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A NATION AT WAR: WAR CRIMES; U.S. Is Preparing to Try Iraqis for Crimes Against Humanity and Mistreating Prisoners

By NEIL A. LEWIS

Senior administration officials said today that they were collecting evidence in Iraq of war crimes including the apparent execution of Americans held prisoner and the deceptive use of white flags. The evidence will be used to prosecute Iraqis after the war in military tribunals, they said.

The officials also said that they were planning for a second set of trials at the conclusion of the war that would hold Iraqi officials to account for crimes against humanity, war crimes and even genocide over the past 20 years.

The trials for crimes that may have been committed before the war, the officials said, would probably be conducted by tribunals established with United States help but run by Iraqi lawyers and judges now in exile.

"There will be a time line dividing the two groups of war crimes," a senior administration official said. "We will prosecute them for crimes committed during this war," the official said, and a body of Iraqis will conduct the trials concerning acts that occurred before the war.

The officials said there was evidence in the current war that Iraqi officers have been engaging in activities that are explicitly prohibited by the Geneva Conventions of 1949 and a predecessor, the Hague Convention of 1907.

The officials said that the execution of prisoners was prohibited by the Third Geneva Convention, Article 13, which also covers other mistreatment including the parading of prisoners before television cameras.

The Lawyers Committee for Human Rights, usually a critic of the Bush administration, has applauded the effort to investigate and prosecute war crimes. Elissa Massimino, the group's Washington director, said that it was apparent that the Iraqis were engaging in wide-scale violations of the Geneva Conventions. Ms. Massimino said that the assertions by other groups that the United States had also paraded prisoners of war were wrong.

She said there was a significant difference between the photos of captured Iraqis taken by media organizations and the Iraqis' presentation of United States prisoners.

"U.S. officials may have been insufficiently energetic in pushing away a free press from the prisoners, and they should do a better job," Ms. Massimino said. "But the Iraqis' failure to protect

the prisoners of war being paraded in situations where they were obviously in fear and pain," violates the Geneva Conventions, she said.

Ms. Massimino also said that her group was so far unaware of any allied violations of the rights of Iraqi prisoners.

The use of a flag of surrender to lure enemy troops into a sense of security is explicitly prohibited by the Hague Convention, the administration officials said.

Other violations the officials said that seem to have occurred include the use of human shields, forced conscription, preventing the civilian population from fleeing, fighting in civilian clothes and using protected zones like hospitals for cover.

The officials said today that they did not believe that setting aflame Iraq's oil wells was a war crime, even though Donald H. Rumsfeld, the secretary of defense, has said that it is.

As to past crimes, United States war planners and lawyers are contemplating some kind of prosecution for as many as 200 high-ranking Iraqi officials on whom they have compiled dossiers.

Much of that information has been collected by Indict, a London-based human rights organization that has received millions of dollars from the United States government.

Indict has become the principal repository for information about past crimes, including documents airlifted out of Iraq by the United States military in 1992.

The documents were obtained by Kurdish militia who briefly occupied Iraqi government positions in the northern cities of Erbil, Kirkuk and Suleimaniya and raided the offices of military and Baath party security offices.

The documents were presented to Congress in 1992 after negotiations between the Kurds and Peter W. Galbraith, who was then a staff aide on the Senate Foreign Relations Committee.

Mr. Galbraith, a board member of Indict, said in an interview that there had been a recent increase in interest in the documents, which have been reviewed and catalogued by Middle East Watch, a human rights group, but have largely lain dormant for more than a decade.

"We were begging people to pay attention to this material," Mr. Galbraith said. "Now they're coming to us."

"It's a treasure trove of material that provides an open-and-shut case about the crimes of this regime," said Mr. Galbraith, who is also a former ambassador to Croatia.

The material, Mr. Galbraith said, includes an audiotape of Ali Hasan al-Majid, Saddam Hussein's cousin, ordering the use of chemical weapons in the Anfal campaigns against Kurdish troops. Anfal was the name given to a series of eight military offensives conducted in 1988 that human

rights groups have equated to genocide and said should be prosecuted under the 1948 Genocide Convention.

In addition to the documents brought out earlier, Indict and other groups have solicited on their Web sites personal accounts of human rights violations.

Ann Clwyd, a member of Parliament in Britain and the chairwoman of Indict, wrote earlier this month in The London Times about some of the accounts, including that of a man who said he witnessed Qusay Hussein, one of Mr. Hussein's sons, supervise the mutilation of prisoners, leading to their deaths.

Qusay Hussein and his older brother, Uday, Mr. Hussein's sons, are among the 12 people the United States has put on a list of high-ranking people who would be prosecuted for war crimes if they survive the war.