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## Documents of the Iraqi State and the Iraqi Kurdistan Region and the Impact of the 2003 Occupation on them.

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### Abstract

On March 19, 2003, the American forces began their invasion of Iraq to end the rule of Saddam Hussein's regime under the pretext of destroying Iraqi weapons of mass destruction and bringing democracy to Iraq. On 9 April 2003, the invading forces occupied Baghdad, and that was the announcement of the end of Saddam Hussein's regime and the overthrow of the Iraqi state. This invasion had devastating effects on various aspects of life in Iraq politically, economically, socially and culturally. Cultural property has been subjected to systematic and indiscriminate looting and deliberate vandalism by the occupation forces or antiquities gangs that took advantage of the collapse of Iraqi state institutions to wreak havoc on Iraq's precious cultural property. It is necessary to shed light on what happened to cultural property in Iraq, specifically the records and archive of the Iraqi state, which were part of the history of Iraq after April 9, 2003. Some of the Iraqi government institutions' documents were seized by US forces, while the Iraqi archive was subjected to theft and arson.

### 1. Introduction

On March 19, 2003, the American forces began their invasion of Iraq to end the rule of Saddam Hussein's regime under the pretext of destroying Iraqi weapons of mass destruction and bringing democracy to Iraq (Anderson and Stansfield 2014). On April 9, 2003, the invading forces occupied Baghdad, and that was the announcement of the end of Saddam Hussein's regime and the overthrow of the Iraqi state. This invasion had devastating effects on various aspects of life in Iraq, politically, economically, socially, and culturally. Cultural property has been subjected to systematic and indiscriminate looting and deliberate vandalism by the occupation forces or antiquities gangs that took advantage of the collapse of Iraqi state institutions to wreak havoc on Iraq's precious cultural property.

The consequences of the occupation on Iraq's antiquities and culture sectors were catastrophic. In the antiquities part, thousands of important artifacts have been stolen from the Iraqi Museum in Baghdad. Museums and antiquities' warehouses in the rest of the Iraqi governorates, such as the Mosul Museum, the Babylon Museum, and Basra, were also looted. Archaeological sites throughout Iraq were subjected to illegal excavations by antiquities gangs, and some of these sites were taken as military bases for the occupation forces. On the cultural side (Emberling and Hanson 2008). The catastrophic impact included the theft and arson of the collections of the National Library and documents of the National Archives in Baghdad. Added to that, the theft and destruction of different types of libraries: academic, public, and manuscript houses in Baghdad and the rest of the Iraqi governorates. It is important to note that documents and records of various ministries of the Iraqi state have been stolen or burned, and some have been confiscated by US forces, as happened to the documents of the Ministry of Oil, for example. Theft operations were extended to include the audiovisual library of the National Radio and Television, which dates to 1956 (Awad & Eaton 2013).

The Iraqi Archive, which has contained documents of the Iraqi state since its foundation in 1921, has been exposed to theft and arson. Thus, many of The Iraqi Archive documents became lost. These missing documents represent a part of the documented history of the Iraqi state, and among what was lost were the documents of the monarchy era, which began in 1921 and ended with a military coup in 1958. This research traced what happened to the documents of the Iraqi state institutions in Baghdad in general after April 9, 2003, including the Iraqi National Archive, with a focus on analyzing the missing files of the monarchy period (iraqnla.gov.iq).

### **1.1 Iraq: A Historical View**

Iraq, which is also known as Mesopotamia, is located in the southwest of the continent of Asia between the Tigris and Euphrates rivers, where human life appeared in this region for the first time in the Paleolithic period (14,000 BC). Iraq is bordered on the north by Turkey, on the east by Iran, on the west by Syria and Jordan, and on the south by Saudi Arabia (britannica.com). The civilization that arose on the land of Mesopotamia is considered one of the oldest civilizations in the world. It was preceded in its antiquity by the civilization of India, the Nile civilization, the Greek civilization, the Chinese, and other civilizations. In Mesopotamia, many civilizations have appeared whose traces remain until the present, such as the Babylonian, Sumerian, Assyrian, and Akkadian (Foster and Foster 2009). In the year 633, the Islamic armies from the Arabian Peninsula entered Iraq and ended Persian rule over the region and made Iraq part of the Arab Islamic State. In 662, when the Umayyad Arab state was founded, Iraq was part of it. The establishment of the Abbasid state was announced following the collapse of the Umayyad rule in 749, and then Baghdad was established to be the capital of the Abbasid state in 762. After a long period of rule of the Abbasid state, which lasted for nearly five centuries, the Mongols entered Baghdad in 1258 under the leadership of Haulage; thus, the Abbasid state fell (Metz 1990). On 28 November 1534, the Ottoman army entered Baghdad; thus, Iraq became part of the Ottoman Empire, which continued its rule over Iraq until 1920 (Al-Tikriti 2007). After the outbreak of World War I in 1914, the Ottoman Empire allied with Germany against Britain and France. Britain was forced to send its forces to Iraq to maintain Britain's strategic transportation routes with its colonies. The British Indian Expedition Force arrived through the Persian Gulf to the south of Basra, fought their first battles against the Ottoman forces and were able to occupy Basra on 21 November 1914. British forces continued to advance north of Baghdad, and on November 15, they occupied the city of Mosul in the far north of Iraq (Dodge 2006).

## 1.2. Contemporary Iraq: From Establishment to Invasion

After the end of the First World War, Iraq became completely under British control, and it was a shock to the Iraqis that the occupying forces appointed Sir Percy Cox, the British political resident in the Persian Gulf, as the British military ruler in Iraq. Later, Cox became the Civil Commissioner and Prime Minister of the Civil Administration Government, and the feelings of the Iraqi people turned to revolutionary resentment toward the British occupation, and the Iraqi people began to form associations calling for independence. Then, events developed into a massive revolution in 1920, which involved most of the Iraqi cities, that aimed to get rid of the British occupation and demanded independence (Chapin 1990). The Iraqi state was established after the Cairo Conference held by the United Kingdom in March 1921 to discuss what the British Colonial Ministry called the Middle East affairs.

The British Civil Commissioner, Percy Cox, issued his orders to form a transitional Iraqi national government headed by Abdul Rahman Al-Naqib Al-Kilani and to form the Constituent Assembly to elect a king to the throne of Iraq. Britain announced its desire to establish an Iraqi monarchy and nominated Prince Faisal bin Sharif Hussein as King of Iraq, and on August 23, 1921, Prince Faisal was crowned King of Iraq (Holden 2012). The monarchy (Hashimate) lasted in Iraq from 1921 until the 1958 coup led by the Brigadier General Abd al-Karim Qasim, in which the Iraqi Republic was declared. Under the Republican rule of Iraq, two coups took place. The first coup was led by General Abd al-Salam Aref in 1963, which ended the rule of Abd al-Karim Qasim. The second coup occurred in 1968, which brought the Ba'ath Party to power. In 1979, Saddam Hussein became president of the Iraqi Republic, succeeding President Ahmed Hassan al-Bakr, who submitted his resignation as a result of his health conditions (Nissen and Heine 2009). On 9 April 2003, US forces ended the rule of President Saddam Hussein by occupying the capital, Baghdad.

## 2. Study Questions and Methodology

In the years that followed the invasion of Iraq, books, articles, and reports were published that contained information about how events of theft and arson affected various institutions of the Iraqi state, including cultural and archaeological institutions such as the National Library, the Iraqi Archive, and the Iraqi Museum. The Iraqi Archive Administration issued lists containing the missing documents related to the monarchy period that were lost during theft and arson operations following the occupation of Baghdad ([iraqnla.gov.iq](http://iraqnla.gov.iq)).

The Iraqi Archive is the only government agency that has issued lists of missing documents, even partially ([iraqnla.gov.iq](http://iraqnla.gov.iq)). Unfortunately, this matter was not handled by any of the state institutions, as no ministry issued any statement about what documents or records were lost. These lists are very important because the Iraqi Archive identified exactly in these lists what were the lost documents from the collection of the monarchy period.

The researchers in this paper attempt to answer two questions. The first one is: What were the collections of Iraqi government documents that were controlled by the American forces and remained in good condition, and those that were left to theft and destruction?

The second question is: How many monarchy-era files were lost, the topics covered in these files, the government institutions that produced them, and their time coverage?

Regarding the first question, descriptive methodology was used. Published sources of information related to the destruction of the documents of Iraqi state institutions were aggregated. Those sources were studied, and information was extracted to determine what happened to those documents.

As for the second question, the lists of missing files from the monarchy period in the Iraqi archive have been thoroughly studied and statistically analyzed. Data extracted from these lists was organized in a table in the discussion section. The total number of lists of missing files was 470, and each list contained on average 33 files with associated information about each file, including the file's title and the date it was opened and closed. The researchers examined 15642 files, which was the total number of files. The study is geographically limited to the city of Baghdad because all ministries, the National Library, and the Iraqi National Archives are located there.

### **3. Review of the literature**

Some researchers divided manuscripts' libraries and archives in Iraq chronologically into two main periods: the first period started from 1980 to 2003, and the second period started in 2003. The first period was interspersed with events that took place in Iraq that had an impact on the condition of manuscripts and archives, including during the Iran-Iraq war 1980-1988, the Gulf War in 1991 and the chaos and distraction that followed that war and the devastation that was inflicted on manuscript libraries and archive institutions in various Iraqi governorates. The second period started in 2003, when American forces invaded Iraq. This invasion had a disastrous effect on the Iraqi National Library and Archive (INLA), which was looted and burned on the tenth of April 2003. That library was the main center for the deposit of publications and contained more than one million books, periodicals and government documents, some of which date back to the period of Ottoman rule. The library has lost nearly 25% of its book collections (Edwards & Edwards 2008). One of the most important collections of documents in INLA are the documents of the period of Ottoman rule and the Hashemite rule in Iraq. These documents were transferred shortly before the American invasion to another place to preserve them, but many of these documents have been damaged due to the lack of appropriate conditions for document storage due to power loss. The Ministry of Endowments and Religious Affairs Central Library (AL Awqaf Library) in Baghdad is considered the oldest public manuscript library in Iraq and contains approximately 7000 manuscripts, most of which are related to the Islamic religion. This library was completely burned on the 14<sup>th</sup> of April 2003. the Iraqi House of Manuscripts, which boasts approximately 47,000 manuscripts, was not subjected to bombing or looting. Osama Naqshbandi, the former director of the Iraqi House of Manuscripts, claimed that some manuscripts were transferred by US forces in 2003 (Ipert 2014).

In an interview with Washington Post, Dr. Deblauwe, the Ancient Near Eastern Archaeologist, answered a question about the lack of any plan by the Bush administration before or during the war to protect the heritage of Iraq. Deblauwe replied that specialists in the archaeology of the Near East had held meetings with officials in the US Department of Defense and the State Department before the war began. These officials were told that looting and theft of museums was expected, as happened in the aftermath of the Gulf War in 1991. However, for an unknown reason, no practical steps were taken to prevent looting and burning. In the same interview, another speaker, Dr. Plankenstern, indicated that US forces refused to help museum officials prevent museum theft and prevent the burning of the National Library, and they justified that they were in Baghdad for another purpose (Deblauwe 2003).

The deliberate neglect by the American and British governments of warnings about the need to protect heritage sites in Iraq during the war had a devastating impact on those sites. the National Library, lost approximately 25% of book collections as a result of theft and arson, and nearly 60% of the archival collections were burned, including documents dating back to the Ottoman or Hashemite era, and 98% of picture and map collections were lost. The American forces refused to help the Iraqi Museum's officials stop the looting and burning committed by professional thieves. The thieves were very keen to cause maximum damage to the National Library building, as after they finished the theft, they used

phosphorous to set fire to the library building and ensure its complete burning. "Ten million documents disappeared from the INLA" .( Isakhan 2015).

Al-Tikriti mentioned in his report that INLA contained approximately 12 million documents, in addition to being the largest collection of Arabic periodicals in the world, all of which were stolen and burned. He also indicated that the MAK'TABAT AL-AWQAF (Ministry of Endowments & Religious Affairs Central Library) contained a collection of manuscripts of approximately 7000 manuscripts, 5250 of which were transferred before the war to a safe place, and 1744 manuscripts remained in the library and were placed in thirty-two metal boxes. According to an eyewitness, 15 Arab males entered the library, and they took all the iron boxes and carried them in two cars. After that, they burned the library through the use of a yellow substance, as the entire library was burned within 15 minutes. For the BAYT AL-HIKMA (House of Wisdom), which is a research center in humanities and contained a number of libraries, their contents were completely stolen and then burned. Some files were found dumped in the center yard, and these files contained documents of a financial and administrative nature (Al-Tikriti 2003).

The US forces when invaded Iraq did not even abide by one of the oldest US laws of war to protect cultural heritage and libraries, which is The Lieber Code. This provision, which was enacted in 1863 during the American Civil War, ordered the Union Army to preserve arts and libraries and scientific collections (Singer 2010).

Based on several reports, it appeared that the arson of the National Library took place on April 12 after Baghdad was captured by US forces. the comment of the Secretary-General of the International Federation of Library Associations (IFLA), who said that practically nothing was left in the library and that tens of thousands of manuscripts, books, and archival materials representing the history of Iraq have been destroyed. Bouchenaki, the Assistant Director General for Culture at UNESCO, also referred to the same tragedy that occurred to the Iraqi National Library when he stated that more than two million volumes of the library's collections had been destroyed(Johnson 2005).

The National Library was burned and looted twice, the first time on April 14 and the second time one week after that date. The burning of the books was a well-organized operation conducted by experienced looters, as the books were gathered in certain places and were completely burned using combustible materials, which made the temperature very high and burned even the metal shelves(Arnoult 2003).

the report of The Library of Congress and the U.S. Department of State Mission To Baghdad, which visited Iraq on 27 October 2003, to assess the situation of the National Library and the House of Manuscripts, the report pointed out that what was mainly burned in the National Library building was the Iraqi archive, which was located on the second floor of the National Library building, and the majority of the burned files were Republican-era documents that covered 1977 to 2003. The files that covered the period from 1920 to 1977 were found in large rice bags in rooms close to those that contained the files of the Republican era. The report referred to information that was mentioned in other sources that very incendiary materials were used to burn the files and that such materials are not usually used by random thieves(Deeb, Albin, and Haley 2003).

The US forces seized documents in Iraq after the invasion, which measured in miles and even terabytes. The records of the Ba'ath Party, which was ruling Iraq, were among the first files seized. Ba'ath Party files were very important because they contained information about human rights violations in Iraq during the period of Ba'ath rule. US forces seized 48 thousand boxes of documents after the invasion of Iraq, and

the exact content of those documents is unknown. In an editorial in the Washington Post in 2004, it was estimated that 80% (hundreds of millions of paper documents of the former Iraqi regime) had been seized by the American forces and then transferred to Qatar, where they were cataloged, indexed, digitized and stored in the Harmony database(Cox 2009).

The theft and arson that afflicted the Iraqi Museum and the National Library was not due to the lack of protection by the American forces, but this was a deliberate political and strategic choice. Deputy Assistant Secretary of Defense stated that American field commanders in Iraq had not received any instructions to protect the Protecting heritage sites in Iraq during and after the invasion was certainly not among the priorities of the US leadership, according to General(Thurlow 2005).

Official statements justified the theft of the Iraqi archives and archaeological sites due to the lack of sufficient number of forces required to protect these places. At the same time, some official comments indicated deliberate neglect to protect these sites. Three White House cultural advisers had resigned in protest at the failure to protect the Iraqi Museum(Nugent 2005).

Saad Iskandar, former Director General of INLA, who was appointed on December 2003, accused the Iraqi authorities of burning the Ba'ath files in the National Library three days before the start of the American invasion to hide files that may contain evidence condemning the Ba'ath regime in trials that may occur in the future. The files of the Ottoman and Hashemite eras, which are of great importance to the history of Iraq, have remained in good condition because they had been transferred before the invasion to a safe place(Al-Tikriti 2010).

Mastsuura, the Director-General of UNESCO, stated shortly before the invasion began that libraries and archives in Iraq contain collections of information sources, some of which are up to twenty centuries old, referring to cuneiform writing on clay tablets. Obviously, there is great difficulty in knowing exactly what was stolen or burned from the Iraqi National Library and Archive (INLA) and other libraries in Iraq, but what is certain is that the lost documents and records cannot be compensated. Saddam Hussein Regime archival records were transferred to the Conflict Records Research Center (CRRC) in Washington, D.C. The Ba'ath Party records seized by the American forces were housed at the Hoover Institution Library and Archive (Moustafa 2018).

Montgomery classified the files controlled by the American forces into three sections: the files of the Anfal campaign, the files that were controlled by the American forces after the invasion and that were transferred to the Combined Media Processing Center in Qatar, and finally the files of the Ba'ath Party that were in possession of the Iraqi Memory Foundation (IMF), which was established by Kanan Makiya and transferred to Hoover Institution. The American forces seized millions of Iraqi state files after the invasion, including what was in the presidential palaces, ministries, and various military installations, and it is considered the largest seizure of enemy documents after World War II. The Baath Party documents alone were estimated by the authors at approximately six and a half million documents. The author mentioned that many American officials refuse to identify their names when talking about the issue of Iraqi documents because it is a sensitive topic for them, and many Freedom of Information Act requests regarding Iraqi documents submitted to American institutions have been rejected (Woods 2007).

What happened to Baghdad during the American invasion was the greatest cultural and heritage disaster that occurred during the last 500 years. Theft and vandalism are exactly similar to what happened to Baghdad during the Mongol invasion in 1225. The United States has protected Iraq's oil, but it has

abandoned the civilization and culture of Iraq, which is exactly what Saddam Hussein did when he cut funding for the Iraqi Museum to build luxury palaces in 1995 (Rich 2003).

In a second study of its kind among the literature on this subject, we find a kind of classification of Iraqi documents seized by the Americans. The authors categorized the documents into three categories: Baath Party archives; state documents seized by the Kurds in northern Iraq after the 1991 Gulf War; and finally, documents of the terrorist organization ISIS that was defeated in Iraq. In 2016. Here the following question can be asked: Why did the author consider ISIS documents within the Iraqi archives? Considering that this organization is a terrorist group outside the scope of the state and the law, and therefore all documents issued by it are unofficial, An important point that the writer referred to in her article is that the documents seized by the American forces and transferred outside Iraq were not available to the Iraqis but only to those who could access the American research institutions where those documents were located(Whiting 2019).

It was not among the priorities of the US forces to protect the Iraqi Museum. Instead, the Ministry of Interior was among those priorities in order to obtain Iraqi security records, in addition to maps of the former Iraqi Oil Council. Some US officials considered the robberies and burnings part of the price Iraqis paid for freedom. Some researchers have suggested that the US government should enact similar laws, such as the Native American Graves Protection and Repatriation Act of 1990, in order to return the stolen Iraqi archives and antiquities to Iraq due to the similarity between the two cases(Akhtar 2012).

The modern political history of Iraq may be a justification for some to impose the point of view that the documents and antiquities of Iraq must be controlled, in one way or another, because it is a country that is unable to preserve its heritage and thus legitimize the looting operations under the cover of preserving and digitizing them. There is a relationship between politics and the Iraqi cultural heritage, as the image of political instability in the country justifies external foreign intervention, and this intervention will give the impression of calm conditions, even if they are unstable, which justifies the removal of cultural materials from Iraq(Zelig 2005).

One of the strange observations regarding the Iraqi documents located in the Hoover Institution is that Iraqi researchers cannot access the information contained in these documents because it is not available except through the internal computers of the Institute(Bet-Shlimon 2018).

The political events and their repercussions had a clear impact on the reality of the documents and records of the Iraqi state. In 1991, in the wake of the first Gulf War and the subsequent internal rebellion in the southern and northern Kurdish governorates, libraries and state departments in those governorates were deliberately burned in addition to being robbed, which is exactly what happened. During and after the US invasion of Iraq in 2003, in addition to the documents seized by US forces, which are contrary to international law(Kumar 2014).

Some writers have discussed the ethical aspect of the process of transferring the documents of the Iraqi state and its archives and then using those documents by researchers. They asked a question: is it ethically acceptable for researchers to use Iraqi documents that were seized and illegally transferred by US forces to the United States? Most of the Iraqi documents remained secret and were not made available to the public, with the exception of a small group that was translated and made available through the Conflict Records Research Center in Washington (Montgomery & Hennerbichler 2020).

The statement issued by The Society of American Archivists (SAA) and the Association of Canadian Archivists (ACA) categorized documents that were under the control of the US government and identified them in five groups: documents seized by US forces during the 2003 invasions, documents of Al Qaeda, Documents seized by the Iraq Memory Foundation, documents seized by Kurdish fighters in the aftermath of the first Gulf War in 1991, and finally the Iraqi Jewish Archive. The statement was very clear about the responsibility of the US government to return those documents to Iraq in accordance with international treaties, as it did in previous similar cases in Korea, Grenada, and others(archivists.org ).

Government archives and documents have military and security importance, as they provide important information about the various state institutions and how to manage them. Therefore, the US military took care of this issue and directed the US forces, in its special guide to fighting the insurgency, to protect the enemy's documents, which is what happened, for example, during the invasion of Grenada in 1983, where US forces were directed to maintain government records. The archive also has administrative and legal value, as it can assist the military occupation forces in the tasks of policing order, defining civil rights, and prosecuting crimes. Perhaps all of these reasons are what made the US forces seize 47,000 boxes of government records and ship them to Qatar, in addition to the millions of records placed at the Hoover Institution(Cox 2011).

Some points of view that call for the universality of heritage have supported the process of transferring the documents of the Iraqi state to the United States in light of many justifications, including preserving these documents from destruction due to Iraq's unstable political and security conditions and the fact that the United States has provided the appropriate environment for these files. On the other hand, the views that support the issue that heritage is a national matter see the necessity and inevitability of returning Iraqi documents to Iraq because it is a sovereign matter. In addition, the Iraqis themselves cannot access their documents while they are in the United States due to the presence of many obstacles that prevent access to them. Based on the foregoing, Caswell suggested accepting the postcolonial approach in order to solve the problem of the Iraqi documents that were confiscated by the United States. This principle is a combination of the universality of cultural property and the recognition of the sovereignty of states over their heritage. Maxwell said "the postcolonial approach is not a one-size-fits-all solution that can be applied without significant changes to all disputes over cultural property"(Caswell 2011).

On an international political level, the UN Security Council, of which the United States is one of its permanent members, issued Resolution No. 1483 on May 22, 2003, regarding cultural property in Iraq, after the world witnessed what happened to the Iraqi Museum and the National Library in terms of theft, burning, and destruction. In this resolution, the Security Council urged member states to contribute to the return of stolen antiquities and cultural, scientific, religious, and historical property to Iraqi institutions, but the United States clearly and practically ignored the resolution(UN Security Council). The name North Iraq Dataset (NIDS) has been given to a collection of documents seized by Kurdish rebels in northern Iraq after the first Gulf War in 1991. This collection was transferred in 1993 to the United States, specifically to the National Archives and Records Administration, and then transferred to the University of Colorado in 1998. Kanan Makiya, the Iraqi opposition political activist who was heading the Iraq Research and Documentation Project (IRDPP), received a digitized copy of the collection, which included 5.5 million documents. A set of documents was removed from the collection after their arrival in the United States and before they were digitized, and a copy of the digitized collection was sent to IRDP. Finally, in 2010, the collection was deposited at the Hoover Institution (Alshaibi 2019).



Upon the arrival of the air shipment of NIDS documents to the United States, they were distributed in 1842 cardboard boxes. After that, digitization operations were carried out on the documents in the collection. Mneimneh, who was one of Makiya's assistants, says that the IRDP received a digital copy of the collection which is in 1575 boxes only (Sassoon 2020).

The US Defense Intelligence Agency (DIA) and Human Rights Watch (HRW) worked together with the consent of the US Senate Foreign Relations Committee on the process of digitizing the collection and then cataloging it. The two sides had different goals. The DIA was looking for evidence that Saddam's regime used weapons of mass destruction, while the HRW was looking for evidence to incriminate the regime in possible future trials for human rights abuses (Whiting 2019).

Wars have multiple forms, including military, economic, and cultural. Burning and destroying libraries, archives, and archaeological sites necessarily means destroying the culture, history, and memory of people. When a person loses his history and culture, he becomes without an identity, and then it is easy to control him, which is what victors in wars always strive for. Therefore, cultural institutions of all kinds, such as libraries, museums, and archives, were legitimate targets for destruction from the point of view of the belligerents (Moustafa 2013).

It is certain that official documents and records are a tool for understanding the system of state administration politically, economically, and socially, and this is done through examining and analyzing the information contained in those documents. In order to access these documents, wars were and still are one of the ways to do so, and certainly the recent history of World War II is clear evidence of that, as the archives of the victorious countries were filled with documents of the defeated countries. This also applied to Iraq, as the first and second Gulf wars were a tool to control millions of official Iraqi documents (Whiting 2019).

The concept of identity for any human being is closely linked to the heritage and culture of his society, and this necessarily applies to the identity of the Iraqi individual who belongs to a society with a deep heritage and civilization that raises the status of his national identity from his point of view. The words (cultural genocide) are a sentence that can express what happened to the Iraqi cultural heritage and that those responsible for that genocide must be subject to international laws (Malko 2019).

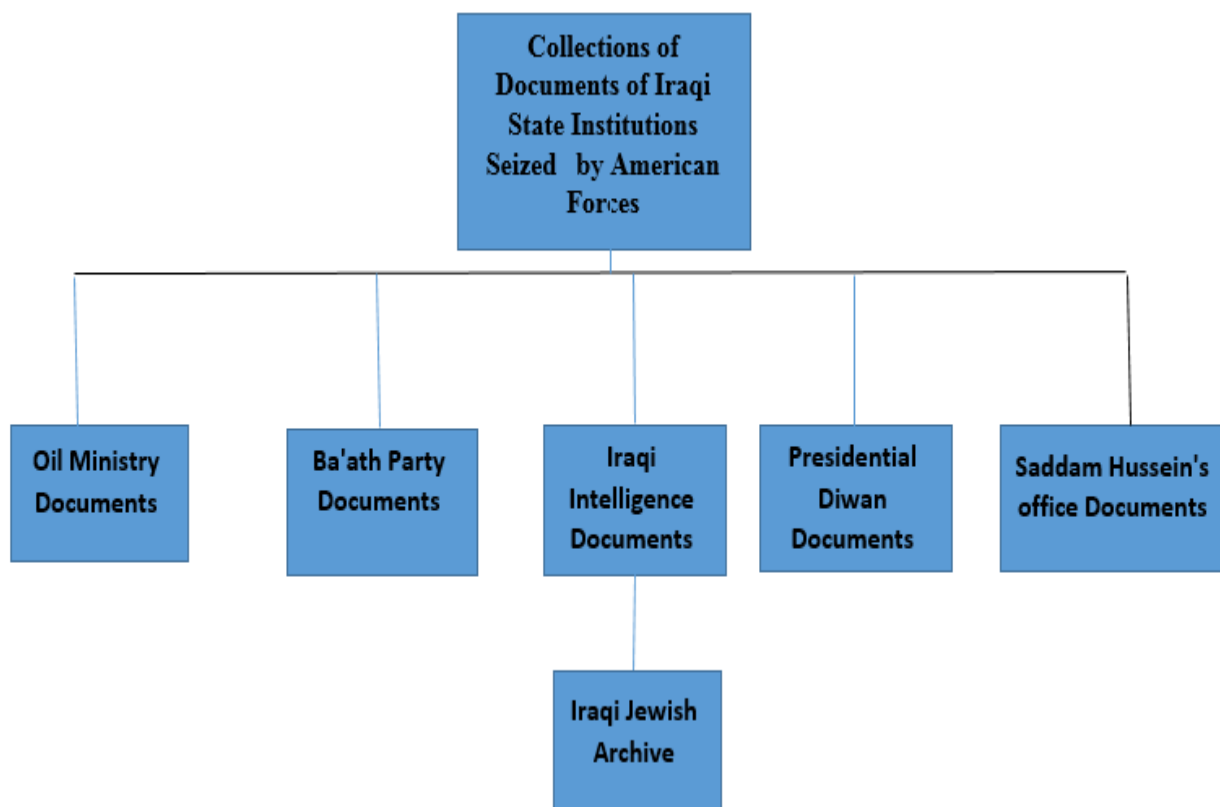
Some writers described what happened to the Iraqi culture and heritage sector during and after the US invasion, including the destruction of museums, libraries, and archaeological sites, and described it as a cultural cleansing. This cultural cleaning practically began in 1991 with the imposition of the economic embargo on Iraq, which lasted for twelve years in the wake of Iraq's occupation of Kuwait. This blockade had greatly weakened Iraqi society and exhausted its intellectual elites. Then, the American invasion began to complete the process of destroying the Iraqi state. This sequence of events was not random but deliberate and pre-planned, as all the looting and arson operations were taking place under the eyes of the invading forces that were keen to protect the Ministry of Oil due to its importance from the point of view of the American war planners (Cultural Cleansing in Iraq 2010).

#### **4. Discussion**

##### **4.1 The Status of The Iraqi Government Institutions' Documents After The American Occupation.**

After the cessation of military operations, which ended with the occupation of Iraq on 9 April 2003, a status of security chaos prevailed in Baghdad and the rest of the Iraqi provinces. Meanwhile, the American

occupation forces searched for certain collections of documents of specific Iraqi ministries and departments and seized them ([digitalarchive.wilsoncenter.org](http://digitalarchive.wilsoncenter.org)). Additionally, some collections of documents had been handed over by certain parties that had previously seized those files to the US forces (Wilkinson 2019). The targeted document collections can be elucidated as shown in Figure (1) below:

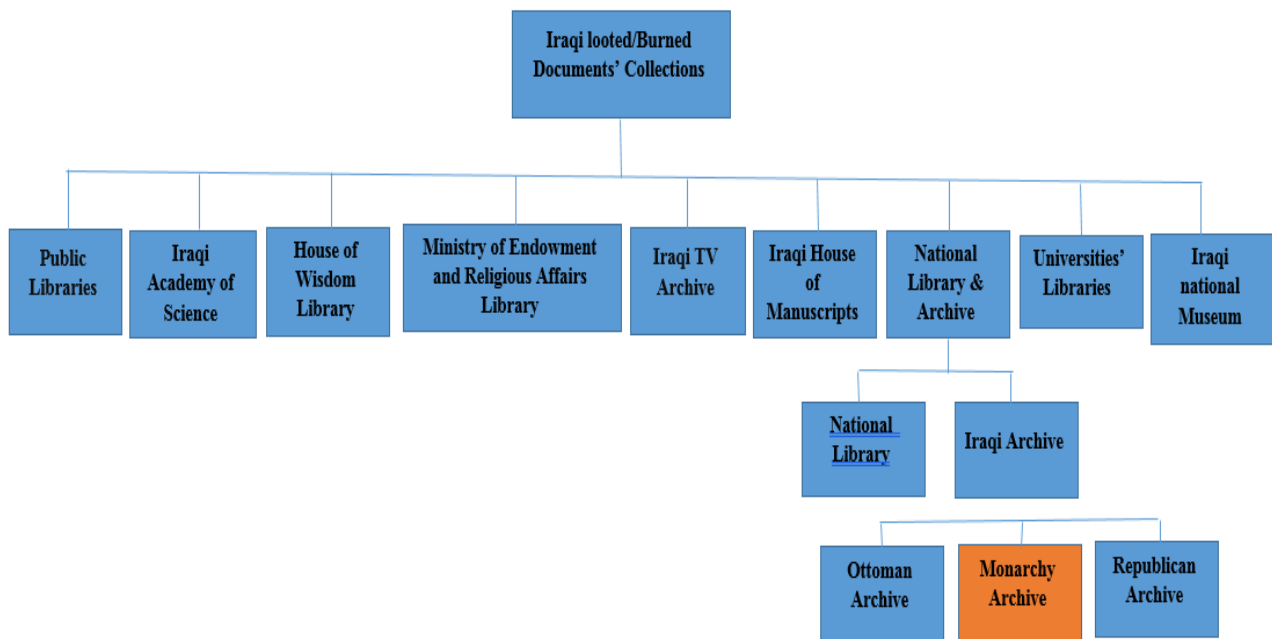


**Figure (1): Iraqi Institutional Documents' Collections seized by American forces**

The American forces surrounded the Ministry of Oil building as soon as they entered Baghdad and prevented anyone from approaching it. Thus, the records and documents of the Ministry remained in good condition (The Sydney Morning Herald 2003). The archives of the Ba'ath Party were transferred to the Hoover Institution at Stanford University (Cox 2009). Regarding the records of Saddam Hussein's office, as well as the presidential Diwan documents, which were also seized by the American forces, they have been transferred to the national Defense University's Conflict Records Research Center (CRRC) in Washington D.C (Moustafa 2018). The Iraqi intelligence archive was located in the same building in which the Iraqi Jewish archive was found, and with the help of Ahmed Chalabi, head of the Iraqi National Congress Party, whose followers took control of the intelligence building (Jewish Image Magazine 2013).

It is very clear that the document collections seized by the American forces were political, intelligence and economic documents, except for the Iraqi Jewish Archive. Certainly, these sets of documents have been preserved, and most of them have been transferred outside Iraq. Some of those documents, which were partially damaged, have been maintained and restored, similar to what happened with the Iraqi Jewish Archive ([ijarchive.org](http://ijarchive.org)).

On the other hand, despite several warnings given by American antiquities and heritage specialists to the Pentagon concerning the protection of heritage and cultural places in Iraq, these warnings were not taken into account, and those places have been heavily damaged (Isakhan 2015). The National Library and Archives and the Iraqi Museum were the most important among a group of cultural institutions that were subjected to looting and arson, as shown in Figure (2).



**Figure (2): Cultural Iraqi institutions subjected to looting and arson**

## 4.2. Iraqi Archive

After reviewing the literature related to the Iraqi archive, we distinguished three historical sections of this archive: documents of the Ottoman rule period, documents of the monarchy period, and documents of the republican rule period. This archive is an important tool in tracing the history of Iraq politically, administratively, militarily, socially and economically, and it is a system of historical documents related to each other. Any defect or break in this documentary system leads to a lack of awareness and understanding of the history of Iraq at its various levels, politically, socially or militarily, etc. This is exactly what happened to the Iraqi archives after 9 April 2003, as a large segment of the archive has been burned or stolen. Information sources differ in their accuracy in determining the extent of the defect or gap that occurred in this archive. The destruction and arson operations that affected the Iraqi archive were very deep, as some sources indicated that 60% of the documents of the Iraqi archives were lost (Isakhan 2015).

### 4.2.1 Monarchy Era Files

The researchers studied the lists of files lost from the Iraqi archives as a result of the American invasion of Iraq that were related to the period of monarchy rule. A table was designed containing the extracted data from those lists, as shown below.

	Ministry	Number of Files	Duplicate file titles	The oldest file creating date	File's last closing date	Age between first file's opening date and last file's closing date/years	Untitled files	Titled files
1	Royal Court/Diwan(Main Correspondence office)	1882	495	19 February 1920	28 November 1958	38	9	1373
2	Royal Court/Treasury	1416	210	10 April 1922	12 July 1958	36	615	591
3	Royal Court/Farms	642	78	27 June 1922	28 July 1958	36	72	492
4	Ministry of Interior Affairs	3776	73	6 May 1917	1964	47	-	3703
5	Ministry of Finance	658	-	Not Available	Not Available	-	658	-
6	Ministry of Justice	4281	-	28 October 1919	1964	45	881	3400
7	Ministry of Justice/Taboo(Real Estate Registration Department)	515	21	23 April 1917	19 January 1961	44	117	377
8	Ministry of Ma'aref(Education)	111	-	28 January 1927	17 July 1969	42	16	95
9	The Ministry of Labor and Social Affairs	87	-	Not Available	Not Available	-	87	-
10	Ministry of Awqaf(Endowments and Religious Affairs)	353	129	12 May 1917	6 January 1958	41	70	124
11	Ministry of Commerce	24	-	Not Available	Not Available	-	24	-
12	Ministry of Transportation	665	-	28 March 1922	26 March 1968	46	417	248
13	Ministry Of Agriculture	1522	-	31 March 1922	1967	45	1072	450
14	Majles Al Nuwaab(House of Representatives)	41	-	1935	1958	23	6	35
15	Majles AL A'yan (The Senate)	141	-	1925	1958	33	3	138
16	Amanat Al Aseema(Capital Municipality)	565	-	Not Available	Not Available	-	565	-
17	Directorate of Public Propaganda	134	-	Not Available	Not Available	-	134	-
		15642	1006				1764	

The table shows that 17 ministries and departments produced 15642 files. In the missing file lists, we recognized that the first file in collection was created on 23 April 1917, and the last closure was on 17

July 1969. It is worth noting that the era of monarchy rule in Iraq began in 1920 and ended with a military coup in 1958. It is clear after studying the dates of creation and closing of the files that some of them continued to the period of the republican era, as the age of some files reached (47) years, and this represents an important historical indicator of the continuity and interdependence of events despite the change of regimes in Iraq. On the other hand, the time period of some files was a month or less between creating the file and closing them.

There were 1006 duplicate file titles in the lists, in addition to 1764 untitled files. Thus, the number of files with different titles was 12872, which means that each title denotes a separate topic. This number is an indication of the diversity of the topics of the files that were lost by the Iraqi archive, which was evidence of the history of Iraq during different time periods.

An important note that must be mentioned is, unfortunately, that the number of documents contained in those files is unknown, and this is a significant downside because knowing only the number of files is not sufficient scientifically, especially since some files were nearly (47) years old, and this may indicate a large number of documents in such files. The table shows the time between the first file's opening date and the last file's closing date calculated in years for each ministry or department, where the highest age of files was 47 years and the lowest was 23 years. After excluding the files that did not contain opening and closing dates, the average age of the files for whole collection was calculated and was 39.6 years.

## 5. Conclusions

There is no justification that the US administration can offer to justify its failure to protect cultural and heritage sites in Baghdad and Iraq in general. The Pentagon was warned of the dangers of looting archaeological and cultural sites during the invasion, as happened in the aftermath of the 1991 Gulf War.

The invading US forces that did not abide by international laws and treaties had to abide by at least the US domestic laws of war that protect antiquities and libraries as stipulated in the Lieber Code 1863. It may be logical to reach a conclusion that all the burning and theft that occurred were premeditated operations. Some of the burning and theft operations were at a high level of organization, as historical, security and military documents were stolen, while administrative or financial documents remained intact. Additionally, personal collections, for example, that were donated to the National Library remained safe despite their presence near the documents that were burned. The use of incendiary materials such as phosphorous in burning documents is a matter that raises suspicions because those who carried out these operations are not ordinary thieves. The certain thing is that it is not possible to determine the number of files or documents that were stolen or burned due to the lack of catalogs or any other inventory tools, as they were also burned and stolen. One of the sources indicated that the documents of the Ba'ath Party were located on the floor of the Iraqi archive in the National Library building, which is doubtful because most sources indicated that the documents of the Ba'ath Party were located in the building of the leadership of the party.

It is very clear that the American forces were seeking to obtain certain files from some ministries and institutions of the Iraqi state, which the United States considered important for political and intelligence considerations. This conclusion is based on the nature of the files seized by the American invasion forces, while it neglected to protect or intended to destroy the rest of the documents of the Iraqi state, which became clear through the study that they are documents of an important historical and social nature in the history of Iraq. Many of the documents seized by US forces were transferred out of Iraq, most of them to the United States. Most of these documents are not known where they are kept, their subjects,

or even their forms, although part of them, which is the archive of the Baath Party, was returned to Iraq according to official statements, but no one has seen this archive. Iraq has lost a very important historical and cultural documentary heritage that cannot be replaced, whether that was seized by the United States or that was stolen or burned.

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