

[REDACTED]

XVII. SADDAM HUSSEIN'S HUMAN RIGHTS RECORD

A. Background

(U) The Senate Select Committee on Intelligence (SSCI) reviewed approximately 90 documents from the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the Department of State's Bureau of Intelligence and Research (INR) and the National Intelligence Council (NIC) concerning Saddam Hussein's human rights record. The documents included short, current intelligence articles, formal analysis documents produced at the intelligence agencies, and other assessments written at the Intelligence Community (IC) level. These reports covered a wide range of atrocities and abuses over the 12-year period from the end of the 1991 Gulf War until early 2003 before Operation Iraqi Freedom. Though the quantity of analysis was limited and the IC stressed its inability to judge the veracity of all of the intelligence and other information it received, analysts appeared to agree on the major aspects of human rights abuses in Iraq over this period.

(U) Iraq's long history of human rights abuses under Saddam Hussein's dictatorship is well documented in publicly available records. Intelligence analysis also indicated that Iraq under Saddam Hussein's dictatorship practiced a full range of abuses that included political imprisonment, rape, torture, intimidation, murder and killing on a massive scale.

(U) Prior to Operation Iraqi Freedom, three broad categories of abuses were reported in both the intelligence and public records and defined the nature of human rights abuses under Saddam Hussein:

- Atrocities against the Iraqi Kurdish minority, including the use of chemical weapons.
- Use of chemical weapons against the Iranian military during the Iran-Iraq War.
- Political retribution against the Shia and the marsh Arabs in southern Iraq prior to, and following, the 1991 Gulf War.

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(U) The most comprehensive treatment of human rights abuses in the period between 1991 and 2003 was contained in the State Department's unclassified annual *Country Reports on Human Rights Practices*,⁶⁵ providing a running account of abuses inside Iraq. The record included reporting on executions, the use of torture and chemical weapons against political opponents, abuses based on ethnicity and religion, and abuses against women and children. The Intelligence Community (IC) drew on those reports as well as human intelligence (HUMINT) and other technical collection methods to build its body of knowledge about human rights abuses.

(U) The intelligence record, though, did not reflect the depth of reporting in the public record. As far as the Committee was able to determine from review of the analysis and discussions with analysts, lack of detail in intelligence reporting and analysis is attributable to the IC's inability to gain full and regular access to the locations of atrocities on Iraqi territory. [REDACTED]

[REDACTED]. By 2003, much of the intelligence record amounted to stories of persecution and oppression that filtered out of Iraq through opposition groups and refugees. The IC eventually developed a monitoring approach that improved its ability to anticipate potential atrocities – or at least to better assess some of the [REDACTED] information it received. That monitoring approach is discussed later in this report.

B. Highlights of The Intelligence Record

(U) Overall, the IC's intelligence collection and analysis on the human rights situation in Iraq never equaled the efforts involved in monitoring regional security, terrorism or weapons of mass destruction. The IC, though, was able to rely on a body of reporting from public sources that helped analysts and collectors focus on critical human rights events inside Iraq. None of the documents provided to the Committee could be considered a coordinated IC-level assessment of the full range of abuses inside Iraq. But

⁶⁵ (U) See also *Human Rights Abuses of Saddam Hussein's Regime 1991-2003* (Congressional Research Service (CRS), July 9, 2003). The CRS report drew on a wide range of publicly available documents.

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the IC did produce periodic reports on a wide range of abuses it was monitoring.⁶⁶ The following documents are representative of the issues covered by the IC in the body of its reporting.

([REDACTED]) In 1993, CIA's office of Near Eastern and South Asian Analysis (NESA) wrote an assessment entitled *Humanitarian Situation in the Marshes* (SIM 006/93, 20 August 1993). According to NESA, the IC took seriously some press accounts about systematic repression of Shia and the Ma'adan or marsh dwellers in Southern Iraq. But the IC could not confirm some of the reports because of lack of access to Iraqi territory.

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[REDACTED] The IC assessed that those actions damaged and destroyed roughly 1,300 square kilometers or 40 per cent of two marsh areas. [REDACTED] the environmental impacts and confirming the corresponding growth of refugee camps outside of the marshes indicated IC analysis was accurate.

(U) According to DIA analysts, writing in *Iraq: Ecological Warfare*, (MID-47-94, 14 March 1994), Baghdad had demonstrated its willingness to use environmental destruction as a weapon during the 1991 Gulf War, setting fire to Kuwaiti oil wells and pumping crude oil into the Persian Gulf. DIA analysts believed Iraq was continuing a pattern of ecological warfare by draining southern marshes. According to DIA, ecological attacks were aimed at eliminating rebel strongholds and generally destroying the habitat and culture of the Marsh Arabs.

(U) According to a late 1994 estimate that drew on information from IC agencies, the United Nations (UN) and non-governmental organizations (NGO), the IC judged that Iraq had created a situation inside the country that could require large-scale emergency humanitarian assistance in 1995. For instance, in the report, *National Intelligence*

⁶⁶ (U) The CIA's closest approach to an IC-level assessment was *Iraq: A Sustained Pattern of Civilian Repression*, written in January 2003 by the Office of Near Eastern, and South Asian Analysis (NESA) (NESA IA 2003-20011CX). This document is a broad look at abuses under Saddam Hussein's Ba'ath Party, and is a convenient summary and history of reporting about human rights abuses from both classified and unclassified sources. The NESA document supports the findings in this Senate Select Committee on Intelligence (SSCI) report section. It also includes a rich list of reference materials that would have helped to substantiate and explain the IC's approach to analysis of human rights abuses. However, the CIA only delivered the NESA document to the Committee on June 4, 2004.

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Estimate: Global Humanitarian Emergencies, 1995 Vol. II: Country Estimates, (NIE 94-33/II, December 1994), analysts pointed to UN information that indicated hostile Iraqi actions had put approximately 1.3 million people at risk across Iraq. Approximately 750,000 of them were in Kurdish-controlled northern Iraq and, that number included about 30,000 Iraqi Kurds displaced by fighting and an additional 10,000 Kurds who were fleeing into Turkey to stay clear of fighting inside Iraq.

(U) According to a CIA publication, *Facts on Iraq's Humanitarian Situation* (17 July 1998), the IC believed Iraq's 1988 chemical weapons attack on the Kurdish town of Halabja was still causing serious health problems as late as 1998. Beyond those killed in the raid at the time, the Kurds continued to suffer from infertility, congenital malformations and cancers at a high rate. The IC conceded that it was unable to confirm much of the reporting about the Iraqi chemical attacks, but speculated – based on information from a NGO – that there may have been multiple attacks on villages in 1987 and 1988 in areas close to both the Iranian and Turkish borders. There was virtually no analysis on the possible use of biological and chemical weapons against Iraqi civilians in the years between 1990 and 2003. Where it was mentioned, analysts made clear that they were unable to confirm the intelligence. The lack of intelligence on this unique type of atrocity mirrors the difficulty that the IC had in collecting and verifying intelligence reports from inside Iraq on other atrocities, including the IC's difficulty in confirming the details of known chemical attacks in 1987 - 1988.

(U) In a May 1999 comment in an IC human rights monitoring report called *The Warning Committee's Atrocities Watchlist*, the IC noted that the Iraqi government was repressing large segments of the civilian population as a way of controlling opposition groups and reestablishing territorial control. The report stated that the Iraqi government had attacked Shia clerics to curb their influence, for example in the May 1999 time frame, when the Iraqi government announced it had executed about 12 Shia clerics and seminary students and had deployed military units to Shia-occupied areas. The IC viewed these particular abuses as a matter of immediate concern and believed the situation could lead to a major humanitarian emergency in the course of 2000.

(U) In the October 1999 issue of *The Warning Committee's Atrocities Watchlist*, the IC reported that Baghdad had recently emphasized a policy of collective punishment to coerce tribal leaders into supporting Saddam Hussein's regime. The coercion included threats of destroying the homes, villages and fields of suspected oppositionists.

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According to opposition sources who passed information to the U.S. government, the regime may have carried out mass executions as part of its campaign.

(U) The CIA's Office of Near Eastern, South Asian, and African Affairs published *Iraq: Ethnic Relocation Bolsters Regime Security* in May 2000 (NESAF IR 2000-40115CX), outlining Saddam Hussein's systematic efforts to forcibly relocate ethnic groups. The CIA based its assessments about treatment of Iraqi ethnic groups on what it called episodic and irregular information sources and noted the difficulty of corroborating the reporting. According to the CIA, however, Saddam's objective was to bolster internal security, stabilize Baghdad itself and to undermine potential dissident activities. The CIA believed Saddam's regime had sent about 4,000 Shia and Kurdish families away from Baghdad and other cities in 1999 alone, shifting them to southern and western Iraq in retaliation for causing disturbances in urban areas. The relocations were a decades-old measure used by Saddam's regime to weaken any potential rivals. For example, CIA reported that in 1971, Saddam's government expelled 100,000 Shia Arabs and Shia Kurds to Iran. He repeated that tactic in 1980, expelling about 40,000 Shia to Iran. In 1975, his regime moved more than 250,000 Kurds to southern Iraq and razed Kurdish villages along the Iranian border. Saddam's final action was to repopulate the cleared areas with loyal Sunni Arabs and, at times, with Palestinians.

(U) The IC listed Iraq as one of four countries of greatest humanitarian concern in *Global Humanitarian Emergencies: Trends & Projections 2001- 2002*, (NIC 2001-04, Sep 2001). According to IC analysts, conditions in central and southern Iraq were unlikely to improve as Saddam Hussein's regime continued to manipulate the UN oil-for-food program. The IC believed Saddam Hussein was using the UN program both for political leverage and to gain more control over oil revenues. Despite Iraqi abuse of the oil-for-food program, though, analysts judged that conditions in northern Iraq were likely to improve because UN management of the aid program would help limit the impact of economic and relief disruptions caused by Baghdad.

(U) The IC produced an unclassified document in January 2003 entitled, *Putting Noncombatants at Risk: Saddam's Use of "Human Shields."* Analysts reported that Saddam Hussein had used several variations of a "human shield" tactic since 1988 as a way of blocking military actions against Iraq or to otherwise manipulate public opinion during confrontations. The IC was able to draw on confirmed intelligence from the 1990 Gulf War about abuse of human shields, on testimonies from Americans and other foreign hostages and on imagery evidence to demonstrate the extent of Iraqi abuses. By

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late 2002, the IC had obtained imagery that showed military deployments in civilian areas of Baghdad. The Iraqi military positioned different kinds of weapons among noncombatants and rounded up civilians to use as human shields.

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[REDACTED]

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C. Collection and Analytical Approaches

1. Information Sources

([REDACTED]) According to comments from IC analysts who spoke to Committee staff, a large part of the information available to the IC concerning human rights abuses was [REDACTED] from refugees, defectors and opposition groups. [REDACTED]

[REDACTED]. The IC also depended on the Foreign Broadcast Information Service (FBIS). In all cases, verification of the reporting on human rights abuses was difficult.

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[REDACTED]
[REDACTED]
[REDACTED]

([REDACTED]) [REDACTED]
[REDACTED]
[REDACTED]. Unfortunately, the immigrant/refugee reporting usually could not be verified on the ground in Iraq.

([REDACTED]) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]

[REDACTED]

2. Collection Issues

([REDACTED]) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

([REDACTED]) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]. By early 2003, the IC was satisfied it had adequate intelligence to assess the overall human rights situation inside Iraq.

3. Analysis Processes

(U) Several analysts at the CIA and the DIA had expertise in assessing both military affairs and human rights violations, and they have tended to move from one regional crisis to another beginning in the 1990s. When assessing the human rights situation inside Iraq, they addressed a wide range of factors, and the kind of analysis they produced eventually came to be known as “atrocities intelligence.” The CIA, for example, had expanded the definition of human rights violations in the mid-1990s to include a broader range of Iraqi actions, e.g. torture, political imprisonment, rape as a tool of coercion, use of human shields, use of chemical and biological agents on civilians and prisoners, use of national treasure to build palaces and VIP residences at the expense of basic services and intentional ecological damage.

(U) By the mid-1990s, analysts had developed a set of indicators they called a “mosaic” of indicators, and which served as an alarm system about human rights atrocities – either imminent or having already occurred. Experience with atrocities in Bosnia was the basis for the mosaic approach and was the model for tracking and analyzing events in Iraq.

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D. Saddam Hussein's Human Rights Record Conclusions

(U) Conclusion 110. Between 1991 and 2003 analysis of Saddam Hussein's human rights record was limited in volume, but provided an accurate depiction of the scope of abuses under his regime. The limited body of analysis was reasonable, given the difficulty of intelligence collection inside Iraq and the demands on collection resources that were primarily targeted on other priorities. Those competing priorities included weapons of mass destruction, terrorism, regime stability and regional security. There was no indication that the Intelligence Community's (IC) analysis was shaped or manipulated in regards to analysis of human rights abuses.

(U) [REDACTED]

(U) Conclusion 111. The Intelligence Community's development of a systematic analytical method – the “mosaic approach,” which grew out of approaches to “atrocities intelligence” in the Balkans – was an innovation for gaining a better understanding of the human rights situation in Iraq. The environment was a denied and hostile arena that thwarted most intelligence collection by organizations following human rights issues.

(U) [REDACTED]

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