

Musimi Kitani, cousin of the Iraq Ambassador to the United Nations.

22. Dr. Said Ahmad Shakir from Bawerke near Sersen: "My daughter, Jivan Said Ahmad, 10 years old, was killed by artillery fire on the road to Turkey. In my village, 114 people have been wounded by chemical weapons. Their symptoms were redness of eyes, trouble breathing, and they turned yellow. They got dizzy and could not talk. None of those treated came to Turkey. They could not make their way."

23. Ahmed Ali from Rashowa village: "I was in Sirana village on the morning of August 25 when nine jets bombed around the village from 9 to 10 and then from 12 to 1 bombed the lower parts of the village. We put the families in rivers

and other shelters. When the weapons were used, I could only see 2 meters and my eyes became red. One other sign is the terrible smell. Little by little, I could see and I left, but most are still in the hands of the enemy. One person died in the village while I was there. Eighty-five bombs were dropped in the vicinity of the villages of Sirana, Rudaniyo, Beye, Keriye, and Ekmala. On the 25th and 26th, in the evening, helicopters dropped chemical bombs the same as in the morning. I ran away that evening."

24. Asiye Babir from Berchi: "I am more than 50 years old. My eyes are aching. It was in the evening and it became dark in front of my eyes. I did not see the planes, because it was dark, but I heard the noise. We went to the river and splashed water on ourselves. We left the dead people and all ran away. The animals died. We brought nothing with us. There was an unpleasant smell, like burnt nylon. Like burnt ants."

25. Esmā Yaseen from Berchi: "I was with a group. There was an unpleasant smell and a bad cloud. It got dark in front of my eyes and I could not walk. I fainted and a lady helped me. My stomach got upset but I did not die. I saw 20 people dead—Haci Ahmad, Bedriye, Gul Mahmood, Gul Musa, Ahamd, Mohammad, Bedri Ahmad, Sariya Abdullah. I can see up close now, but I still can't look at the sun."

26. Hamdi Aga from Berchi: "My uncle and aunt were Haci Ahmad and Gul Musa who died. I myself have an eye problem, for which I have been treated for many days."

27. Mustafa Ibrahim from Berchi: "My eyes are all red and swollen since the attack. I got dizzy and fainted in the attack. People put wet blankets on my face. I cannot go into the sunlight. Sometimes I vomit and I have diarrhea."

28. Serbest from Berwari village of Amadiyah: "I saw in Hese village in upper Berwari an attack at 10 a.m. on August 25. Seven Pesh Merga buried the dead in the village. In the village, one child was killed, then the father when he went to help, and then the mother when she went to help. In one night there were more than 120 bombs in one region. We could count them from the heights. That night 50 families running away were killed; even the animals were killed."

29. Kahar Mikhail Mahmood from Spindar-Halfo village: "I was 5 kilometers away when I saw two jets drop bombs on the village. When I got there I saw my father was having trouble breathing. I poured water on him and realized he was dead. He had no wounds on his skin. I came to my father in an hour after the attack. When I got there, the fog was gone, but there was a smell like rotten apples."

30. Said Mudi Jemsadh from Vermil Village: "When the chemical weapons were used, most of the people fly away right away. Right now one of the ladies has died in this camp . . . about three or four more people have been buried here. The people who just have managed to make their way here were the ones who were not wounded. But you know all the wound-

ed couldn't make their way here and they died. There's another village close to us—Yekmal village—four of them have just died there and there has been others who have died on the road.”

31. Salvador Ahmed from Ekmala: “I personally was in Ekmala when they dropped the chemical weapons. I have seen with my own eyes this: at 5 in the evening, there were around 2,000 people just running away. The Iraqi forces came in and got control of the region. Approximately 10 chemical bombs were dropped on those people. Our idea was just to leave everyone behind and run away just to rescue ourselves * * * I saw about 1,500 people died in that village. In Tika (Duka), the Pesh Merga had a spot there—there were 14 Pesh Merga there. The government planes came at 6 a.m. on the 25th. There were six airplanes. Right on the spot, seven Pesh Merga were killed. The others went to bring the bodies but because of the smell from the chemicals, they also died.”

32. Eauk Abubeki of Ekmala: “My body is aching and I have vision problems and breathing problems as well. On 25th of August, chemical bombs dropped by five jets. I was probably about 1 kilometer from it; if I were closer I would have died. When they dropped the bomb, a yellow cloud was formed and a smell like rotten garlic came out. I dipped my shawl in the water and wrapped myself in it. I buried 33 people. All the animals died.”

33. Meshio from Rashowa: “On the 26th there was an attack. I saw five people dead in one place. They were burned and blood was coming from their mouths. Their bodies were frozen. There was fluid on their skins * * * just on their hands and faces.”

34. Unidentified in Yesekovo Camp: “In order to proclaim they are treating the Kurds fairly they have prepared some houses for the Kurds. But we were patient and fighting up to the point where they used the chemical weapons. Now there are no marks of Kurdish presence. The Arabian community has protested the United States declaring that the Kurds in Iraq are in a difficult position. * * * We were of course expecting some kind of aid from the world so that we can go back to our country and fight for our own land. We still have some people, of course, who have remained here. We're still going to fight as soon as we get to our feet. * * * When we came in to the country we gave some of our weapons to the Turkish authorities, but the rest we have concealed in the mountains. All those weapons are just attained from Iraqi forces, because we didn't have any weapons. Weaponwise there is very little help from Iran. 500 Pesh Merga would be fighting 10,000 Iraqi soldiers. In one night, 280 Pesh Merga captured the weapons of 5,000 Iraqi soldiers in Konimasi; 596 captives, together with the weapons. For humane reasons we let some of them free. This was in September 1987.”

35. Ahmad Mohammad from Zevko village of Spindar: “When they started using chemical weapons we started run

away. My mother and father were burnt; they just died and turned black. That night we couldn't go to the area where the bomb had fallen because the smoke was still there. After it was lifted we went and buried their bodies and ran away to the Turkish houses. I don't know which day but it was in August. As soon as they use the chemical weapon, all the leaves of the trees fall down.

2. Other Accounts

1. Fikri Elmas from Altinsu village outside Semdinli, Turkey: "Bees died since last spring when the Iraqis dropped bombs near the border. They go and do not come back. We sent a sample to Ankara for analysis 1½ months ago but have not received an answer. Honey production in Semdinli will be down from 250 tons to 5 to 10 tons this year."

2. Beekeeper from Ortakoy village, Turkey: "After the use of the chemical weapons because of the Iraqi war, our honeybees started dying. We don't know if they were affected by the chemical gas or whatever. We make our living out of the honeybees and we wish that the government would take some measures or provide some kind of medicine for us, insecticides for us to get rid of this problem. The bees have never died at this time of year before—sometimes, probably, just in a few maybe, not like this in masses. Only this year they have done it. * * * Some of our sheep, herds, are also affected because of the chemical weapons and when we eat them we start having diarrhea and vomit. We have eaten the honey here but nothing has happened to us."

3. Villager from Ortakoy village, Turkey: "We buried four horses in this vicinity. Because of the use of chemical weapons, when the Pesh Merga arrived here the animals died. Lots of other animals died on the other side of the border, too. There are 4 that died here, but more than 20 animals have died in Cigla where they are being transported now—within 4 or 5 days after the use of the chemical weapons. Before the Pesh Merga arrived here all this area was very clean and neat. All of the sudden, about 5,000 or 7,000 people started living in this region. * * * It lost some of its beauty. About 12 days they were here. And there are 6,000 on the other village further down—5,000 here and we have only this fountain here and everybody would be forming a kind of queue to get water."

4. Turkish truck driver in Silopi town, Turkey: "I have just entered Turkey from Iraq, where I go every 3 days. All the villages along the roads have been destroyed. There are no humans, no animals; only two Iraqi soldiers guarding each village. Most of the trees have dried but some are sprouting new leaves."

5. Ismet Berk, Turkish Kurdish farmer of Arosh/Ortakoy village: "My farm is located on the river separating Turkey and Iraq. About 9,000 people crossed over near my farm. I saw many people weeping with watery skin. The villages on the

other side are 10 to 20 kilometers away, just on the other side of the mountain. All the bees in Cigli village have died."



Children at Yusekova refugee camp.

C. THE PHYSICAL EVIDENCE

The compelling testimonial evidence of the refugees is supported by (1) the symptoms exhibited by those who claim to have been exposed to chemical attack, and (2) large-scale deaths of bees on the Turkish side of the Iraq border and of animals brought by the refugees.

1. *The Classic Symptoms*

At least fifteen of the refugees we interviewed exhibited symptoms that are characteristic of poisoning from various types of chemical weapons. Many said they had suffered temporary blindness when the bombs exploded. These refugees still had watery eyes and complained of blurry vision. They also asserted that the gas had stung their lungs and complained of difficulty in breathing. Two of the women said they threw up after being exposed to the gas and that the vomiting spasms continued. Several refugees displayed skin discolorations which they linked to gas attacks. Some complained of severe itching. One 13-year-old boy, Bashir Semsettin, had been seriously burned on his chest and back. The skin on his chest and back had turned a bright pink, punctuated by streaks of black.

These symptoms—blurry vision, difficulty breathing, vomiting, and burned and itchy skin—are associated with various chemical agents, including mustard gas, concentrated tear gas, and vomiting agents. While none of these individual cases alone is conclusive,

they form a common pattern that lends strong support to the eyewitness accounts.



KURDISH REFUGEES.—The men on the left and right report trouble with their vision in bright sunlight as a result of exposure to chemical weapons.

2. *Dead Bees*

Turkish beekeepers living close to the Iraqi border have reported the widespread death of their honeybees. According to Mr. Bezergan, the District Administrator for Semdinli, honey production has fallen from 250 tons last year to an estimated 5 to 10 tons this year. Semdinli is a Turkish town located near the intersection of the Turkish-Iraqi-Iranian borders. The villagers we talked to unambiguously attributed the bee deaths to the Iraqi use of chemical weapons. Mr. Bezergan said a sample of the dead bees had been sent to Ankara for analysis at the beginning of August, but that no reply had been received to date.

According to the Turkish villagers, bees fly about 4 to 5 kilometers. The villages that have experienced large bees losses fall within 4 to 5 kilometers "as the bee flies" of the Iraqi border. In addition, villagers from Ortakoy, a village far from the Iranian border but less than a kilometer from the Iraqi border, reported that their bees began to die after the chemical attacks in late August. In both cases, Turkish villagers said the bees died in sudden waves, rather than over a long period of time. (This would appear to rule out the possibility of death through such natural causes as bee mites, which—according to American scientific experts—would not produce sudden, large-scale deaths of adult bees.)

We have collected dead bee samples from three villages near the Iraqi-Turkish border—Altinsu, Incesu (both villages near the town of Semdinli), and Ortakoy. These samples have been sent to U.S. Government laboratories for analysis.

3. *Dead Animals*

When the Kurdish refugees fled to Turkey, they brought as much of their livestock as possible. Some of this livestock was said

to have been exposed to chemical weapons. In the Turkish village of Ortakoy, four horses that had reportedly been exposed to chemical weapons died within a few days. The horses were buried in ravines and deep pits near the village. A fifth horse looked weak and had raw burnlike marks on its side. A rash of animal deaths at the temporary refugee camp at Cigli was also said to have been caused by exposure to chemical weapons.

4. Difficulty of Obtaining Physical Evidence

The symptoms exhibited by some of the refugees, the waves of dead bees, and the sudden deaths of many animals provide physical evidence in support of the eyewitness accounts, but do not alone constitute conclusive evidence to support charges that Iraqi warplanes dropped chemical weapons on Kurdish villages from August 25 to August 27. However, the absence of certain physical evidence is more consistent with a chemical attack than with any other form of military attack that might have driven the seasoned Pesh Merga fighters and more than 65,000 Iraqi Kurds into Turkey. Had the Iraqis launched a conventional weapons attack against the Kurds, one would expect to see bullet wounds and other evidence of such an attack. Chemical weapons, by contrast, leave fewer visible traces. The scarcity of physical evidence of chemical attack is also not surprising in view of (a) Iraq's refusal to allow international observers to inspect the areas that were allegedly bombed; (b) Turkey's reluctance to allow a U.N.-sponsored team of medical experts to conduct a comprehensive examination of refugees who say they were exposed to chemical weapons; and (c) the inherent difficulties of diagnosing chemical weapons poisoning in individuals who are "lightly injured" and who were exposed to the chemicals several days before examination.

(a) Iraq's refusal to allow inspection: Iraq's use of chemical weapons against the Kurds in the town of Halabja last March was revealed after the Iranian army seized control of the town and exposed the Iraqi action. No such opportunity for public inspection exists in the current situation. In every refugee camp we visited, refugees called for the creation of a committee that would go to Iraq to investigate charges of chemical weapons use. These are not requests one would expect from individuals whose charges cannot be substantiated.

(b) Lack of expert examinations: The difficulty of obtaining physical evidence has been compounded by the fact that many refugees who complain of symptoms associated with chemical attacks have not been examined by doctors who are expert in the field. Because of the rarity of chemical weapons use since World War I, few doctors are able to conclusively pinpoint exposure to chemical weapons as the sole cause of some symptoms. Not surprisingly, Turkish doctors who told us they could not conclusively determine whether gas had been used acknowledged that they had no experience with patients suffering from chemical weapons attacks. Turkey has so far been reluctant to allow an international team of U.N. experts trained in chemical weapons effects to conduct a comprehensive examination of the refugees. In almost every camp we visited, the refugees asked that the "lightly wounded" refugees who had been exposed to chemical weapons be sent for expert analysis.

(c) Difficulty of diagnosing chemical use: Even with expert techniques, diagnosis of chemical warfare poisoning in humans can be difficult. The greatest difficulty in detecting such poisoning arises because those who survive a gas attack and manage to escape over the mountainous terrain along the Iraqi-Turkish border are bound to be the less severely injured. Furthermore, diagnosis of chemical poisoning becomes more difficult as the days pass and the symptoms become less pronounced. In addition, the likelihood of detecting traces of chemical gas in the body diminishes with time. Many gases react quickly in the body and are converted into other substances.

D. CONTEXT

1. Previous Iraqi Use of Chemical Weapons

Standing alone, the eyewitness accounts provide compelling evidence of Iraqi use of chemical weapons. These accounts, however, do not stand alone. Rather, they occur in the context of a documented record of Iraqi use of chemical weapons and in the context of a recent history of a particularly brutal suppression of the Kurds. That the eyewitness accounts are consistent with a known Iraqi modus operandi in the Iran-Iraq war and with Iraqi policy objectives in Iraqi Kurdistan clearly enhances the credibility of these accounts.

Iran first complained about Iraqi use of chemical weapons in a letter to the Secretary-General dated November 3, 1983. Following a February 27, 1984, Iraqi chemical attack, Iran sent the soldier/victims to hospitals throughout Western Europe for treatment. Doctors in Belgium, Sweden, and West Germany confirmed that the soldiers were victims of mustard gas.

In the 4 years following, Iraq repeatedly and effectively used poison gas on Iran. U.N. missions were sent to the region in March 1984, April 1985, February-March 1986, April-May 1987, March-April 1988, twice in July 1988, and most recently in mid-August 1988. In each instance the United Nations found that poison gas had been used, and in circumstances that clearly indicated Iraqi use.

By February 1988, Iran's military had achieved its high watermark of wartime success. Its forces occupied Iraq's Fao Peninsula in the south and substantial territory in the vicinity of Basra. In the north, Iranian-supported Kurdish insurgents had effective control of much of that rugged region's countryside, including the important city of Halabja. Feeling pressed, Iraq stepped up its use of chemical weapons and extended their use to Kurdish and Iranian civilian targets.

In March, the Iraqi Air Force attacked Halabja, a city of 70,000, with chemical weapons. The results, documented by Western journalists and television cameras, were grisly. Over 4,000 were dead, almost all Iraqi Kurds and almost all civilians. Entire families were wiped out and the streets were littered with the corpses of men, women, and children. Other forms of life in and around the city—horses, house cats, cattle—perished as well.

Iraq's use of gas on its own people in March was a mark of desperation. It also demonstrated the total ruthlessness of an Iraqi

regime manifestly willing to commit any act to defeat its foes. In this case, Iraq's ruthlessness worked.

The pictures of Halabja (and other chemical weapons victims) were shown on Iranian television. Intended to bolster the national will by showing the sins of the enemy, the pictures had an opposite effect. Recruitment into Iranian armed forces plummeted, Iranian military morale wavered, and in a few short months Iraq was able to retake its lost territory (making extensive use of chemical weapons). Iran was forced to accept an unwanted peace.

After Iran announced it would accept Resolution 598 providing for a ceasefire in the Iran-Iraq war, Iraq made one final chemical weapons attack on Iran. This time the target was an Iranian village near the two countries' border in the north. Many of the victims were Iranian civilians and the attack was seen both as a means to enhance Iraq's position at the negotiating table and as a warning to Iran against a resumption of the war.

While Iraq has hotly denounced United States allegations of chemical use on the Kurds, it has admitted using chemical weapons in the war. In a July 1, 1988, Bonn press conference, Iraq's Foreign Minister, Tariq Aziz, stated that both sides used chemical weapons and asserted a right to so do: "Every nation has the right to protect itself against invasion."

Iraq's use of chemical weapons on the Kurds in the August offensive is simply an extension of a military policy of indiscriminate use of chemical weapons against both military and civilian targets. Vehement denials of chemical weapon use in the latest offensive lose credibility in the face of this record.

The eyewitness accounts of chemical weapons use should also be viewed in the context of Iraqi policy toward its Kurdish population. Since 1985 this policy has been one of severe repression.

2. The Depopulation of Iraqi Kurdistan

Iraq's Kurdish policy provides a second context for evaluating the chemical weapons charges. The stated aims of Iraq's Kurdish policy are: (1) to deprive the insurgents of a population base from which to operate; (2) to punish those areas which attacked the motherland at its hour of supreme national crisis; and (3) to provide the Kurds the benefits of modern life. In reality, the policy is to depopulate Iraqi Kurdistan, and poison gas is an instrument of the policy. After the 1975 Algiers Accord put an end to an earlier phase of the Kurdish insurrection, the Iraqi Government created a security zone along its Iranian border. Villages within a certain distance of the border were demolished and the inhabitants relocated.

Following the intensification of the Kurdish insurgency in 1985, the Iraqi Government vastly extended the village demolition program. During a September 1987 staff trip through Iraqi Kurdistan, some 20 demolished towns and villages were observed on the roads leading from Baghdad and Baquba to Sulamanyeh (the capital of the Kurdish autonomous region) and along the road from Sulamanyeh to Kirkuk.

The scope of the destruction was impressive. Villages were dynamited and leveled with a bulldozer to ensure the population did not

return. Some of the villages were vast, with over a 1-mile road frontage.

According to the refugees, Iraqi troops have entered the gassed villages (after an interval to allow for the dissipation of the poison gas) and dynamited the villages. The pattern seems widespread and insurgent leaders provided us a list of 245 villages that have been destroyed in this manner, a list which itself represents only a small part of the total destruction.

Those Kurds moved out of the destroyed villages have been relocated to areas more securely under central government control. There they are provided building materials and told to construct new housing along a designated grid pattern. Some of these new villages are located in the lower parts of Iraqi Kurdistan. In each there is a military presence which enables the Iraqi Government to exercise control over the population's movements and to ensure docility through coercion and intimidation.

Some of the Kurds have apparently relocated to areas outside Kurdistan, including areas in Iraq's hot, flat south. For a people with millennia-old tradition of independence in a rugged mountain environment, these relocations are difficult. Many are unable to make the adjustments.

The relocation policy has been accompanied by substantial violence. Poison gas is, of course, one tool for ending resistance to such moves. More conventional atrocities also occur.

Iraqi Kurdistan is fast becoming a mountainous wasteland. Outside of Sulaymaniyya, Halabja, and two or three other large towns, there will be no permanent inhabitants. A centuries-old way of life will disappear from a region that has been continuously inhabited from near the beginning of human civilization.

Legislation passed by the U.S. Senate (S. 2763, The Prevention of Genocide Act of 1988) describes Iraq's conduct in Kurdistan as genocide. Under the Genocide Convention, the crime is defined as the destruction of a distinct religious, ethnic, or racial group. Iraq's policy of killings, gassings, and relocations does seem designed to destroy Kurdish culture, the Kurdish identity, and the Kurdish way of life. If not genocide under the terms of the treaty, Iraq's conduct certainly has many characteristics of this crime.

E. CONCLUSION

The powerful eyewitness accounts, the threads of physical evidence, and the pattern of past Iraqi use of chemical weapons provide overwhelming evidence that Iraq dropped chemical weapons on its Kurdish population in the northeastern reaches of Iraq from August 25 through August 27. That conclusion is supported by a September 15 New York Times report that the United States intercepted Iraqi military communications indicating that Iraq used chemical weapons against the Kurds in late August. The eyewitness accounts of the Iraqi Kurds suggest that a variety of chemical agents were used against them. Nerve gasses and lewisite, which contains arsenic, acted immediately. Eyewitnesses reported that most of the gas victims died immediately. Other victims complained of the symptoms typically associated with other types of poison gas—severe nausea, vomiting, burnt and itchy skin, and blurry vision.

This portrait is consistent with earlier findings made by U.N. expert teams that investigated use of chemical weapons in the Iran-Iraq war and concluded that a variety of chemical agents were probably used.

The Kurdish Pesh Merga have been battling the Iraqi Government intermittently for 30 years. During that period they have become seasoned fighters. Like the Mujahidin who know every peak and valley in Afghanistan, the Pesh Merga know every nook and cranny in the rough mountain terrain of Iraqi Kurdistan. In 30 years of fighting, the Iraqi Army has been unable to snuff out the insurgency using conventional military means. Poison gas has provided them with a weapon of terror that the Kurdish fighters cannot hide from or defend against. As one Pesh Merga told us, before the use of poison gas "we could go into the caves in our region and hide. But the chemical gas goes into the caves as well and that's why we left."

Having used gas with effect against the Iranian Army, the Iraqis decided it could also be used to put a final end to the Kurdish insurgency. The Iraqis have not only used gas to ferret out fighters hiding in caves, they have used it indiscriminately against Kurdish villagers. The chemical massacre of Kurdish villagers in Halabja last March demonstrated the Iraqi's willingness to use chemical weapons not just as instruments of war, but as tools for mass murder. Indeed, the late August attacks were directed primarily against Kurdish villages, not the Pesh Merga camps. The Iraqi Government has concluded that if it destroys the families of the insurgents, the fighters will give up. As one Pesh Merga told us, "our families refused to stay in Iraq after the Iraqi army started using poison gas. We could not allow them all to be destroyed and we could not let them flee alone." Thus, poison gas is Iraq's ultimate weapon against its Kurdish insurrection.



Kurdish refugees at Cigli refugee gathering point.

IV. THE REFUGEE SITUATION

A. WELFARE OF THE REFUGEES

In the course of our investigation, we visited refugee camps in Diyarbakir, Silopi, Yusekova, and a refugee gathering point in Cigli. Together, these camps held an estimated 50,000 refugees at the time of our visit. In each of the established camps, we found the refugees well cared for by the Turkish authorities. Many of those with medical problems had been taken to Turkish hospitals. In the Diyarbakir, Silopi, and Yusekova camps, the Turkish authorities had erected tents, medical facilities, and telephones for the refugees. In contrast to these well-established camps, the refugees at the gathering area in Cigli had no shelter and little medical attention. While some of the refugees had been camping in poor conditions for almost 2 weeks, the Turkish authorities were making efforts to relocate them to the more permanent refugee camps. The refugees in every camp we visited were thankful for the refuge Turkey had provided them.

While Turkey has responded admirably to the immediate crisis, the long-term fate of the refugees is uncertain. Turkey's efforts on behalf of the refugees have already strained Turkey's limited resources. The Turkish Government has spent an estimated \$4.5 million on refugee relief. The cost of caring for the refugees will climb dramatically as the cold Anatolian winter arrives and permanent shelter must be found. Prime Minister Ozal has estimated that the cost of caring for the refugees will rise to \$300 million. Given that large sum, Ozal has appealed to the West to take about half of the refugees or to share the financial burden of supporting the refugees.

While the future fate of the refugees is uncertain, one thing is clear—the refugees do not want to return to Iraq under current circumstances. The refugees uniformly believe that President Saddam Hussein's promise of amnesty is a sham. No evidence exists to support the Iraqi claim that thousands of refugees have returned to Iraq. Indeed, Turkish officials said they had no reason to believe that any refugees had returned to Iraq. Nor did we encounter any evidence of refugees who wanted to go to neighboring Iran.



Yusekova refugee camp.

B. A BALANCING ACT FOR TURKEY

The refugees decision to remain in Turkey for the time being has not only placed a burden on Turkey's treasury; it has also forced the Turks to master a difficult diplomatic balancing act. Turkey has been severely criticized in the West for its refusal to allow its own Kurdish population a greater degree of cultural freedom. By accepting the Iraqi Kurds, Turkey hopes to dismiss such Western criticism and promote its ambition to enter the European Community. For this reason, Prime Minister Ozal recently said, "Turkey is a democratic country, respectful of human rights * * * Turkey's behavior in this affair is the best possible answer to accusations directed against us on this subject."

At the same time Turkey is reaching out to the West, it also hopes to maintain cordial relations with Baghdad. Turkish businesses, particularly the excess capacity construction industry, see great profits in helping to rebuild a war-torn Iraq. Therefore, Turkey has been careful not to take any steps that could rupture its relations with Iraq. As a result, the Turkish Government is downplaying the poison gas stories—while carefully not denying their accuracy—and local authorities in the border region are now following Ankara's lead. At the time of the initial refugee influx, however, local Turkish officials reportedly told visitors they were convinced that chemical weapons had been used.

V. POLICY ISSUES

A. THE PRECEDENT

The horrors associated with the use of chemical weapons in World War I led to the 1925 Geneva Protocol Banning the Use of Chemical Weapons in War. As 20th century war became more destructive and more deadly, this one taboo remained intact. Since 1925 the use of chemical weapons has been infrequent and usually in relatively isolated cases. Even Hitler did not employ chemical weapons, although his unique decision to respect this norm of international law was clearly motivated by a fear of allied retaliation and not altruism.

Iraq has now broken the 70-year hiatus on chemical weapons use in warfare. In its struggle with Iran, Iraq used poison gas extensively and effectively. Indeed, as suggested above, it was probably the decisive factor in the unexpected Iraqi triumph in the Iran-Iraq war.

Iraq's example is one that other countries are likely to look to. Unlike nuclear warheads, chemical weapons are easy and relatively cheap to manufacture. A country contemplating a nuclear bomb must figure out where to obtain fissile material and how to process it; the components for chemical weapons are widely and freely available. Nuclear technology can be, and is, subject to export controls and safeguards; because of the multiple use of the ingredients in chemical weapons, comparable chemical safeguards are not feasible. While nuclear weapons are state-of-the-art World War II technology, poison gas is run-of-the-mill World War I technology.

There is evidence other countries are already in the chemical weapons race. Libya, which has been frustrated in its 15-year effort to buy a nuclear bomb or to obtain mastery over nuclear technology, is now turning its efforts more successfully to chemical weapons manufacture. Iran has already developed some chemical weapons capability and is certain to want to try to match Iraq's capabilities.

B. THE MIDDLE EAST

Iraq's mastery of chemical weapon warfare has ominous implications for the Middle East. Israel has long considered Iraq the most formidable and dangerous of its Arab foes. Now it must contemplate an Iraq aimed with a weapon of mass destruction, which it has already used with military success.

Iraq is also feared by many of its Arab neighbors. For years Iraq actively claimed Kuwait as its own territory, and despite the fact that Kuwait was Iraq's most loyal ally in the war (a loyalty for which it paid a price), Iraq has refused to give up its territorial claims. Iraq's assertion of pan-Arab leadership is often resented by

other Arab nations and has occasioned a major dispute with Syria. These states, too, view Iraq's acquisition of a chemical weapons capability with alarm.

Ironically, a chemical weapons-equipped Iraq may pose a greater danger to Israel than the potential nuclear-armed Iraq that provoked the 1981 Israeli raid on a Iraqi nuclear plant. Nuclear weapons are ill-suited to the small spaces of the Middle East. The fallout from a nuclear attack on Israel could severely affect its neighbors. Chemical weapons do not pose the same problem.

Further, chemical weapons may be more usable than nuclear weapons. Nuclear weapons remain a weapon of last resort, but Iraq's conduct has dramatically lowered the threshold for use of chemical weapons.

C. AS AN ANTI-INSURGENCY WEAPON

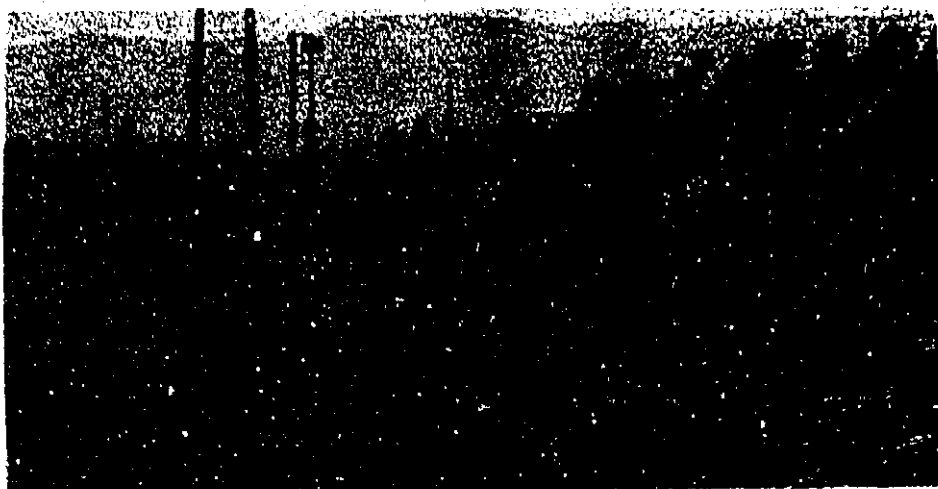
Use of chemical weapons in an international conflict carries with it the risk that an adversary will retaliate. However, this is not true when such weapons are used against insurgent or guerrilla forces, thus making chemical weapons an ideal counterinsurgency weapon.

Iraq's performance in Kurdistan is the case in point. The Kurdish insurgents have been fighting Baghdad for some 30 years. While the struggle has had its ebbs and flows (most usually related to the levels of Iraq-Iran tension), the Pesh Merga had been able to sustain their struggle until August 25.

With chemical weapons, Iraq was able to rout the Pesh Merga within a week. The effectiveness of this terror tool is attested by the fact—often cited in Turkey—that this refugee influx was the first such exodus from Iraq in 30 years of Pesh Merga struggle.

D. UNITED STATES POLICY

The Reagan administration has responded to Iraq's use of poison gas with diplomatic protests, support for a U.N. resolution, and with tough public talk. However, since the first United States comment on Iraqi chemical weapons use in March 1984, the administration has been unwilling to take any concrete, punitive action against Iraq. The Senate-passed bill (S. 2763) puts some muscle behind what has until now been only rhetoric. The legislation has clearly grabbed Iraq's attention in a way that tough talk has not. Days after the legislation passed the Senate, the Iraqi regime orchestrated anti-United States protests in Baghdad. At the same time, while we were at the Silopi refugee camp, the Kurdish refugees erupted in a spontaneous chant of "Long Live America."



Pro-American demonstration at Silopi refugee camp (in response to U.S. Senate passage of the Iraq sanctions bill).

Nevertheless, despite the fact that Iraq's latest use of chemical attacks proves its disdain for the handwringing of the international community, the administration has called the Senate bill "premature." It opposes efforts to impose immediate sanctions against Iraq until Iraq foreswears the use of chemical weapons.

Indeed, rather than seriously pressuring Iraq to cease its unacceptable use of chemical weapons, United States relations with Iraq have warmed considerably since the first United States protests. In November 1984, the United States and Iraq reestablished diplomatic relations after a 17-year hiatus. Eager to strengthen economic ties with a country that holds the non-Communist world's second largest proven oil reserves, the administration generously provided Iraq with credit guarantees worth \$600 million to purchase United States agricultural exports.

Finally, and most importantly, the Reagan administration assisted Iraq's military and diplomatic efforts to stave off defeat by Iran. Such assistance included: (1) leadership of an effort to embargo arms sales to Iran (Operation Staunch); (2) the sharing of intelligence, at least according to Iraqi Government statements; (3) the escorting of the oil tankers of Iraq's ally Kuwait, which in turn led to a United States-Iran naval confrontation; and (4) leadership in the effort to secure a mandatory U.N. resolution to end the Iran-Iraq war.

This pro-Iraq tilt was not, of course, a fully consistent policy. In 1985 and 1986, the United States was secretly assisting Iran, providing United States arms to the Iranian military. Ultimately, however, embarrassment following the exposure of the administration's arms-for-hostages policy resulted in an even stronger pro-Iraq tilt.

Under these circumstances, the Iraqi regime looked to United States actions in the wake of the chemical weapons use and not to the words.

While tough U.S. talk substituted for concrete action, the United States was nonetheless unique in at least speaking out. The rest of

the international community, focused on its opposition to Iran and on expanding economic opportunities with Iraq, was largely silent in response to the clear evidence of extensive Iraqi chemical weapons use.

As a consequence, Iraq has been able to use chemical weapons on Iran and against its own people without paying any price in its political or economic relations with other nations. The lack of international response has encouraged Iraq to make more extensive use of chemical weapons and is, of course, instructive to other nations that might contemplate developing a chemical weapons capability.

The Iraqi regime is as brutal a dictatorship as exists in the world today. Global public opinion counts for little in Baghdad. On the other hand, the Iraqis do understand more direct forms of pressure. As it seeks to rebuild after 8 years of warfare, Iraq will be looking to Western loans, to Western commercial credits, and to Western technology. Sanctions that affected Iraq's ability to borrow or to import Western goods, including technology, could make the price of continued chemical weapons use and of continuing the slaughter in Iraqi Kurdistan unacceptably high. This is particularly true since Iraq's most recent use of chemical weapons is totally unrelated to the struggle for national survival against Iran.

The fundamental question, then, is whether the world community will summon the will to exercise its very clear leverage to deter Iraq and others from the production and use of chemical weapons. Right now the Kurds are paying the price for past global indifference to Iraqi chemical weapons use; the failure to act now could ultimately leave every nation in peril.

APPENDIX

APPENDIX A

CHRONOLOGICAL COMPILATION OF STATEMENTS BY THE ADMINISTRATION ON THE USE OF CHEMICAL WEAPONS BY IRAQ

1. **March 5, 1984**
Department Statement: Chemical Weapons and the Iran-Iraq War. John Hughes
2. **March 30, 1984**
Department of State Daily Press Briefing
3. **April 1, 1984**
Shultz interview: Meet the Press
4. **April 4, 1984**
President Reagan, News Conference
5. **April 18, 1984**
Bush address to CD in Geneva (Mentions Middle East, not specifically Iraq)
6. **May 14, 1984**
Shultz address to League of Women Voters
7. **May 31, 1984**
North Atlantic Council, Final Communique
8. **July 17, 1984**
Anzus Communique
9. **September 1984**
State Department Publication: Security and Arms Control
10. **November 14, 1985**
Shultz news conference
11. **June 5, 1986**
Department of State Daily Press Briefing
12. **July 31, 1987**
Department of State Press Statement: "New CW-Related Export Controls"
13. **October 18, 1987**
Shultz remarks at Weizman Institute, Rehovot
14. **May 9, 1988**
Ambassador Walters Statement to U.N. Security Council Resolution 612
15. **September 6, 1988**
Department of State Press Briefing
16. **September 7, 1988**
Department of State Press Briefing
17. **September 8, 1988**
Department of State Press Briefing
18. **September 8, 1988**
Shultz meeting with Iraqi Minister of State Hammadi
19. **September 12, 1988**
Department of State Press Briefing
20. **September 14, 1988**
Department of State Press Briefing
21. **September 15, 1988**
Department of State Press Briefing
22. **September 16, 1988**
Department of State Press Briefing

APPENDIX B

KURDISH VILLAGES IN IRAQ EXPOSED TO CHEMICAL WEAPONS

1. Dubanche	18. Berchi	35. Birgin
2. Barhule	19. Zavita	36. Sergirki
3. Vermil	20. Geregu	37. Bawerke
4. Baze	21. Khorbiniye	38. Nafiske
5. Hese	22. Berkeure	39. Sherana
6. Ermisht	23. Ruyse	40. Zewehkan
7. Kamyabaska	24. Kraba	41. Geinaske
8. Belut	25. Mergeti	42. Telagru
9. Zirhawa	26. Zewa	43. Bergabore
10. Berkule	27. Spindar	44. Kirabe
11. Birgini	28. Meze	45. Sivye
12. Afuke	29. Tika (Duka)	46. Zevko
13. Blecanç	30. Nihristeki	47. Nazdure
14. Borghule	31. Warneze	48. Zinawa
15. Dergel	32. Bilejane	49. Siyare
16. Sernaç	33. Rudaniyo	
17. Ekmala	34. Sarki	

APPENDIX C

ITINERARY

September 12

Diyarbakir—refugee camp

Mardin

Nusaybin

September 13

Departed Nusaybin

Cizre

Silopi—refugee camp

Returned Cizre

Sirhak

Ortabaz village on the Iraqi border

Spent the night with Sefik Berk and his family at Ustbeyar neighborhood of Ortalo village.

September 14

Visited the Cigli refugee camp

Gukurca

Hekkari—hospital

Yuksekovca—2 refugee camps

Overnight at Turkish Highway Department Guest House

September 15

Semdinli—Altinsu and Incesu villages

Yuksekovca, Guzelsu (Hasab castle), Van

APPENDIX D

PREVENTION OF GENOCIDE ACT OF 1988

100TH CONGRESS
2D SESSION**S. 2763**

Entitled the "Prevention of Genocide Act of 1988".

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 7), 1988

Mr. PELL (for himself, Mr. HELMS, Mr. BYRD, Mr. LEVIN, Mr. FORD, Mr. PROX-
MIRE, and Mr. GORE) introduced the following bill; which was read the first
time

A BILL

Entitled the "Prevention of Genocide Act of 1988".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.—This Act may be cited as
4 the "Prevention of Genocide Act of 1988".

5 SEC. 2. FINDINGS.—The Congress finds—

6 (i) the Kurdish people constitute a distinct ethnic
7 group of some twenty million, with an ancient history
8 and a rich cultural heritage;

9 (ii) three to four million Kurds are citizens of
10 Iraq, residing in the northern part of that country;

1 (iii) the Iraqi Army has undertaken a campaign to
2 depopulate the Kurdish regions of Iraq by destroying
3 all Kurdish villages in a large part of northern Iraq
4 and by killing the civilian population;

5 (iv) conclusive evidence exists that the Iraqi Army
6 has been and is continuing to use chemical weapons
7 against Kurdish insurgents and unarmed Kurdish civil-
8 ians;

9 (v) tens of thousands of Kurdish survivors of the
10 Iraqi Army assaults have taken refuge in Turkey;

11 (vi) Iraq's use of chemical weapons is a gross vio-
12 lation of international law; and

13 (vii) Iraq's campaign against the Kurdish people
14 appears to constitute an act of genocide, a crime ab-
15 horred by civilized people everywhere and banned
16 under international law.

17 SEC. 3. (a) SANCTIONS AGAINST IRAQ.—The United
18 States Executive Director or representative at all interna-
19 tional financial institutions of which the United States is a
20 member is instructed to vote against all loans to Iraq.

21 (b) The United States shall provide no assistance, shall
22 make no sales of any kind of military equipment, shall pro-
23 vide no credits, and shall provide no guarantees of any cred-
24 its to Iraq.

1 (c) No item subject to export controls by any agency of
2 the United States shall be sold or otherwise transferred to
3 Iraq.

4 (d) No oil or petroleum products produced in Iraq shall
5 be imported into the United States.

6 **SEC. 4. WAIVER.**—The President may waive the sanc-
7 tions contained in section 3 if he determines and so certifies
8 in writing to the Speaker of the House of Representatives
9 and the chairman of the Committee on Foreign Relations of
10 the United States Senate that—

11 (i) Iraq is not committing genocide against the
12 Kurdish population of Iraq; and

13 (ii) Iraq is not using chemical weapons banned by
14 the 1925 Geneva Conventions and has provided reli-
15 able assurances that it will not use such weapons.

16 **SEC. 5. COMMENDATION OF TURKEY.**—The Congress
17 commends the Government of Turkey for its humanitarian
18 decision to host thousands of Kurdish people fleeing extermi-
19 nation in Iraq. The President is requested to convey to the
20 Government of Turkey this commendation.

21 **SEC. 6. ASSISTANCE TO KURDISH REFUGEES.**—It is
22 the sense of the Congress that the United States should pro-
23 vide assistance to Kurdish refugees in need of medical treat-
24 ment and other humanitarian aid.

1 **SEC. 7. UNITED NATIONS.**—The Secretary of State is
2 requested to immediately bring before the Security Council of
3 the United Nations the matter of Iraq's use of poison gas
4 against its own nationals, most of whom are defenseless civil-
5 ians, and demand that, in accordance with United Nations
6 Security Council Resolution 620, appropriate and effective
7 measures be taken against Iraq for its repeated use of chemi-
8 cal weapons.

9 **SEC. 8. EFFECTIVE DATE.**—This Act shall take effect
10 on enactment.

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