages were leveled to avoid becoming safe havens for saboteurs. AL-MAJID stated that was merely following HUSSEIN'S orders and that he did not develop this plan himself because its implementation cost millions of dinars and required the efforts of all the government's ministries. [AL-MAJID interview, March 21, 2004].

AL-MAJID's statements are inconsistent with known facts provided by former Iraqi regime members and seized Iraqi memorandums. These memorandum, detailed below, document AL-MAJID's use of the broad authority delegated to him by Hussein to commit crimes against humanity and genocide against the Kurdish

population.

AL-MAJID isolated the Kurdish population by issuing decrees and administrative orders depriving them of basic rights. AL-MAJID signed an Iraqi Ba'ath Party letter dated April 6, 1987, #S Sh/18/2396, which ordered the confiscation of the "saboteurs" property:

By the authority vested in us by the RCC decree #160 of March 29, 1987, we decided to authorize the chairman of the security committees in the northern governorates to confiscate the real and personal property of the saboteurs, provided that the their properties are liquidated within one month of the date of issuance of the confiscation decree.

(This document is described in the HRW report titled, "Genocide in Iraq: The Anfal Campaign Against the Kurds," dated July, 1993, and referenced on page 13 and in footnote 41 of the Prelude to Anfal section of the report.)

AL-MAJID was questioned regarding this letter and admitted giving this authority to the security committees, but did not remember the details. He stated that the confiscation discussed applied to money as well as real property. AL-MAJID stated the authority for this order was not based on RCC decree #160, but on a separate RCC decree authorizing confiscation of funds and property of individuals who worked against the Iraq Government as saboteurs, and the confiscation of funds and property of individuals in the Da'wa Party. These two categories of individuals were considered to be hostile or anti-Iraq Government political forces. AL-MAJID does not remember the number or date of the RCC decree he referenced. [AL-MAJID interview, April 4, 2004].

On April 10, 1987, RADHI HASSAN SALMAN (hereinafter SALMAN), Deputy Secretary of the Northern Bureau Command, suspended the legal rights of residents in villages within the prohibited-security zone. In Northern Bureau letter Number 1/2713, SALMAN wrote:

His excellency has ordered that [legal] cases of people from the villages prohibited for security reasons or cases of the saboteurs,

regardless of their nature not be heard, and to freeze the cases that have already been heard. [attached as document #XX]

When questioned regarding this document, AL-MAJID stated, "I do not remember this." He added that all Northern Bureau Command orders were issued by him and not by his Deputy. AL-MAJID acknowledged SALMAN was the Deputy Secretary General of the Northern Bureau Command but asserted that he would not have tasked SALMAN with issuing such an order and SALMAN did not issue it in AL-MAJID's absence. He stated that all legal cases are matters for courts of law and not for security committees. AL-MAJID acknowledged, however, that he issued similar instructions to the courts in approximately June, 1987 when he directed the courts not to hear cases and/or to postpone cases involving individuals from prohibited zones. Villages in these zones were cleared of people, their residences demolished, and the residents relocated to government housing complexes. AL-MAJID reiterated that such an order would have been issued only by him and would have been logically directed to the courts and not to the security committees. He added security services were not in charge of the courts. When questioned about the authenticity of the document and whether he thought it was a forgery, AL-MAJID stated, "I do not know. Maybe." [AL-MAJID interview, April 4, 2004].

The government's plan to eliminate the Kurds is further corroborated in letter Number 28/573 to the Command of the Iraqi Fifth Corps, dated April 13, 1987, classified "Top Secret and Confidential," and written by the Special National Defense Forces General Staff, a pro-regime Kurdish militia. This document is referenced on page 4 and in footnote 14 of the HRW report dated July, 1993, "Prelude to Anfal" section. The letter appeared to be in response to a verbal order from the Fifth Corps Commander and detailed the "final obligations in winding up {illegible} procedures for the termination of sabotage in the Northern Region, [and] the manner and the priorities of implementing the evacuation and demolition of the security-prohibited villages." [attached as document #XX].

On May 14, 1987, AL-MAJID issued letter Number 106309 regarding the execution of first-degree relatives of "saboteurs." This document is referenced on pages 13-14 of the HRW report dated July, 1993, "Prelude to Anfal" section. A handwritten note dated November 20, 1989, from the Security Chief, Interrogating Officer, Amn Office in Suleimaniyeh, refers to AL-MAJID's letter Number 106309. The document is referenced on page 13 of the HRW

report dated July, 1993, "Prelude to Anfal" section. The note provides details about an Iraqi citizen who petitioned for information about his missing parents and brother. It states the brother was executed July 12, 1987, as "a member of the group of Iranian saboteurs." The note further explains that the parents were executed May 19, 1987:

in compliance with the order from the Struggling Comrade ALI HASAN AL-MAJID, member of the Regional Command that was relayed to us by letter number 106309 of the Security Directorate of the Autonomous Region, marked 'Secret and to be Opened Personally,' and dated May 1, 1987, regarding the liquidation of first-degree relatives of criminals. [attached as document #xx].

A hand-written communication, Number 3324, dated May 14, 1987, from the Security Director of the City of Halabja to Amn Suliemaniyeh regarding the execution of wounded civilians referenced cable Number 945 from the Command of the Fifth Army Corps and dated the previous day. Number 3324 stated, in pertinent part:

The Commander of the First Army Corps issued an order as requested by Comrade ALI HASAN AL-MAJID to execute the wounded civilians after the Party Organization, the Security and Police Departments and the Intelligence Center have confirmed their hostility toward the authorities; to use earth movers and bulldozers to raze the neighborhood of Kani Ashqan. [Attached as document #XX].

According to HRW/Middle East Watch (MSW) interview of a former resident, as documented in footnote 44, "Prelude to Anfal" section, this action and the reported destruction of some 1,500 homes was punishment for an anti-government demonstration.

AL-MAJID issued two significant and brutal directives that detailed the regime's intentions regarding the Kurds. AL-MAJID personally signed the first directive, Number 28/3650, dated 06/03/1987, was issued to the Commanders of the First, Second, and Fifth Army Corps, the Security Directorate of the Autonomous Region, the DMI, and the Iraqi Intelligence Service (IIS). The directive detailed the protocols for prohibited areas and included orders to kill all humans and animals. Paragraph

one states:

It is totally prohibited for any foodstuffs or persons or machinery to reach the villages that have been prohibited for security reasons that are included in the second stage of collecting the villages. Anyone who so desires is permitted to return to the national ranks. It is not allowed for relatives to contact them except with the knowledge of the security agencies. [attached as document #XX].

This directive was repeated word for word in communications between receiving entities and lower level units as, for example, in letter Number 4754, dated June 8, 1987, from Amn Erbil to all its departments and local offices. Letter Number 4754 is referenced on page 15 of the HRW report dated July, 1993, "Prelude to Anfal" section.

AL-MAJID examined a copy of the letter written in Arabic. AL-MAJID admitted such an order was issued and sent to the referenced agencies and the military. AL-MAJID acknowledged the authenticity of the copy of this document and confirmed the authenticity of his signature on the last page. [AL-MAJID interview, March 21, 2004].

The second and most significant directive AL-MAJID issued was SF/4008 on June 20, 1987. The directive was issued by the Northern Bureau Command, signed by AL-MAJID, and stamped with the seal of the RCC's Northern Affairs Committee. The directive was conveyed to the First, Second, and Fifth Corps Command and provided procedures on how to deal with prohibited villages. The directive stated:

In view of the fact that the officially announced deadline for the amalgamation of these villages expires June 21, 1987, we have decided that the following action should be taken with effect from June 22, 1987:

1. All the villages in which subversives, agents of Iran and similar traitors to Iraq are still to be found shall be regarded as out of bounds for security reasons;
2. They shall be regarded as operational zones that are strictly out of bounds to all persons and animals and in which the troops

- can open fire at will, without any restrictions, unless otherwise instructed by our bureau;
3. Travel to and from these zones, as well as agricultural, animal husbandry, and industrial activities shall be prohibited and carefully monitored by all the competent agencies within their respective fields of jurisdiction;
4. The corps commanders shall carry out random bombardments using artillery, helicopters, and aircraft at all times of the day or night in order to kill the largest number of persons present in those prohibited zones, keeping us informed of the results;
5. All persons captured in those villages shall be detained and interrogated by the security services and those between the ages of 15 and 70 shall be executed after any useful information has been obtained from them, of which we should be duly notified;
6. Those who surrender to the governmental or Party authorities shall be interrogated by the competent agencies for maximum period of three days, which may be extended to ten days if necessary, provided that we are notified of such cases. If the interrogation requires a longer period of time, approval must be obtained from us by telephone or telegraph or through comrade TAHER AL-ANI;
7. Everything seized by the advisers and troops of the National Defense Battalions shall be retained by them, with the exception of heavy, mounted and medium weapons. They can keep the light weapons, notifying us only of the number of these weapons. The Corps commanders shall promptly bring this to the attention of all the advisors, company commanders and platoon leaders, and shall provide us with detailed information concerning their activities in the National Defense Battalions. [attached as document #XX].

AL-MAJID examined a copy of this document written in Arabic. AL-MAJID admitted issuing the order listed as item two. According to AL-MAJID, everyone, civilian and military, knew that

no one was allowed in those areas as it was a theater of operations. Anyone caught in those areas, including women and children, was to be killed. AL-MAJID denied issuing the orders listed as items four and five. AL-MAJID acknowledged the authenticity of the copy of this document and confirmed the authenticity of his signature on the last page. [AL-MAJID interview, March 21, 2004].

When questioned about his orders to execute first-degree relatives of saboteurs and wounded civilians, AL-MAJID stated he did not issue an order to execute first-degree relatives of saboteurs. He admitted, however, that in July/August 1987 he did order the "deportation" of first-degree relatives of saboteurs from prohibited areas. AL-MAJID issued this order to ensure the security of the cities. He was responsible for the security of the cities and areas within five kilometers of the cities. First-degree relatives included only the fathers of saboteurs. It did not include the female relatives such as an individual's mother, sister, or daughter.

AL-MAJID reiterated that prohibited areas were those regions from which the Iraq Government had removed the citizens and relocated them to government housing complexes. The order regarding deportation of first-degree relatives was intended to force fathers to control the actions of their sons. After the "gathering of people" into Iraq Government housing complexes, AL-MAJID stated that any acts of sabotage against the government would result in implementation of this order. AL-MAJID wanted the consequences of the actions of the sons who were saboteurs to be a "pressuring factor" on their fathers. AL-MAJID ordered only first-degree relatives be deported from prohibited areas so that the security committees did not expand the order to include other relatives. He acknowledged other relatives, including mothers, sisters, and daughters, could have elected to join relatives who had been ordered "deported" from prohibited areas.

AL-MAJID admitted that Directive 4008 which he issued effective June 22, 1987, was still in effect at the time of his issuance of the order regarding first-degree relatives. AL-MAJID reiterated that anyone caught in the prohibited areas after June 22, 1987, including women and children, was to be killed. Directive 4008 was modified in September, 1987 to allow farming in certain areas. When questioned whether deportation of first-degree relatives to prohibited areas was tantamount to sentencing them to death because of Directive 4008, AL-MAJID stated, "Why would we deport them to a prohibited area [so that they would be killed] when we could kill them?" When the interviewer suggested

that perhaps this procedure was meant to minimize the "blood on the hands" of AL-MAJID and others, AL-MAJID offered no reply.

AL-MAJID noted saboteurs and first-degree relatives were given one month to decide whether they wanted to stay or leave. If they decided to remain in government housing complexes, they were required to pledge not to commit acts of sabotage against the Iraq Government. [al-MAJID interview, April 4, 2004].

AMN repeatedly referred to this Directive 4008 throughout 1988. For example, a letter from Amn Suleimaniyeh, dated October 29, 1988, referenced the directive as the basis for "the execution of 19 accused, executed by this directorate because of their presence in the security-prohibited villages." This document is referenced on page 15 of the HRW report dated July, 1993, "Prelude to Anfal" section, and pages 1-2 of "The Camps" section.

The Iraq Government's plan is further corroborated by AL-MAJID's own words as he discussed the Iraq Government's campaigns in the Northern Region in 1987 and 1988. On April 15, 1988, AL-MAJID attended a meeting with members of the Northern Bureau and governors of the Autonomous Region of Iraqi Kurdistan during which he discussed Kurdish territory and prohibited areas. According to audiotapes of that meeting, AL-MAJID stated, in pertinent part:

I will prohibit large areas; I will prohibit any presence in them. ...Now you can't go from Kirkuk to Erbil any more without an armored vehicle. All of this basin, from Koysinjaq to here (Kirkuk)...I'm going to evacuate it. I will evacuate it as far as Gweir and Mosul. No human beings except on the main roads. For five years, I won't allow any human existence there. ...If we don't act in this way, the saboteurs' activities will never end, not for a million years. ...In the summer, nothing will be left. [reference audiotape #xx].

On July 22, 1987, TAHER AL-ANI (hereinafter AL-ANI), Secretary of the Northern Affairs Committee, sent letter Number 5083 to the First Corps Headquarters, entitled, "Executing Criminals." The letter stated:

The struggler comrade ALI HASAN AL-MAJID, the head of the Northern Bureau, commented regarding your mentioned letter. We have no objection to the cutting of the heads of the betrayers, but it would be better to send them to Amn for interrogation, as they may have useful information prior to their execution. [attached as document #XX]

On September 8, 1987, the DMI submitted a report Number M1/Sh3//Q2/19330 to the Northern Bureau Headquarters summarizing current Kurdish activity. The report stated:

1. At 1600 hours, on September 3, 1987, centralized artillery strikes (using special ammunition) had been launched against three sites of the Iranian Agents along the Dokan-Beera Macroon line, which included the site where the criminal JALAL TALABANI would be located. Their casualties were two killed and 12 injured from their leadership, in addition to a number of their saboteurs killed and wounded, and residents of the neighboring villages of the above mentioned sites.
4. Commentary: After the air strikes (with special ammunition) launched against of the Iranian Agents' sites in April 1987, the mentioned group's headquarters received a number of chemical protective equipment from the Iranian regime, in addition to the issue of a special booklet by mentioned group. [attached as document #XX]

The report was signed by SABIR AL-DURI, Director of the DMI, and copies were forwarded to the Presidential Secretary for HUSSEIN, the headquarters of the Chief of Staff of the Army, the RCC Northern Affairs Committee, Armed Forces Headquarters, and the Ministry of Defense Diwan.

The April, 1987 air strikes referred to in the above-mentioned DMI report are very likely the April 15, 1987 strikes against the villages of Bergalou and Sergalou, and the April 16, 1987 strikes against Sheikh Wasan and Balisan.

A cable, reference number 4350, dated September 7, 1987, from the Northern Bureau to all regional security committees memorialized the details and instructions regarding the national census that were issued during a September 6, 1987 meeting of senior Ba'ath Party officials which AL-MAJID chaired. A second version of this document is letter Number 2/237, dated

September 19, 1987, from Shaqlawa District Security Committee to a number of local party and police agencies. These documents are referenced in footnote 51 of the HRW report dated July, 1993, "Prelude to Anfal" section. At the meeting, preparations for the national census were discussed. "Subversives who repent" were to be allowed to return to the fold right up to the day of the census. No returnees would be accepted after October 17, 1987, however, "even if they surrender their weapons." Furthermore, family members of "unrepentant saboteurs" could not remain in government-controlled areas and were to be physically removed and forced to join "saboteur kin" in prohibited areas. Upon completion of an AL-MAJID ordered inventory of cases, "the families in question should be expelled to the regions where their subversive relatives are, with the sole exception of males aged between 12 and 50 inclusive, who should be detained." One of the documents list the ages as 17 to 50.

According to pages 18-19 of the HRW report dated July, 1993, "Prelude to Anfal" Section, the Northern Bureau ordered mass seminars and meetings to discuss the importance of the census scheduled for October 17, 1987. Those who failed to participate in the census without a valid excuse would lose their Iraqi citizenship and would be regarded as army deserters, and as such, subject to RCC decree #677, dated August 26, 1987. Additionally, those not participating in the census were no longer eligible for government services and food rations as they would no longer be considered Iraqis. With respect to identifying ethnicity in the census, individuals could only choose one of two options, Arab or Kurd. Furthermore, people could only be counted if they made themselves available to the census takers. For anyone living in a prohibited area, this meant abandoning their home and registering and living as a resident of a government-controlled town or *mujama'a*.

On October 18, 1987, the Northern Bureau Command issued letter Number 1216 to remind all Security Committees and Security Directorates, in the Governates of the Autonomous Zone and the Governates of Diyala and Salah Al-Din of Directive 4008. AL-ANI signed this letter which is referenced on page 19 and footnote 58 of the HRW report dated July, 1993, "Prelude to Anfal" section.

HRW described the letter, issued the day after the census, as a stern memo to all security committees in Kurdistan, reminding them that aerial inspection would ensure that Directive 4008 of June 20, 1987, was being carried out "to the letter." Any committee that failed to comply would "bear full

responsibility before the Comrade Bureau Chief." AL-MAJID signed this letter.

On January 3, 1988, RCC Decree Number 10, signed by HUSSEIN, modified some aspects of RCC Decree 677 but retained the following paragraphs:

Paragraph one: The Party organizations shall carefully examine the situation of military deserters and draft dodgers who are captured. Paragraph two: The death sentence shall be carried out by the Party organization, after that examination, on every deserter or draft dodger who is captured if the duration of his desertion or draft evasion exceeds one year or if he had committed the crime of desertion more than once. [attached as document #XX].

On November 22, 1988, Directive 4008 was again reinforced, this time in report Number Sh.2/17983, by (name illegible), Deputy Brigadier-General of Security, Director of Security of Erbil Governate, and addressed to the Directors of Security Branches. The report reminded the Security Branches that Northern Bureau Directive SF/4008 was still in effect:

In accordance with the directives of senior authorities, it has been decided to apply Paragraph 5 of the message of Northern Bureau Command, reference 4008 of June 20, 1987, to anyone present in the prohibited 'no-man's land' areas (*muharram*) and the areas banned for security reasons (*mahdour*), without exception. Please be informed, take the necessary measures, and carry out. Let us know. [Attached as document #XX].

Muharram referred to the border zones cleared of all population in the late 1970s and denotes the empty land between two warring forces. *Mahdour* refers to the vast areas demarcated during the 1980s where all human presence was prohibited.

AL-MAJID, during a meeting with the Northern Bureau, summarized his actions in the Northern Region. The undated tape was is in a batch dated January 21 and 22, 1989. AL-MAJID stated, in part:

If you remember, when I was placed in charge

of the Northern Bureau, I was also tasked with additional responsibilities-- administration, the relevant special services, the security and intelligence ones, the Army, and the civilian wing of the Party, and the military wing of the Party. These were my responsibilities, that's all. So, I was to work as I wished. Therefore, we started making our own decisions, and in some instances, even in violation of the Leadership's instructions. But Comrades, this was three months ago... When we made the decision to destroy and collectivize the villages and draw a dividing line [i.e., the so-called "red line"] between us and the saboteurs, the first one to express his doubts to me and before the President was TALI'A AL-DURI. The first one who alarmed me was TALI'A AL-DURI. To this day, the impact of TALI'A is evident. He didn't destroy all the villages that I asked him to at that time. And this is the longest-standing member of the Ba'ath Party. What about the other people then? How were we to convince them to solve the Kurdish problem and slaughter the saboteurs?

So we started to show these senior commanders on TV that [the saboteurs] had surrendered. Am I supposed to keep them in good shape? What am I supposed to do with them, these [people]. Then a message reaches me from that great man, the father [SADDAM HUSSEIN], saying take good care of the families of the saboteurs and this and that. The general command brings it to me. I put his message to my head. But take good care of them? No, I will bury them with bulldozers....

Interviewers played AL-MAJID a portion of this audiotape. AL-MAJID acknowledged that the tape contains his words and his voice. He admitted that he ordered the destruction of homes within the prohibited zones after the residents were removed. AL-MAJID admitted that he held a separate meeting and instructed those under his command that no house was to remain standing within the prohibited zones. AL-MAJID also admitted that he told his subordinates that he would tour the prohibited

zones and if his orders were not carried out completely, he would hold the section commander responsible. [AL-MAJID interview, March 21, 2004].

AL-MAJID also admitted that the second segment of the tape, from approximately 9:55 to 16:06, was his voice and his words. AL-MAJID stated he believed this meeting took place in April, 1987, rather than in 1988. AL-MAJID stated that those present included the Governors and Ba'ath Party Secretary Generals of each province of the Autonomous Region of Iraqi Kurdistan. These provinces included Irbil, Dohuk, Suleimaniyeh, Kirkuk, and Mosul.

AL-MAJID stated that in the audiotape he is speaking about the "gathering of villages" in the northern Kurdish region of Iraq. In the audiotape, he explains the difficulty with moving safely between cities in the north and the numbers of "martyrs" who suffered at the hands of saboteurs. AL-MAJID encouraged those present to "speed up the process" of gathering or collectivizing the villages in the north.

An audiotape segment from approximately 3:28 to 4:25 was played for AL-MAJID and contained the following:

If you remember, when I was placed in charge of the Northern Bureau, I was also tasked with additional responsibilities [including] administration, the relevant Special Services, the Security and Intelligence ones, and the Army, and the civilian wing of the Party, and the military wing of the Party. These were my responsibilities, that's all. So, I was to work as I wished. Therefore, we started making our own decisions and in some instances, even in violation of the Leadership's instructions. But Comrades, this was three months ago.

AL-MAJID acknowledged the recording was his voice and his words and identified the content as a meeting held by AL-MAJID with KHAZRAJI, KAMIL SAJID (hereinafter SAJID), the Army First Corps Commander, HASHEM, the Commander of the Anfal Operation, TALI'A AL-DURI, outgoing Army Fifth Corps Commander, YUNIS ZAREB, incoming Army Fifth Corps Commander, and the Secretary Generals of the Ba'ath Party Sections. AL-MAJID believes this meeting took place in late 1988 or early 1989.

AL-MAJID stated despite the impression given on the audiotape that he was the official in charge of the meeting and in charge of the military, he was only responsible for the cities and "what was in between the cities." Specifically, AL-MAJID stated he was in charge of the "security of the cities" and the "security committees of the cities" during the period he served as Secretary General of the Northern Bureau Command. He added that he "had nothing to do with Iranian intelligence." AL-MAJID reiterated he was only in charge of cities and roads connecting cities in Northern Iraq. The Iraqi military was in charge of all other territory within that portion of the country. Within cities, AL-MAJID commanded military forces, intelligence services, security services, and all other government agencies. AL-MAJID stated he was in charge of the cities of Suleimaniyeh, Bazyan, Chamchamal, Koysanjaq, Al-Rabie, Kirkuk, Alton Kopri, Erbil, Shaqlawa, Hareer, Zakho, and Khabat. He added that he was in charge of the provinces of Dokan, Mosul (except Agra), and Kirkuk (except Qader Karam).

AL-MAJID again acknowledged his voice and his words on a segment of the same audiotape beginning approximately at 8:25 and concluding approximately at 9:28. AL-MAJID confirmed the tape was recorded at the same meeting with KHAZRAJI. AL-MAJID explained he met with KHAZRAJI because "he had work" and "I had work." AL-MAJID remembers complaining to KHAZRAJI during this meeting about the delay by the military in leveling villages where residents had already been removed. According to AL-MAJID, the village buildings needed to be removed as they often served as sanctuaries for saboteurs. He added that after removal or "deportation" of villagers, the army was responsible for removing "what was left."

AL-MAJID acknowledged criticizing TALI'A AL-DURI, for failing to destroy the villages in a timely manner. AL-MAJID's complaint placed the responsibility for handling this matter upon KHAZRAJI. AL-MAJID stated this audiotape shows he was not in charge of military forces in Northern Iraq during this period. If he had been in charge, AL-MAJID would have removed AL-DURI and not just complained to KHAZRAJI. [AL-MAJID interview, April 4, 2004].

ANFAL CAMPAIGN (1988)

Anfal is the term used by the Iraq Government to describe its military campaign against the Kurds. *Anfal*, meaning "spoils," referred to the first battle in 624 A.D. between Muslims and non-Muslims. The *Anfal* campaign had eight stages of which

the first seven were directed at the PUK's territory and the last at KDP's territory.

The first *Anfal* targeted PUK strongholds Bergalou and Sergalou from February 23, 1988, to March 19, 1988. The second *Anfal* targeted the Qara Dagħ region from March 22, 1988, to April 1, 1988. The third *Anfal* targeted the hilly plain known as Germain from April 7, 1988, to April 20, 1988. The fourth *Anfal* targeted the Valley of Lesser Zab River from May 3, 1988, to May 8, 1988. The fifth *Anfal* targeted the mountainous region Northeast of Erbil from May 15, 1988 until operations halted on June 7, 1988. Operations were re-initiated as the sixth and seventh *Anfals* in July and August 1988, respectively. On August 26, 1988, the PUK controlled area was declared clean of saboteurs. The final *Anfal* targeted the Badinan area and began on August 25, 1988. On September 6, 1988, the Iraq Government declared victory by declaring general amnesty for all Kurds.

Anfal 1

SULTAN HASHEM, who at the time was the 1st Corp Commander, advised the mission of the *Anfal* Campaign was to remove the Kurdish population from the Northern area of Iraq, and either destroy them or make them flee to Iran. HASHEM commanded three Army Divisions and 100 Battalions in the First *Anfal* Campaign which consisted of approximately 80,000 soldiers. With the number of military personnel under his leadership and weaponry at his disposal, HASHEM expected to overpower and defeat the Kurdish resistance.

HASHEM utilized artillery, armor, infantry, and helicopters during the First *Anfal*, which took place from March 1, 1988, until approximately March 20-21, 1988. HASHEM did not have direct operational control over other air assets (Air Force), but could request those resources when needed. There were nine different avenues of attack utilized in the First *Anfal* which were designed to allow for the Kurds to flee across the border to Iran. (HASHEM interview, June 1, 2004).

Anfal 3

[redacted] (hereinafter [redacted] age 12 at the time, resided in the village of Kulaio (Southern Germain) with his father, [redacted] his mother, [redacted] and his three younger sisters [redacted] (eleven), [redacted] (ten), and [redacted] (nine). One morning in April, 1988, Iraqi Special Forces and *Jahsh* surrounded his village. The villagers were told they

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were being taken to the city where they would then live. The villagers were loaded into carts pulled by the villagers' own tractors, and were driven away. When the caravan got to the city, they continued to drive through to a fort in Qoratu where they were detained for ten days with very little food and water. People died from starvation, and women were raped and killed. During their detention at Qoratu, [] observed Iraqi officials from military, Military Intelligence (*Istikhbarat*), and Directorate of General Security (*Amn AL-'Am*).

From Qoratu they were taken in large trucks with no windows to the Army Camp at Topzawa. At this point, the men were separated from the women and children and were housed in another building. [] could see the building where his father was kept, but never saw his father again. They stayed in the camp in Topzawa for approximately thirty days.

While at the camp in Topzawa, [] stated that the guards teased the children with food. The guards placed food at a distance and told the children that whomever ran the fastest and got to the food first could eat it. When the children ran to the food, the guards kicked it over and spill it.

One early morning, thirty large, windowless trucks arrived at the camp. [] and the others were herded onto the trucks and rode all day with no food and very little water. [] stated that three children on his truck between the ages of approximately six and seven died during the ride. Also on the truck was a woman who went into labor. She was foaming at the mouth from dehydration and [] was able to sneak her a small bit of water that was meant for him.

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When the trucks stopped, everyone got out and was given some water. Their hands were then tied behind their backs and they were blindfolded. They were then forced back into the trucks. [] was able to get his hands untied and removed his blindfold once he was in the truck.

When the trucks stopped for what turned out to be the last time, the back doors were opened. [] saw pits which had been dug into the ground. The dirt that was removed to make the pits was piled behind each pit. Standing by each pit were two soldiers, each of whom wore camouflage uniforms and red berets and was armed with AK-47s. There were as many pits as there were trucks. [] and the others were forced out of their truck and fell into a pit where they laid, tired and starving. No one was screaming or fighting which led []

to believe that the water they had previously been given had been drugged. Once they were all in the pits, the soldiers started shooting them. [] looked around and that saw the woman who had gone into labor while on the truck riddled with bullets in her head and stomach. [] stated that her brains were coming out of her head, and that her stomach was torn apart by the bullets and he could see the unborn baby.

[] was shot in his left shoulder. At this point, he ran toward the soldier who shot him, grabbed him by the legs, and pleaded with him in Kurdish. [] could tell by the look in the soldier's eyes that he did not want to be doing what he had been ordered to do. The other soldier became angry and yelled in Arabic. The angry soldier then threw [] back into the pit and began shooting again hitting [] in his lower back on his right side. At that point, [] played dead.

The shooting finally stopped and the soldiers gathered together and talked in Arabic. [] saw bulldozers beginning to cover up the holes. [] was in the pit furthest from the bulldozers and decided to escape. [] saw a young girl who had not been hit by a single bullet and he told her they needed to escape. She told [] that she was scared of the soldiers and that she would not leave.

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[] crawled out of the pit and laid on the pile of dirt next to it. He made a space for himself so that his outline could not be seen by the Toyota Landcruisers that were patrolling the area with their headlights looking for survivors and shooting them. [] moved from one dirt pile to the next until he eventually passed out. By the time he awoke, everyone had been buried. [] walked for several hours and encountered a group of dogs which began barking. The dogs surrounded him and barked until their owner came outside. The man spoke Arabic and [] was unable to understand him; however, the man took [] in and gave him food and water. [] stayed with this man for a night or two, but was then moved to town in order to get medical attention for his wounds. [] was taken in by an Iraqi family and stayed with them for nearly two years before being reunited with an uncle. [] interview, March 8, 2005].

The following seized documents and statements detail some of the Iraqi Government's actions during the *Anfal* campaign. According to AZIZ and AL-DURI, only HUSSEIN could authorize the use of chemical weapons. As previously demonstrated, HUSSEIN

either personally authorized or delegated the power to authorize the use of chemical weapons.

The April, 1988, monthly report for the Northern Region, Number 9879, dated May 18, 1988, from Brigadier General (signature illegible), Deputy Director, General DMI to the Subdirector of Military Intelligence, Eastern Sector, referenced special strikes and "special ammunition." Paragraph c of the report states,

After the special strikes against the villages where the headquarters and bases of the agents were, their organization distributed a quantity of medical supplies against chemical strikes (injections and pills) among the inhabitants of those villages as well as neighboring villages. [attached as document #XX]

The report also provided a number of reasons for the defeat of the agents and/or saboteurs by Iraqi forces including "the intensity of the artillery bombardment by our forces and the use of 'special ammunition' led to heavy losses among them."

On April 26, 1988, the Ministry of Defense (MoD) issued letter Number D/A/51 to the Army Chief of Staff Headquarters entitled, "Procedure." The letter, by Staff Navy General ABED MOHAMMAD ABDULLAH (hereinafter ABDULLAH), the Secretary General of the MoD, noted:

The Deputy to the General Commander Minister of Defense has read the DMI letter, marked Secret, personal and Immediate, #8368, dated April 23, 1988, and commented as follows:

1. To create more of a psychological impact than what has been established, no objection regarding directing special ammunition strikes if there is a target which deserves punishment.
2. It is requested that operations be renewed, and I believe it is being discussed now with Comrade ALI HASAN, today April 26, 1988. [attached as document #XX]

On May 12, 1988, the DMI submitted report Number M5/Sh3/Q2/9540 to the Army Chief of Staff Headquarters

summarizing the results of *Anfal* operations from February 26, 1988, to May 10, 1988. The report detailed casualties sustained by the sabotage groups, and identified the Iranian agent group, PUK, as sustaining the heaviest casualties because operations were focused in their territories. According to the report, an estimated 1,200 agents were killed or wounded. That estimate included casualties resulting from Special Strikes. The report also listed sites and bases of the sabotage groups, infiltration routes of the sabotage groups within their territories, and results of a meeting between representatives of the sabotage groups in which they agreed to integrate their offices. The report was signed by AL-DURI. [attached as document #XX].

On May 15, 1998, HUSSEIN responded to the DMI via Office of the President report #9540 which stated, "It is necessary to keep momentum and chasing them, and not allowing them to reorganize themselves." [attached as document #XX] The report was addressed to the Chief of Staff of the Army, and signed by Presidential Secretary AL-HUMMADI. Copies were forwarded to the MoD, the Northern Bureau Headquarters, and the DMI.

The DMI began to document measures the *Peshmergas* took to defend against chemical weapons strikes. These Iraqi reports not only confirm Iraqi's use of chemical weapons, but also document the measures the Iraqi military took to increase the effectiveness of its chemical weapons strikes.

On March 7, 1988, the DMI submitted letter #M5/Sh3/Q2/4797 to the Special Security Organization (SSO) which noted the instructions Iranian agents' leadership gave to "saboteurs" when exposed to chemical weapons. [attached as document #XX]

On April 28, 1988, the Presidential Secretary forwarded a memo from the Military Industrialization Institution (MII) to the DMI regarding the *Peshmerga's* activities, and requesting the DMI's opinion on the subject. The MII had obtained the following information on the net of the 21st Turkish Border Brigade:

2. The Iraqi military units will attack the site of the First Branch in the next two or three coming days with chemical weapons.
3. *Peshmerga* members are attempting to move closer to Iraqi military units in the zone, to protect themselves against chemical attacks. [attached as document #XX]

On April 30, 1988, the DMI submitted a response #M5/Sh3/Q2/8859 to the Presidential Secretary for presentation to HUSSEIN which stated:

1. After Anfal operations carried out by our troops to (traditionally) strike the sites and bases of the sabotage groups, and special strike the site and bases, the majority of the sabotage groups in the Northern zone became aware of these operations, and were expecting our troops to carry out similar operations.
2. The sites and bases of the first branch of the Descendants of Treason - BARZANI Group - who exist on the Iraqi border zone, are highly aware of being struck by our troops (including the Patriotic Defense Regiments) with special ammunition as in the Anfal operations. They have taken some procedures to deal with that, and they have evacuated part of the site and some of their bases near the Turkish territories. We are not sure yet if the saboteurs have moved closer to our units in the mentioned zone. [attached as document #XX]

Anfal 5

On May 22, 1988, the Secretary General for the MoD submitted letter #D/A/51/8 entitled, "Results of Anfal Operation" to Army Chief of Staff Headquarters. The letter contained comments of the Deputy to the Minister of Defense based on a letter from HUSSEIN:

1. After ending the operations in the Suran sector, operations should be carried on with momentum in the Bahdinan sector.
2. It is useful to gather intelligence on the locations of the saboteurs there, and special strikes should precede our wide action. Please take the necessary procedures. [attached as document #XX]

On May 22, 1988, the Senior Secretary to the Army Chief of Staff, Staff General NABIL ABDULKADER HUSSEIN (hereinafter NABIL HUSSEIN), submitted memo #R A G/30/6545 to the MoD Diwan

entitled, "Anfal 5 Operation." The letter stated:

- b. Strikes with special ammunition were launched on May 15, 1988, against sabotage groups in the Fifth Corps sector....
- 2. Operations of chasing and destroying sabotage groups are continuing in the First Corps and Fifth Corps sectors according to the plans prepared for this purpose (Operation Anfal), and Anfal 5 operation will be carried out in the Fifth Corps sector in the following phase. [attached as document #XX]

On June 2, 1988, the Northern office of the DMI submitted report #Sh3/Q3/1041 to the DMI (Sh3) entitled, "Fifth Anfal Operation." The report included the following:

- 2. The Iranian agents and other sabotage groups have made use of lessons learned from previous battles with our troops during operations in the First Corps' sector (Anfal 1,2,3,4), and they had the time to enable them to take the following procedure:
 - e. Completing distribution of chemical protective masks, individual decontamination equipment, and training on the use of the equipment. [attached as document #XX]

On June 10, 1988, the DMI submitted report #M5/Sh3/Q2/11325 entitled, "Anfal Operation" to the Army Chief of Staff Headquarters. The report noted initiation of the fifth Anfal in which Iraq troops were to hit and destroy sabotage groups' sites and bases in the Fifth Corps' sector. The report also included the following casualty summaries:

- a. (58) killed, (72) injured from the saboteurs and their families as a result of special strikes.
- b. (42) killed and a number of wounded as a result of our troops' activities. [attached as document #XX]

The report was signed by AL-DURI and copies were forwarded to the Presidential Secretary for HUSSEIN, the MoD Diwan, the Northern Bureau Headquarters, Secretary General of the Armed Forces Headquarters, Operations Department, and the Fifth

Corps Headquarters.

On June 11, 1988, HUSSEIN responded to the DMI report via letter #K/2305 from the Office of the President:

Under no circumstance, we must not permit the saboteurs to regain their morale, therefore striking them in sector 45 is imperative. Do the necessary. [attached as document #XX]

The letter was signed by Presidential Secretary, AL-HUMMADI, and copies were sent to the MoD Diwan and the DMI. As previously documented in this report, AL-HUMMADI prepared letters that contained HUSSEIN's orders.

A cover letter and excerpt of a quarterly report dated June 27, 1988, from Captain KIFAH ALI HASSAN, Director of the Intelligence Center of Kalar, to the Subdirector of the DMI, Eastern Sector, gave details of a chemical attack against the Kurds. It stated, in part,

During the month of March 1988, our aircraft bombed the headquarters of the sabotage bands in the villages of Saywan and Balakajar in a chemical strike. This resulted in the death of 50 saboteurs and the wounding of 20 other saboteurs. [attached as document #XX]

HRW/MEW interviews indicate that the referenced attack occurred on March 22, 1988. Local inhabitants stated casualties ranging from 78 to 87 were almost all civilian. The rebel bases were located outside of the two villages mentioned in the report. Saywan is referred to as Sayw Senan by the Kurds.

On July 10, 1988, MoD sent letter D/A/51/1/14179, entitled, "Sabotage Groups in Balisan Basin and Alsamaqoleyyat area" to the Army Chief of Staff. The letter, based on DMI report #13081 dated July 7, 1988, stated:

1. It is necessary to exhaust them with aerial weapons and anti-personnel weapons prior to starting the mission.
2. Hold the area, prevent cooperation and supplies to and from the area.
3. Special ammunition might be needed if there is a collection of saboteurs. [attached as document #XX]

On July 12, 1988, Army Chief of Staff Headquarters forward the above-described instructions to the Fifth Corps Headquarters via letter #RAG/22/804 and advised them to take the necessary procedure. [attached as document #XX]

Declassified satellite imagery from the *Anfal* period, listed as evidence in support of this Prosecutive Report, illustrate impact craters, the use of multiple rocket launchers and towed artillery, as wellq the complete razing of Kurdish villages.

Final Anfal

Report #16093, dated December 13, 1988, from Branch 3, Section 1, Qadissiyat Saddam (operational name for the Iran-Iraq War) to the General DMI, Branch 3, provided Iraqi source information and made direct reference to chemical attacks conducted by Iraqi forces in Badinan during the Final *Anfal* from August 25, 1988, to September 6, 1988. The document stated, in pertinent part:

...six British journalists arrived in the triangular border region of Iran, Iraq and Turkey to see the saboteurs who had come from the above sector via Turkish territory and interview them about the chemical strike undertaken by our forces. [attached as document #XX]

Badinan, the traditional mountainous heartland of MULLAH BARZANI and his sons, is located in the Dohuk Governate along the Iraq-Turkey border. KDP Headquarters was located at Zewa Shkan, an abandoned village on the border. Brigadier General ZAREB commanded the Iraqi Fifth Corps which battled against the KDP in the Badinan region.

In 1985, the family of [redacted] (hereinafter [redacted]) was arrested by the Iraqi government and deported from Ba'shiqa to a make-shift house in Maraneh (near Sosya), Kurdistan. All of his family's possessions were seized and sold, and his family was forced to leave with nothing more than the clothes on their backs.

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[redacted] family was just one of several families deported and relocated by the Iraqi Government. The reasons for the deportations varied: members of their family may have been

military deserters or, as with [] family, they were related to members of the political opposition. Although the Iraqi Government's intention was to force those who opposed the regime (like [] to surrender, the relocations failed to produce the desired effect. Instead of succumbing to the pressure, [] family and others adapted to their surrounding and simply started over.

Other members of [] family were also relocated. Between 1985 and 1987, [] mother, his sister-in-law and her children, and finally his sister were all deported. [] sister was deported because she was accused of providing assistance to the Peshmerga by working as a seamstress.

On August 18, 1988, immediately after the end of the Iran-Iraq War, the Iraqi government began massing its forces in Badinan. In the following days, word spread from the surrounding villages that the Iraqi army was on the move.

On August 23, 1988, Iraqi forces attacked Avoke, a small village on the south side of Gara Mountain near Spindar, with chemical weapons. [] and his family were in Maraneh, about three or four kilometers east of Avoke. As Maraneh was situated at a higher elevation than Avoke, [] witnessed the Iraqi planes attack Avoke first-hand. He saw the bombs fall and the smoke rise from the explosions. Although initially black, the smoke dissipated into white and yellow tints as it rose.

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[] heard from people who returned from Avoke shortly after the attacks that the Iraqi forces had used chemical weapons. Although most of the residents had fled to caves prior to the attack, the chemical gas killed two villagers and affected nearly everyone. Some had difficulty breathing and most had blisters on their faces, arms, and genital areas. The gas attack also killed some sheep and wild turkeys in the area. Even the landscape was affected. Everything appeared as if it had been burned. Although they did not show signs of an actual fire, the trees and leaves appeared dried up.

The gas attack spread over a large area. About thirty minutes after the attack started, the wind, which was blowing from the direction of Avoke, carried with it an unnatural, rotten smell. In addition, later in the day on August 24, [] noticed that the tops of the trees near Maraneh took on the same dried appearance as those in Avoke as a result of the drifting chemical gas. Some of the people with [] also began to experience difficulty breathing.

Once the attack on Avoke began, [] saw fixed-wing planes and helicopters continuously overflying the Avoke area. [] saw thousands of troops and tanks advancing from all directions. [] family, along with the others living in or near Maraneh, decided to head north to higher elevations and in the direction of Turkey. They left Maraneh on the night of August 24, 1988.

On August 25, 1988, Iraqi forces attacked villages throughout Badinan with artillery and aircraft, delivering both conventional and chemical weapons. As Iraqi forces quickly occupied most of the routes north, [] and several families traveling with him were forced to travel through Zebar in the direction of Kafia, east of Gara Mountain. The group occasionally came under fire from the Iraqi troops, but it seemed the Iraqis were targeting the general area as opposed to [] specific group.

By the time [] reached Kafia, the Iraqi forces was already preparing to surround the village. Hundreds of families from several neighboring villages had already fled to the area, and supplies were scarce. Some considered surrendering to the Iraqi forces, but both Kurdish collaborators and Iraqi officers advised against it. [] heard from the families of the Kurdish collaborators that one Iraqi officer said, "I may not kill you, but I don't know what Saddam will do."

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Fearing capture, [] and his group retreated to the higher elevations of the Gara Mountain. They waited there for two days, but conditions were harsh and the group had no food or water. They decided to return to Maraneh and were almost there when they heard the amnesty announcement over the radio on September 6, 1988. Even as he announced the amnesty, however, SADDAM HUSSEIN showed no compassion. [] recalled HUSSEIN referring to them as "insects."

[] evaluated his situation: in addition to his children, he had to worry about his elderly mother, his pregnant wife who was in her third trimester, and a handicapped nephew. Not seeing any alternative, [] decided that his family stood the best chance of surviving if they surrendered. They were to rest in Maraneh for two days and then turn themselves over to the Iraqi forces. Concerned with the humiliation and poor treatment she would suffer at the hands of the Iraqi troops, [] wife begged him to shoot her. In the end, however, because she was his wife and because she was pregnant, he could not bring himself to do it.

On September 8, 1988, [redacted] and two others, an Arab and an Assyrian who were also not going to surrender, hid themselves among the trees while the families walked in the direction of the Iraqi lines. [redacted] watched as the Iraqi helicopters trained their guns on the surrendering villagers as the group walked toward them. A member of the surrendering party raised his white shirt to emphasize that they were, in fact, surrendering. [redacted] feared the helicopters would shoot them right there; however they herded the villagers down the mountain in the direction of Kani Masi. [redacted] never saw or heard from his mother [redacted] (date of birth 1917); wife [redacted] (1950); his sons, [redacted] ((1973)), [redacted] (1975), [redacted] (1978), [redacted] (1987); his daughters, [redacted] (1977), infant daughter, [redacted] (1988); his sister, [redacted] and his brother's [redacted] wife [redacted] (1937), and sons [redacted] (1969) [redacted] (handicapped) (1968), and [redacted] (1967).

After his family surrendered, [redacted] and the two others traveled north over the Gara Mountain. The group was forced to travel very slowly and cautiously due to the large number of



Iraqi troops. Normally only a two hour journey, the trip took two days. Many times, they were within an arm's length of Iraqi soldiers, but they managed to avoid capture.

On September 12, 1988, [redacted] reached the outskirts of Spindar (on the north side of Gara Mountain). The concentration of troops in the area forced the group to remain on the hills overlooking the village for approximately six days. They

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survived by scavenging provisions and some medicines from homes on the outskirts of the abandoned village that had not yet been attacked. By the items left behind (a single baby sock, a half-filled tea cup, a single shoe), it appeared that the occupants had little warning before fleeing.

By the time [] reached Spindar on September 12, the village had already been burned. While living on the hills overlooking the village, [] and his group watched Iraqi bulldozers enter the area each day and topple structures. Each night they would retreat due to the threat of *Peshmerga* counterattacks. Sometimes the army would use explosives to destroy the buildings. The destruction, which took six days, was very slow and deliberate. In all, [] watched them destroy twenty to thirty buildings, and it appeared as if they were trying to erase any sign that the village existed.

[] and the others in his group eventually made their way to Turkey. [] never saw or heard from his family again. [] interview, February 17, 2005].

In addition to providing pictures of his missing family members, [] provided a list of 193 names and in some cases, photographs, of Kurds who surrendered to the Iraqi forces and disappeared. All 193 Kurds, including [] family, are presumed dead. [Attached as Enclosure # XX]

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HRW documented 13 primary sites of chemical attacks in Badinan from which the exact number of deaths is unknown. Page 4 of the HRW report, Final *Anfal* Section, states that 49 villages were "exposed" to chemical weapons, including those affected by wind-borne dispersal.

Eyewitness Account of the Attack
on the Villiage of Kane Balau

In approximately August 1988, [] was staying in an Assyrian village, Kane Balavi, in the Barwari Balla area north of Dohuk. She stated that villagers were warned by the pro-regime Kurdish militia, *Jahsh*, that the Iraqi military was approaching and they should leave the village. The villagers, including [] knew that when the Iraqi military arrived, their villages were going to be destroyed and everyone would either be arrested or killed, as had been the case throughout the *Anfal* campaign. Kurds were told that SADDAM HUSSEIN had said, "Let's finish with one, and we'll start the second group." The Kurds interpreted this statement to mean once

the war with Iran had ended, HUSSEIN would divert all of his attention and military efforts toward the Kurds.

One evening, at approximately 10:00 pm, the people in the village packed essential items and food on mules and left, walking toward Turkey. More than a thousand men, women, children, the elderly, and their animals, walked all night and hid in the valleys during the day to avoid detection by Iraqi aircraft. The journey took approximately two weeks. The villagers ran out of food and were forced to purchase wheat from Turkish smugglers operating in the mountains.

When the villagers finally arrived at the border, they were stopped by the Turkish military and were refused entry into Turkey. A sympathetic Turkish soldier told [] to cross the border at night. The villagers were forced to remain at the border until nightfall, at which time they crossed into Turkey. Once inside, they felt safe and slept for the first time in four or five days. The villagers were out of food and went without anything to eat for more than a day, while awaiting Turkish smugglers. The next day, the villagers spent two days searching for water. The villagers stayed in the valley for 10 days.

The conditions were very harsh. The villagers did not have blankets, tents, beds, food, or clean water and suffered from starvation. During this period, [] estimated that hundreds of children and elderly people died as a result of diarrhea. The deceased were buried in the valley. After 10 days, the Red Cross and Red Crescent arrived, set up tents, and provided minimal medical care. When the Red Cross began to hand out bread, people were so hungry, they swarmed them like animals.

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The Turkish Government brought approximately 17 trucks to relocate the villagers from the valley. They piled in the back of the trucks and were crammed together like "sheep." The trucks drove for 36 hours, passing several Kurdish villages along the way. The villagers in the trucks begged for food from Kurdish passers-by, who threw bread into the trucks to help them.

Finally, the trucks arrived at a refugee camp in Slopia, Turkey, and the villagers were placed in tents. They were placed approximately 15 to a tent. Everyone was forced to share soup and bread and eat without utensils. [] estimated that there were approximately 17,000 refugees at the camp. [] saw people who suffered from severe burns as a result of a chemical weapons attack, while others had difficulty breathing. Like [] all had fled their homes as a result of the Iraqi

military campaign. Soon after [] arrived, the burn victims were taken away by the Turkish government.

The refugees began to suffer from severe diarrhea. Hundreds died every day as a result of the sickness. A rumor circulated around the camp that the Iraqis had poisoned the food. According to [] the Kurdish Democratic Party (KDP) looked into the cause and determined that the bread given to the refugees had been poisoned. [] interview, January 21, 2005].

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The Iraq Government appeared to become more secretive about its chemical weapons production after the end of the Iraq-Iran War. Letter #Sh 5/19299, dated December 17, 1988, from the Amn Director of the Governorate of Erbil to all branches, regarding the secrecy of documentation regarding chemical weapons notes:

Pursuant to the memorandum from the Honorable Office of the Presidency, number 4/4/11/44154 of December 4, 1988, a decision has been taken to give all letters (memoranda) which contain information about the production of chemical weapons the highest degree of secrecy. Take all necessary measures, keep this memorandum to yourself, and sign for its receipt.

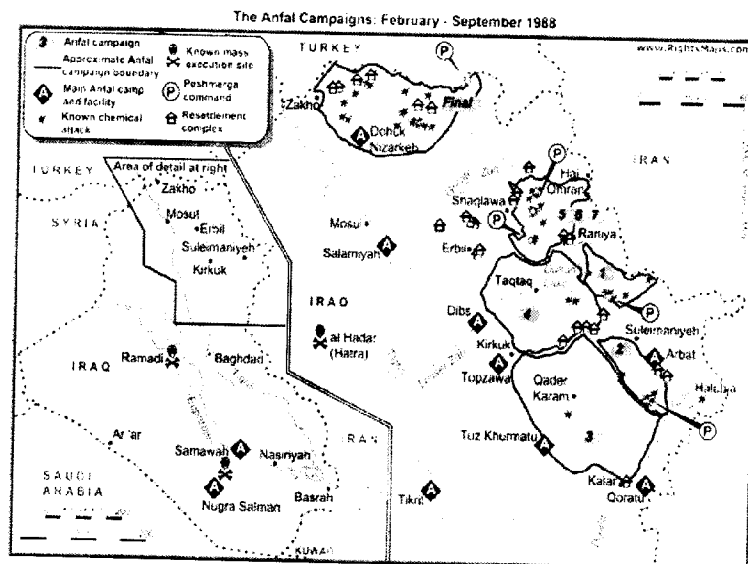
This document is referenced in footnote 20 of the HRW Report dated July, 1993, "Final Anfal" section.

According to AZIZ, the primary purpose of Anfal was to stop the Kurdish insurgency inside Iraq. Most of the Kurdish population lived in Iraq near the northern border with Iran. A decision was made to relocate the population, at least a significant portion, to settlements 100 or more miles inside Iraq. This relocation was accomplished in a "harsh manner." Those who conducted the relocation, including AL-MAJID and the Governors of the region, were "idiots." In AZIZ's opinion, they probably felt they had to accomplish the task quickly in order to be viewed by HUSSEIN as successful.

Neither AZIZ nor any other RCC member was informed or asked for an opinion prior to the start of Anfal. No RCC member protested the decision once the details became known through the media. AZIZ stated that at the time, it seemed "justified for the security of the nation." In retrospect, AZIZ admitted that

the Anfal was criminal in nature. AZIZ added he "would not have done this" and it was "not his way of doing things." [AZIZ interview, February 2, 2004].

AZIZ acknowledged that, in the sense of collective responsibility, he should be held answerable for what the government did in general terms, but the man who holds the full accountability is HUSSEIN. Originally, when AZIZ was in the RCC, members received a typed letter with the agenda items for each meeting. Once decisions were made, they were typed up and signed by each member. The decisions were not implemented until all the RCC members signed. In the early 1980s, HUSSEIN decreed the Chairman of the RCC could decide matters on behalf of the entire RCC. Later, he decided anything decreed by the RCC would become law. In addition to these legal measures which essentially turned the RCC into HUSSEIN'S personal "rubber stamp," there was the chilling effect of the July, 1979 meeting where Ba'ath members were killed. This made the proposition of disagreeing with HUSSEIN a life or death matter. [AZIZ interview, May 6, 2004].



SABIR provided a historical account of the events that eventually led to the Anfal Campaign. The Iraq-Iran War was ongoing, and the Iraqi military successfully concluded a four month battle in Basrah. After the battle, the Iranian military continued to shell Basrah, causing the Iraqi military to draw forces from other battle fronts to defend the city. Iran discovered an Iraqi troop shortage in the Northern Region of Iraq, particularly in the area of Suleimaniyeh. Iran took advantage of the situation in the Northern Region and conspired with Kurdish opposition groups led by BARZANI and TALABANI. The momentum of the war shifted toward Iran, prompting Iraqi Government officials to develop a new strategy. According to

SABIR, President HUSSEIN, AL-MAJID, ADNAN KHAIRALLAH (hereinafter KHAIRALLAH), and KHAZRAJI, developed the strategy for the Northern Region. SABIR stated that his role as Director of the DMI was to gather intelligence and disseminate that intelligence to high-level Iraq Government officials consisting of President HUSSEIN, the Minister of Defense, Army Chief of Staff, and the Presidential Secretary. The intelligence was studied by these officials and a recommendation for a plan of action was subsequently implemented.

The deployment of chemical weapons during the *Anfal* Campaign was at the sole direction of President HUSSEIN. The chain of communication to utilize chemical weapons during the *Anfal* Campaign flowed from President HUSSEIN to the Presidential Secretary and then to the Army Chief of Staff or Minister of Defense, depending on the delivery method of the chemical weapons. If the chemical weapons was to be deployed via the Air Force, orders would have been passed through the Minister of Defense. If the CW was to be deployed via artillery or other conventional means, orders would have been passed through the Army Chief of Staff to the Corps Commander. SABIR admitted that there was a special division within the Iraqi Army known as the Chemical Disbursement Division (CDD) which was responsible for manufacturing, housing, and distributing the chemical weapons. The Army Chief of Staff or the Deputy Chief of Staff was responsible for the CDD which was located at the Al Bakr Base. SABIR stated that a chemical weapons advisor was attached to the I Corps of the Iraqi Army during the *Anfal* Campaign.

SABIR understood that the *Anfal* Campaign had an announced purpose and a hidden purpose. The announced purpose was to relocate the Kurds from the Northern Region of Iraq, provide them adequate housing, and improve their quality of life. The hidden purpose of the *Anfal* Campaign was to relocate the Kurds toward the interior of Iraq, away from the border of Iran, and clear the Northern Region of the opposition groups that were led by BARZANI and TALABANI. There was concern the Kurds were going to conspire with these opposition groups and this was why Kurdish villages were razed. The Iraq Government believed destruction of the Kurdish villages would deter and prevent Kurds from returning to the area.

SABIR concluded the interview by stating HUSSEIN did not care about anybody and would have done anything to stay in power. In addition, SABIR that stated that HUSSEIN destroyed Iraq, and that he does not want HUSSEIN put to death, but wants him to suffer. [SABIR interview, June 11, 2004].

In welcoming HASSAN ALI AL-AMIRI (hereinafter AL-AMIRI) as his successor as Secretary General of the Northern Bureau on April 15, 1989, AL-MAJID discussed the reduction of powers associated with this position and the disposition of people in the prohibited areas:

It will no longer be allowed for a member of the leadership to have power over the army, because the exceptional situation is over. These powers are not being withdrawn from Comrade Hassan Ali because he is not up to the task, but because that stage is now finished.

From June 22 (1987), anyone who was arrested in those areas was to be killed immediately without any hesitation, according to the directives which are still in force.

RCC Decree #272, dated April 23, 1989, amended RCC Decree #160 and ended AL-MAJID'S extraordinary powers. This document is referenced on page 65 of the HRW report dated February, 1994.

HALABJA

TARIQ AZIZ admitted during an interview that the first confirmed use of chemical weapons against a civilian population, anywhere in the world, occurred at Halabja, Iraq, in March, 1988. Although he agreed with speculation that the weapons may have been deployed to deter Iranian forces from occupying Halabja, he acknowledged that in fact the city was occupied by Kurds and not Iranians. AZIZ stated that he learned more about the attack after watching a film on Halabja produced by the media which showed "a few corpses" of men, women, and children who died as a result of the attack. AZIZ claimed not to know how many people were killed during the attack.

After the attack, HUSSEIN admitted to AZIZ that chemical weapons had been used at Halabja. At the beginning of the Iran-Iraq War, only HUSSEIN held the authority to order the use of chemical weapons. KHAIRALLAH and KHAZRAJI asked for and received this power from HUSSEIN during the war. However, in early 1988, HUSSEIN withdrew this authority from them. KHAIRALLAH told HUSSEIN this would "weaken" the military's ability and his power to act decisively and quickly. Thereafter, HUSSEIN returned the authority to order the use of chemical

weapons to KHAIRALLAH and KHAZRAJI, and they used these weapons at Halabja. According to AZIZ, HUSSEIN did not specifically order the chemical weapons attack on Halabja, but was notified afterwards. HUSSEIN told AZIZ, "Halabja was not my decision. It was in the hands of KHAIRALLAH and KHAZRAJI." At one point afterwards, HUSSEIN said the chemical weapons attack was not necessary. HUSSEIN was "bothered" by the attack because of the international ramifications and "outcry" from the world community. AZIZ noted HUSSEIN did not punish, reprimand, or remove either KHAIRALLAH or KHAZRAJI from their positions. Normally, this would have been his response when someone's actions reflected negatively on him. AZIZ is unsure whether the lack of punitive action by HUSSEIN implied his post-event approval. [AZIZ interview, February 2, 2004].

According to SABIR, Halabja fell under Iranian control and the city of Suleimaniyeh was being threatened. SABIR and his Deputy, WAFIQ AL SAMARAI (phonetic), were traveling to the Suleimaniyeh area to check on their military positions when an intelligence officer advised them of the chemical weapons attack on Halabja. Once he learned of the attack, SABIR traveled to the city of Kirkuk and met with KHAZRAJI. During this meeting, KHAZRAJI told SABIR that KHAIRALLAH, who was in Kirkuk with KHAZRAJI, had just received orders from President HUSSEIN to launch a chemical weapons attack on Halabja. Once KHAIRALLAH received the orders, he telephoned the Commander of the Air Force, HAMEED SHA'ABIN AL-TIKRITI (hereinafter AL-TIKRITI), and ordered him to launch the chemical weapons attack on Halabja. SABIR advised that the Air Force planes that conducted the CW attack on Halabja were from the Al Bakr Base. SABIR learned from the other detainees that detainee HAMID RAJA SHALAH AL-TIKRITI was the Air Force Squadron Commander stationed at the Al Bakr Base who led the Air Force planes that conducted the CW attack on Halabja. [SABIR interview, June 11, 2004].

SABIR was under the impression Halabja was under Iranian control, and was not aware of a number of Iraqi citizens still residing within the city during the chemical weapons attack. SABIR claimed the decision to utilize chemical weapons on Halabja came quickly, and the DMI was not consulted.

163I-HQ-1462938

The FBI obtained a copy of the video footage of the chemical attack on the village of Halabja. The footage, which appears to have been recorded by an Iranian film crew, depicted events leading up to the attack, and the aftermath of the attack.

1991 INVASION OF KUWAIT

Iraq and Kuwait are parties to the 1925 Geneva



Protocol, the 1949 Geneva Conventions, and the 1954 Hague Convention. Specifically, Iraq was a party to the four Geneva Conventions of 1949 which protect noncombatants, such as civilians living in occupied territory, and prisoners of war.

HUMMADI stated the fiasco of invading Kuwait was a decision completed in 30 minutes. During an RCC meeting, HUSSEIN recited an old farmer's proverb that claimed it is better to cut our necks than to cut our sustenance. HUSSEIN listed the reasons for invading Kuwait and then canvassed the committee members. He asked AL-DURI what he thought and AL-DURI sarcastically protested that Kuwait was a country. HUSSEIN asked AZIZ, who was wise enough to convey a subtle, indirect warning without openly opposing HUSSEIN's judgment. AZIZ explained if an invasion were conducted, predictable consequences would follow. At this point, AZIZ took 10 minutes to lay out the sure-to-follow adversarial responses of the Arab League, the United Nations (UN), the United States, and the rest of the Western world. But, AZIZ knew that if he did not approve HUSSEIN's plan, he would be thrown out. When AL-MAJID was asked his opinion, he shouted, 'Crush them!' [HUMMADI interview, May 27, 2004].

While in United States' custody, HUSSEIN stated that after the 1980-88 war with Iran, Iraq was trying to rebuild. HUSSEIN likened the situation with Kuwait as similar to two individuals fighting. The fight ends and the two parties go their separate ways. Thereafter, one of the previous disputing parties is bothered by someone else who also wants to fight. Then, there is no choice but to fight again.

According to HUSSEIN, Khomeini and Iran would have occupied the entire Arab world if it had not been for Iraq. As such, Iraq expected the Arab world to support them during and after the war. However, Iraq saw the opposite regarding support, especially from Kuwait. At the end of the war, as Iraq began the rebuilding process, the price of oil was approximately \$7 per barrel. In HUSSEIN's opinion, Iraq could not possibly rebuild its infrastructure and economy with oil prices at this level, and he believed that Kuwait was especially to blame for these low oil prices.

In an effort to solve the situation and stimulate economic recovery, Iraq sent DR. HAMMADI, Iraqi Minister of Foreign Affairs, to Kuwait. HAMMADI's conclusion, and that of the Iraqi leadership after the meeting, was that the oil price situation was not just the responsibility/work of the Kuwaitis. Iraq believed some other entity, some larger power, was behind this "conspiracy."

Iraq also sent government officials to Saudi Arabia to convince the Saudis to pressure Kuwait. There, the Deputy Chairman of the RCC met with the brother of Kuwaiti leader Prince

Sabah. In addition, the Saudi Minister of Oil came to Iraq and held talks about oil prices, the Iraqi economy, and the actions of Kuwait. HUSSEIN claimed that a Kuwaiti official said, "We'll make the economy in Iraq so bad, an Iraqi woman will sleep with you for 10 dinars." HUSSEIN told the Saudis that if Kuwait did not stop interfering in Iraqi affairs, he would make the Kuwaiti dinar worth 10 fils.

HUSSEIN stated when Kuwait was faced with facts regarding "stealing" Iraqi oil by slant drilling, they admitted to having taken "only two and a half billion barrels." They stated this fact "as if it were nothing."

Regarding problems with Kuwait, Iraq sent delegates to other Gulf countries, the names of which HUSSEIN does not remember. These delegates explained the Kuwaiti and Iraqi situation. The other countries promised to correct oil prices at the next Organization of Petroleum Exporting Countries (OPEC) meeting.

At that meeting, HUSSEIN recalled a decision was made to fix oil prices at \$16-17 per barrel. Kuwait concurred with this decision. Thereafter, the Kuwaiti Minister of Oil or Minister of Foreign Affairs stated Kuwait would not abide by the OPEC decision.

Regarding loan debts owed to Gulf countries as a result of support received during the Iran-Iraq War, HUSSEIN stated these were not loans and were supposed to be free aid from these countries. The countries originally used the word "loan" as a formality to disguise the purpose of the funds. When Iraq was informed the money were actually loans, Iraq held discussions with these countries, including Kuwait, to resolve these debts. Because the money had been "registered as loans" to Iraq, Iraq could not secure loans from other countries in order to rebuild.

HUSSEIN stated he twice discussed a change in oil prices to \$25 per barrel. Once, when the price per barrel reached \$50, HUSSEIN wrote a letter, dictated to AZIZ, which was sent to the Thoura newspaper. In the letter, he told the oil-producing countries they should not take advantage of industrialized nations. HUSSEIN asked them to reduce the price per barrel to \$25. He commented this was strange at that time as Iraq had oil and could use the money. When the price dropped to \$7 per barrel in 1989-90, HUSSEIN called for an increase to \$24-25 per barrel. In HUSSEIN's opinion, this price would not burden the consumer or hurt the producer.

HUSSEIN stated there was a meeting of the RCC prior to the invasion of Kuwait where the matter was discussed. The RCC leadership had hoped the Saudis would "interfere" and have a solution. The Deputy Chairman of the RCC traveled to Saudi Arabia, but returned unsuccessful. Thereafter, the matter could only be discussed and decided upon in favor of military action. HUSSEIN acknowledged the possibility that one or more RCC members opposed or voted against invasion, but does not specifically remember any such opposition. He does not remember if a majority or all the RCC members agreed on military action. HUSSEIN stated, "I was against attacking if a solution could be found.

The final decision to invade Kuwait was made in order to "defend by attacking." HUSSEIN further justified the invasion based upon historical facts, stating that history dictates that Kuwait is a part of Iraq.

HUSSEIN stated the objective of invasion was "the one announced." That is, Kuwaitis were to rule themselves and would decide what kind of relations they would have with Iraq. As for the Kuwaiti leaders, HUSSEIN stated they were "conspirators" against Iraq, Kuwait, and all Arab countries. These leaders continued to conspire even after leaving Kuwait upon the Iraqi invasion. They were controlled by the United States.

HUSSEIN remarked, "We can discuss this for days." The United States and 28 other countries took seven months to mobilize forces for war in 1991. This mobilization occurred because of the perceived military threat posed by Iraq's power. This threat motivated US politicians to support action against Iraq. In addition, the ability of companies to earn financial profit from war also motivated support for action against Iraq. The preemptive strike by Iraq into Kuwait was conducted so that defensive lines could not be completed. HUSSEIN reiterated the lack of American forces in Kuwait does not mean there was not a "conspiracy."

HUSSEIN repeated the goal of invading Kuwait was to allow Kuwaitis the right to "decide the way they wanted to deal with Iraq." HUSSEIN denied the declaration of Kuwait as the 19th Province of Iraq contradicts his previous statement. According to HUSSEIN, a Kuwaiti government was established after invasion, which included a Prime Minister and various other ministers. HUSSEIN denied Iraqi RCC member, AL-MAJID, was appointed Governor of Kuwait. He added the Kuwaiti cabinet decided to "join the Iraqis." When questioned whether they were given a choice, HUSSEIN replied, "Did Iraqis agree to join the United States in

the recent war against Iraq?" He continued that Iraq's acts with respect to Kuwait were more logical than the United States' position on Iraq in the most recent war. HUSSEIN stated the designation of Kuwait as the 19th Province was "deserved and logical." In 1961 or 1962, Kuwait was a Province of Iraq under President Qassem.

When noted to HUSSEIN that Kuwaiti citizens voted 100 percent after withdrawal of Iraqi forces not to become a part of Iraq, he questioned whether this was the "respected opinion of world." HUSSEIN further asked, "What is the opinion of the Iraqi people now?" The forces of other countries have remained in Iraq longer than Iraq occupied Kuwait. These countries have no right to this as they are not Arab. HUSSEIN finished this portion of discussion saying "we will not come to a conclusion" and "days are needed to discuss" this matter.

On November 19, 1992, The Department of the Army, Judge Advocate General (JAG) published an unclassified report detailing Iraqi war crimes during Operations Desert Shield and Desert Storm. The report was based on investigations conducted by the 199th (JAG), St. Petersburg, Florida, and the 208th JAG, Washington, D.C. [The report is attached as document #XX]

According to the report, the 199th JAG collected evidence of Iraqi war crimes committed against citizens and residents of Kuwait. Evidence included written and videotaped accounts of victims who were raped and tortured, photographs of murdered Kuwaitis, and videotapes of burial sites and torture implements.

Documents collected authorized the "re-education" of Kuwaitis and the deportation of Kuwaiti citizens to Iraq. Summary executions were authorized for Kuwaiti civilians found praying on their roofs, and other Iraqi mandated offenses, such as failing to display pictures of HUSSEIN, refusing to serve Iraqi soldiers in stores and markets, possessing pictures of members of the Kuwaiti royal family, and writing "anti-Iraqi" graffiti.

The 199th JAG confirmed through its investigation of Kuwaiti medical records, that for the period of Iraqi occupation of Kuwait from August 2, 1990, to March 3, 1991, a total of 1,082 Kuwaiti deaths could be directly attributed to Iraqi criminal conduct. The deaths included 120 babies left to die after being removed from incubators taken to Iraq and 57 mentally ill individuals killed simply because of their handicap.

HUSSEIN was questioned regarding his decision directing the withdrawal of Iraqi forces to ignite Kuwaiti oil wells. HUSSEIN denied Iraqi forces ignited oil wells. He admitted that Iraqi forces burned "oil in trenches" as they retreated. The resulting smoke blocked target acquisition by coalition aircraft and prevented additional Iraqi troops from dying. HUSSEIN admitted that he was told "a few" oil wells had been ignited. He stated that even if he were shown pictures or videos of these events, he would not believe Iraqi forces committed them because these forms of media are easy to manipulate and fabricate. HUSSEIN believes that it would not be a crime for the Iraqi military to burn oil in order to prevent planes from attacking them. If such an event took place, this would have been an act of a desperate person who had no weapons remaining with which to defend himself. When questioned as to how he would respond if he was offered proof that the 150 oil well fires in Kuwait were an act of sabotage by the Iraqi military and not an act of defense, HUSSEIN stated he would provide a response at that time.

When questioned regarding ongoing Kuwaiti resistance during the Iraqi occupation and efforts by the Iraqi Intelligence Service (IIS) to stop it, HUSSEIN stated, "I do not have an answer with these details." When again asked, HUSSEIN replied he had given his answer and, "I am not a person who gives away his friends."

HUSSEIN was questioned regarding a letter dated February 19, 1991, from HUSSEIN KAMIL (hereinafter KAMIL) in the name of Iraqi President HUSSEIN to AL-MAJID. The letter stated, in part, that the Iraqi military should remove any and all property from Kuwait which will aid in the rebuilding of Iraq. HUSSEIN stated the normal method of conveying directions from the President was via letters from the Presidential Diwan. KAMIL was not a secretary but one of the Iraqi Ministers. KAMIL was "known for his way of doing things." HUSSEIN was read the letter by the translator and asked whether the letter referred to items used by the Iraqi military in Kuwait or to things from Kuwait itself. HUSSEIN stated that he never instructed the Iraqi military to remove items, either their own equipment or Kuwaiti items. HUSSEIN opined that the letter may refer to equipment in Kuwait utilized by the various Iraqi Ministers for critical services such as electricity, water, transportation, and telephone service. He stated the letter was dated nine days before the cease fire. HUSSEIN denied the letter referred to Kuwaiti property. He stated it was simply a letter from one minister subordinate to another minister, asking for return of materials taken to Kuwait by Iraqi forces. HUSSEIN stated he did not issue

the letter. He asked what items or materials were taken from Kuwait after this letter was published.

When questioned whether members of the Iraqi leadership were allowed to issue letters in the name of the President without his knowledge, HUSSEIN stated, "There are bad elements everywhere. He (KAMIL) is dead now." HUSSEIN denied knowledge of other members of the Iraqi leadership who might have acted on authority of the President without actually having power delegated to them by HUSSEIN. HUSSEIN acknowledged the referenced letter was not conveyed in an official manner. He reiterated the official method of issuance of such a letter, upon orders from HUSSEIN, would have been to send a communication from the Presidential Diwan to, in this case, AL-MAJID. This letter would have specifically enumerated the powers being delegated to the recipient, in this case, KAMIL. [HUSSEIN interview, March 3, 2004].

HUSSEIN was questioned about the 45 coalition POWs and the purpose of the apparent compulsory appearance of two British pilot POWs on Iraqi television. The interviewer noted the pilots appeared to have been physically abused and that featuring them on television violated the Geneva Convention. HUSSEIN stated the POWs, especially the pilots, would likely have provided different details about their capture. Some would say they were captured by farmers or villagers while others would say by a "group of people." These Iraqis might have celebrated the capture of the coalition combatants by hitting and pushing them around. The Iraqi military was not always in control or aware of circumstances regarding captured individuals because communications between military units had been knocked out by coalition forces.

Regarding coalition POWs captured in 1991, HUSSEIN claimed not to know that the POWs had been abused by anyone in the Iraqi military or the Iraq Government. But admitted that others may have "behaved in a bad manner" and that he was speaking only about his personal knowledge of the matter. HUSSEIN added he would provide such information if he were aware of it. He stated he subscribes to the Koran, a document much older than the Geneva Convention. The Koran and Arab tradition teach that it is "noble" to treat a prisoner well. HUSSEIN believed the principles enunciated in the Geneva Convention should be respected by the entire world regardless of one's circumstances or nationality.

HUSSEIN neither confirmed nor denied that all coalition

POWs were tortured while in Iraqi custody but stated that this information is "on the conscience" of those who reported it and those who conducted the investigation. HUSSEIN explained that leaders command by "communication instruments." Lower level commanders lead by "vision or voice." Without proper communication instruments, each entity behaves according to "how it sees things." HUSSEIN reiterated that Iraqi communications systems were inoperative during the 1991 war. Accordingly, he speculated that some reported acts of physical abuse, such as the burning of a POW's hair, might have been acts of a "simpleton." Regarding whether the abuse of coalition forces could reasonably lead one to believe that it was a widespread practice conducted by the entire Iraqi military, HUSSEIN replied, "I answered."

HUSSEIN maintained that he did not question the accounts of abuse of coalition POWs and that he had no personal information to either confirm or deny these allegations. However, from a practical perspective, he did not doubt the Iraqi people, after being attacked by coalition pilots, might have abused the pilots, especially if they had participated in their capture. [HUSSEIN interview, March 5, 2004].

HUSSEIN was informed the Kuwaiti Government claimed the Iraqi invasion and occupation of Kuwait caused \$180 billion in damages to the country. HUSSEIN asked for the source of this information. When told the source was Kuwait, HUSSEIN asked which neutral and legal entity questioned Kuwait regarding the basis of their conclusion, and opined that "no one" asked Kuwait for details of their investigation of this matter. HUSSEIN again questioned whether evidence supported these Kuwaiti assertions.

HUSSEIN reiterated that "Kuwait is Iraqi" but was "stolen" from Iraq by a British resolution. He added that if Kuwait had not been a country with oil, it would not have been "stolen." HUSSEIN stated that the arrogance of the Kuwaiti rulers made them "stupid" and ignited the war. He stated his belief that the United States, located across the Atlantic Ocean, wanted Iraq to be poor. However, he could not understand how Kuwait would want to exist next to a "hungry country."

HUSSEIN emphasized he was not saying Kuwait did not have the right to make these statements; rather, he was questioning the identity of the neutral entity which examined this matter and whether it was discussed with Iraq. HUSSEIN suggested something similar to a court should have been formed to hear the details from both sides and to decide this matter. However, this did not happen.

The interviewer told HUSSEIN Kuwait never asked for compensation for the damages suffered during the Iraqi invasion and occupation. Kuwait did, however, ask for the return of 605 POWs who have not, to date, been returned. HUSSEIN stated these Kuwaitis were not "captives" and are missing as characterized by a UN resolution. He stated that many "stories and novels have been woven" around this issue, similar to the matter of Iraqi weapons of mass destruction (WMD) but that the Kuwaiti POW accusations have been proven false, similar to the WMD rumors. HUSSEIN stated that individuals often become "missing" during a war and provided, as an example, the one coalition individual still missing from the first Gulf War and the thousands of Iraqis and Iranians missing from the Iran-Iraq War. As for the 605 Kuwaitis, HUSSEIN stated that Kuwait knows their fate. HUSSEIN denied knowing that 605 Kuwaitis were captured in circumstances other than combat after the Iraqi invasion of Kuwait.

HUSSEIN acknowledged AZIZ SALEH AL-NUMAN was Governor of Kuwait during the Iraqi occupation and reported directly to AL-MAJID, the Iraqi Minister of Interior at that time. Iraqi provincial laws enumerated AL-NUMAN's duties as Governor. HUSSEIN does not remember whether he appointed AL-NUMAN or whether the RCC appointed him by decree.

In Iraq, the Constitution enumerated the RCC's and the President's, who is also the Chairman of the RCC, authority. Some governmental appointments like those given to high-ranking officers in the military, to judges, and to general directors, were based on a "republican" directive. HUSSEIN explained that the Iraqi system did not prevent the President from submitting a name for appointment consideration and requesting subsequent feedback from the RCC. Decisions in Iraq were signed by the President, and it was his prerogative whether to consult with anyone. HUSSEIN stated "his style" was to always consult with others when the time came to make a decision. Governors were assigned based on a "republican" or Presidential directive. HUSSEIN did not remember if he discussed the appointment of AL-NUMAN with the RCC.

HUSSEIN was questioned regarding Iraq's use of Kuwaitis, Japanese, and westerners as human shields during the first Gulf War, positioning them at key sites like communications centers and military positions. HUSSEIN denied that such individuals were taken to Iraqi military positions but added that the Iraq Government did not prevent individuals from volunteering as human shields to protect facilities such as communications centers. HUSSEIN claimed that he did not remember whether such

volunteers existed in 1991. The translator read HUSSEIN an Iraq Government communication from QUSAY HUSSEIN concerning the usage of Kuwaiti prisoners as human shields. HUSSEIN stated that he had no information about this letter, and answered only, "I answered" when informed that American forces had recovered the document from an Iraq Government building. HUSSEIN asked whether the captives discussed in this communication were ever questioned about being held in Iraqi captivity or being used as human shields. HUSSEIN stated that Iraq released all the Kuwaiti captives. When informed that the document was dated March 14, 2003, HUSSEIN stated, "It is a forgery. It is impossible." He suggested the communication be examined closely to determine authenticity, and added that he thought it was dated 1991. HUSSEIN stated if the document is truly dated 2003, it is a forgery, and added that Iraq did not have captives in 2003. HUSSEIN stated QUSAY HUSSEIN was not the type of person to "make up things." He reiterated that experts in the United States and in Iraq should scrutinize this document for authenticity. [HUSSEIN interview, March 11, 2004, interview].

HUSSEIN stated that HASHEM, and SALEH, Second Corps Commander, represented Iraq at the cease fire talks during the first Gulf War. Their positions and viewpoints were the same as those of the Iraqi leadership: to secure a cease fire and to start the withdrawal of foreign forces from Iraq. HUSSEIN stated Iraq had no goal of continuing the war and desired a cease fire.

When questioned about other items discussed by Iraq at the 1991 cease fire talks, HUSSEIN stated he did not remember any additional Iraqi requests other than the withdrawal of foreign forces from their territory. In HUSSEIN's opinion, the fighting would have continued without this withdrawal. HUSSEIN denied knowing that Iraq asked for and received permission to continue flying helicopters. He further denied knowing the purpose of such an Iraqi request.

AL-MAJID claimed he was summoned to an Iraqi leadership meeting on August 7, 1990 with HUSSEIN and other Iraqi leaders. At the conclusion of the meeting, HUSSEIN announced to everyone that AL-MAJID would go to Kuwait. At the time, SABAWI HASAN IBRAHIM AL-TIKRITI (hereinafter SABAWI), HUSSEIN's brother, was already in Kuwait. HUSSEIN's declaration to the Iraqi leadership authorized AL-MAJID and SABAWI to "manage" Kuwait. AL-NUMAN was appointed Governor of Kuwait and was "included" in the security plans.

The work in Kuwait was divided into two parts; SABAWI

served as Director of Intelligence in charge of security of Kuwait and AL-MAJID was responsible for maintaining "organization" among the various Ministries. SABAWI was in charge of the Security Committee of Kuwait which included members from various government components including intelligence, special security, the police, the military, and the militia. AL-MAJID stated that he and SABAWI had equal overall responsibility over Kuwait.

AL-MAJID knew of the destruction/sabotage of the Burgan and Al-Rumaila oil fields by the Iraqi military. AL-MAJID claimed that this "operation" was neither his responsibility nor under his control, but rather fell under the direction of the Iraqi military. [AL-MAJID interview, February 4, 2004].

THE 1991 UPRISING

On March 1, 1991, one day after the Gulf War ceasefire, rebellion began in Basra. Within days, the rebellion extended to Karbala, Najaf, Hilla, Al-Nasiriyah, Al-Amrah, Samawah, Kut and Diwaniyya. At one point, all but two of Iraq's provinces were in open revolt.

The RCC issued decree #64, dated March 9, 1991, which granted the following powers to Ba'ath Party officials [Enclosure #]:

1. To grant comrades, members of the Regional Command of the Socialist Arab Ba'ath Party, or members of the Revolutionary Command Council who directly supervise the forces and columns that face resistance from the groups of traitors and agents who are supported by Iran, the power of the President of the Republic to reward and punish.
2. To grant the Vice Chairman of the Revolutionary Command Council the powers of the Chairman of the Revolutionary Command Council for the purposes mentioned in paragraph 1 of this decree.
3. To grant the Minister of Industry and Military Industrialization the powers stated in paragraph 1 of this decree.
4. This decree shall be in force from the day it is issued until the end of the crisis.
5. The Ministers and pertinent authorities must implement this decree.

TARIQ AZIZ stated that on March 4, 1991, two days after the Gulf War cease-fire, the RCC signed and released RCC Resolution #64 which gave governors control of military forces in their territories. All of the RCC members except AZIZ, who remained in Baghdad, were in the south of Iraq or outside of Baghdad at this time. AZIZ was working on implementing UN Resolutions 687 and 688 which involved the repatriation of POWs. He met with HUSSEIN on occasion, but spent most of his time with the Director of Military Intelligence, General SABIR AL-DURI. AZIZ believed that in actuality, the RCC was not consulted on Resolution #64 although they may have heard of it. AZIZ believed that it made sense to give authority and power to the governors in a time of crisis, but there would have been no voting or feedback, only HUSSEIN's order. [AZIZ interview, May 6, 2004].

AL-ZUBAYDI stated after the United States liberated Kuwait in 1991, HUSSEIN telephoned him and directed him to travel and take charge of the southern city of Nasiriyah. AL-ZUBAYDI believed HUSSEIN chose him to resolve the 1991 Shia Intifada (Uprising) in a peaceful manner because he was a Shia. Even though he is a Shia, AL-ZUBAYDI considered himself a Ba'thist and an Iraqi first. He believed that Shia's from Iran caused the 1991 Intifada, and learned that they were revolting against the government. According to AL-ZUBAYDI, there was wide-spread looting and violence aimed at Iraqi government officials and Ba'ath Party members in Nasiriyah. AL-ZUBAYDI maintained that Iran started the 1991 uprising because they wanted to invade and occupy Iraq. The Republican Guard and Special Forces were already in Nasiriyah trying to quell the uprising when AL-ZUBAYDI arrived. AL-ZUBAYDI remembered conducting meetings with various tribal leaders, community leaders, and elders in Nasiriyah in an attempt to resolve the situation in a peaceful manner.

KAMAL MUSTAFA ABDALLAH SULTAN AL-TIKRITI (hereinafter KAMAL MUSTAFA) was the Commander of the Republican Guard Forces and Regular Army in Nasiriyah during the 1991 uprising. The Ba'ath Party leader, AL-ZUBAYDI's assistant, was AZIZ SALIH AL-NUMAN. AL-ZUBAYDI stated that the Republican Guard Forces and Regular Army were equipped with light weapons and did not have access to or use armored tanks or helicopters. [AL-ZUBAYDI interview, May 27, 2004].

AL-ZUBAYDI adamantly denied ever killing anyone, ordering executions, or witnessing any executions or atrocities during the 1991 Intifada in Nasiriyah. AL-ZUBAYDI stated that President Saddam Hussein should be held responsible for the violence that occurred during the 1991 Intifada. [AL-ZUBAYDI

interview, June 5, 2004].

AL-ZUBAYDI's statements are inconsistent with media video footage showing the Iraqi forces use of helicopters and tanks to regain control in Southern Iraq. Additionally, there is video footage of AL-ZUBAYDI physically assaulting a detainee which contradicts his statement that he resolved the uprising in a peaceful manner.

On March 1, 2004, a day after the United States ended its offensive military operations in Iraq, KAMAL MUSTAFA received orders from HUSSEIN KAMEL to take a regiment of Special Republican Guard (SRG) troops to Nasiriyah with AL-ZUBAYDI, reorganize the party and reassign responsibilities. This involved reappointing employees and selecting and assigning a new Governor. KAMAL MUSTAFA understood his instructions were to travel to Nasiriyah and establish command to run the Army at Nasiriyah. Once he met up with AL-ZUBAYDI, KAMAL MUSTAFA was to provide protection for AL-ZUBAYDI's command, remain two days and turn the situation over to the special forces. His main task was to protect the command by setting up check points and securing the route of travel. Once secure, he was to use local units to replace his troops and withdraw. KAMAL MUSTAFA was not told about rebels, revolution or uprising. He was never told to "clean up the cities."

The regiment that KAMAL MUSTAFA assembled to deploy to Nasiriyah consisted of four companies of infantry troops, a support company and a headquarters company. These companies were made armed with light rifles, medium machine guns, RPGs, rocket launchers, and were accompanied by a mortar platoon, an air defense platoon and a 106 anti-tank gun element. Each company had a radio communication system. AL-ZUBAYDI arrived at the SRG Headquarters at 3:00 a.m., and the entire regiment departed Baghdad at 5:00a.m., southbound for Kut. The regiment traveled in a caravan. AL-ZUBAYDI and the command element traveled in the rear of the formation. One of HUSSEIN's bodyguards traveled with the group.

In Kut, the group learned from a party member that there was a disturbance in Al-Hayy. The Governor informed them that the Mayor was missing and that party members had been killed. The regiment came under fire as they arrived outside of Al-Hayy. They responded with RPG and light weapons fire. AL-ZUBAYDI decided the regiment should deploy. The regiment broke up and deployed, with two companies deployed on line and prepared to retaliate. An hour later, the regiment entered the city.

There were no targets for the support weapons, rather, the regiment used light and medium machine guns and RPGs. All of the attacks were visual. The advancing forces came under fire and returned fire, although it did not last long as there was no resistance. The enemy had apparently thrown down their weapons and retreated. AL-ZUBAYDI and the Governor of Kut put the city in order. This happened while KAMAL MUSTAFA and the regiment were still there. Some party members, police and some of the Governor's men were still fighting. Some people were captured, but the SRG did not debrief or transport them. [KAMAL MUSTAFA interview, April 29, 2004].

AL-MAJID denied personal knowledge of any persecution, including executions and imprisonment, of Shia Muslims living in southern Iraq in 1991, and denied personal knowledge of the destruction of Shia villages during this or any other time. [February 4, 2004 interview]. However, on January 2, 2004, AL-MAJID stated that he and other military commanders had received orders from HUSSEIN to execute any Iraqi civilians who were uprising against the Iraqi regime. On March 2, 1991, AL-MAJID arrived in Basra where approximately 200 Iraqi civilians were being detained by the 51st Division under the command of SAIF ALDIN AL-RAWI. Of the 200 civilians detained, 36 were being held at Saad Circle, in Basra, for committing crimes against the Iraqi Government. Of the 36, all but two had admitted to the crimes. However, the two were implicated by the other 34. AL-MAJID executed the two by shooting them with a rifle to make an example out of them. AL-MAJID claimed he released the other 34. [Attached as Enclosure #]

Regarding the 1991 Uprising, HUSSEIN stated that within a day of the cease fire of 1991, "some elements" had initiated sabotage operations in the southern Iraq cities of Basrah, Nasiriyah, and Amarah. Later, this activity spread to the northern cities of Suleimaniyyah, Erbil, and Kirkuk. HUSSEIN stated the groups conducting these operations were "pushed by Iran," and Iraq captured 68 Iranian intelligence officers who were later exchanged for Iraqi prisoners.

At the time of the uprisings, most bridges in Iraq had already been destroyed, electricity was unavailable, water service was sporadic, and food supplies were minimal. In the aftermath of the war, these factors contributed to general unrest in the country. HUSSEIN stated that "elements" participating in the uprisings were a mixture of thieves, rebels and "those from Iran," whom HUSSEIN described as individuals from Iranian government services, Iraqis of Iranian origin, and Iraqis who had

"escaped" to Iran. Their nationalities were difficult to determine with any degree of certainty because many had intentionally destroyed their citizenship documents.

HUSSEIN stated that in reasserting government control of the country, Iraqi leadership considered the southern area of Iraq a high priority as Iraqi forces primarily encountered and fought Iranians in this area. After order was restored in Southern Iraq, government forces focused on the Northern Region where Iraqi forces met little or no resistance. The fighting in Northern and Southern Iraq lasted approximately two months. HUSSEIN stated, "God made us victorious." Thereafter, according to HUSSEIN, Iran continued to insert groups of 10 to 15 people into Iraq to conduct operations against the government. However, these individuals were, for the most part, thwarted by members of the local population. Ultimately, following an agreement between Iran and Iraq, these hostile operations ceased.

HUSSEIN characterized the uprisings in 1991 as insurgent activity conducted by "outlaws and thieves." He did not consider the insurgents to be revolutionaries. When asked what factors allowed these disturbances, HUSSEIN answered that it was support from Iran, weakness of the Iraq Government after the war, and possibly assistance from coalition forces. He noted that the war had weakened all government institutions, including the police and the military. Gradually, however, the Iraqi military grew in strength and eventually overcome these rebels. According to HUSSEIN, the Iraqi military's "blade got longer and longer." He acknowledged, however, that the Iraqi military's weakened state created the opportunity for this "lawlessness" in the first place.

HUSSEIN believed the goal of the insurgent activity was to gain control of Iraq. In his opinion, Iran supported insurgent activity in 1991 after Iran failed to gain control of Iraq through the previous war with Iraq. Iran wanted to control all, or at least a part, of Iraq, and particularly the southern portion. HUSSEIN believed Iran also wanted to extend its power to eastern Saudi Arabia and the entire Gulf region.

The RCC gave the Iraqi Provincial Governors control of the military during the Uprisings to protect the people and the state and to re-establish security and a "normal life." The people and the nation were threatened by widespread killings, theft, arson, and general destruction, all of which had to be brought under control. HUSSEIN denied knowing the specific methods that the Governors and the military used to reassert

control. HUSSEIN stated, "They were given the authority, and they carried it out." HUSSEIN claimed that he did not ask for details of the operation but did request and receive status reports regarding the progress of operations.

HUSSEIN denied that the Geneva Convention applied to this situation, claiming it only applied to wars; that is, only to situations when a foreign country is an occupying power. He claimed the Geneva Convention was applicable to attempted coups or internal unrest involving crimes like burning and looting. When asked again what restrictions were placed on the Iraqi military during the 1991 Uprisings, HUSSEIN replied that an Iraqi, whether civilian or military, knew what was acceptable as humane behavior and that there is no need for someone to have to tell them how to behave.

HUSSEIN stated, "I am responsible for what I decide" and added that he was not responsible for how an Iraqi acts. HUSSEIN claimed that if an Iraqi wanted to use him as the justification for his actions, he would accept that assertion so long as it did not harm his (HUSSEIN'S) reputation. In HUSSEIN's opinion, a leader is responsible for a subordinate's actions if the leader learns of the subordinate's transgressions and confronts the subordinate with the wrongfulness of those actions. He stated that each individual is judged based on his own law and constitution. [HUSSEIN interview, March 13, 2004].

HUSSEIN stated that he learned about the Southern Iraq situation the same way as any leader of a country. Whenever faced with a situation, the Iraqi leadership assembled and consulted "quickly" about the best way to confront an issue.

HUSSEIN stated that initially, those involved in the uprisings in Southern Iraq were among "those who had crossed the border from Iran." Others in Iraq committed similar acts, while some were not involved at all in the incidents. According to HUSSEIN, if the Iraqi Government's reaction had been slow and weak, some might have shown sympathy and assisted the Uprising participants out of fear that those who caused the disturbances would ultimately take over power in Iraq. HUSSEIN speculated that some participated because they were simply "greedy thieves and robbers."

HUSSEIN asserted it was the duty of the Iraq Government to confront individuals participating in the Uprisings. HUSSEIN stated that the "arms of the authorities had been severed" but the Iraq Government "picked them up and struck the enemy." He

stated that those who would not be deterred by words would be deterred by weapons. Therefore, the Iraqi leadership ordered the army to assemble as many forces as possible to confront "treachery" and the disturbances. HUSSEIN acknowledged that incidents of looting by certain individuals "got mixed in" with the actions of those participating in the uprisings.

Regarding the decisions regarding whom to place in charge of areas in Southern Iraq during that time and what authority and powers to delegate, HUSSEIN replied, "I said our decision was to confront and defeat the enemy." The participants in the Uprisings were to be "put in their place," if not by word, then by weapon. HUSSEIN stated that a lengthy discussion of this matter was not required. The individuals who had crossed the border from Iran were members of the Dawa Party who were assisted by additional Iranian forces. Together, these individuals killed, burned, looted, and committed other crimes. According to HUSSEIN, when faced with this situation, one does not need to ask one's self what action to take. Procedure, however, dictated that the Iraqi leadership meet to discuss the matter. All members agreed regarding the necessary Iraq Government response to the situation.

HUSSEIN stated the threat to the Iraq Government in 1991 existed in both Northern and Southern Iraq. An uprising was even attempted in Baghdad. HUSSEIN stated that those "sitting on the fence" joined the uprisings after witnessing police stations or government offices attacked and seeing no response by the authorities. As the Iraq Government reasserted control, the "enemy" went to a new area or reinforced in an old one. According to HUSSEIN, the Iraqi military strength grew over time and "the circle started tightening around the enemy." [HUSSEIN interview, March 16, 2004].

Regarding the senior Iraqi leaders assigned in 1991 to Southern Iraq to deal with the Shia uprising, HUSSEIN stated, "We assigned responsibility to whoever was going to handle the situation." AL-ZUBAIDI and KAMAL MUSTAPHA ABDALLAH were sent to Nasiriyah, KAMIL was sent to Karbala, AL-MAJID was sent to Basrah, and AL-DURI was sent to Al-Hillah to confront the Shia uprisings in those areas. During this interview, HUSSEIN denied that he had previously stated that in 1991, he was only interested in results and did not want to know the details of how his commanders would stop the Uprising. HUSSEIN asked, "Who says I did not want to know how?" When informed by the interviewer that HUSSEIN himself had previously made this statement, he stated that any person's main goal would have been to stop the

disturbances and to end the "treason." [HUSSEIN interview, March 23, 2004].

1991 Chemical Weapons Use

In the early morning of March 7, 1991, an unidentified Iraqi Government Official requested authority to use "liquids" against rebels in and around An Najaf. Regime forces intended to use the "liquid" to defeat dug in forces as part of a larger assault.

KAMIL, then Director of MIC, ordered senior officials in the CW program to ready CW for use against the revolt. His initial instruction was to use VX. When informed that no VX was available, he ordered mustard be used instead. However, mustard was ruled out because of its detectable persistence and Sarin selected.

On or about March 7, 1991, R-400 aerial bombs stored at the Tamuz Airbase were readied for use. Al Muthanna State Establishment (MSE) technicians mixed the two components of the Iraqi "binary" nerve agent system inside the R-400s. Explosive burster charges were loaded into the bombs and the weapons assembled near the runway. Helicopters from nearby bases flew to Tamuz where they were armed with Sarin-laden R-400s and other conventional ordnance. As of March 1991, about a dozen MI-8 helicopters were staged at Tamuz Airbase.

The helicopters were used to fly dozens of sorties against Shia rebels in Karbala and the surrounding areas. A senior participant from the CW program estimates that 10 to 20 R-400s were dropped. Other reporting suggests as many as 32 R-400s may have been dropped. According to an Iraqi helicopter pilot, MI-8 helicopters were also used during the Iran-Iraq war to drop chemical munitions.

Following the initial helicopter sorties over Karbala, the Senior Chemical Weapons Program Officer overseeing the operation received an angry call from KAMIL's office. The caller said the attacks had been unsuccessful and that further measures were required. The R-400s, which are designed for high-speed delivery from higher altitude, likely did not activate properly when dropped from a slow-moving helicopter.

As an alternative to the R-400s, the MSE filled large aerial bombs with CS (tear gas). Over the next two weeks,

helicopters departed Tamuz Air Base loaded with CS-filled bombs. One participant estimated that more than 200 CS-filled aerial bombs were dropped on rebel targets in and around Karbala and Najaf.

Trailers loaded with mustard-filled aerial bombs were also transported to the Tamuz Air Base. A participant in the operation stated that mustard gas was not used on the rebels because of the likelihood of discovery by the Coalition. According to the source, the mustard-filled bombs were never unloaded and were not used.

Refugees and Iraqi military deserters' reports of the 1991 attacks include descriptions of a range of CW and improvised poisons that were used in the areas around Karbala, Najaf, Nasiriyah, and Basrahh.

AL-MAHAWIL MASS GRAVE SITE

According to the HRW Report of May 2003, Vol. 15, No. 5, while many of those buried in the Al-Mahawil mass graves remain unidentified, remains that have been identified by relatives establish that the bodies are those of Iraqis arrested during the 1991 uprisings and killed while in Iraq Government custody. HRW interviewed many of the relatives of those 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 (hereinafter DAWUD), a Baghdad lawyer, age 74 (all ages are given as of the time of their disappearance), and his son KHALID, a 29 year-old university student, drove from Baghdad to Al-Hillah around March 9 or 10, 1991, searching for DAWUD'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 information regarding their fate. On May 17, 2003, their family identified their bodies at the large Al-Mahawil mass grave site based on the presence of DAWUD's watch and Khalid's identification document. DAWUD was blindfolded and both men had their hands bound. [HRW interview with RASHID KAMIL MUHAMMAD, Baghdad, May 18, 2003]

[redacted] (hereinafter [redacted] age 42, was at the Al-Mahawil grave site looking for five relatives who were

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missing from a rural village in the Al-Madhatiyya district located approximately 20 kilometers southwest of Al-Hillah. According to [redacted] three of his brothers were arrested on March 23, 1991, when local Ba'ath officials demanded that all local villagers attend a meeting at the local Ba'ath party headquarters and arrested approximately fifteen people. His brothers, SUBHAN, age 54, [redacted] age 44, and [redacted] age 36, all farmers, were arrested and never seen again. [redacted] 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. [redacted] identified the remains of his brother, SUBHAN, among the bodies recovered from the Al-Mahawil mass grave based upon the identity documents he found on the remains. Two other relatives of [redacted] were also arrested around the same time. [redacted] the 21 year-old son of his brother [redacted] and [redacted] age 22, were soldiers returning to duty. A person who said he was an eyewitness to their arrest told [redacted] that the two were arrested at a Ba'ath Party operated checkpoint on their way to their military division. [HRW interview with [redacted] Mahawil, May 16, 2003.]

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[redacted] 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 were likely executed and buried around the same time.

[redacted] a 40 year-old teacher, described for HRW what happened when loyalist Iraqi forces 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 and controlled all the roads. [HRW interview with [redacted] May 16, 2003]

Nine relatives of [redacted] were arrested on the same day in March, 1991. His only brother, [redacted] a 25 year-old army deserter, was arrested at his home by a group of Ba'ath party members, security officials, and police officers; his 31 year-old cousin [redacted] an army officer, was also arrested at his home; his father's uncle, MUHAMMAD OBAID HUSSEIN, age 54, was arrested at his home along with his three sons, 23 year-old [redacted] a soldier,

27 year-old ABBAS MUHAMMAD OBAID, an agricultural worker, and 29 year-old [REDACTED] a soldier. [REDACTED] age 67, another uncle of his father, was arrested as he came home from his shop. [REDACTED] a 30 year-old teacher, and [REDACTED] a farmer cousin whose age he did not know, were also arrested. At the Al-Mahawil mass grave, [REDACTED] identified the remains of ABBAS MUHAMMAD OBAID and HADI OBAID HUSSEIN based on the identity documents found on their remains. He believed that his other relatives were also buried in the same mass grave because they all were arrested and "disappeared" on the same day.

[REDACTED], a 46 year-old worker, and his son, a soldier, were arrested and "disappeared" on March 12, 1991, as they came home from his shop in Al-Hillah. A second son, [REDACTED] 16 at the time of the arrest, told HRW 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." [REDACTED] identified the remains of his father at the Al-Mahawil mass grave based on identity documents found on his remains and was still searching for his brother's remains at the time of the HRW interview. [HRW interview with [REDACTED] May 14, 2003]

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KHALID HASSAN KHUDAYYIR, age 13, and his 33 year-old cousin, FUAD `ABD AL-HUSSEIN KADHIM, left their native village of Albu Alwan and walked toward the nearby city of Al-Hillah to purchase food on March 4, 1991. FUAD `ABD AL-HUSSEIN KADHIM 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 with their identity documents. [HRW interview with [REDACTED] May 15, 2003]

Many more families still searching for their missing relatives told HRW similar stories of unresolved "disappearances." [REDACTED] a 45 year-old woman, was typical. Her 14 year-old son, [REDACTED] went missing on March 7, 1991, after she had asked him to go fetch some water from the river in Al-Hillah's Bab Al-Hussein neighborhood. When she asked the soldiers stationed on a nearby bridge 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. [HRW interview with [REDACTED]
[REDACTED] Mahawil, May 14, 2003]

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HRW was given 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 limited in its usefulness and reliability: the actual numbering of the victims was sloppy; the numbering jumps suddenly 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 relatives have claimed slightly less than 1,000 of the victims from the mass grave. These identifications were made in a variety of ways and some are of dubious reliability. While some relatives were fortunate to find remains containing identity papers, in other cases family members guessed as to identity based on much more circumstantial criteria such as items of clothing, medications, and cigarettes found with the corpses.

It is similarly difficult to estimate the total 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 HRW count of the unidentified bodies just before their reburial concluded that approximately 1,200 bodies remained at the large Al-Mahawil mass grave and just over 100 bodies remained 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 appears that no more than approximately 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 the total number 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-Hillah, indicating that the mass grave was a result of a localized campaign of arrests and executions in the Al-Hillah area. The relatively small number of victims from Karbala, Ad-Diwaniyah, An-Najaf, and Baghdad in the mass grave appear to have been traveling through the Al-Hillah area at the time of their detention and therefore, were probably not 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-Hillah area.

According to local officials in Al-Hillah, several persons who were taken to the Al-Mahawil mass grave sites survived the executions at the Al-Mahawil brick factory mass grave site. HRW located one such survivor and his remarkable story provides important information about the manner in which the mass execution campaign was conducted in Al-Mahawil.

[redacted] (hereinafter [redacted]) was only 12 years old at the time of the 1991 mass arrest campaign. On March 16, 1991, his 28 year-old mother, KHULUD `ABUD NAJI, took [redacted] and two other 13 year old relatives, his uncle, MUHANAD `ABUD NAJI, and his cousin, MUHAMMAD YASSIN MUHAMMAD, from their home in the Al-Sa`da neighborhood to 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. [redacted] 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. According to [redacted] "they put us in a school in a classroom. By the evening, the classroom was filled with people because they kept arresting people." As evening fell, the people detained in the classroom were taken to the Al-Mahawil military base where:

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they blindfolded us and bound our hands, and then they put us in landcruisers with shaded windows and a bus. We were about 25 to 30 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 14 year-old girl and a 30 year-old woman to the same room.

The family spent the night in the tiny room without food. The next morning they were questioned by high-ranking officers, including a lieutenant-colonel, who noted their names, the neighborhood they came from, and similar details. Following the perfunctory questioning, 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.

Toward the end of the second day, the evening of March 18, 1991, the detainees 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," [redacted] recalled. "They covered our eyes and put us inside some TATA buses looted from Kuwait. We were between 45 and 50 people on each bus. It was very crowded, there were two people on each chair." [HRW interview with [redacted] May 16, 2003]

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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. [redacted] 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.

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. AL-HUSSEINI told HRW how he 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 lay 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.

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

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Witnesses to the Al-Mahawil Arrests and Detentions

There are many others in the Al-Hillah 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 crushed the uprising in Al-Hillah by March 11, 1991, and immediately began a massive arrest campaign throughout the area:

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-Hillah, An-Najaf, and Karbala for execution. The executions happened every day; they killed thousands of people. [HRW interview with ISKANDAR JAWAD WITWIT, Hillah, May 17, 2003]

[redacted] who was himself arrested on March 16, 1991, on suspicion of supporting the uprising, explained part of the massive Al-Mahawil military base had been taken over by individuals and organizations directly involved in the arrests and the killings. These people included high-ranking Ba'ath 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 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 HRW about the involvement of Special Republican Guard troops in the detentions and executions. [redacted]

[redacted] drove from An-Najaf to Babel on March 8, 1991, together with his cousin KARIM 'ABD AL-SADIQ HITBAN, age 35 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-Hillah 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 100 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], 30 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

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and tied our hands behind our backs. In the prison they took away the blindfolds and untied our hands.

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.

[redacted] 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 [redacted] 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 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. [HRW interview with [redacted] [redacted] Mahawil, May 16, 2003]

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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

HUSSEIN. [REDACTED] 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. [HRW interview with

[REDACTED]
[REDACTED] May 16, 2003]

His brother, [REDACTED] had also had witnessed the executions:

They used to bring people from Al-Mahawil military base to this site. Their hands and



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eyes were bound. They would bring them here in Kuwaiti buses that carried about 45 passengers and a Toyota Coaster bus that carried about 21 passengers....They brought a full army division and surrounded the area. Most [non-military at the site] were Ba'ath party members, the others were from pro-government tribes. The military were in uniform, the Ba'ath 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.... 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. [HRW interview with [redacted] May 16, 2003]

Shortly after the executions at Al-Mahawil, the authorities appropriated the land of local farmers on which the mass grave was located and gave it to [redacted], 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.

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The farmers who had witnessed the killings were regularly harassed, threatened, and arrested by Iraqi officials who accused them of trying to leak 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, [redacted] accused the farmers of digging up the mass graves and photographing the sites and smuggling the information to foreign journalists, but the men were ultimately released.

On April 5, 1991, the RCC announced "the complete crushing of acts of sedition, sabotage, and rioting in all towns of Iraq."

Additionally on April 5, 1991, the United Nations issued resolution 688, which:

Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions which threatens international peace and security in the region,

Deeply disturbed by the magnitude of the human suffering involved...

condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, the consequences of which threaten international peace and security in the region.... [Attached as Enclosure #]