Whiting, R. A. (2019) The archive as an artefact of conflict: the North Iraq dataset. *Critical Military Studies*, (doi: 10.1080/23337486.2019.1691409)

The Archive as an Artefact of Conflict: The North Iraq Dataset

An uprising in the Kurdish regions of northern Iraq in 1991 against the rule of the central government led to the overthrow of the Baʿth regime's institutions. During the revolt, members of the public and of Kurdish political groups seized large amounts of official records. The regime responded to the revolt brutally and retook the regions within three weeks. However, the records, the bulk of which were created by the government's security offices, had been hidden away. In the following two years, Kurdish groups reached agreements with the United States government and an international non-governmental organization to ship the records to the US, where they were formed into an archive. Approaching the archive as a site of political struggle, this paper explores how the capture, movement and de-territorialization of the records have shaped the archive. The trajectory of the records illustrates the ways in which their value and potential uses shifted within new socio-political contexts that emerged as a result of the conflict.

Introduction

In March 1991 uprisings swept through the south and then north of Iraq, constituting the most serious internal challenge to Saddam Hussein's rule since his ascent to power. The revolt was a response to the decades of persecution the central authorities had subjected the communities of the regions to (Goldstein and Middle East Watch (MEW) 1992, 29). In the predominantly Kurdish regions of the north, the insurrection saw civilians and *peshmerga*, the fighting forces of various Kurdish political groups, storm and ransack the buildings of government, secret police, intelligence, and Baʿth Party agencies. As the institutions of the regime were overrun, large amounts of documents were captured (Human Rights Watch (HRW) 1994). Within three weeks, central Iraqi troops had regained control over most of the regions in a brutal crackdown that sent a surge of refugees fleeing into the neighbouring countries. In the interim period, Kurdish political groups had stowed the documents in their possession away in secure locations in their mountain strongholds (Montgomery 2017, 162). The regime's suppression of the uprising eventually led to a partial loss of sovereignty over Iraqi territory (Rhode 2010, 51). As a result of the crackdown, the allies in the Gulf War intervened in northern Iraq and established a safe zone. By October 1991, Iraqi government forces withdrew from the majority of the Kurdish-populated areas in northern Iraq and human rights researchers arrived with the aim of gathering evidence that could be used to charge the Iraqi leadership with war crimes, crimes against humanity and genocide (Hiltermann 2000, 33). In 1992 and 1993, Kurdish political parties signed agreements with the US Senate Foreign Relations Committee that led to the captured documents being airlifted to the US so they could be scanned and analyzed. There they were digitized by the Defense Intelligence Agency which worked alongside HRW to catalogue the files (Khoury 2013, 13). A

digitized copy of the collection, later named the North Iraq Dataset (NIDS), remains

available to researchers at the Hoover Institution in Stanford University. The

trajectory of the records, as they passed through hands and changed locations,

illustrate how their value and potential uses shifted within new socio-political

contexts established by the rebellion and its aftermath.

Created by security, intelligence, military, Baʿth Party, and other government

agency offices in the northern governorates of Iraq, the records document the period

of the Saddam Hussein regime's consolidation of power, the Iran-Iraq war, the

Kurdish insurgency, the Anfal military campaign of 1987-1988, and the prelude to the

1991 Gulf War.[1] Estimates as to the number of documents have varied widely, but the

Hoover states that the NIDS collection is comprised of 2.4 million pages (Hoover

Institution collection guide n.d.). They include records of mass executions, large-scale

disappearances, targeted assassinations, torture and the forced expulsion or

deportation of civilians (HRW 2004). The documents also detail the methods and

procedures of the intelligence agencies, which were tasked with vetting citizens,

assessing loyalty to the regime, uncovering dissent, and coercing members of the

public into surveillance activities and the monitoring of their peers (Iraq Documents

at Hoover Reference Guide 2013). When the regime lost this tool of surveillance and

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[1] When US forces removed the records from the Kurdish regions, they signed agreements
stating that the files were the property of the Kurdish groups that had seized them. Ownership
over the original materials has been contested, with some commentators considering them to
be the property of the Kurdish peoples whose lives they recorded, and others arguing that they
are the property of the current Iraqi government as the successor to the government that
created them (SAA/ACA 2008; Montgomery 2011). Given that the records are contested
property, I have elected to not engage the copies that remain available to researchers at the
Hoover Institution. The archival research for this paper was conducted in the Kanan Makiya
Papers, which are also deposited at the Hoover Institution. Makiya, a long-term opponent of
the Baʿth Party, travelled to northern Iraq in 1991 after hearing of the existence of the
captured files. His papers include correspondence with various US-based actors concerning
efforts towards transferring the files out of Iraq. I also held interviews with Makiya and
several researchers and archivists that have interacted with the collection.

control during the revolt, both the material state and epistemological status of the records evolved. The uprising led to the destruction and damage of records, dictating what materially remained in existence and sometimes leaving physical traces on surviving documents. Then the socio-political changes brought about through the rebellion determined who controlled the records and how they could be put to use.

Across the world, armed conflict regularly leads to the seizure and displacement of archives, prized for their legal, informative, financial or cultural value (Auer 2017, 114). Between 1992 and 2018, six major displacements of documents from Iraq were facilitated by US-based actors, including the military, government agencies, humanitarian organizations and journalists (Bet-Shlimon 2018; Society of American Archivists/Association of Canadian Archivists 2008). In each instance the de-territorialization of the archival collections, many of which were state and Baʿth Party records, was triggered through conflict. The sheer scale of Iraq's loss of its documentary heritage through destruction, capture and displacement during war is perhaps unparalleled in recent history (Montgomery 2017, 159). Globally, the displacement of archives is often politically motivated, with searches for intelligence materials and evidence to refute or support war crime charges being prevalent motives for capturing records (Auer 2017, 122). As different actors have sought control over Iraq's archives, the successive displacements over the years are a reflection of the evolving values foreign forces have placed on Iraq's documentary heritage. Unlike the other displaced Iraqi archives, the NIDS was initially seized by insurgent forces within Iraq and custody later transferred to a foreign power. The displacement was a result of international interest in the documents growing in accordance with changing socio-political frameworks. The movements of the archive tell the history of these

developments as they occurred in relation to conflict in the Gulf and the 1991 uprising.

Contemporary critical archival theories approach archives as the continually evolving products of a series of choices regarding what is selected for preservation, how it is organized and how it is made accessible. The shape of the archive results from societal processes and discourses that take place in relation to the institutional powers behind the custody of historical narratives (Hamilton et al 2002, 7-17; Ketelaar 2005). As Antoinette Burton aptly wrote, *'archives do not simply arrive or emerge fully formed; nor are they innocent of struggles for power in either their creation or their interpretive applications. Though their origins are often occluded and the exclusions on which they are premised often dimly understood, all archives come into being in and as history as a result of specific political, cultural, and socioeconomic pressures – pressures which leave traces and which render archives themselves artefacts of history'* (Burton 2005, 6). The NIDS archive is a product of societal and political processes and pressures within the context of conflict and the ensuing international intervention in Iraq. Choices as to what was preserved, how the records were organized and how and to whom they were made accessible were governed by the destructiveness of war, the course of the uprising, the domestic environment in its wake, and then by international political developments.

This paper aims to add to existing literature on displaced archives by applying critical archival theory to analysis of the NIDS as a site of political struggle during conflict and in its wake. This struggle is mapped out through the trajectory of the archive, which was dictated by the different, and sometimes opposing values various actors attributed to the records as they envisaged deploying them within an evolving

international socio-political landscape. Previous research on the NIDS documents has aimed to 'explore the nature of these materials, their provenance and contents, and what they reveal about the bureaucratic machinations of the Iraqi police state' (Montgomery 2001, 71). This paper approaches the NIDS as an artefact of the 1991 uprising and its aftermath. Its history begins with the Baʿth Party rule in the Kurdish regions of northern Iraq as the context in which the records functioned as a tool of repression.

The Kurdish Regions of Iraq

The NIDS records were created by the Baʿth Party within the predominantly Kurdish regions of northern Iraq: Sulaimaniyya, Dohuk and Arbil, which had long been the base for Kurdish as well as other opposition parties (Khoury 2013, 15). Since the founding of the Kingdom of Iraq in 1921, the Kurds had periodically waged a nationalist insurgency against the central government as repeated promises of political autonomy and national rights under various administrations were not met (Khoury 2013, 22). After the fall of the monarchy in 1958, the oil-rich regions of the north were subjected to systematic 'Arabization' politics from successive central governments (Rohde 2010, 37). In 1968, the Baʿth Party seized power in Iraq. An agreement between Kurdish leaders and the Baʿth regime was reached in 1970 assuring limited autonomy to the Kurds. However, in the face of continued Arabization policies, conflict flared again (Khoury 2013, 23). Kurdish *peshmerga* forces fought the Iraqi army almost continuously throughout the 1970s (Rohde 2010, 28). In attempts to inhibit further organized Kurdish rebellion, the Iraqi government proceeded to initiate the large-scale displacement of Kurdish communities and the destruction of all Kurdish villages in the border areas with Turkey and Iraq. By 1978,

600,000 villagers had been displaced and around 1,400 villages had been destroyed

(Marr and al-Marashi 2017, 123). The regime's attempts at quelling resistance were

unsuccessful and by the 1980s insurgencies began to constitute a serious threat to the

government as Kurdish groups took control over large segments of the northern

countryside while Iraqi troops were engaged in the 1980-88 war with Iran.

In March 1987, Saddam Hussein's cousin and the former head of the secret

police, Ali Hassan al-Majid, was appointed chief of the Baʿth Party Northern Bureau

and tasked with suppressing the Kurdish rebellion (Hiltermann 2007, 6-7, 93). al-

Majid began orchestrating the use of poison gases against the communities of the

Kurdish regions, initially targeting the headquarters and strongholds of the main

political parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan

Democratic Party (KDP) whose forces lived amongst civilian villages. Between April

and June 1987 over 500 Kurdish villages were cleared and destroyed. Communities

were displaced to camps and those who resisted were killed (Marr and al-Marashi

2017, 157). On 16 March 1988, a chemical attack on the Kurdish village of Halabja

killed several thousand people. This attack was followed by the military's six-month

Anfal (Arabic for 'Spoils') counterinsurgency campaign. During the campaign the

Iraqi military fired gas shells and dropped bombs containing poison gas on villages

where Kurdish forces had bases. The villagers that fled the attacks were rounded up

and men and boys aged 15 and over were separated from their families, executed and

buried in mass graves. Women and children were sent to resettlement camps or

sometimes also executed. 80,000 Kurds, the vast majority civilians, died during the

Anfal campaign. Some estimates put the figures much higher (Hiltermann 2007, 2,

14, 132-133).

The Iraqi regime had carried out the Anfal massacres in an attempt to guarantee its control over the oil-rich and strategically valuable northern regions. The Baʿth Party's nationwide policy of monopolizing power in the hands of a few elite meant that it could only maintain rule through repressive means (Rohde 2010, 40). Within this context of repression, resistance and conflict, the documents that form the NIDS functioned as a tool of surveillance and social control within the Kurdish governorates. The regime operated through 'a comprehensive system of oppression by procedures,' which relied heavily on a 'documentation imperative' (Iraq Documents at Hoover Reference Guide 2013). A large percentage of the NIDS consists of the paperwork of the regime's security agencies in the regions. The documents show the ways in which information on citizens was continuously gathered, their every movement and action recorded (Mneimneh n.d.). The General Directorate of Security, for example, functioned to 'vet, rate, and grade loyalty to the regime, to weed out any dissent, and to leverage any need or request presented by citizens towards their incorporation in the web of surveillance and monitoring' (Iraq Documents at Hoover Reference Guide 2013). Details of the extended family members of supposed opponents to the regime were amassed and violence threatened against them to ensure compliance (Frontline 1992). Detentions, interrogations, torture and summary executions are all neatly recorded in the secret police files. Under a regime that operated through such extensive surveillance tactics, the records facilitated control over social and political life. The 1991 revolt enabled Kurdish groups to re-appropriate this mechanism of the authorities' control, this instrument of power.

Conflict: War and Rebellion

In August 1990, Iraq invaded Kuwait, drawing the main strength of the Iraqi army into the occupation of its neighbour. Saddam Hussein had believed he would have the backing of the international community, but his miscalculations quickly became apparent when the invasion was widely condemned. In January 1991, the US led a coalition of 28 countries in an aerial attack that devastated Iraq's military and civil infrastructure (Khoury 2013, 35, 36). Hussein's army was defeated by the allied forces by the end of February. Immediately after the Gulf War ceasefire agreement, the first broad popular uprising against the regime erupted in Iraq, with major popular revolts taking place in the south and in the Kurdish regions in the north (Rhode 2010, 50). In the north, all the major towns in Sulaimaniyya, Dohuk and Arbil fell under the control of Kurdish political groups and the local population as government forces retreated. The victory was, however, short-lived. Forces loyal to the regime regrouped and launched a counteroffensive in both the north and south, resulting in high civilian casualties (Goldstein and MEW 1992, 31). In the north, central Iraqi troops regained control of much of the regions within three weeks, sending hundreds of thousands of refugees fleeing into neighbouring countries. Next to the Anfal campaign, the suppression of the 1991 uprisings was one of the most violent chapters in the Baʿth regime's history, and eventually led to a partial loss of sovereignty over Iraqi territory (Rhode 2010, 51).

The uprising had spread rapidly due to the perception that Iraqi security forces were weakened through their recent crushing military defeat in Kuwait. Staff of Middle East Watch (MEW), a branch of HRW, later interviewed Kurdish refugees about the motives behind the revolt. They cited the persecution at the hands of the government: arbitrary arrest and torture, disappearances, eviction from the

countryside, the destruction of villages, and the use of chemical weapons against civilians (Goldstein and MEW 1992, 30). As the revolt gained momentum, masses of unarmed or lightly armed civilians and small contingents of *peshmerga* took to the cities' streets. Shouting anti-regime slogans, they attacked government buildings, particularly targeting the offices of the security forces. Regime forces fought back, but were either killed, captured or allowed to flee. In many towns there were considerable casualties to both sides. When the rebels gained control of a town, they opened the regime's prisons and interrogation centres, seizing small caches of weapons (Goldstein and MEW 1992, 30). *Peshmerga* fighters from different Kurdish political groups and individual civilians captured large amounts of documents from the facilities of the state and Baʿth Party. These documents included arrest warrants, background information on suspects, and investigation reports (HRW 1994). From the moment that the revolt overthrew the local institutions of central government power, the documents ceased to be the current, functioning records of the regime; they became a site of political struggle as different actors sought to control them.

The physical condition of the captured documents varied in accordance with the events of the uprisings in their locations of origin. In some towns, government officials surrendered their positions with little resistance. Documents seized from facilities in these areas were removed in essentially pristine condition. In other towns, such as Sulaimaniyya, heavy fighting took place. The security agency's headquarters were held under siege and the building was subjected to severe fire damage. Many of the documents that survived from this particular office bear scorch marks. In other towns where intense fighting took place, documents were often trampled during the conflict and scattered in the streets. Those that were retrieved were severely damaged,

stuck together and crumpled (HRW 1994). These physical imprints on the documents

are traces of the conflict in their towns and buildings of origin; they are a record of the

course of the rebellion and an addition of material information to the documents.

The movements and composition of the collections of surviving documents

also provide information about the actors involved in the conflict across the regions.

In towns where the Kurdish political groups were not initially involved in the

fighting, civilians taking part in storming government agencies often took files away

with them. They were seeking information about missing family members, or

sometimes searching for the files the agencies had kept on themselves. They would

take documents of relevance home and discard any materials they obtained that were

not of personal import. In areas where the Kurdish political parties orchestrated the

rebellion, they would locate the agencies' records and guard them carefully until they

were able to move them to secure locations (HRW 1994). The documents were highly

valuable for the political groups as they hoped to gain information as to whether their

ranks had been penetrated by Iraqi intelligence agents (Montgomery 2001, 75). The

Kurdish political parties later issued calls throughout the communities for documents

to be handed in, and while some were collected it is known that a percentage

remained in private homes (HRW 1994). Having amassed what they could of the

surviving documents after the initial battles during the uprising, the Kurdish political

groups moved them to their strongholds in the mountain regions. At this stage in their

displacement the files were formed into new collections. At least eight Kurdish

political organizations held custody over different collections of files they had

gathered (Frontline 1992).

The factors that determined what aspects of the Baʿth records were destroyed, seized, what kept in private homes and what amassed by political groups resulted from the social and political contexts formed in the wake of the rebellion, evidence of the new forms of emerging societal power. As the functioning records of the state and Baʿth Party in the northern governorates, in their creation and their use the documents reflected the power relations between the regime and society. The lives of the population were documented in great detail; information was constantly amassed, allowing the regime the power to potentially incriminate or coerce anyone it chose to (Mneimneh, n.d.). Within the Iraqi mechanisms of governance, the records had never been accessible to anyone operating outside of the administrative processes of the state and Baʿth Party. Through the uprising, this aspect of power was wrested from the regime and inverted as new forces arose in the vacuum created by the absence of its repressive control. Through conflict the accessibility of the records, to certain actors, was restructured. Once they were displaced from Iraq the parameters of their accessibility inevitably again changed drastically. Through the numerous places and hands the records passed through, different constructs of power dictated who controlled them, who was able to interact with them, and under what conditions. These developments reflected the shifting socio-political contexts that emerged in the period after the revolt.

Foreign Intervention

The government forces' response to the March rebellion was brutal. Thousands of civilians were killed by indiscriminate fire from regime tanks, artillery cannons and helicopters. When the security forces retook cities, people were executed in the streets. Around 2 million refugees fled towards Iran and Turkey, and many

thousands died on the journey (Goldstein and MEW 1992, 31, 32). Kurdish political

leaders sought assistance from the international community, hoping for United

Nations intervention and protection (Khoury 2013, 41). On 5 April 1991, the Security

Council adopted Resolution 688, providing the legal basis for other nations to

intervene in Iraq for humanitarian purposes and establish a 'safe zone' (United

Nations Security Council 1991). This was the first time the Security Council had

authorized interference in a state's domestic jurisdiction for humanitarian reasons

(Gallant 1992, 904). The Resolution marked a period in history during which

numerous actors within the international community began to advocate for

humanitarian initiatives to have the power to supersede the sanctity of other nations'

sovereignty and independence. The US imposed a no-fly zone in northern Iraq and

UN-administered safe havens were established. These developments allowed the

Kurdish political leaders to negotiate an agreement with the central Iraqi government,

which surrendered control over most of the Kurdish regions, withdrawing its military

forces in October 1991. In 1992 the Kurds formed a regional government beyond the

control of Baghdad (Khoury 2013, 42).

The establishment of the safe zone also enabled foreign officials and human

rights researchers to enter the Kurdish regions. They hoped to gather sufficient

forensic and documentary evidence to charge Saddam Hussein and other high-ranking

officials with war crimes, crimes against humanity and genocide (Hiltermann 2000,

33). Joost Hiltermann, the primary researcher for HRW on the Anfal campaign during

the early 1990s, has argued that the international community had been well aware of

the atrocities while they were taking place in the late 1980s. The lack of any

intervention, even at the diplomatic level, from Washington regarding the treatment of

the Kurds at the hands of Hussein's regime was related to the US support of Baghdad

in the Iran-Iraq war. (Hiltermann 2007, 138, 201). While the context of the safe zone

provided researchers access to the Kurdish regions, interest in searching for evidence

from government officials had only grown in response to wider international

developments regarding the notions of universal human rights and foreign

intervention.

Not long after the uprising had taken place, a representative of the PUK,

Barham Salih, contacted officials from the US Senate Foreign Relations Committee

and HRW and informed them of the existence of the captured files (Hennerbichler

and Montgomery 2014). Kanan Makiya, a US-based Iraqi academic and longstanding

critic of the Baʿth Party, was also contacted by Salih and told about the large cache of

records hidden in the Kurdish regions. An extraordinary network of actors affiliated

with the US government, non-governmental organizations and academic institutions

was mobilized into trying to get the records out of Iraq. The correspondence now

stored in the Kanan Makiya Papers at the Hoover Institution indicates the intentions

of some of the parties who hoped to gain custody of the documents, the different

values they assigned to them and how they envisioned that they should be put to use.

Makiya was based at the Center for Middle Eastern Studies at Harvard University.

Within the Kanan Makiya Papers archive is a copy of a Proposal Regarding

Documents Currently in Iraqi Kurdistan dated 24 October 1991 signed by Makiya and

Andrew Whitley, Executive Director of MEW. The document proposed a plan to

house and safeguard the documents within a western university as a special archive so

that they could be made available for scholarly research on modern Iraq and human

rights abuses (Proposal for Iraqi Research and Documentation Center, October 24,

1991). Subsequent letters between Makiya, Whitley and leaders of Kurdish groups show that tensions soon developed due to competing visions as to the future of the documents, their location and their potential uses.

Makiya travelled to the Kurdish regions in November 1991 as an independent researcher coordinating with MEW in order to assess the documents' contents and volume, as well as the logistics of transporting them out of Iraq. After meetings with leaders of the Kurdish parties, Makiya was taken to the secret locations where some of the collections were stored, sometimes in filing cabinets, sometimes in stacks of sacks filled with records, ID cards and letters, documentary traces of victims of the regime's violence piled in the corner of a room (Frontline 1992). The physical makeup of the records as collections had been significantly reconstituted through battle, seizure and movement. Information that might have been gleaned from the order and context in which the central Iraqi authorities managed these records was destroyed, while a new context was created as a result of how the files were collected, maintained and used by the Kurdish groups.

After his trip Makiya wrote to Whitley to discuss the 'Iraq Archives Project.' He stated that the Kurdish parties were completely aware of the value of what they held in their possession and that he had argued with several of the leaders as to the advantages of having the documents 'properly studied' outside of Iraq, as this would not be possible within the country (Correspondence from Kanan Makiya to Andrew Whitley, February 20, 1992). In the letter, Makiya mentioned actors in New York and Washington getting very excited about this 'great prize in northern Iraq' as well as his being aware of the usefulness of 'large amounts of glossy publicity.' Value was

ascribed to the documents in abstraction; all the while they remain secreted away in the mountains of the Kurdish regions of Iraq, the extent of the information they contained was unknown to many of the actors in the US seeking to gain access to them. The Kurdish groups had initially valued the documents and taken efforts to preserve them for the information they potentially bore about informants. It was later that they came to see the documents as valuable as evidence of human rights abuses (Montgomery 2001, 75). This shift in value marks the entrance of the documents into an international sphere of politics and human rights discourse, in keeping with the developments in the international community's support of humanitarian initiatives and Saddam Hussein's fall from grace in the wake of his invasion of Kuwait. Human rights organizations and some US government officials sought control of the documents with the view to collate evidence for a human rights tribunal. Before the international community collectively condemned the regime's atrocities, the documents were not conceived of as valuable as evidence. When the international political context changed, they were re-imagined as a weapon that could be deployed against Hussein. This evolution provided the framework within which new power structures would dictate the trajectory of the documents.

Makiya, who during his trip had spent 'many hours looking through the documents', ascribed value to them according to a different imperative. He wrote to Whitley that his preliminary research trip had shown that the documents in the possession of the Kurdish groups did not contain a 'smoking gun' that could provide ammunition or evidence for indicting Saddam Hussein in the short term. He argued that the documents' value was academic, lying in 'the grinding banality and boring routines of a police state', the study of which over a long period of time would

illuminate human rights abuses in Iraq (Correspondence from Kanan Makiya to Andrew Whitley, February 20, 1992). A second letter to Whitley reiterated Makiya's view that the documents did not contain the 'explosive' evidence that Whitley believed them to hold, and would not be of use for political ends, namely establishing an international tribunal (Correspondence from Kanan Makiya to Andrew Whitley, February 25, 1992).

The vision that Whitley, as the director of a humanitarian organization, held as to the potential uses of the documents can be seen in earlier letters he had written to Kurdish leaders. In a letter to the Chairman of the PUK, Jalal Talabani (later to become the President of Iraq), dated December 20, 1991, Whitley wrote that himself and Makiya were very pleased about Talabani's decision to 'permit the documents captured by your forces… to be sent to the United States, for the use of human rights and legal researchers', and that he believed that, 'combined with the findings of the forensic team, we may be able to prepare a powerful legal case against the Iraqi government at the International Court of Justice.' He continued to write that time was of the essence because the United Nations Special Representative was preparing his report on Iraq, and the documents, once classified and translated, would be of immense value to him (Correspondence from Andrew Whitley to Jalal Talabani, December 20, 1991). Whitley also wrote to Massoud Barzani, Secretary General of the KDP, on December 20, 1991. He mentioned a meeting between Barzani and Makiya the month previously during which Makiya had explained that Harvard University was working closely with MEW to ensure that 'the captured Iraqi government documents in the hands of the KDP and other Kurdish parties can be made available to serious researchers in the West.' At this stage, the potential

involvement of an academic institution in housing the documents was still being considered. However, Whitley pressed Barzani to make a swift decision to permit the documents to be taken out of the country due to their potential to contribute to the report the UN intended to prepare. Whitley explained that for the first time the UN had the opportunity to compile a comprehensive and accurate report on the Baʿth regime's human rights record (Correspondence from Andrew Whitley to Massoud Barzani, December 20, 1991). This humanitarian justice imperative, in which the documents would be put to use as evidence for a tribunal, took precedence over Makiya's wish for an academic approach to the collections and was the driving force that enabled their displacement to the US. However, while HRW published a report in 1994 on the abuses documented in the records, *Bureaucracy of Repression: The Iraqi Government in Its Own Words,* the international tribunal never took place (HRW 1994).

Arrival in the US

In May 1992, the PUK handed over the documents in its possession to US Senate Foreign Relations Committee officials. Peter Galbraith, a senior adviser to the Foreign Relations Committee who hoped to build a genocide case against the secret police and the Baʿth Party, spearheaded the US government's efforts to remove the documents, coordinating with Kurdish officials, Makiya and Whitley. Foreign Relations Committee funding enabled the Pentagon to airlift the documents to the US (Kaslow 1992). In August 1993, the KDP also signed over the documents it held. In the US, the original wooden crates sent by the Kurdish parties were converted into cardboard storage boxes that then served as units for processing. These totalled 1,842 boxes: 1,448 from the PUK and 394 from the KDP. The amassing of these collections

held by Kurdish groups was the formation of what became known as the NIDS archive. Since the uprising, during which untold quantities of the regime's records from the regions were destroyed, various other influences may have led to losses to the collection. The Documents at Hoover Reference Guide suggested that prior to arriving in the US, the collections were subjected to three possible truncations. The central Iraqi agency staff may have removed documents of a classified or sensitive nature before abandoning their offices during the uprising; many of their offices were exposed to looting and destruction; and the Kurdish parties may have removed material of a sensitive character before handing the documents over to US officials (Iraq Documents at Hoover Reference Guide 2013). The archive as an artefact of the 1991 uprising and its aftermath is a historical record by means of what is absent as much as by what is present. Within the US, the archive's trajectory maps a period whereby an entirely different set of imperatives, formed within the context of international politics, shaped the archive and defined who controlled it and also its interpretive applications.

At this stage, representatives from the US Senate Foreign Relations Committee and HRW hoped that by proving that genocide had taken place, charges could be brought against Iraq for crimes against humanity (Kaslow 1992). In the US under a special arrangement, the Foreign Relations Committee granted HRW access to the documents for the purpose of finding evidence of genocide, a project led by Joost Hiltermann. In an unprecedented collaboration between a non-governmental organization and a government agency, the US Defense Intelligence Agency (DIA) accessed the documents simultaneously, providing researchers to work alongside HRW staff and assist with efforts to catalogue the archive. However, the DIA staff

had not been trained as human rights researchers and proved inefficient at finding information that could be used in a tribunal. The DIA's interest, rather, lay in looking for evidence of weapons of mass destruction, although this search proved fruitless (Joost Hiltermann, email exchange with author, September 15, 2017). The cataloguing process imposed a structure on the archive. This consisted of adding an index sheet developed by HRW staff to each file. These index sheets catalogued the archive according to a human rights imperative in an attempt to render the information held in it usable as evidence in a tribunal. The de-territorialization of the documents placed the archive into an entirely new framework of discourse that dictated its internal organization. As the HRW team progressed with their work, the index sheets were further developed in a more detailed manner to reflect the richness of the data the documents contain so as not to bury information that might later be useful for the Iraqi public (Skype interview with Joost Hiltermann, September 13, 2017). This shift in approach suggests an acknowledgement of the fact that an organizing principle developed at a distance and according to different imperatives from the societal discourses of the original context of an archive might impact future interactions with the archive. The NIDS was digitized and compiled into 176 CD-ROMS. The team completed analysis of its genocide research in 1994 and a report was published. Despite the long process of cataloguing and scanning, the evidence compiled was never used in the way the HRW team had hoped it would be. In a 2000 report Hiltermann wrote that 'evidence of human rights abuses has been marshaled solely to score political points or to justify military action, and not to hold a vicious regime accountable for its crimes.' The international political will to pursue justice for human rights abuses in the courts did not exist. In Hiltermann's view international actors were satisfied with seeing Saddam Hussein weakened after the 1991 Gulf War

and did not prioritize seeking justice through a legal route that could end with Baghdad collapsing and an ensuing power vacuum that might leave space for Iranian intervention in Iraq (Hiltermann 2000, 34).

In 1997, Bruce P. Montgomery at the University of Colorado-Boulder was granted custody of the original files by the US Senate Foreign Relations Committee. Montgomery had founded what he termed as a human rights archive at Boulder, intended to document the post-WWII rise of the human rights movement, its development, evolution and gain of influence. Hearing about the NIDS collection, he contacted US State Department officials and HRW representatives, through whom he liaised with the Kurdish political parties (Interview with Bruce Montgomery, August 14, 2017). The letter of transfer from the Foreign Relations Committee stated that a 'request by the [Kurdish] parties for the return of their documents would be honored' and that this would bind any future custodian of the files. Boulder then received custody of the original files and a copy of the 176 CD-ROMS. Montgomery's aim was to expose Hussein's crimes against the Kurdish people to the world community and he intended to enable access to the archive to journalists, human rights groups, and the US State Department's war crimes office. In 1998, a copy of the CD-ROMS was also given to the Iraq Research and Documentation Project, an organization founded by Kanan Makiya at Harvard University in the wake of his trip to Iraq. This copy was later transferred to the Hoover Institution at Stanford University. Copies of the CD-ROMS were also provided to the PUK and KDP (Sassoon and Brill 2020 [forthcoming]).

The respective roles of HRW and US academic institutions in cataloging and controlling access to the records of a foreign state evidence further aspects of the relationship between power and archives. Writing on post-war Bosnia and Herzegovina mass atrocity records, Csaba Szilagyi highlights that when documents are kept in human rights archives, where they are for the most part inaccessible to those whose lives they document, the archiving techniques and descriptive practices devised by the institutions that hold the archives focus on the origin and creators of the records, rather than on the subjects. As such they do not 'represent the variety of voices, images, and lived experiences contained in mass atrocity records, and often reproduce the same unfavorable power relations for victims and survivors that have been present at the creation of the records' (Szilagyi 2018, 131-132). As archival scholars Joan Schwartz and Terry Cook argue, archives function to maintain power, 'the power of the present to control what is, and will be, known about the past, about the power of remembering over forgetting' (Schwartz and Cook 2002, 3). The displacement of the NIDS archive meant that the power to control the history of the Kurdish regions under Baʿth governance as documented through the records was far beyond the reach of those who lived through it.

Repatriation?

In 2005, the US Justice Department's Crimes Liaison Task Force in Washington, DC, created to garner evidence for Saddam Hussein's Baghdad trial after the 2003 allied invasion of Iraq, requested possession of the archive from the University of Colorado-Boulder. The majority of the original documents were handed over (Hennerbichler and Montgomery 2015). They were then sent to the Iraqi High Tribunal in Baghdad, where court proceedings against Hussein began in October

2005. Hussein was tried for crimes against humanity in relation to the execution of 148 people in the city of Dujail in 1982. A second, separate tribunal focusing on the Anfal campaign began in August 2006, in which Hussein, Ali Hassan al-Majid and several other Iraqi officials were tried. Hussein was found guilty and executed for his involvement in the Dujail massacre before the Anfal trial was concluded, leading to charges against him being dropped in the Anfal case. al-Majid and two others were found guilty and sentenced to death. The records sent to Baghdad by the US Justice Department have since remained in the custody of the High Tribunal, renamed the Supreme Iraqi Criminal Tribunal (Sassoon and Brill 2020 [forthcoming]).

While the majority of the original files are in Baghdad, digitized copies have remained under the control of academic and government bodies in the US, with academic institutions being at the forefront of decision-making as to the fate of these Iraqi state records. In 2014, the University of Colorado-Boulder held a ceremony during which a hard drive containing a copy of the 176 CD-ROMS created by the DIA and HRW was handed to Kurdish representatives of the Zheen Archive Center, a non-governmental institution in Sulaimaniyya. This arrangement was the result of two years of negotiations involving academics, Kurdish government representatives and US officials, overseen by legal teams (Hennerbichler and Montgomery 2015). Montgomery considered the provision of the digitized archive to a Kurdish institution to constitute a 'repatriation' in that the data the archive contains was sent back to its place of origin (Interview with Bruce Montgomery, August 14, 2017). Boulder chose to divest itself of its remaining digitized copy and returned it to the US Senate Foreign Relations Committee in 2016 (Sassoon and Brill 2020 [forthcoming]). The copy provided to Kanan Makiya's Iraq Research and Documentation Project, which was

later reformulated as the Iraq Memory Foundation, is available to researchers through the Hoover Institution. The digitized copies of the archive do not convey the physical evidence of the conflict held in the original files, but bearing as they do the many traces of the political, cultural and socio-economic pressures specific to the context within which they were generated and that have defined who now controls them, they are in their immateriality artefacts of the uprising and its aftermath.

Conclusion

Approached as an artefact of the 1991 rebellion, the NIDS holds a great deal of information further to what might be gleaned as to the 'bureaucratic machinations' of the Baʿth Party within the records. The 'odyssey' of the documents, as Montgomery has described their history, exposes the relationship between power and archives and how that dynamic is reconfigured through conflict. (Montgomery 2001, 71, 69). As this article has demonstrated, every stage in the biography of the archive left tangible traces of political struggles, defining its shape, its location and the ways in which it can be put to use. Analysis of the trajectory of the archive as various groups vied to control it has revealed the ways in which power has operated to dictate what is and what will be known about the functioning of the Baʿth in the Kurdish regions of Iraq.

As Antoinette Burton wrote, all archives come into being in and as history as a result of specific political, cultural, and socioeconomic pressures (Burton 2005, 6). While critical archival theory was developed in relation to archives that were more geographically static, this article has advocated its application to records displaced by

conflict. This framework has allowed a focused examination of the impacts and implications of the power struggles at play in the formation and management of documentary heritage. Given that historically archives have so regularly been de-territorialized through war, prized as evidence of atrocities or as an academic resource, those in a position to access displaced records should interrogate the processes that have defined how the archive is organized and how and to whom access to the materials is provided. These processes have functioned to determine how this written trace of the past is deployed.

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