SECURITY FORCES OF THE KURDISTAN REGIONAL GOVERNMENT

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Security Forces of the Kurdistan Regional Government

Dennis P. Chapman

USAWC CIVILIAN RESEARCH PROJECT

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ABSTRACT

Since 1991 the Kurdistan has enjoyed autonomy from the rest of Iraq. Despite upheavals and setbacks, during this period the Kurds of northern Iraq have established viable government institutions including legally constituted legislative, executive, judiciary and security entities. These structures were the only state elements in Iraq to remain intact in the aftermath of the of the 2003 U.S. invasion, and have continued to develop in the intervening six years. Their existence and authority was ratified on an interim basis by the Transitional Administrative Law and permanently by the terms of the 2005 Constitution of Iraq.

This paper examines a segment of this Kurdistan Regional Government that has been heretofore little noted and poorly understood by the world at large: The large and well-developed security sector. The KRG security sector consists of military forces (the *Peshmerga*), investigative and policing entities (the Municipal Police and the *Asayish*), intelligence services (*Parastin* and *Dazgay Zanyari*), the Judiciary, and the penal system. Related to the KRG security sector are Government of Iraq forces operating inside the KRG, or consisting of personnel and units formerly part of the *Peshmerga*.

Dedicated

To the soldiers of 3rd Brigade, 4th Iraqi Division who went to Baghdad, 2007

And

To the members of Military Transition Team 0430
"Team Hurricane"

Acknowledgments

I offer my sincere thanks to all those who assisted me in making this document possible.

Maps, Tables, Figures, and Illustrations

Illustrations

The flag of Kurdistan (photo by author).

SECURITY FORCES OF THE KURDISTAN REGIONAL GOVERNMENT

Chapter 1
Introduction

The Kurds of Iraq burst into the American public consciousness in the aftermath

of the Persian Gulf War. In 1991 the Kurds, encouraged by President George H.W.

Bush's infamously ill-considered quip that the people of Iraq ought to overthrow Saddam

Hussein, rose against the Ba'ath regime and were left to face Saddam's vengeance alone

when, contrary to all expectations, Saddam and his regime survived their humiliating

defeat at the hands of the allied Coalition. Shocked by the brutality with which Hussein

suppressed the uprising (the *Rapareen* in Kurdish) and shamed by the resultant

humanitarian catastrophe of many thousands of Kurdish refugees stranded at the Iraqi-

Turkish border, the United States and its allies moved to intervene on the Kurd's behalf

with the establishment of the northern "no-fly zone" and the safe-haven in the Kurdish

portion of the country. Thus began the sustained American interest and involvement in

Iraqi-Kurdish affairs that continues to this day.

The Security Sector of the Kurdistan Regional Government (KRG):

The focus of this study will be the security sector of the KRG. The security sector

of a state has been defined as

> "[a]ll those organizations which have authority to use, or to order the use
> of force to protect the state and its citizens, as well as those civil structures
> that are responsible for their management and oversight. It includes: (a)
> military and paramilitary forces; (b) intelligence services; (c) police
> forces, border guards, customs services and corrections; (d) judicial and
> penal systems; (e) civil structures that are responsible for the management
> and oversight of the above."[1]

One might ask just why the security services of the Kurdistan Region should be of

any concern to American policy makers or the public. One answer is that security sector

reform is a critical component of building lasting stability and democracy in Iraq, to

include in the Kurdistan Region. As Ahmed Hashim has said,

> "Both the concept and practice of [security sector reform] are
> intricately related to (1) the promotion of economic development and
> progress through lessening the burden of a large military sector, and (2)
> the implementation of good governance and democratization through
> demilitarization of society and the subordination of military power to
> constitutional control."[2]

The first point above applies aptly to the KRG, where the very large number of young

men maintained on the rolls of the security services imposes a heavy fiscal burden,

draining away a huge portion of the Region's revenues in the form of salaries from other

development priorities. The second point is germane as well, since the firm control that

the two major political parties have traditionally exercised over all parts of the security

apparatus has helped them to entrench themselves in their positions and has inoculated

them, to a certain extent, from the requirement to court public opinion and compete with

other parties to maintain power.

The security sector in the Kurdistan Region consists in the main of the following

elements:

- The *Peshmerga*, also known as the Guards of the Kurdistan Region.[*]
- The *Asayish* ("Security"), the principle enforcement agency for major crimes, particularly those that are security-related or politically sensitive.
- The intelligence services of the two parties – *Parastin* ("Protection") of the KDP, and *Dazgay Zanyari* ("Information Apparatus") of the PUK.
- The Municipal Police, consisting of a number of geographical and functional entities, answering to the Ministers of the Interior of the two major parties in their respective areas.
- The Judiciary.
- The penal system.

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[*] Throughout this work, the term *Peshmerga* refers both to the *Peshmerga* in their traditional role as insurgents fighting against the prior Iraqi regimes and in their new role as Guards of the Kurdistan Region.

Except for the *Parastin* and the *Dazgay Zanyari*, All of the above entities have an explicit legal basis in various laws passed by the Kurdistan National Assembly, as well as in Article 121, Section 5 of the Iraqi Constitution, which charges the Regional Government with responsibility for the establishment and organization of the "internal security forces for the region such as police, security forces, and guards of the region." *Parastin* and *Dazgay Zanyari* remain purely party entities with no statutory basis at law.

With the exception of the Judiciary, the KRG security sector remains divided on a party basis, with the KDP dominating in the Governorates of Dohuk and Erbil in the north and northwest portion of the Region and the PUK dominating in Sulaymaniyah Governorate in the south. KDP and PUK each maintain parallel *Peshmerga*, police, *Asayish* and intelligence services in their areas. The penal system is in process of unifying, however, with a number of prisons in both Sulaymaniyah and Erbil having been transferred to the unified Ministry of Labor and Social Affairs, and other prisons in Dohuk in process of transfer.

Also part of the security sector of the KRG, but not explicitly within the scope of this study, are Iraqi Federal security services based or operating within the boundaries of the KRG, including three brigades of the Department of Border Enforcement and at least one brigade of the Iraqi Army. These federal entities will be touched on in this study, but only as they relate to their sister services of the KRG.

Each segment of the KRG security sector will be discussed below. As the foundation upon which the remainder of the structure was built, the greatest space naturally be devoted to the history, development, and current organization of the

Peshmerga. However, the other sectors – including police, courts, and prisons – will not be overlooked.

Why the KRG Security Sector Matters

Western politicians and journalists have followed events in Iraqi Kurdistan more or less closely since the 1991 uprising and its aftermath. Scholars and journalists have chronicled both the Kurds' follies – such as the seemingly interminable factional fighting that finally culminated in full-scale civil war in the mid-1990s – and their triumphs, such as the 1992 election of the Kurdistan National Assembly (KNA), not to mention the relative prosperity, security and success that the Kurdish Region has achieved since the end of factional fighting in the late 1990s. Much has been written about the Kurdish political and military struggle for autonomy and cultural rights in Iraq. Much has been written on the politicians and political parties that have led the struggle, especially the two main Iraqi Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). For much of their history the KDP and PUK have relied upon armed force as a principle means of pursuing their political aims. Yet, for all that has been written about these parties, we know comparatively little about the military and security forces that have so often been the primary instruments of their struggle. For fifty years or more the *Peshmerga* (as these forces are known locally) and their historical antecedents have born the brunt of the Kurdish nationalist struggle both against the Government of Iraq and during the fratricidal conflicts within the Kurdish movement. The *Peshmerga* have been so important to the Kurdish struggle that they have come to transcend politics in the Kurdish public mind. Where the KDP and PUK have squandered much of the goodwill of their people through corruption, incompetence, and wasteful

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internal strife, the *Peshmerga* remain an object of veneration for nearly all Iraqi Kurds and for many Kurds outside Iraq as well.

Despite our enduring interest in the affairs of Iraqi Kurdistan since 1991, western observers have given scant attention to the *Peshmerga* and even less to the police, courts, and other security services established in the de facto Kurdish state. There is little information available about their organization, training, and equipment. Nor do we know much about the process by which they evolved from mountain guerrillas into the conventional army and police forces that they are today. This ignorance is not limited to the general public. As recently as 2007 I found that U.S. commanders in northern Iraq knew little and cared less about the *Peshmerga*. The same commander that regularly visited the Governor of Sulaymaniyah Governorate did not even know the name of the *Peshmerga* Major General responsible for oversight of some 42,000 PUK *Peshmerga* soldiers in his area of interest. In a sense this incuriosity is understandable, as the *Peshmerga* do not pose a threat to Coalition forces. Nonetheless, the security services of the Kurdistan Regional Government should be a matter of great interest, not merely to our commanders on the ground in Iraq but to policy makers in Washington and to the American public at large. This is so for several reasons:

- The *Peshmerga* and their colleagues in the other Kurdish security services have successfully established security in the Kurdistan Region, clearly the safest and most stable region of the country. The Kurds are justifiably proud of the fact that not a single American soldier has been killed due to enemy action in the Kurdistan Region since 2003. What's more, they have done what few governments in the Middle East have been

able to do: They have helped to create a polity capable of conducting free elections and that, with certain important exceptions, protects the rights and security of its citizens.

- Kurdish security forces have also had a substantial impact in Iraq outside the Kurdistan Region – often for good, having contributed materially to establishing security and to suppressing the terrorist threat in parts of Diyala, Kirkuk, and Ninewa Governorates – but sometimes with ill effects as well, the chief example of which being the suspicion and resentment that a Kurdish security presence outside the Kurdistan Region sometimes generates among Arab, Turkmen, and other non-Kurdish residents.

- The PUK and KDP are negotiating the merger of their respective *Peshmerga* forces into the Kurdistan Regional Guards, answerable to the Kurdistan Regional Government *Peshmerga* Ministry, pursuant to Article 121, Section 5 of the October 2005 Constitution of Iraq.[*] Whether this merger can be achieved, and the extent of success of such a merger, could provide an important indicator of the potential for the KRG to move beyond the current situation in which each of the two parties maintains a virtual oligarchy within their respective geographical areas, and toward more truly representative, transparent, and ultimately more effective governance. Successful merger of the *Peshmerga* could serve as an important trust-building exercise to facilitate the eventual merger and normalization of other more sensitive security apparatuses such as the *Asayish*, the *Parastin*, and the *Dazgay Zanyari*.[+] On the other hand, failure to achieve

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[*] All references to the Constitution of Iraq cited in this work are from the electronic copy provided to me by the Public Affairs officer of the Iraqi Embassy in Washington, DC. Other versions of the Iraqi Constitution are numbered differently. For example, the article cited here as Article 121 is listed as Article 117 in the version published by the *Washington Post* on October 12th, 2005 (on the web at http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html).
[+] *Asayish* (literally "Security") is the principal investigative law enforcement entity in the KRG, analogous to the FBI. *Parastin* ("Protection") and *Dazgay Zanyari* ("Information Apparatus") are the intelligence services of the KDP and PUK, respectively, and are analogous to the CIA.

true and effective *Peshmerga* unification code bode ill for the KRG's potential to move beyond the current state of affairs.

- The *Peshmerga* and its sister services also merit our attention for the differences between their own behavior and that of other party militias – and even governments – in the region, such as the Kurdistan Worker's Party (*PKK*), *Hamas*, *Hezbollah*, and the regimes that support them. Unlike these parties, the *Peshmerga* of the KPD and PUK demonstrated the ability to exercise significant restraint during the conduct of their struggle against the former Iraqi regime, having rarely if ever indulged in terrorist acts against the civilian population in either the Kurdish region or Iraq at large; having generally refrained from attacking Iraqi Government targets outside the immediate area of the conflict; having never indulged in highjackings, bombings, or other attacks against third parties outside the region; and having generally refrained from indulging in the abuse of Iraqi Government prisoners. There have been exceptions to these generalities to be sure, but where lapses have occurred – even grave lapses – these have been indeed exceptions, rather than the rule. The Iraqi Kurds have further exercised restraint in their political policy vis-à-vis the Iraqi Government. Unlike the attitudes of *Hamas* and *Hezbollah* toward the state of Israel, the KDP and PUK have never questioned the legitimacy of the Iraqi state *per se*, even when engaged in armed resistance against that state. Whereas the resistance to Israel as embodied in *Hamas* and *Hezbollah* has become increasingly radicalized and opposed to the West, the Iraqi Kurdish parties have moved increasingly to the center; and while during course of their long struggle the major Iraqi Kurdish parties cooperated with Turkey, Iran, Syria, and even the Government of Iraq when such suited their purposes, they were never been captured by, or became the mere

clients of, those states. Where the PKK adopted a highly radical, leftist ideology, the KDP and PUK have largely abandoned the Marxist rhetoric of the past. Indeed, even when these parties have been their most strident in the employment of such rhetoric, such can hardly be said to have been more than an ideological veneer that ran along the surface but failed to penetrate the hearts and minds of rank-and-file members of the movement. Where other parties and militias in the Middle East have adopted the radical models of Marxism or militant Islam and often moved into the orbit of rogue regimes, the KDP and PUK and their forces have moderated themselves, remaining consistently secular and moving strongly toward normalization on the Western model, rejecting the shrill anti-western stance of others in the region, openly seeking alliance with the United States and the West instead.

- Perhaps the most compelling reason for a strong interest in the KRG's security services by both the American government and people is the matter of *self-reliance*: All that the Kurds have accomplished in Iraq has been achieved largely on their own. By no means is this to say that the Kurds have received nothing from the West. The United States and our allies provided a baseline minimum level of protection for them against Saddam Hussein's regime after 1991 – protection that gave the Kurds a crucial space within which to operate. But under the cover of that protection, it was the Kurds themselves who established the political framework that has provided the basis for the success of the Kurdistan Region today. The Kurds have made many errors along the way to be sure – sometimes, disastrous errors. But they have learned much from these tragic mistakes and have achieved a level of political maturity heretofore not seen in the Kurdish movement – indeed, not often seen in the Middle East generally.

Since the 2003 invasion of Iraq the KRG's security services have received a tiny fraction of the assistance from the Coalition that has been devoted to the rest of the country; this is ironic given that the *Peshmerga* was the only significant force inside Iraq to fight openly on the side of the United States during the invasion. In large part, the Kurds have been "penalized for [their] own success".[3] It is only natural that Coalition resources would be concentrated in those parts of Iraq in the greatest need – indeed, one might even argue that such is a moral imperative: Given that it was the US invasion itself that destroyed the state institutions responsible for keeping order in the rest of Iraq, it would seem to follow that the United States has a moral responsibility to exert utmost efforts in the replacement of those institutions. Regrettably, however, the scant attention paid by the Coalition to the Kurdistan Region's security sector cannot be attributed wholly to this appropriate moral imperative. It is also due in large part to sheer ignorance. Aware neither of the legal bases underpinning the KRG security services nor of their relatively high levels of discipline and effectiveness, many American officers have tended to view them with disdain or even to shun them altogether. When the Coalition has worked with the KRG, efforts have typically focused on the Municipal Police and the prisons – ironically, the least important, least professional, and least effective segments of the KRG security sector.[*] Those officers with significant exposure to the KRG often have a positive view of the *Peshmerga* and its sister services, but those

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[*]The US assistance to the *Peshmerga* has been practically zero, and what little assistance that has been forthcoming has only been to facilitate transformation or demobilization, such as funding of the *Peshmerga* Transformation Offices and a literacy program for *Peshmerga* in Sulaymaniyah. One author has claimed the *Peshmerga* received direct assistance in the form of arms from US forces during the course of the invasion and subsequent occupation of Iraq, but all the evidence I have seen indicates that such a claim is false. I have seen no evidence of the US providing weapons or equipment to the *Peshmerga*, and the *Peshmerga* officials with whom I have inquired categorically deny that any such aid has been received. For the claim that the US has given arms to the *Peshmerga*, see Robert Olson, *The Goat and the Butcher: Nationalism and State Formation in Kurdistan-Iraq Since the Iraqi War*, Mazda Publishers, Costa Mesa California, 2005, pages 2 – 3.

whose contact with Iraqis has been limited to the Arab portions of the country (and this

is, by necessity, the great majority of American officers) often view the Kurdish services

with suspicion – despite the fact that that Middle East Watch specifically mentioned both

Asayish and *Peshmerga* in its 1993 report, implicitly associating them with what the

organization characterized as a "relatively good" human rights situation in Iraqi

Kurdistan that year.[4] It is ironic that many Americans see our strongest ally and greatest

supporter in Iraq through the eyes of those there who like and support us least.

US-KRG relations in Iraq seem to evolving, however. Evidence points to a greater

willingness on the part of the Coalition to engage constructively with the KRG security

apparatus, both operationally and in terms of training and development.[*] Let us hope that

constructive steps in that direction continue, to the mutual benefit of all the affected

parties.

Peshmerga soldiers in a newly organized unit practice
marching (photo by author, 2007)

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[*] My assessment of American attitudes is based upon first hand experience as a military advisor to an Iraqi
Army brigade, recruited and raised in Sulaymaniyah Governorate in the Kurdistan Region and manned
almost entirely by Kurds, from 2006 – 2007. I had the opportunity to update my impressions during a
research trip to Erbil and Sulaymaniyah in November 2008. In the interests of full disclosure, I freely
count myself among those who, having had considerable contact with the Kurds, view them and their
accomplishments positively. As aware as I am of their achievements, however, I am not blind to their
faults, and have endeavored throughout this work to remain as objective as possible.

Ethnic Population Distribution of Iraq
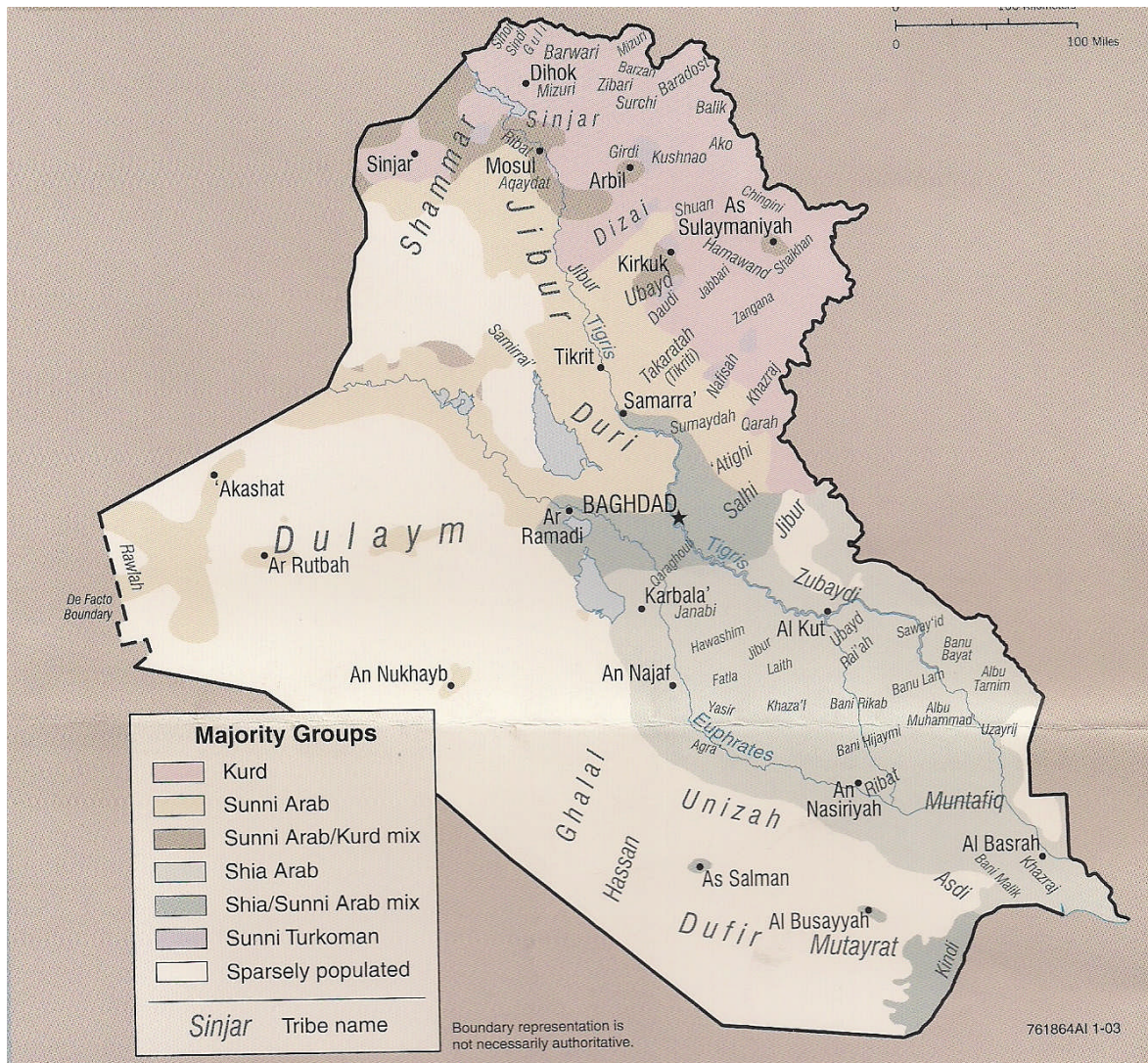
Majority Groups
- Kurd
- Sunni Arab
- Sunni Arab/Kurd mix
- Shia Arab
- Shia/Sunni Arab mix
- Sunni Turkoman
- Sparsely populated

Sinjar — Tribe name

Boundary representation is not necessarily authoritative.

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Map 1

[1] Ahmed S. Hashim, "Military Power and State Formation in Modern Iraq," *Middle East Policy* 10, no. 4 (Winter 2003): 30.

[2] Ibid.

[3] Karim Sinjari, Interior Minister, Kurdistan Regional Government, quoted in Kurdistan Regional Government, *The Kurdistan Region: Invest in the Future* (United Kingdom: Newsdesk Media, 2008), 108.

[4] *Kurdish Affairs* 1, no. (March 1994): 3 (Anthologized in Patriotic Union of Kurdistan, *Overview: Developments in Iraqi Kurdistan*, 13 (n.p.: Patriotic Union of Kurdistan Foreign Relations Committee, 1994), not paginated).

Chapter 2
The Kurdistan Regional Government

A comprehensive examination of the Kurdistan Regional Government as a whole is beyond the scope of this work. However, brief overview of its history and structure will be of help to the reader in understanding the context within which the KRG security sector exists.[*]
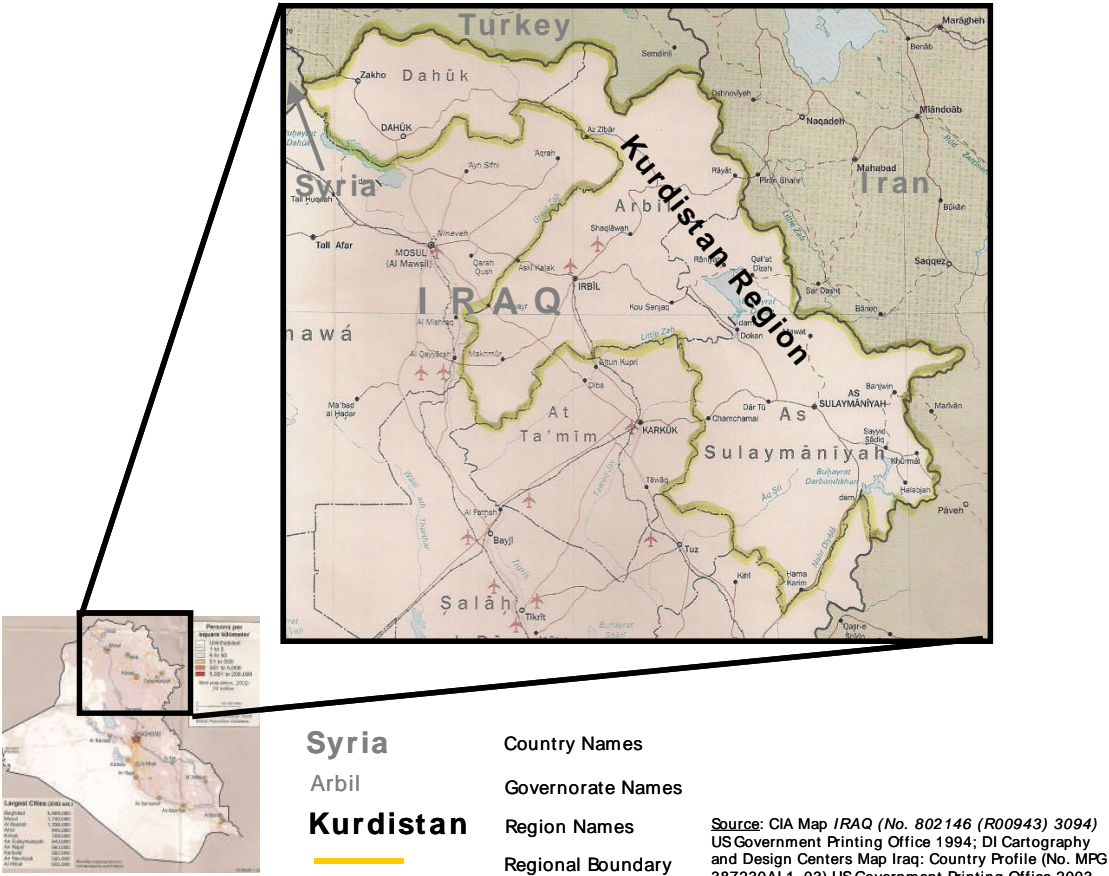
The Kurdistan Region:

The Kurdistan Region of Iraq is a semi-autonomous region in the northeast portion of the country consisting of Dohuk, Erbil, and Sulaymaniyah Governorates. It shares international borders with Syria, Turkey, and Iran, and internal borders with the Iraqi Governorates of Ninewa, Kirkuk[+], and Salahadin to the west and Diyala to the south. In addition to the three governorates currently administered by the KRG, portions of adjacent governorates remain disputed, including the whole of Kirkuk Governorate. These disputed areas were subjected to the Arabization program of Saddam Hussein's regime that sought to dilute the influence of Kurdish and other non-Arab ethnic groups in areas deemed of strategic importance to the regime. Under the terms of Article 140 of the 2005 Iraqi Constitution, the Government of Iraq was to implement a "normalization" process to reverse the Arabization policy of the prior regime, to include a census and referendum to determine the final status of Kirkuk and other disputed areas, with a deadline for completion of December 31st, 2007.[1] As of this writing, the census and referendum have not occurred.

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[*] For those interested in a detailed examination of the history, organization, and administrative processes of the Kurdistan Regional Government as a whole, the single published work on the subject (at least in English) is *Iraqi Kurdistan: Political Development and Emergent Democracy*, by Gareth R. V. Stansfield, RoutledgeCurzon, London 2003.

[+] Known under Saddam Hussein's regime as at-Ta'mim, or "nationalization", in commemoration of the nationalization of Iraq's oil and gas industry

Kurdistan Region of Iraq

Syria	Country Names
Arbil	Governorate Names
Kurdistan	Region Names
▬▬▬	Regional Boundary

Map 2

Kurdish Autonomy in Iraq:

The Kurds of Iraq struggled for cultural and political autonomy within the state from the days of the Iraqi monarchy on. The first measure of success in this struggle came with promulgation of the Manifesto of March 11th, 1970.[*]

The March Manifesto: The 1970 Manifesto came at the culmination of the First Kurdish War fought between 1961 and 1970, pitting successive Iraqi Governments against Kurdish rebels led by Mullah Mustafa Barzani and the KDP.[+] The March Manifesto constituted an armistice or cease-fire agreement between the parties, intended as a prelude to a permanent settlement to be agreed upon not later than March 1974. Described by one scholar as "the most comprehensive autonomy accord the Kurds had ever had," it provided that Arabs and Kurds were "co-nationals" within a single Iraqi state; that Kurds were to have legislative authority within their region; that one of Iraq's two Vice Presidents would be a Kurd; that a dedicated "Kurdistan development budget" would be established; and that Kurdish would be recognized, alongside Arabic, as an official language.[2] The agreement also provided for appointment of Kurdish officials in areas inhabited by Kurds; pensions for the families of *Peshmerga* slain during the preceding hostilities; and repatriation of persons displaced by the fighting.[3] Other concessions to the Kurds flowing from the settlement included stipends for demobilized *Peshmerga*, incorporation of a number of *Peshmerga* into the Iraqi border forces, and disarmament of pro-government Kurdish forces. [4] The Kurds of Iraq made significant

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[*] The full text of the March Manifesto can be found in *The Implementation of March11 Manifesto*, Ministry of Information, Directorate General Information, Information Series – 31, Al Hurriya Printing House, Baghdad Iraq, 1972, pp 9 – 25. Excerpts of the Manifesto appear at Appendix Two, *The Structure of Kurdish Society and the Struggle for a Kurdish State,* by Hussein Tahiri, Mazda Press, Costa Mesa, California 2007.
[+] Throughout this work I adopt the terminology used by Kenneth M. Powell in his book *Arabs at War: Military Effectiveness, 1948 – 1991*, University of Nebraska Press, 2002. He refers to the Kurdish uprising of 1961 – 1970 as the First Kurdish War, and the uprising of 1974 – 1975 as the Second Kurdish War.

gains during this armistice period. Sami Abdul Rahman, a senior KDP leader and

member of the negotiating team that worked out the agreement, described the period after

1970 as a "golden period" during which Iraqi Kurds "saw de facto autonomy throughout

the region with the KDP effectively controlling it through the appointment of

governors."[5] Gareth Stanfield further quotes Rahman as saying that during the armistice

period Iraqi Kurds garnered

> "four years [experience] of direct governance and administration in Erbil,
> Dohuk and Sulaymaniyah governorates … During this period, the KDP
> had a strong military force, and Kurdistan was peaceful."[6]

The 1974 Autonomy Law:[*] After the March Manifesto, the Kurds and the

government in Baghdad "lived in peace for awhile."[7] Unfortunately, mutual suspicion

and intractable differences soon began to undermine the agreement. One major point of

contention was the oil-rich region surrounding Kirkuk. Barzani demanded a cut of the oil

revenue coming out of the area and insisted that it be incorporated as "an inseparable part

of Kurdistan" into his autonomous region. Baghdad not only rejected this demand, but

embarked upon an aggressive campaign of "Arabization" to reduce Kurdish influence in

Kirkuk and other areas by diluting the Kurdish population; another point of disagreement

was the Vice Presidency, with the government of Iraq rejecting the KDP nominee

Muhammad Habib Karim because of his Iranian background.[8] Relations deteriorated

amid mutual recriminations until on March 11th, 1974 – the deadline specified in 1970 for

implementing a final settlement – the government unilaterally implemented its own

Autonomy Law, giving Barzani and the KDP 14 days to accept the offer; Barzani

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[*] The full text of this law -- Law No. 33 of 1974, *Law of Autonomy for the Region of Kurdistan*, can be found in *Settlement of the Kurdish Problem in Iraq*, Ath-Thawra Publications, Baghdad Iraq (no date specified), at pages 185 – 198; extracts of the law can be found at Hussein Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, Mazda Publications, Costa Mesa California, 2007, pages 358 – 365.

rejected it.[9] Soon fighting – the Second Kurdish War – resumed. Backed by significant

Iranian support, Kurdish forces held their own against the Iraqi Government until in early

March 1975, when the Shah of Iran surprised the world by reaching a comprehensive

resolution of outstanding disagreements with Iraq: the infamous Algiers Accord. Having

thus settled his differences with Iraq, the Shah cut the Kurds loose, immediately

depriving them off from any further aid. Kurdish resistance soon collapsed, bringing an

ignominious end Sami Abdul Rahman's "golden period."

The 1991 Uprising – The Rapareen:

As devastating as the 1975 defeat was, much, much worse lay ahead for Iraqi

Kurdistan. The Kurdish cause suffered even more savage blows during the Iran-Iraq War,

including Saddam Hussein's infamous *Anfal*[*] campaign of genocide against the Kurds

from 1987 – 1989.[10] Although the 1974 Autonomy Law technically remained in force

and was even supplemented by a National Assembly Law for the Kurdistan Autonomous

Region in 1980,[+] Hussein's brutal campaign of extermination against the Kurds

throughout much of their homeland effectively rendered these laws a dead letter. So

devastating was the *Anfal* campaign that the KDP and PUK were forced to lay aside the

differences between them that had riven the Kurdish movement since 1975 catastrophe

(*nisko*) and began bilateral talks in the summer of 1987.[11] These talks bore fruit 1988

with the formation of the "National Front of Kurdistan" – better known as the Iraqi

Kurdistan Front or IKF – in 1988.[12] The IKF was a broad-based front consisting of eight

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[*] *Anfal*, or "spoils", refers to a victory by the first Muslims over "unbelievers" in 624 AD (*Bureaucracy of Repression: The Iraqi Government in its Own Words*, Middle East Watch, February 1994, *in Overview: Developments in Iraqi Kurdistan*, compiled by the Foreign Relations Committee, Patriotic Union of Kurdistan, 1994). It also refers to *Sura* (chapter) Eight of the Koran, "The Spoils."
[+] Law No. 56 for 1980, *Law of the Legislative Assembly for the Autonomous Area of Kurdistan*, promulgated pursuant to Revolutionary Command Council Decision No. 387 of March 15th, 1980. The full text of this law can be found at *Consolidating Democracy in Iraq*, Translation and Foreign Languages Publishing House, Baghdad 1981, 41 – 70.

parties: KDP, PUK, Kurdistan Popular Democratic Party (KPDP), Kurdistan Socialist

Party (KSP), Popular Alliance of Socialist Kurdistan (PASOK), Kurdistan Toiler's Party

(KTP), the Iraqi Communist Party (ICP) (its Kurdish wing, *Azadi*), and the Assyrian

Democratic Movement (ADM).[13]

With Iraq's August 1990 Iraqi invasion of Kuwait a glimmer of hope appeared for

the Kurdish movement. Hoping to exploit the war, IKF convened a conference in Iran to

plan their next moves, developing potential courses of action for various potential

outcomes for the war. If Hussein were to succeed in his effort to annex Kuwait, the IKF

would increase their covert forces and launch a propaganda campaign against the regime;

If his regime were destroyed, they would expand the ranks of the *Peshmerga* by

recruiting Kurdish deserters from the Iraqi military and by attempting to turn *Jash* –

Kurdish collaborators with the government – over to their side, and then press the new

regime for autonomy. If the allies left Saddam in power but encouraged a popular

uprising, IKF would again seek to strengthen their *Peshmerga* and "increase

communications between groups and … regularize activities between the parties of the

IKF."[14]*

If the IKF plan to exploit any possible popular uprising seems vague, such an

impression would seem to be validated by the course of events following Saddam's

expulsion from Kuwait. Despite having discussed the possibility of a popular uprising,

IKF seems to have been unprepared when within days of Iraq's March 3 1991

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* Despite these deliberations, it is interesting to note that, according to O'Ballance, upon Saddam's invasion of Kuwait IKF decided to halt all guerrilla action against the Iraqi Army in northern Iraq, and later Jalal Talabani traveled around Europe proclaiming that Kurds would not fight alongside "foreign forces" attacking Iraq. This despite the fact that Talabani had initially sought support in Washington for an uprising against Saddam by his own group, and later IKF did entertain an offer from the CIA for arms to use against Saddam's forces, but demanded UN Observer status like that enjoyed by the Palestinians as the quid-pro-quo, which was a non-starter (Edgar O'Ballance, *The Kurdish Struggle, 1920 – 1994*, St. Martin's Press, NY 1996, pages 183 – 184).

capitulation to the allied Coalition, mass uprisings exploded seemingly spontaneously in Iraq, "emerging from countless local grievances against a regime that had shown such brutality in its rule of Kurdistan."[15] The *Rapareen* is generally believed to have begun in the town of Raniya in Sulaymaniyah Governorate on March 4th, though Stansfield reports that some sources in Kurdistan assert that the uprising actually began with a mass demonstration on March 10th, led by the Kurdistan Communist Party.[16] Wherever it began, it is clear that large numbers of *Jash* turned on their erstwhile masters and joined the uprising.[17] While the parties of the IKF initially were unable to control the course of events, "they soon seized the opportunity to reassert their leadership."[18] The uprising was initially very successful. Kurdish leaders believed that Saddam's Republican Guard had been so badly damaged as to no longer constitute a threat,[19] pressing the attack and capturing a string of towns including Kalar, Kifri, Tuz Khormatu, and Chamchamal,[20] "culminating in the capture of Kirkuk itself on 19 March."[21]

The victory, however, was to be short-lived. Acting on optimistic reports of the demise of the Republican Guard that proved "grotesquely wrong," the *Peshmerga* had hit government forces head on, making "the mistake of engaging in street fighting and even maneuver battles."[22] Tragedy resulted when by the end of March government forces, having suppressed the Shia uprising in the south, struck back, recapturing Kirkuk and sending thousands of Kurds – terrified by memories of *Anfal* – fleeing for their lives into the mountains.[23]

New Autonomy Negotiations and the Withdrawal of Saddam's Administration:

Despite the tragic reversal that that accompanied Saddam's counterattack, the 1992 *Rapareen* created an opportunity for the Iraqi Kurds to press once again for

autonomy. Shocked by the resultant humanitarian crisis, the international community began to move on behalf of the Kurds. On April 5th 1991 the United Nations Security Council passed UN Security Council Resolution 688, which condemned Iraq's repression of its civilian population,[24] the first such resolution in history to mention the Kurds by name.[25] Later that month, after U.S. Secretary of State James Baker visited the Kurdish refugee camps in Turkey and saw first-hand the massive scale of human suffering there, the allied coalition launched *Operation Provide Comfort*[*] to assist them. On April 10th the northern "No Fly Zone" went into effect, prohibiting the Iraqi regime from operating its aircraft north of the 36th Parallel.[26] On April 16th 1991 President George H. W. Bush agreed to the establishment of a "safe haven" inside northern Iraq for Kurdish refugees, contributing 7,000 US troops to the effort along with British, French, and Dutch allies.[27] In late April Saddam tested the Allies' resolve by deploying 800 troops to the Kurdish city of Zahko, but was soon forced to withdraw the great bulk of them under threat of their being expelled by force by the allies.[28] By April 28th 1991, the first of the over a million Iraqi Kurdish refugees in Turkey began to flow back into the Iraqi Kurdistan.[29]

Confronted by such overwhelming military and political pressure, Saddam's government had little choice but to negotiate with the IKF. On April 4th Hussein offered amnesty to Kurds involved in the uprising, except those accused of "rape, murder, and acts of treason", reiterating the offer during an April 18th visit to Erbil; Masud Barzani rejected it over reports of large-scale detention of Kurds in Baghdad.[30] Nonetheless, "secret" negotiations between the Kurds and Baghdad began that month.[31] Saddam Hussein offered the Kurds autonomy on the model of the March Manifesto of 1970.[32]

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[*] *Operation Provide Comfort* was the British name for the mission; the American name was *Operation Poised Hammer*. O'Ballance, *The Kurdish Struggle, 1920 – 1994*, St. Martins Press, NY 1996, page 189.

Although nominally dragging on until January 1992, negotiations had in reality stalled by mid-summer 1991.[33] Key stumbling blocks that killed the negotiations were Kurdish control over Kirkuk (which Baghdad would not accept), and international guarantees of any final settlement (also unacceptable to Baghdad); another point of contention was deployment of Iraqi security forces within any Kurdish autonomous area.[34] Negotiations were also complicated by philosophical differences between Masud Barzani and Jalal Talabani.[*]

Finally in October 1991, with autonomy negotiations going nowhere, Saddam Hussein unilaterally dismantled the entire apparatus of his administration in Iraqi Kurdistan, withdrawing both his troops and the civil administration including all basic services such as education and health.[35] Establishing an economic blockade of the region, Saddam cut off payment of all salaries, wages, and pensions to all state employees who remained in the Kurdish region after withdrawal of his administration, and built a fortified line of demarcation roughly along the 36th parallel – "shortages of food and fuel became acute."[36]

The 1992 Elections and the Formation of a Kurdish Administration:

In withdrawing his administration and imposing an internal blockade upon the Kurdish area, Saddam probably hoped to force the Kurds to a settlement by dramatically demonstrating to them both their economic dependence upon the rest of Iraq and the absolute necessity to them of the administrative and other services provided by the Iraqi

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[*] Barzani seems to have been more conservative in his demands, favoring accepting Baghdad's offer of autonomy along the lines of the 1970 agreement without inclusion of Kirkuk in the autonomous area as the most feasibly attainable, while Talabani took a harder line, seeking an autonomous area that included Kirkuk and roughly 80% what the Kurds viewed as their historical area – an area double the size then under control of IKF *Peshmerga*. (Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, Mazda Press, 2007 page 169; O'Ballance, *The Kurdish Struggle – 1920 – 1994*, St. Martins Press 1994, pages 194 – 195; Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, RoutledgeCurzon 2003, page 96).

state. If such was Saddam's reasoning it proved gravely unsound, for rather than driving

the Kurds to their knees, his blockade actually endowed the Kurds with greater freedom

of political action than any Kurds had ever enjoyed anywhere. According to David

McDowall,

> "The [IKF] recognized Saddam's intention to force their
> submissions to his terms, but it decided that the blockade was an
> opportunity for the Kurds unilaterally to choose their own future and it
> gave up further though of a deal with Saddam."[37]

On January 11th 1992 Masud Barzani formally broke off further autonomy talks

with Baghdad (the talks having been effectively dead for sometime anyway).[38] The IKF

then promulgated two documents: *Kurdistan Liberation Front Law No. 1 of 1992*[*] issued

April 8th 1992,[39] which called for the election of a Kurdistan National Assembly (KNA),

and *Kurdistan Liberation Front Law No. 2 of 1992*, *Leader of the Kurdistan Liberation*

Movement, which called for the election of a "Leader of the Kurdistan National

Movement" (hereafter referred to as President) and defined the powers and duties of this

figure,[+] with the election to be held coincidentally with the KNA election provided for

under Law No. 1. *Law No. 1* was promulgated by "political leadership of the Iraqi

Kurdistan Front": Masud Barzani of the KDP, Jalal Talabani of the PUK, Sami Abdul

Rahman of KPDP, as well as the leaders of PASOK, KSP, KCP, ADM, and the Kurdistan

Toiler's Party.[40] Originally proposed for April 3rd, the election was ultimately held on

May 19th 1992.[41] Nine Kurdish parties competed for 100 assembly seats while four

Christian parties competed for the five seats allocated to the Christian minority in the

Kurdish region, for a total of 13 parties competing for 105 seats.[42] Four parties fielded

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[*] Stansfield refers to this law as "Law No. 1, Law of the Iraqi Kurdistan National Assembly" (Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, RoutledgeCurzon 2003, page 124.
[+] Kurdistan Liberation Front Law No. 2, *Law of the Leader of the Kurdistan Liberation Movement*, was translated with the assistance of "Kitab", a Kurdish graduate student.

candidates for President, with KDP represented by Masud Barzani; Jalal Talabani for the

PUK; Mahmud Osman for the socialists; and Sheikhh Osman Azziz for the Kurdistan

Islamic Movement.[43] Election rules provided for a threshold of seven percent of votes

cast to qualify for seats in the assembly. Only KDP and PUK met this threshold, with

KDP ahead in the polling by 14,000 votes and a seat total of 51 for the KPD and 49 for

the PUK[44] (with the other five going to Christian parties as noted above).[*] Instead of

allocating seats on a 51/49 basis in accordance with the outcome of the polling, KDP and

PUK decided to share power equally with each getting 50 seats in the assembly (the "50-

50 agreement").[45] In the Presidential race, Barzani finished slightly ahead at 44.6% of the

vote and Talabani at 44.3%.[46]

The Kurdistan National Assembly convened on June 4th 1992 with Jawhar

Namigh as president of the assembly; the next day on July 5th, Fuad Ma'sum of the PUK

became Prime Minister.[47]

From Unified Government to Divided Administrations

The May 1992 parliamentary elections were a triumph for the people of Iraqi

Kurdistan and can be fairly described as an unqualified success. The non-governmental

organization Ballots Without Borders, which had monitored the elections, had this to say:

> "The conduct and completion of the electoral process was a remarkable
> achievement. The focus of any appraisal of the electoral process must be
> on the enormous accomplishments of the people of Iraqi Kurdistan and not
> on the shortcomings of the procedures. As the delegation found, the
> process was remarkably fair and, on balance, free. The electorate showed
> enthusiasm, restraint, patience and flexibility. Despite flaws, the election
> offered an opportunity for the will of the people to be expressed – perhaps
> for the first time in their history."[48]

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[*] One party that did not meet the seven percent threshold included the IMK with five percent of the votes.
Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, page 170.

Unfortunately, the Kurds' first attempt at self-government would soon fail as dramatically as their first election had succeeded, as fissures between the various Kurdish parties emerged and began to break out into violence.

The new Kurdish government met success initially, with the first cabinet taking office on July 4th 1992; troubles soon emerged however, and the first cabinet had to resign on March 17th 1993,[49] in the face of partisan difficulties rooted in disputes over the revenues being generated by the Ibrahim Khalil customs post.[50] The second cabinet, led by Kosrat Rasool of the PUK, was formed on April 25th 1993.[51]

Regrettably, intra-Kurdish strife was not limited to turbulence in the cabinet, but soon manifested itself in violence. The first fighting began in December 1993 when the Kurdistan Socialist Party under Mohammad Hajji Mahmood, which had briefly joined the KDP, abruptly withdrew again only a month later, with KDP-KSP clashes following thereafter.[52] PUK became involved in fighting of its own on December 20th 1993, when the Islamic Movement of Kurdistan (IMK) attacked the PUK after first attempting to establish its own parallel administration.[53] As many as 200 people died in the PUK-IMK fighting.[54]

Trouble was brewing between the PUK and the KDP as well, with both parties accusing each other of hoarding customs revenues[55] and other misdeeds. PUK accused KDP of instigating the December 1993 IMK attack on their bases,[56] while KDP accused PUK of stealing US$5 million and of refusing to submit a budget to the KNA in order to provoke a confrontation.[57]

Tensions between KDP and PUK finally boiled over in May 1994, with the initial spark igniting the conflagration being, ostensibly, a real estate squabble. [*] On May 1st of that year a minor KDP official named Ali Hasso became embroiled in a dispute with PUK supporters occupying a 300-square meter patch of ground at Qala Diza (northeast of Sulaymaniyah) occupied by some shops, over which Hasso claimed ownership.[58] The dispute soon escalated to violence after Hasso tried to have the shops demolished – fighting that killed several PUK members.[59] Relatives of the PUK victims soon sought revenge by attacking a KDP facility, killing 20 people including the hapless Ali Hasso himself, which was in turn avenged by a KDP attack that killed 24 PUK members.[60] Fighting soon spun out of control. At the onset of fighting PUK occupied the KNA and other public buildings in the capitol city of Erbil and the KDP mobilized; fighting rapidly spread beyond Qala Diza to other towns including Shaqlawa, Rowunduz, as well as Halabja and Khurmal which were captured from PUK by IMK (with KDP support).[61] Fighting dragged on at least until September 1994, though negotiations to end the strife had begun by June.[62] By July a draft peace agreement had been negotiated, only be scuttled by Turkish objections, and fighting broke out again in December.[63] Finally by late January a ceasefire agreement was reached.[64] 600 people died in the first round of fighting.[65]

1995 found PUK in charge of two-thirds of Iraqi Kurdistan, including all of Sulaymaniyah Governorate and part of Erbil Governorate, including the capitol city of Erbil; KDP held a smaller region consisting of Dohuk Governorate a portion of Erbil.[66]

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[*] I use the word "ostensibly" in deference to Stansfield, who argues that the Qala Diza land dispute was likely a pretext used as cover for a "pre-meditated act", though he does not specify by whom. See Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, RoutledgeCurzon 2003, page 97.

Matters remained roughly so until in late summer 1996 tables dramatically turned. In what may be the most shocking, and certainly is the most controversial tactical alliance ever forged in the history of Iraqi Kurdish nationalism, at 5 a.m. on August 31 1996 Masud Barzani and the KDP, in close cooperation with 40,000 Iraqi Government troops supported by 450 tanks (including forces of Saddam Hussein's hated Republican Guard), launched a "lightning raid" against the PUK.[67] PUK, taken completely by surprise, was routed and sent headlong into retreat. By September 10th PUK had even been driven from their principal stronghold at Sulaymaniyah.[68]

Despite having taken PUK and everyone else almost totally by surprise, there had been some warning signs preceding the August 1996 attack. Friction had continued unabated between the two major parties and KDP had opposed a military action against Government forces in 1995 and by June 1996 PUK had accused KDP of resuming relations with Baghdad. KDP for its part accused PUK of receiving arms from the Iranians and helping them against Kurdistan Democratic Party-Iran (KDP-I).[69] However, PUK might be forgiven for not seeing the attack coming given that at mid-August 1996 KDP had been engaged in negotiations that included PUK, the Iraqi National Congress (INC), and US Government representatives aimed at resolving the differences among the parties and that, by 30 August, it looked as if the talks were on the verge of an success.[70]

This was not the end of this round of fighting, however. KDP withdrew from Sulaymaniyah and allowed PUK to retake it without a fight in October 1996,[71] and a year later PUK launched Operation *Cyclone of Revenge* (*Gardaluli Tula*)[*] on October 13th 1997,[72] following the failure of six rounds of negotiations between the parties.[73] PUK

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[*] Translated by Stansfield as *Vengeance Storm*. See Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 2003, pg 99.

gained significant ground against KDP but was ultimately halted and turned back after

KDP received assistance from the Turkish air force, with the line of demarcation

stabilizing at about the same position as before the PUK attack,[74] where it would remain

until the 2003 invasion. Casualties from this operation (for both sides) have been

estimated at 200.[75]

Perhaps the most tragic result of the August 1996 intervention was the utter

destruction of the INC in Erbil. According to Stansfield, 300 Iraqi Arab fighters –

veterans of the successful INC defeat of Iraq's V Corps in 1995 – were living in Erbil at

the time;[76] according to Kanan Makiya,

> "[t]he KDP worked closely with the Iraqi *mukhabarat*, the secret
> police, who used the information the KDP provided to conduct house-to-
> house searches in Erbil … arresting every Arab they could get their hands
> on who had taken refuge in the previously protected northern region."[77]

According to the US Senate Select Committee on Intelligence Iraqi forces executed 100

INC members during the incursion "and forced the rest to evacuate."[78]

KDP justified their invitation to Saddam as a necessary evil required to counter

Iranian influence in Iraq. According to Sami Abdul Rahman, KDP invited Baghdad to

intervene in response to PUK efforts to placate Iran for the former's battles with IMK by

offering to assist Iran against KDP-I, to the point of helping Iranian troops to penetrate

250 kilometers into Iraq to strike KDP-I targets.[79]* Furthermore, Rahman claims that they

first sought US assistance before resorting to help from Iraq.[+]

The Period of Separate Administrations, 1996 – 2006

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* It is interesting to note that, despite having resorted to Baghdad for help in driving PUK from Erbil,
Masud Barzani then criticized PUK for accepting Iranian help in retaking their lost territory, complaining
that "Sulaymaniyah was taken with the help of Iranian guards, Iranian weapons, Iranian bombs."
Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 2003, page 99.
+ Rahman also cites as further provocation a claim that PUK attacked KDP forces under cover of Iranian
artillery support on August 17th, 1996. Tahiri, *The Structure of Kurdish Society and the Struggle for a
Kurdish State*, 2007 pg 277 – 279.

The first unified administration began to unravel when KDP and PUK descended into open conflict, effectively leaving power in the hands of the political bureaus of the two parties rather than the formal administration.[80] The second unified cabinet resigned on October 24th, 1994,[81] and the 1996 KDP/Iraqi Government invasion of Erbil effectively delivered the coup-de-grace to the unified administration. Each would party set up its own separate, parallel administration thereafter.[82]

Following the loss of Erbil, KRG Prime Minister Kosrat Rasool – of the PUK – declared that the Kurdistan Region had been invaded and, using that as a rationale, reconstituted his administration and a new third cabinet in Sulaymaniyah. He claimed that his cabinet in Sulaymaniyah was the legitimate government of the region, as he had been unanimously chosen as prime minister by the last session at which KNA sat as a complete body, and had never been legally removed.[83] The KDP established its own administration in the capitol of Erbil and what's more, reconvened the Kurdistan National Assembly, this being possible as the remaining rump of the assembly consisting only of KDP and Christian party members still constituted a majority (and a quorum) even without the PUK members – thus the KDP administration was able to continue operating with a functioning legislature, while PUK was not.[84] KDP defended their new cabinet, under Dr. Roj Nuri Shawaise,[*] as the legitimate government of the region by accusing the PUK of "illegal" actions under the second cabinet and, more persuasively, on the basis of PUK's expulsion of KDP from Erbil in 1994.[85]
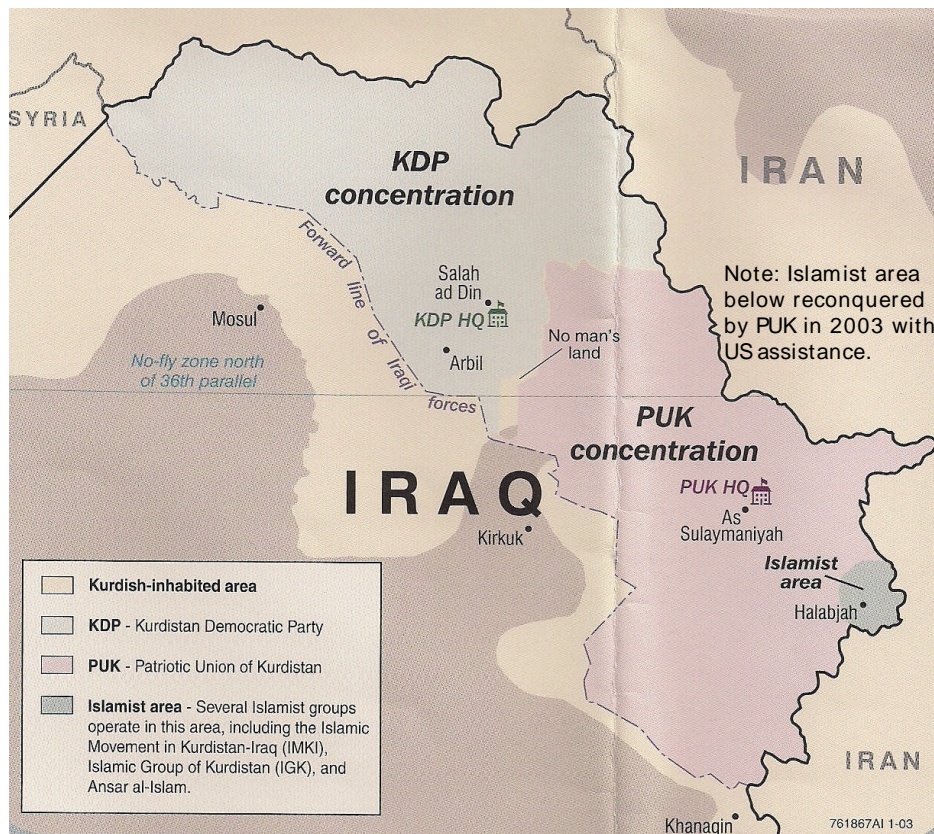
The period of turmoil that led to establishment of separate administrations was a great tragedy for the Kurdish people, so much so that one western diplomat described the

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[*] KDP seated a fourth cabinet, under Nechirvan Barzani, on December 20th 1999. Barzani remains Prime Minister of the unified cabinet today (Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, page 186).

internecine fighting that led to it as "national suicide."[86] One source estimated that 3000 people died during the inter-party clashes between December and April 1995 and that 2,000 died in 1995 and 1996. [87]

The breach may have produced benefits as well, however. It physically separated the two parties into their own respective spheres, removing the destabilizing factor of inter-party competition which KDP and PUK did "not have the capacity to embrace" at that time, allowing them to establish relatively effective government institutions in their respective areas, providing for at least short term stability, even if at the cost of efficiency.[88] The parties having neither the "strength" to destroy one another nor the "political will" to work together, separate administrations were their only alternative.[89]

KDP and PUK Areas, 2003

Source: DI Cartography and Design Centers Map Iraq Country Profile (No. MPG 387230AI 1- 03) US Government Printing Office 2003

Map 3

Return to Unified Administration, 2006:

Despite the turmoil that followed the establishment of the Kurdistan Regional Government in 1992 and the establishment of separate administrations after 1996, KDP and PUK continued to work for settlement of their differences, culminating in the Washington Agreement of September 17th, 1998[90] and followed by another agreement on October 22nd 1999.[91] These agreements were not fully implemented,[92] but at least they represented an effort by both parties to contain the differences between them within the political and not the military sphere.

Movement to reintegrate the two administrations began as early as 2002. During April of that year, Jalal Talabani and Masud Barzani met in Frankfurt, Germany; among other items on the agenda were talks on merging certain of the parties' separate ministries into unified entities.[93]

Events gained momentum after with the US-led invasion of Iraq in March 2003. On June 12 2003, in order to have a "united voice" in the new Iraq, Barzani and Talabani met at the Dokan resort in Sulaymaniyah Governorate and agreed to merge their administrations. Unification did not occur at this time, however. It wasn't until January of 2006 – almost three years later – that KDP and PUK once again announced their intention to unify, finally implementing the decision on May 7th 2006.[94] Even then, unification of certain key ministries – namely Justice, Interior, Finance, and *Peshmerga* – was postponed, with final unification to occur one year later.[95] Nechirvan Barzani was named Prime Minister of the new unified cabinet and the post of Vice President was created and filled by former PUK Prime Minister Kosrat Rasool (Masud Barzani had already been named President of the KRG on May 29th, 2005).[96] This later target for

unification of the four remaining ministries has not been met however, with only the

Justice Ministry having been unified as of this writing. It remains, however, the policy of

the KRG to unify the remaining ministries, this having been reiterated in the press as

recently as January of 2009.[97]

Unification efforts in the legislative sphere proceeded earlier, timed to coincide

with the 2005 Iraqi elections. Voting for a new Kurdistan National Assembly was held

on January 30th, 2005 and the new parliament met for the first time on June 4th, 2005 with

Adnan Mufti of PUK as speaker.[98]

Other developments have included the drafting of an as yet un-ratified draft

constitution for the Regional Government in 2006,[99] and reunification of the judiciary in

August 2006.[100]

The main elements of today's unified KRG are the Kurdistan National Assembly,

the President, the Council of Ministers (the cabinet), and the Judiciary (the judiciary will

be dealt with in greater detail below). President Masud Barzani's executive style is to

focus his attention on strategic issues – relations with Baghdad, foreign affairs, and the

overall direction of the Kurdistan Region's future.[101] The enumerated powers of the

Presidency include serving as Commander-in-Chief of the *Peshmerga*; appointment of

the Chairman of the General Security Committee and other major appointments;

commutation or execution of death sentences; and signing or veto of legislation passed by

the KNA.[102] The President can also dissolve the Council of Ministers.[103] Most of the day-

to-day responsibilities of governing fall to the Prime Minister (currently Masud Barzani's

nephew Nechirvan), who chairs the Council of Ministers. All major decisions must be

signed both by the Prime Minister and the Deputy Prime Minister Omar Fatah of the

PUK, and must also be approved by majority vote of the council.[104] Personal influence plays a role, as Prime Minister Barzani and Deputy Prime Minister Fatah reportedly have an excellent working relationship and, between them, have the personal clout necessary to carry the rest of the council along with them on major decisions.[105] The Council of Ministers consists of some 41 members (including the Prime Minister and Deputy Prime Minister).[106] Of these at least nine are ministers without portfolio or "Ministers for the Region;" additionally, three ministries – Interior, Justice, and *Peshmerga* – are represented on the council twice: By the Minister and by a "Minister of State" from the other party.[107] For Interior, the Minister is PUK's Osman Haji Mahmoud and the Minister of State is Karim Sinjari; for Peshmerga the Minister is Umar Uthman of KDP and the Minister of State is Sheikh Jaffer of PUK; and for Justice the Minister is PUK's Farouq Jamil Sadiq and the Minister of State is Azad Izaddin Mala Afandi[108] (the reader will note that these ministries are three of the four sensitive ministries not immediately unified under the May 2006 unification agreement). Unlike other parliamentary democracies, the members of the Council of Ministers are not necessarily members of Kurdistan National Assembly.[109] Additionally, the Ministers for the Region – usually from smaller, minor parties – do not have a vote in major cabinet decisions.[110]

The final components of the Kurdistan Regional Government are the three governorates of the Region, Dohuk, Erbil, and Sulaymaniyah. The status and powers of the governorates is ambiguous, but the KRG currently lacks a provincial powers law clearly delineating their powers[111] – there is no KRG equivalent to the 10th Amendment to the U.S. Consitution. The lack of a provincial powers law and provincial election law

is one reason that the KRG did not participate in the recent Iraqi provincial elections – the draft Provincial Powers Law is before the KNA now.[112]

In the absence of such a Provincial Powers Law, the governorate governors have no clear basis of executive authority, aside from execution of a small provincial budget provided by Baghdad.[113] Despite this, the governor of Erbil has successfully accumulated some actual, if not officially sanctioned, executive power within his governorate, by a combination of his own administrative effectiveness, personal influence, and the strong backing of Prime Minister Barzani; the Governor Dana of Sulaymaniyah has also recently had some success establishing some effective authority by emulating this model.[114]

Despite this recent success, the position of the Sulaymaniyah Governorate has been more difficult than that of Erbil or Dohuk. This can be traced to the period of divided administrations. The KDP had responsibility for two governorates in its area (Dohuk and Erbil), while PUK had but a single province – Sulaymaniyah. The result of having a KRG administration responsible for but a single governorate inevitably had the result of rendering the governorate administration redundant, with the natural result that much of the executive authority of the governor was stripped away and assumed by the KRG (PUK).[115] This arrangement worked well enough until KDP and PUK merged their administrations in 2006. At this point, the PUK administration decamped to Erbil, taking the executive authority necessary to administer Sulaymaniyah Governorate with it.[116] The KDP provinces faced less of a challenge as, with two governorates to administer vice one, the governorate governments were less redundant than their single counterpart in the PUK area.

[1] Constitution of Iraq, Article 140, Sections 1 and 2.

[2] Hussein Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State* (Costa Mesa, CA: Mazda Publishers, 2007), 112.

[3] Ministry of Information Directorate of General Information, *The Implementation of the March 11 Manifesto* (Baghdad: Al Hurriya Printing House, 1972), 9 – 25.

[4] Ibid., 139, 144, 147; Richard F. Nyrop, ed., *Iraq: A Country Study* (Washington DC: American University, 1979), 56.

[5] Gareth R. V. Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy* (New York: RoutledgeCurzon 2003), 75.

[6] Ibid.

[7] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 112.

[8] Ibid., 113.

[9] Edgar O'Ballance, *The Kurdish Struggle, 1920 – 1994* (New York: St. Martin's Press 1996), 95.

[10] Sheri Laizer, *Martyrs, Traitors and Patriots: Kurdistan After the Gulf War* (Atlantic Highlands NJ: Zed Books, 1996), 1; Mahmood Singawi, Personal Representative of Jalal Talabani to the PUK Peshmerga, interview by author, Sulaymaniyah Iraq, November 23, 2008.

[11] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 92.

[12] John Laffin, *The World in Conflict: War Annual 7* (Washington DC: Brassey's, 1996), 69.

[13] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 92; David McDowell, *A Modern History of the Kurds*, 2nd ed. (London: I.B. Taurus, 2000), 249; Edmund Ghareeb, *Historical Dictionary of Iraq* (Lantham, MD: Scarecrow Press, 2004), 184.

[14] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 92.

[15] Charles Tripp, *A History of Iraq*, 2nd ed., (New York: Cambridge University Press, 2005), 256.

[16] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 224 (note 4).

[17] Tripp, *A History of Iraq*, 2nd ed., 256.

[18] Ibid.

[19] Laffin, *The World in Conflict: War Annual 7* (Washington DC: Brassey's, 1996), 70.

[20] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 95.

[21] Tripp, *A History of Iraq*, 2nd ed., 257.

[22] Laffin, *The World in Conflict: War Annual 7* (Washington DC: Brassey's, 1996), 70.

[23] Tripp, *A History of Iraq*, 2nd ed., 257.

[24] Frances Xavier-Lovat, *Kurdistan Democratic Party* (London: G.I.D. Editions, 1999), 77.

[25] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 95.

[26] Lovat, *Kurdistan Democratic Party,* 79.

[27] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 168.

[28] O'Ballance, *The Kurdish Struggle, 1920 – 1994*, 190.

[29] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 96.

[30] O'Ballance, *The Kurdish Struggle, 1920 – 1994*, 190 – 191.

[31] Ibid.

[32] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 168.

[33] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 96.

[34] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 169.

[35] Lovat, *Kurdistan Democratic Party*, 81.

[36] O'Ballance, *The Kurdish Struggle, 1920 – 1994*, 196.

[37] McDowall, *A Modern History of the Kurds*, 2nd ed., 379.

[38] O'Ballance, *The Kurdish Struggle, 1920 – 1994*, 197.

[39] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 124.

[40] Ibid., 229 (note 23).

[41] McDowall, *A Modern History of the Kurds*, 2nd ed., 379 – 380.

[42] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 170.

[43] Ibid.

[44] Ibid.

[45] Ibid., 170 – 171.

[46] Ibid., 170.

[47] Ibid., 171.

[48] International Human Rights Law Group, *Ballots Without Borders: A Report on the May 1992 Elections in Iraqi Kurdistan* (Washington DC: International Human Rights Law Group, July 1992), iii.

[49] Lovat, *Kurdistan Democratic Party*, 85 and 89.

[50] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 149.

[51] Lovat, *Kurdistan Democratic Party*, 89.

[52] *Kurdish Affairs* 1, no. (March 1994): 3 (Anthologized in Patriotic Union of Kurdistan, *Overview: Developments in Iraqi Kurdistan* (n.p.: Patriotic Union of Kurdistan Foreign Relations Committee, 1994), not paginated).

[53] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 175 – 176.

[54] Michael M. Gunter, "The KDP-PUK Conflict in Northern Iraq," *Middle East Journal* 50, (Spring 1996): 232.

[55] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 277.

[56] Ibid., 274.

[57] Ibid., 276.

[58] Gunter, "The KDP-PUK Conflict in Northern Iraq," 233; Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 267.

[59] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 267.

[60] Ibid.

[61] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 97 – 98.

[62] Gunter, "The KDP-PUK Conflict in Northern Iraq;" Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 97 – 98.

[63] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 97 – 98.

[64] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 176 – 180.

[65] Ibid.

[66] Ibid., 277 – 279; Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 97-98.

[67] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 98; Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 181 – 183; Kanan Makiya, "The Politics of Betrayal," New York Review of Books 43, no. 16: 8.

[68] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 181 – 183.

[69] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 98.

[70] Ibid.

[71] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 181 – 183.

[72] Ibid., 279 – 281.

[73] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 99.

[74] Ibid., 99.

[75] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 279 – 281.

[76] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 98.

[77] Makiya, "The Politics of Betrayal," 8.

[78] U.S. Congress, Senate, Select Committee on Intelligence, *Report of the Select Committee on Intelligence on The Use by the Intelligence Community of Information Provided by the Iraqi National Congress* 109th Congress, Second Sess., September 8, 2006, 24, http://209.85.173.132/search?q=cache:A7HoxpGcdXcJ:intelligence.senate.gov/phaseiiinc.pdf+%22Iraqi+National+Congress%22+August+31+1996&hl=en&ct=clnk&cd=5&gl=us (accessed February 16, 2009).

[79] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 277 – 279.

[80] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 97.

[81] Lovat, Kurdistan Democratic Party, 91.

[82] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 100.

[83] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 154.

[84] Ibid.

[85] Ibid.

[86] Laffin, *The World in Conflict: War Annual 7* (Washington DC: Brassey's, 1996), 71.

[87] Ibid.

[88] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 5, 145, and 154.

[89] Ibid., 1.

[90] Ibid., 100.

[91] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 185.

[92] Ibid., 186.

[93] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 1.

[94] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 333; United Nations High Commissioner for Refugees (UNHCR), *Governorate Assessment Report Erbil Governorate*, (n.p.: United Nations High Commissioner for Refugees, September 2007), 7, www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=471efc6d16 - (accessed February 16, 2009).

[95] Kurdistan Regional Government, "Kurdistan Regional Government Unification Agreement," January 21, 2006, http://www.krg.org/articles/detail.asp?rnr=24&lngnr=12&anr=8891&smap= (accessed February 16, 2009).

[96] United Nations High Commissioner for Refugees (UNHCR), *Sulaymaniyah Governorate Assessment Report* (n.p.: [96] United Nations High Commissioner for Refugees, August 1996), 7, www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=459badd426 - (accessed February 16, 2009).

[97] "PUK and KDP Politburos: KNA Elections Won't be Postponed," *Rozhnama*, extracted in Regional Reconstruction Team Kurdistan Region of Iraq, *Media Summary*, January 21, 2009.

[98] UNHCR, *Sulaymaniyah Governorate Assessment Report*, 7.

[99] Ibid., 8.

[100] Khaled Salih, "Prime Minister's Speech: Kurdistan Region Re-establishes Supreme Court," Kurdistan Regional Government Website, August 2nd, 1996, http://www.krg.org/articles/detail.asp?rnr=95&lngnr=12&anr=12625&smap= (accessed February 16, 2009).

[101] Interview by author with KRG official, 2009.

[102] Ibid.

[103] Ibid.

[104] Ibid.

[105] Ibid.

[106] "Ministers of the New Unified Cabinet," KRG Website, May 7, 2006, http://www.krg.org/articles/detail.asp?rnr=159&lngnr=12&smap=04060000&anr=10938 (accessed February 24 2009).

[107] Ibid.

[108] Ibid.

[109] Interview by author with KRG official, 2009.

[110] Ibid.

[111] Ibid.

[112] Ibid.

[113] Ibid.

[114] Ibid.

[115] Ibid.

[116] Ibid.

Chapter 3
The *Peshmerga*

<u>Who Are the *Peshmerga*?</u>

As the armed defenders of the Kurdish nationalist movement in Iraq against successive authoritarian regimes for decades past, the *Peshmerga* are perhaps the single most revered and cherished institution in Iraqi Kurdistan. It may seem surprising then that there is not always clear agreement as to just who constitutes a *Peshmerga*. As one senior *Peshmerga* leader told me, "not every armed man is a *Peshmerga*."[1]

The term itself is composed of the two Kurdish words *pesh* ("before" or "in front of"), and *merga* ("death"), and means literally "in front of death",[2] though it is usually translated as "those who face death." Some argue that the term first came into use in reference to Kurdish fighters who fought in the service of the Kurdish Republic of 1946 at Mahabad, Iran.[3] In support of this position, one *Peshmerga* officer in Erbil provided me with an apocryphal account that purports to trace the origins of the term to that period. According to this account Qazi Mohammed, President of the Republic, appointed two famous poets named Hemin and Mam Hajar (who was also a linguist and translator) to develop a lexicon for the new army of the Republic. The two went together, so the story goes, to a *chaikana* (teahouse) frequented by the educated elite of Mahabad, owned by an old man. A "very warm" discussion ensued about what term was the correct one for the soldiers of the Republic. The shop owner, hearing the commotion, approached and asked what the problem was. The disputants then explained that were debating what the proper name for the soldiers of the Republic should be. The owner replied that he had heard that a man who dies very bravely in battle is called a "*peshmerga*" – one who faces

death. Hemin and Mam Hezhar then chose this word as the name to be applied to the soldiers of the Republic.[4]

Most scholars and commentators disagree with the foregoing thesis, however, arguing instead that the word *Peshmerga* came into use in Iraq in the early 1960s.[5*] Regardless of the provenance of the term, this Iranian Kurdish struggle is important in the history of the *Peshmerga* because the core of the Republic's military force consisted of Iraqi Kurdish refugees under the leadership of Mullah Mustafa Barzani. In light of the origins of the term, Dr. Hussein Tahiri's use of the term *Peshmerga* to refer to the Kurdish fighters of both Iran and Iraq may seem appropriate.[6] Mahmood Singawi, Iraqi President Jalal Talabani's personal representative to the PUK *Peshmerga*, goes further, arguing that although Iraqi Kurds reject their ideology, the PKK of Turkey are also *Peshmerga* because they fight for the liberation of Kurdistan.[7] Not everyone agrees, however. Sheri Laizer states that

> "the term [*Peshmerga*] is mainly used of Iraqi Kurds. The Kurds of the PKK refer to themselves individually as guerrillas with the People's Liberation Army of Kurdistan (ARGK); in Iran, as partisans."[8]

In fact, the PKK hasn't merely abstained from use of the term, but has actually denigrated it, viewing the "*Peshmergas* as traditional Kurdish military forces who had not received enough military and political training," as opposed to the PKK's own "more sophisticated forces."[9]

Even within the Iraqi context there has not been universal agreement on the meaning of the term. One source referred to KDP fighters in the late 1970s as *Peshmerga*, while referring to those of the PUK as "Kurdish rebels."[10] The PUK

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[*]One source that does accept it is Michael J. Lortz, *Willing to Face Death: Kurdish Military Forces – the Peshmerga – from the Ottoman Empire to Modern-day Iraq*, (PhD dissertation), Florida State University, 2005.

disagreed, however, defining their fighters in a 1977 publication as "a People's Army that is called *Peshmerga* in Kurdish."[11] In my own recent experience as a military advisor in the Kurdistan Region, I found Laizer's statement to be largely correct – the term *Peshmerga* is generally used in reference to Iraqi Kurds and includes the both KDP and PUK forces. Confusion still exists in the public mind from time to time about who exactly are *Peshmerga*, however. When the Iraqi Army 3rd Brigade 4th Division, based at Sulaymaniyah in the PUK area was ordered to Baghdad in January, 2007 Kurds both in Iraq and abroad complained bitterly about "our *Peshmerga*" being sent to Baghdad.

Finally, in a 2003 document, a joint KDP-PUK committee wrote that "[a] *Peshmerga* is a loyal fighter armed with honorable revolutionary principles and ready to sacrifice for the sake of the Kurdistan Homeland".[12]* PUK *Peshmerga* Minister Sheikh Jaffer offered me a similar definition in 2007: "A *Peshmerga* is an armed political fighter who defends the rights of the Kurdish people."[13] These last definitions are perhaps the best so far because they acknowledge certain key *Peshmerga* attributes: They are a *political* force motivated by a commitment to Kurdish *nationalism*, as opposed to tribal allegiance – a critical distinction that I discuss further below.

For purposes of this study, however, I adopt the definition of *Peshmerga* promulgated by the Kurdistan National Assembly in Law Number 38 of 2007, *Law of Service and Retirement of Peshmerga (The Guards of the Region)*. Article 1, section 9 of this law defines a *Peshmerga* as a

> "person who had participated in Kurdistan Liberation Revolution
> to achieve the democratic and national rights of Kurdistan people, or may
> [later] join the *Peshmerga* (The Guard of the Region) Force" [sic].[14]

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* Given the poor translation into English of this document, I had to paraphrase somewhat.

The law further defines the Revolution cited above as "a phase of Kurdistan Liberation Movement that started on September 11th, 1961" [sic].[15*] In other words, for purposes of this paper, a *Peshmerga* is a Kurdish fighter who served in the military forces of the Kurdish Revolution in Iraq on or after September 11th 1961 or who subsequently served in the *Peshmerga* as constituted in the KRG.

The *Peshmerga* Movement in Historical Context

The *Peshmerga* movement is a relatively recent phenomenon in Kurdish history. Despite the Kurds' ancient warrior tradition and long history of uprisings, rebellions, and inter-tribal strife, the *Peshmerga* phenomenon represents a significant break from the past in several respects. For most of Kurdish history tribalism was the basic organizing principle of Kurdish society. Under the tribal model, Kurdish fighters gave their allegiance to tribal chiefs (*aghast*) or religious figures (*Sheikhs*). In combat, they fought as tribal bands under the command of their *Sheikhs* or *aghas*. No permanent or formal military units existed, and no authority outside the tribe was acknowledged. Even the famed Hamadiya Cavalry, viewed by at least one scholar as a historical antecedent of the *Peshmerga*,[16] did not deviate far from the traditional mode of Kurdish warfare. For although taking the form of regular military units, the Hamadiya Cavalry were in reality feudal levies, commanded by local tribal leaders appointed by the Ottomans – leaders who manned these units with their own tribesmen and served as vassals to the Sultan.

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* September 11th 1961 is the generally accepted date for the beginning of the First Kurdish War. Although fighting had begun in the form of tribal skirmishes months earlier, this date is important because on this day a force of Arkou tribesman led by Sheikhh Abbas Mohammed attacked an Iraqi Army unit at Bazyan, en route to Kirkuk from Sulaymaniyah. Abbas's grievance was opposition to President Qasim's land reform proposals. Although the Barzani's had not participated in the attack, the Iraqi Air Force bombed the village of Barzan in retaliation anyway. This escalated what had been a low level conflict between Barzani and tribes acting as government proxies into open warfare between Barzani and the Iraqi Government directly. See Edgar O'Ballance, *The Kurdish Revolt, 1961 – 1970*, Faber and Faber, London 1973, page 75.

All this changed in the aftermath of the First and Second World Wars. In the words of Dr. Tahiri, "[t]he largest cohesive segments [in Kurdish society] were [previously] tribes … After the mid-twentieth century, the largest segments of Kurdish society became the political parties …"[17] The emergence of these parties was a critical factor in the development of Kurdish society, both politically and militarily. Previous Kurdish revolts failed because, according to Dr. Tahiri, prior to the emergence of these parties the Kurds

> "lacked modern leadership. A modern Kurdish leader would need an institutionalized organization … the people would be asked to show their loyalties to an abstract idea, such as a state, an administration … contrary to what existed in Kurdish society based on loyalty to tribal or religious leaders." [18]

The emergence of the Kurdistan Democratic Party (KDP) and later the Patriotic Union of Kurdistan (PUK) transformed Kurdish politics and society – and also transformed the Kurdish military struggle. It was in a large part under the auspices of these parties that the first formal, organized, permanent, non-tribal Kurdish military units were formed.

These parties never would have been able to challenge and overcome the tribal traditions and loyalties so deeply entrenched in Kurdish culture, however, were it not for the charismatic and effective leadership of the legendary Mullah Mustafa Barzani.

The Emergence of Mullah Mustafa Barzani

Mustafa Barzani can justly be described as the father of the modern Kurdish national movement in Iraq. He first emerged in the annals of Kurdish military history during the Barzani revolts of the 1930s caused by tensions between Sheikh Ahmad Barzani and the Iraqi Government over the latter's desire to exert sovereignty in the area

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and with other tribes over Sheikh Ahmad's heretical religious doctrines.[19] The first

clashes occurred when the rival Bradosti Tribe raided Barzani territory in summer of

1931 and again in the fall of 1931. In each case Sheikh Barzani's younger brother, Mulla

Mustafa Barzani, repulsed the attacks.[20] Shortly thereafter, on December 9th, 1931

Colonel Barqi, the local Iraqi Army commander, surrounded Barzan village by night,

demanding surrender of the village. Once again command of the defense fell to Mustafa

Barzani who, defending the village throughout the next day and counterattacking the

following night, repulsed the government forces.[21] Matters deteriorated the following

spring when the Iraqi Minister of the Interior demanded that Sheikh Ahmad Barzani

swear allegiance to the government. The Barzanis instead chose war. Again Mullah

Mustafa played the decisive leadership role, personally commanding the main force at

Mergasur.[22] The Barzanis scored a series of impressive victories but by early June began

to feel themselves under pressure with the defection of tribal allies. Despite their

impressive combat performance, betrayal by allied tribes forced them to retreat into

Turkey on June 22nd.[23] Although the Barzanis were defeated, Mulla Mustafa had shown

himself to be a formidable military commander.

Barzani and the Nationalist Movement: The 1943 – 1945 Uprising

The Barzanis were allowed to return from Turkey to Iraq shortly after their failed

uprising. Upon his return, however, Mulla Mustafa found himself exiled, first to Baghdad

and then to Sulaymaniyah.[24] On July 12th 1943 Mulla Mustafa left Sulaymaniyah

without authorization en route to Barzan. Within two weeks of his return to Barzan he

had accumulated a force of 750 men, this force growing to 2000 within two months. At

this point Barzani rose again, launching a series of surprise raids on police stations,

quickly overcoming all but a few.[25] By October Barzani had cleared government forces

out of the Barzan region except for detachments at Mergasur, Barzan village, and Bilah,

capturing 19 police stations.[26] Fighting stopped when Barzani negotiated a truce with the

government. The truce, however, collapsed with the resignation of Prime Minister Nuri

Said.[27] Fighting resumed shortly after the al-Pachachi cabinet voted to authorize the

Defense Minister to suppress Barzani.[28] The Iraqi 3rd Brigade initiated land operations on

August 25th 1945 with an operation to occupy the Badliyan Heights and the slopes of

Mount Qalander, being once again repulsed by the Kurds.[29] Barzani ultimately assembled

an impressive force of 5,000 fighters, consisting of 3,000 Barzanis and 2,000 others

drawn from the Bradost, Baluk, and Zebar regions.[30] As in uprisings of the 1930s,

Barzani used this instrument to rack up an impressive string of victories over government

forces, and once again this success came to naught when, by the fall of 1945, the

government began to entice Barzani allies away from him.[31] The first desertion was by

the Surchis, who defected to the government side at the Akra front where they helped to

relieve the government's besieged 5th Brigade.[32] The Surchis were soon followed by he

Zebaris, Brodostis, Sharafanis, and others.[33] These defections undermined Barzani's

efforts, ultimately making continued resistance untenable. As a result, the Barzanis

decided to withdraw into Iran before winter snows closed the mountain passes between

the two countries.[34] The uprising ended on October 11th 1945 when Barzani crossed the

frontier into Iran.[35]

The uprising of 1943 – 1945 was an important milestone in the Kurdish

movement for at least three reasons. One reason, of course, is that once again Barzani

proved to be an exceptionally capable military leader. But his military bona fides had

already been well established during the previous uprising in the 1930s. Much more

important are two additional reasons. First, in the 1943 uprising Barzani's stated aims

were explicitly nationalist as opposed to being merely tribal: He demanded the creation

of an autonomous Kurdish province within the Iraqi state consisting of Kirkuk,

Sulaymaniyah, Erbil, Dohuk, and Khanaqeen; and he further demanded that this province

be placed under a Minister for Kurdish Affairs.[36] Stansfield characterizes as "debatable"

the proposition that the 1943 Uprising was truly nationalist.[37] He quotes David

McDowell as stating that

> "Although sometimes described as a nationalist rebellion, the evidence
> indicates that it was not … if one looks at his [Barzani's] actions … it is
> plausible that … like any good tribal leader, he was constantly seeking to
> widen his regional authority.[38]

At the same time, Stansfield quotes Emmanual Sivan, who argues that

> "[u]nlike previous revolts, which were primordially tribal, this outburst
> was essentially nationalistic. Not only did Barzani himself declare
> nationalist aims of the rebellion, but for the first time the urban nuclei of
> the national movement joined the struggle…"[39]

Sivan's comment points to the final and most significant aspect of the 1943

Uprising: Whatever Mustafa Barzani's true motives, he was from 1943 onwards

inextricably linked to the Kurdish national movement in Iraq. As Stansfield clearly

articulates, whatever Barzani's private aims, "… if Barzani did not choose nationalism,

the nationalists chose him."[40] Stansfield goes on to argue that

> "Whilst being a leftist party, *Hewa* [a Kurdish nationalist party active in
> Iraq at the time] was politically astute enough to recognize the inherent
> strength of the tribes. As such, it recognized Barzani as the leader of the
> Kurdish national movement probably before he realized it himself."[41]

Barzani's link to the *Hewa* Party began at least as early as 1943, when the *Hewa* assisted

him in his escape from exile in Sulaymaniyah.[42] This link was reinforced when on

January 15th 1945 Barzani and others formed the "Freedom Committee," which approved

a program of various political and cultural goals including, significantly, the formation of

armed units in Kurdistan. The Freedom Committee established links with *Hewa* who, if

Masud Barzani is to be believed, followed the Freedom Committee's lead.[43] Others,

however, disagree as just who was following whom. Edgar O'Ballance characterizes

Barzani's formation of the Freedom Committee as an attempt to undermine *Hewa's*

position.[44] *Hewa*, for its part,

> "wanted to minimize Mullah Mustafa's importance; in fact, *Hewa* only
> gave him supplies and information as it wanted to use him for its own
> political ends, after which the intention was to abandon him."[45]

Whatever the true attitudes of *Hewa* and Barzani toward one another, one thing is

clear: As the first time that Kurdish political organizations had actively tried to cooperate

with tribal forces,[46] the 1943 - 1945 Uprising marked the beginning of the highly

successful – if stormy – marriage of Mulla Mustafa Barzani and Kurdish nationalism in

Iraq.

The Kurdish Republic of 1946

Despite the failure of the 1944 – 1945 insurrection, Mustafa Barzani's stock in the

Kurdish nationalist movement only continued to rise, due to his participation in the ill-

fated Kurdish Republic of 1946. Declared an independent state with Soviet backing by

Iranian Kurd Qazi Mohammed on January 22nd 1946,[47] the Republic sought to exploit the

difficulties of an Iranian state weakened by a dual occupation at the hands of the Soviets

and the British. Barzani contributed about 1200 fighters to the army of the fledging

Republic,[48] forming "its military backbone."[49] Barzani was one of four generals

appointed by the Republic March 31st, 1946.[50] Masud Barzani claims that the elder

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Barzani was appointed Chief of Staff of Mahabad's army,[51] but other accounts contradict this, merely describing Barzani as a general. Further doubt is cast upon Masud Barzani's claim that by the fact that Mahabad officials hardly welcomed the Barzanis with open arms, greeting them with suspicion and requiring "considerable time" to fully accept them.[52]

Whatever Barzani's formal role and whatever the attitudes of the Mahabad leadership toward him, it is obvious that Barzani and his followers played a key role in defending the Republic during its brief existence. Barzani's force was the largest and best-disciplined in the Republic – a fact to which O'Ballance credits the military rank and respected accorded Barzani at Mahabad.[53] Barzani's fighters were re-armed,[54] organized into formal regiments[55] and fought a number of successful engagements in Republic's defense. The first of these was on April 24th 1946 when the Barzanis ambushed a small Iranian force near Saqqiz, forcing it to retreat and taking prisoners.[56] According to Eagleton, this battle – known as the battle of Qahrowa or Quarabad – resulted in 21 Iranians killed, 14 wounded, and 40 prisoners.[57] The Persians attacked again on May 26th 1946, also near Saqqiz, and were again thrown back, this time with the loss of the attacking force's commander, one Captain Khosravi.[58] The Barzanis' fought another engagement against Iranian forces at Mamasha on June 15th 1946.[59]

The Republic suffered a severe reversal with the withdrawal of their Soviet sponsors in May 1946.[60] By mid-June of that year tribes began drifting away,[61] with the Shikak and Herki withdrawing on December 11th. At this point, with the situation clearly hopeless, the Barzanis withdrew from Saqqiz first to Mahabad, then to Nagadeh near the

Iraqi border,[62] after first having offered to take Qazi Mohammed with him. The Mahabad

President refused this offer and was later executed by the Iranians. [63]

The Barzanis' withdrawal from Iran was to be a difficult one, with engagements

against Iranian forces at Nalos in early March 1947 and Gojar on March 13th,[64] and

further engagements on March 25th and April 3rd.[65] On April 25th 1947, with the morale

of his fighters sagging, Barzani led them back to Iraq, where a cold reception awaited

them. In Iraq Barzani and his followers faced repression, arrest, confiscation of property,

and in some cases execution.[66] In the face of these circumstances, Barzani and 496 of his

followers left Iraq for exile in the USSR, crossing back into Iran on May 27th 1947,

finally crossing into the USSR after three weeks and over 300 kilometers of fighting

against the Iranian army on June 15th 1947.[67*] Barzani and his followers would not return

to Iraq until after the Iraqi Revolution of July 14th, 1958.[+]

The Kurdistan Democratic Party

Along side Mustafa Barzani, Another great formative influence on the *Peshmerga*

has been the Kurdistan Democratic Party (KPD).

The KDP was formed on August 16th 1946, the date the party held its first

congress at Baghdad, electing Hamza Abdullah as Secretary General and Mulla Mustafa

Barzani as President-in-Exile (the party did not adopt its current name until the 3rd party

congress).[68] From the beginning, the KDP was not a pan-Kurdish party but focused on

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[*] Sources disagree on the number of fighters that went into exile in the USSR with Barzani. Masud Barzani in his book provides a list of the names of 517 fighters that accompanied Barzani to the USSR (Masud Barzani*, Mustafa Barzani and the Kurdish Liberation Movement*, Palgrave Macmillan, New York 2003, Appendix II pages 373 – 374).

[+] A Kurdish media outlet recently claimed that the last veteran of the Kurdish Republic died in February 2009. According to KurdishMedia.com, Qadiri Dabakhi (also known as Mame Qale), died in London (where he had lived in exile for more than a decade) on February 6th, 2009 ("Last veteran of Republic of Kurdistan passed way [sic] in London," KurdishMedia.com, February 10, 2009, http://www.kurdmedia.com/article.aspx?id=15453 (accessed February 19, 2009).

Iraqi Kurdistan. The first party congress emphasized that the situation of the Kurds in Iraq was different than that of the Kurds in Iran (a view that Barzani would echo later)[*] and declared as its goal the achievement of Kurdish autonomy within Iraq.[69] In his hagiographical biography on his father, Masud Barzani credits Mustafa Barzani and his key lieutenants with conceiving what would become the KDP while serving the Kurdish Republic at Mahabad Iran in February 1946, and goes on to credit Barzani and the Freedom Committee with having convinced the *Shoresh* and *Rizgari* parties to dissolve themselves and join the KDP in the spring of that year.[70] Given the intense friction that would later develop between Barzani and party intellectuals, it seems quite likely that other founding KDP members would have contested this interpretation. In any event, other factors were also significant influences at the formation of the KDP, including "the political parties of the time, certain important tribes, and leftist thinkers like Jalal Talabani and Ibrahim Ahmed."[71] Barzani's exile in the USSR from 1947 – 1958 left a vacuum filled by anti-tribal elements led by Ibrahim Ahmed.[72] The result was that upon his return to Iraq following Abd al-Karim Qasim's July 14th 1958 revolution, Barzani found a situation in the party not to his liking, with the party dominated by Ahmad's leftist faction in the KDP Politburo, leading to an "intense struggle" between the "man of the tribes" – Barzani – and the "reformist, town-bred intellectuals" of the Politburo.[73] That Barzani resented and disdained this element of the party is obvious from his treatment of them, as witnessed by Dana Adams Schmidt during a visit to Barzani in 1962:

> "Although technically president of the party and of its central committee, Barzani [had] little use for the generally leftist urban intellectuals who

[*] See *Journey Among Brave Men*, Dana Adams Schmidt, Little Brown and Company, 1964, pages 205 – 206.

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predominate in the party leadership. He contends that the party leadership was 'forced upon me,' without ever explaining who did the forcing. Nor do party leaders have much use for the party chiefs, with their feudalistic attitudes and prerogatives, who surround Barzani."[74]

Schmidt goes to report that

> "at every opportunity Barzani cast aspersions upon the party. He declared that units under party command did not start fighting 'till they saw the red and white of our Barzani turbans.' He alluded to 'certain people who think the party is for them.'"[75]

Schmidt characterized party leaders as having "submit[ted] almost masochistically, it seemed to me, to Barzani's constant open insults, denigration, and belittlement."[76]

Schmidt describes Barzani as "basically a tribal leader"[77] holding "the traditional values of his tribe …",[78] as opposed to the KDP, whose membership was

> "almost entirely urban and inclined to be 'leftist' … in Iraq [the KDP] is composed primarily of educated Kurds, graduates of secondary schools and universities … these intellectuals are almost automatically thrown into opposition to the traditional 'feudalistic' tribal elite."[79]

Given the obvious differences in perspective and the animosity between Barzani and the leftist leaders of the KDP, one is inclined to ask just why they put up with each other.

Schmidt answers this way:

> "[KDP] is keenly aware of the necessity of cooperating with Barzani, more aware than Barzani, it seems, of the complementary nature of the two great elements in the Kurdish forces …"[80]

And Edmund Ghareeb offers this:

> "A marriage of convenience, albeit with suspicion on both sides, seems to have been struck between the KDP intellectuals and Barzani. They needed a strong figure who had popular appeal and military strength, and he needed a structure through which to act and to receive advice."[81]

The tension between Barzani and the party intellectuals manifested itself in the development of the formal military units that would become known as the *Peshmerga*, in

a way that is perhaps surprising. For although allied with Barzani, the KDP was "wary" of Barzani's tribal militia and sought to establish "regular style" military units – a move which Barzani was reluctant to make.[82] When the KDP did form such units, Barzani forbad them from operating in his traditional area,[83] restricting them instead to the southern area around Sulaymaniyah. Given these facts, it is tempting to conclude that it is the KDP, and not Barzani, too whom credit is due for the establishment of the enduring institution known today as the *Peshmerga*. However, in direct response to a question I posed to him, Dr. Hussein Tahiri rejected this conclusion. He argues that Barzani was critical to the development of the *Peshmerga* for at least two reasons: First, Barzani's movement was the first Kurdish nationalist movement that was able to effectively transcend tribal loyalty – Barzani was the first Kurdish leader with *national* appeal. Second, despite Barzani's ambivalence toward the KDP military units that ultimately became the backbone of the *Peshmerga*, the concept of the *Peshmerga* emerged from within the context of Barzani's movement. Tahiri further points out that while tribal fighters supported the Republic of Mahabad in 1946, the Republic largely relied upon Barzani's fighters.[84] Tahiri would seem to be on solid ground in his assertion. His reference to Mahabad is a case in point. Not only did the Kurdish Republic rely most heavily on Barzani's forces, but Barzani's was the only force to stay loyal to the Republic to the end, with tribal forces defecting to the Iranian Government.

Barzani's success at withdrawing his forces successfully to Iran in 1945, holding them together throughout the period of the Kurdish Republic at Mahabad, leading them safely through to refuge in the USSR after the fall of the Republic, and finally bringing them home in triumph as a still cohesive body 11 years later, was a brilliant feat of

leadership. William Eagleton describes the uniqueness of Barzani's success at Mahabad as follows:

> "It is … characteristic of Kurdish Tribes that they cannot operate effectively more than one tribal areas distance from their homes, or perhaps 50 miles. The Barzanis, capably led by their shaikhs and by ex-officers of the Iraqi Army, were an exception to this rule."[85]

As a further testimony to immensity of Barzani's achievement as a leader is the fact that what he achieved was accomplished, not with the support of other tribal leaders, but in the face of their hostility toward him – as well as in the face of suspicion from party leaders. In the words of O'Ballance:

> "Although Mulla Mustafa was personally disliked and distrusted by most tribal Sheikhhs who regarded him as a radical and deeply suspected the intentions of his Sovietized followers as much as they feared the aggressive Barzanis, nevertheless he became the natural and undisputed leader of Kurdish nationalism who, in 1962, symbolized the gradual overcoming of the Kurds' traditional inability to unite. He achieved this partly because of his former revolutionary activities in Barzani revolts and during the Mahabad Republic, partly because of his fighting Barzanis, and partly because of his strong personality, but mainly perhaps because there was no other Kurdish leader of any reputation and stature available. Although relations between Mullah Mustafa and the central committee of the [KDP] were poor and steadily deteriorating, it also accepted him as the national Kurdish leader and field commander, but with deep private reservations."[86]

The Patriotic Union of Kurdistan:

Since shortly after the end of the Second Kurdish War in 1975, a second major force in Iraqi Kurdish politics – and in the development of the *Peshmerga* and other Kurdish security services – has been the Patriotic Union of Kurdistan (PUK), led by Jalal Talabani.

Jalal Talabani has been Secretary General of the PUK since the party's founding in June 1975. Talabani was born in 1933 at the village of Kelkan, near what is now Lake

Dokan in Sulaymaniyah Governorate. His involvement in Kurdish politics reportedly dates to 1946 when he is said to have founded a secret Kurdish student group at age 13. He joined the KDP the following year, becoming a member of the KDP Central Committee in 1951. After high school Talabani apply to medical school but was denied entry on political grounds by the then ruling Hashemite Monarchy, prompting him to pursue the study of law instead. Talabani graduated from law school in 1959 (his studies having been interrupted briefly in 1956, due again to his political activities). After graduation Talabani served briefly in the Iraqi Army in field artillery and armor units before defecting to join the Kurdish uprising in 1961, where he led KDP party units in the southern sector.[87]

Although formally emerging in 1975, the roots of the PUK can be traced as far back as the early 1950s when "an intraparty struggle developed between supporters of Secretary-General Hamza 'Abdullah … and Ibrahim Ahmad."[88] Ahmad replaced Abdullah as Secretary-General in 1953. Unfortunately, upon his return from exile in 1958 Barzani – taking a disliking to Ahmad's "pride and vanity"[89] – forced him out in favor Ahmad's old rival, Hamza Abdulla. Although Ahmad was reinstated as Secretary General the same year,

> "The nascent intra-Kurdish split was set between the more conservative and traditional, tribal wing of the KDP associated with Barzani, and the intellectual, Marxist wing … led by Ahmad and, increasingly, by his son-in-law, Jalal Talabani."[90]

This latent conflict again broke out into the open in 1964, when Barzani convened "his own" KDP 6th Congress at Baghdad, which expelled the Ahmad-Talabani faction from the KDP, charged them with treason, and drove 4,000 of their supporters across the border into Iraq in July of that year.[91] Some have characterized this as the beginning of

the PUK, but Stansfield disagrees, pointing out that most of the men who would be key

PUK figures in 2003 stayed with Barzani after the expulsion of the Ahmad-Talabani

faction in 1964[92] and that only one member of the 1964 Ahmad-Talabani faction

remained in the PUK leadership in 2003 – Jalal Talabani himself.[93]

The Ibrahim-Talabani faction rejoined the KDP shortly after this expulsion, but

broke again with Barzani in January 1966, this time accepting support from the Iraqi

Government and cooperating with the *Jash*[*] against Barzani.[94]

Talabani's faction finally rejoined the KDP following the 1970 settlement

between the government and Barzani, as one of the conditions of which Barzani had

insisted upon was the dismantling of Talabani's group. Under this arrangement,

Talabani's KDP faction, which Barzani and his faction did not recognize as legitimate,

convened a congress wherein they constituted themselves as the Revolutionary Party of

Kurdistan, which in turn immediately dissolved itself. Most of the members of

Talabani's faction then rejoined the KDP being integrated into the branch structure of the

party under Barzani's leadership. A few dissidents refused to do so and some continued

to operate, allied with the government, under the rubric of the Revolutionary Party of

Kurdistan. The top leadership of the Talabani faction that rejoined the Barzani-led KDP

moved to Hajji Omran, where they entered into something like "internal exile," being

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[*] The term *Jash* literally means "little donkey." When used in reference to Kurds in the pay of the prior regime, it is obviously intended as a derisive epithet. It should be noted however, that the term is meant only for those Kurdish tribes that fought as mercenaries for the government, or for those Kurds who joined government paramilitary groups for service against the *Peshmerga*. It does not, in most cases, apply to Kurds who served in the regular armed forces of the prior regime, even to those who served as officers in high positions. Iraqi Kurds today generally view such service as having been perfectly legitimate, holding it against a fellow Kurd only if he is suspected of having engaged in grave misconduct against the Kurdish people, such as participation in *Anfal*. For evidence of this, one only has to look to the senior ranks of the *Peshmerga* today, where numerous high-ranking positions in both the KDP and PUK forces are held by Kurds who served entire careers in Iraqi Army prior to 2003, often having achieved general officer rank, and sometimes having transferred to the *Peshmerga* only after the 2003 invasion.

given houses there and jobs within the party commensurate with their status but not key party positions, they being employed instead in areas such as youth groups, etc. The exception to this was Talabani, who instead of being exiled to Hajji Omran, was sent to Damascus to serve as the KDP representative to Syria.[95]

This persistent internal division within the KDP finally hardened into permanent schism following the defeat at the end of the Second Kurdish War in 1975, after which the organization that became the PUK began to take shape from three different leftist socialist-oriented groups coordinated by Jalal Talabani from Damascus.[96] These were *Heshtigishti*, *Komala*, and *Bezutnawa*.[97] The first of these, *Heshtigishti*, was formed by Jalal Talabani, who "canvassed Kurds who had been able to escape from Iraq and gone to Damascus."[98]

Bezutnawa was formed in 1975 by Ali Askari, a noted military commander under Barzani, from leftist KDP cadres who had been worried about Barzanis actions during the 1964 split.[99]

The final constituent part of the new PUK was *Komala*, a Maoist group that first met in Baghdad on June 10th 1970 and on March 18th 1975 had decided to refuse Barzani's order to cease hostilities.[100] Although *Bezutnawa* represented older, more "conservative" leftists and Komala the younger, more radical, the two PUK factions maintained good relations.[101] True to its word, *Komala* was perhaps the first faction to send fighters back into Iraq after the 1975 collapse, with its *Peshmerga* entering Kirkuk, Erbil, Sulaymaniyah, and a number of other cities. *Komala* had been operating independently when the PUK formed and joined PUK at Talabani's invitation.[102]

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According to Stansfield, *Komala* would contribute most of the leadership of the PUK as it stood later, in 2003.[103]

The new PUK retained the KDP motto of "autonomy for Kurdistan, democracy for Iraq," but professed Marxist views, denouncing the Barzanis as "reactionary."[104] Stansfield describes the PUK as heavily influenced by Mao in that the organization mixed communism and nationalism,[105] describing the leadership as

> "close followers of the writings of combatants in similar struggles" upon whom "the impact of Mao Tse Tung on the development of the political system throughout the 1970s and 1980s is difficult to underestimate."[106]

The hard leftist orientation of the PUK at the time of its founding is evident in the dense ideological language of a 1977 publication by the party, *Revolution in Kurdistan: The Essential Documents of the Patriotic Union of Kurdistan (PUK).*

PUK assumed its current form in the 1990s. A significant step toward the current state occurred in 1983, when *Heshtigishti* and *Bezutnawa* merged into a new entity called *Shoresh Goran*, which maintained cordial relations and shared leadership of the movement with the larger *Komala*.[107]

Each of the three original parts contributed something important to PUK: *Heshtigishti* brought the leadership of Jalal Talabani and provided the necessary over-arching coordination; *Bezutnaw*a contributed a wide base of support among older, more conservative Kurds; and *Komala* contributed its organizational structure and broad base among younger Kurdish leftists.[108]

Like KDP, PUK has moved far from its roots. Gone is the strident leftist rhetoric and anti-Americanism. The PUK has moved much closer to the West, to the point that it may now be described as a mainstream, center-left party in its basic orientation.

In assessing the relative importance to the establishment of the *Peshmerga* of

Mullah Mustafa Barzani and of the major political parties (KDP and PUK), it must be

said that the contributions of both were essential. The Kurdish movement would never

have achieved the success that it has without Mustafa Barzani. His personal charisma

and military leadership were critical. According to journalist Francois-Xavier Lovat,

"Barzani's moral authority was the glue that held the movement together."[109] Dr. Tahiri

goes further, pointing out that Barzani was the first major Kurdish leader to successfully

appeal to Kurds beyond his own tribe, as well as to non-tribal Kurds.[110] In the words of

O'Ballance,

> "Mullah Mustafa was the only prestige personality available who could
> command sufficient respect and some tribal power – the [KDP] still had
> practically no impact on the mountain tribesman as a whole."[111]

Nonetheless, the contributions of the KDP and PUK were also essential. Lovat

credits the much greater resilience of the Kurdish movement since 1961 than in previous

periods to extensive political groundwork conducted by the KDP under the leadership of

Ibrahim Ahmad between 1947 and 1958, which he says contributed much to making

"Kurds politically conscious that they were Kurds."[112] Additionally, Barzani's distrust of

the party notwithstanding, the KDP made an important contribution to his movement

even before taking to the field with their own fighters by giving him with a link to the

outside world, providing him with information and supplies from Baghdad.[113] Another

absolutely indispensable party contribution has been organizational structure. While

Barzani provided the essential charismatic and military leadership to start the movement,

the KPD and later the PUK institutionalized it, providing the organizational structure that

would enable it to outlive Barzani. While Barzani resisted such institutionalization –

even at first resisting the formation of regular *Peshmerga* units alongside tribal levies –
establishing formal structures and lines of authority was critical if the movement was to
avoid regressing back into mere tribalism at some future date.

It must be concluded, then, that the Kurdish movement in Iraq could never have
achieved what it has without the contributions of both Mullah Mustafa Barzani and of the
two major parties, the KDP and PUK.

From Tribal Contingents to Organized Military Units

Although most warfare in Kurdish history has been conducted on a tribal basis,
there were some attempts to field Kurdish military units organized on a regular basis
prior to 1961. One early example of such was the Hamadiya Cavalry mentioned earlier;
another was the Iraq Levies organized by the British in Iraq beginning in 1915. The
Hamadiya Cavalry emerged in November 1890 when Sultan AbdulRahman II, in an
attempt to exploit the Kurdish tribal structure for the benefit of his empire, organized
Kurdish cavalry regiments modeled on the Cossacks. These regiments were recruited
from among Sunni Kurdish tribes and led by their own tribal leaders, who were well
rewarded by the Sultan and given a free hand to suppress smaller tribes.[114] The Iraq
Levies were regular formations recruited by the British that by 1922 contained a large
proportion of Kurds (two of the three cavalry regiments were Kurdish, as was one of the
four infantry battalions).[115] Neither of the Hamadiya nor the Levies can fairly be
characterized as true antecedents of the *Peshmerga*, however.[*] First, neither entity served
the interests of Kurdish nationalism – the Hamadiya served the interests of the Sultan and
of the tribal leaders that commanded them, while the Levies served the interests of the

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[*] For an opposing view, see Lortz, *Willing to Face Death: Kurdish Military Forces – the Peshmerga – from the Ottoman Empire to Modern-day Iraq.*

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British Mandate and of the emerging Iraqi state. Second, neither was wholly Kurdish led. The Levies were British-led and under the command of the British Air Officer in Iraq.[116] As for the Hamadiya Cavalry, although they were commanded by Kurdish officers, "the rank structure of the Hamadiya Cavalry reflected Turkish distrust in the Kurdish leadership", as the overall force fell under the command of a Turkish general, and within each regiment one Turkish officer was assigned as *prescelti*, or shadowing officer, alongside each Kurdish officer from lieutenant to colonel.[117] Another example was the *Khoybun* or Ararat Revolt, beginning in 1928, during which Nuri Pasha, a former Ottoman officer, organized a small group of Kurdish soldiers armed and trained in the modern fashion.[118] However, this rebellion largely limited to Turkey and therefore cannot be considered an antecedent of the *Peshmerga* phenomenon.

More important to our study were the Iraqi Kurds who served the Kurdish Republic under Mustafa Barzani in 1946 and followed him into exile in the Soviet Union. These can be characterized as the true antecedents of the *Peshmerga*: They were Iraqi Kurds, serving under their own leaders, fighting for the cause of Kurdish nationalism, and were the first Iraqi Kurds to adopt regular military organization while doing so. Additionally, Barzani was to draw upon these men to for support and to provide subordinate leadership for his movement after their return to Iraq in 1958.

At Mahabad Barzani contributed a force of up to 1500 fighters, which in April 1946 was re-armed with Brno rifles, machineguns, and grenades; re-organized into three regiments and a 700-man reserve; put through a course of training, and sent to defend the Republic at the Saqqiz front.[119] The regiments were assigned commanders drawn from

the ranks of the former Iraqi Army officers who had accompanied Barzani to Iran and subdivided into companies.[120]

Barzani's followers received further exposure to regular military organization and training after their flight to the Soviet Union, where on December 10th 1947 the Barzanis were assembled at a camp at Baku in Soviet Azerbaijan, where they were organized into a regiment under the command of Asa'ad Khosari, with several Kurdish officers appointed company commanders. They were issued uniforms and weapons and conducted military and literacy training.[121] This arrangement lasted for "their first few years in the Soviet Union."[122]

On July 14th 1958 a coup brought Abd al Karim Qasim to power. After receiving Qasim's pardon, Barzani returned to Iraq on October 6th 1958 and, upon meeting Qasim the next day, declared himself "a soldier of the July 14th Revolution and under the command of the leader [Qasim]."[123] Barzani's comrades followed him home from the USSR on the ship *Grozia*, docking at Basra on April 16th 1959.[124] On August 1st 1958 Qasim launched the Popular Resistance Force (PRF) militia. For a time after their return, this force was dominated in the Kurdish region by followers of Barzani who had been in exile with him in the USSR.[125] The PRF replaced police and border guards in some areas.[126] Although PRF activities were "nominally suspended" Kurdish territory on January 14th, 1959 the militia retain control of some areas and, in April 1959, was attacked and driven from two villages by the Lolani tribe, followed in May by similar action by the Pishdaris.[127] Shortly thereafter, however, the Army, the Air Force, the PRF and other Barzanis jointly counterattacked, driving the Pishdaris as a body into Iran.[128]

Despite the foregoing experiences, only with the First Kurdish War did the military wing of the Kurdish movement in Iraq move toward truly organized, permanent military units. The first emergence of such units after 1961 marks the beginning of what may called the Classical Period of *Peshmerga* development – a period to which we turn now.

[1] Sheikh Jaffer, Minister of *Peshmerga* Affairs (PUK), interview by author, Sulaymaniyah Iraq, August 20 2007.

[2] *Peshmerga* "Ali", interview by author, 2008.

[3] Muhsin Baiz and Muhamed Qazi, *Peshmerga Report* (n.p.: KDP-PUK Joint Army Committee, December 9, 2003), 3; Michael G. Lortz, *Willing to Face Death: Kurdish Military Forces - The Peshmerga - From the Ottoman Empire to Modern Day Iraq* (n.p.: Florida State University College of Social Sciences, 2005), 42 (unpublished dissertation), http://etd.lib.fsu.edu/theses/available/etd-11142005-144616/unrestricted/003Manuscript.pdf (accessed February 16, 2009).

[4] *Peshmerga* "Ali", interview by author, 2008.

[5] Najmaldin Karim, President, Washington Kurdish Institute, interview by author, Washington DC, October 21, 2008.

[6] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, passim.

[7] Mahmood Singawi, Personal Representative of Jalal Talabani to the Peshmerga (PUK), interview by author, Sulaymaniyah Iraq, November 23, 2009.

[8] Laizer, *Martyrs, Traitors, and Patriots: Kurdistan After the Gulf War*, xi.

[9] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 215.

[10] Nyrop, *Iraq: A Country Study*, 227.

[11] Patriotic Union of Kurdistan, *Revolution in Kurdistan: The Essential Documents of the Patriotic Union of Kurdistan (PUK)* (n.p.: PUK Publications, January 1977), 60.

[12] Baiz and Qazi, *Peshmerga Report*, 2.

[13] Sheikh Jaffer, interview by author, August 20, 2007.

[14] Kurdistan National Assembly Law No. 38 of 2007, Article 1, Section 9.

[15] Ibid., Section 8.

[16] Lortz, *Willing to Face Death: Kurdish Military Forces - The Peshmerga - From the Ottoman Empire to Modern Day Iraq*, 5.

[17] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 292.

[18] Ibid., 77.

[19] McDowall, *A Modern History of the Kurds*, 2nd ed., 179.

[20] Masud Barzani, *Mustafa Barzani and the Kurdish Liberation Movement* (New York: Palgrave MacMillan, 2003), 23.

[21] Ibid., 24.

[22] Ibid., 28 – 30.

[23] Ibid., 34.

[24] Ibid., 39-43.

[25] Ibid., 43-45.

[26] Ibid., 58-59.

[27] Ibid., 43 – 45.

[28] Ibid., 85.

[29] Ibid., 88.

[30] Ibid., 87 – 88.

[31] Ibid., 93.

[32] Ibid., 94.

[33] Ibid.

[34] Ibid., 93.

[35] Ibid., 95.

[36] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 62.

[37] Ibid., 62 – 63.

[38] Ibid., 62 – 63.

[39] Ibid., 62 – 63.

[40] Ibid., 63.

[41] Ibid., 64.

[42] Ibid., 62.

[43] Ibid., 73 – 78.

[44] Edgar O'Ballance, *The Kurdish Revolt, 1961 – 1970* (London: Faber and Faber, 1973), 47.

[45] Ibid.

[46] Ibid., 48.

[47] William Eagleton, Jr., *The Kurdish Republic of 1946* (London: Oxford University Press, 1963), 62.

[48] Ibid., 78.

[49] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 84.

[50] Eagleton, *The Kurdish Republic of 1946*, 78.

[51] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 97.

[52] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 97.

[53] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 52.

[54] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 100.

[55] Ibid., 95.

[56] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 53.

[57] Eagleton, *The Kurdish Republic of 1946*, 86.

[58] Ibid., 90.

[59] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 103-104.

[60] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 85.

[61] Eagleton, *The Kurdish Republic of 1946*, 100 – 101.

[62] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 55.

[63] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 94.

[64] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 121.

[65] Ibid., 123-124.

[66] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 56.

[67] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 66.

[68] Ibid., 66.

[69] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 105.

[70] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 107 – 108.

[71] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 103.

[72] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 108.

[73] Gunter, "The KDP-PUK Conflict in Northern Iraq," 228.

[74] Dana Adams Schmidt, *Journey Among Brave Men* (New York: Little, Brown, and Company, 1964), 204 – 205.

[75] Ibid., 205.

[76] Ibid., 270 – 271.

[77] Ibid., 267.

[78] Ibid., 268.

[79] Ibid., 269.

[80] Ibid., 270 – 271.

[81] *Settlement of the Kurdish Problem in Iraq* (Baghdad: Ath-Thawra Publications, n.d.), 39.

[82] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 70 - 71.

[83] Ibid.

[84] Hussein Tahiri, Honorary Researcher, Monash University, Australia, telephone interview by author, September 13, 2008.

[85] Eagleton, *The Kurdish Republic of 1946,* 91.

[86] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 83.

[87] Foreign Relations Committee, *Overview: Developments in Iraqi Kurdistan* (n.p.: Patriotic Union of Kurdistan, 1994), not paginated.

[88] Gunter, "The KDP-PUK Conflict in Northern Iraq," 227.

[89] Schmidt, *Journey Among Brave Men*, 123.

[90] Gunter, "The KDP-PUK Conflict in Northern Iraq," 227.

[91] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 73.

[92] Ibid.

[93] Ibid., 81.

[94] Ibid., 74.

[95] Najmaldin Karim, President, Washington Kurdish Institute, interview by author, Washington DC, October 21, 2008.

[96] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 79.

[97] Ibid., 80.

[98] Gunter, "The KDP-PUK Conflict in Northern Iraq," 229.

[99] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 84.

[100] Ibid., 82.

[101] Ibid., 84.

[102] Ibid., 82.

[103] Ibid., 85 – 86.

[104] Gunter, "The KDP-PUK Conflict in Northern Iraq," 229.

[105] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 81.

[106] Ibid., 17.

[107] Ibid., 90-91.

[108] Ibid., 85-86.

[109] Francois Xavier-Lovat, Journalist, telephone interview by author, October 2nd 2008.

[110] Tahiri, telephone interview by author, September 13, 2008.

[111] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 64.

[112] Lovat, telephone interview by author, October 2nd 2008.

[113] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 73.

[114] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 40 – 41.

[115] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 23.

[116] Ibid., 22.

[117] Lortz, *Willing to Face Death: Kurdish Military Forces - The Peshmerga - From the Ottoman Empire to Modern Day Iraq,* 6.

[118] Ibid., 17.

[119] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 100.

[120] Ibid., 95.

[121] Ibid., 136.

[122] Lortz, *Willing to Face Death: Kurdish Military Forces - The Peshmerga - From the Ottoman Empire to Modern Day Iraq,* 35.

[123] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 181.

[124] Ibid., 185.

[125] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 64.

[126] Ibid., 65.

[127] Ibid., 70 – 71.

[128] Ibid., 71.

Chapter 4
***Peshmerga*: The Classical Period**

<u>1961 – 1970: The First Kurdish War</u>

As noted previously the officially recognized date for the emergence of the *Peshmerga* is September 11th 1961 – the beginning of the First Kurdish War – which lasted until the promulgation of the March Manifesto on March 11th 1970. This also marks the beginning of the first phase of *Peshmerga* evolution, the Classical Period. Dr. Tahiri defines the Classical Period as lasting from the beginning of the First Kurdish War until 1991, which marks the transition from the Classical Period into the current phase, the Contemporary Period. For Tahiri, the watershed event that defines the Contemporary Period is the commencement of payment of regular salaries to the *Peshmerga*.[1] For purposes of this study, however, I insert an additional phase – the Interim Period, which I define as the period from the end of the Second Kurdish War in 1975 until the beginning of the 1991 *Rapareen* following the 1991 Gulf War. The Interim and Contemporary Periods will be discussed later.

Any attempt to outline the organizational development of the *Peshmerga* during the Classical Period – and, indeed, later – requires a disclaimer. *Peshmerga* evolution has proceeded fitfully over time and has been very sparsely documented, with only a few depictions occurring sporadically in the literature. The most detailed accounts have been written by non-Kurds.[*] Complicating matters is the highly fluid and widely variable nature of *Peshmerga* organization through the years. Accordingly, the following

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[*] There are works in Kurdish, naturally. An example of such is *Mahmood Singawi: His Memories* (2nd Edition), by Mahmood Singawi, Hamdi Press (PUK Media), Sulaymaniyah 2007. Unfortunately, this particular work has not been translated into English, as indeed have none that I am aware of. The only exception that I know of his the first volume of Masud Barzani's three-volume biography on his father, *Mustafa Barzani and the Kurdish Liberation Movement*, Palgrave-Macmillan, New York 2003. Although hagiographical, this particular volume does contain a great deal of biographical detail. For that reason I have relied upon fairly heavily in some chapters of this present work.

descriptions of the *Peshmerga* as it was during various stages of the Classical Period

should be regarded as an approximation in the form of a series of snapshots at various

points in time.

Iraqi Kurdistan during the First Kurdish War, circa 1966 (from *Prepared to Die: The Story of the Kurdish Revolution in Iraqi Kurdistan*. Reproduced by permission of the Kurdistan Regional Government).

Map 4

Peshmerga development during the Classical Period can best be understood as

moving fitfully and unevenly in a continuum along two parallel tracks: An evolution

from informal partisan bands toward regularly-organized military units on one hand, and

a transition from a movement organized on a tribal basis toward one based upon formal

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party structures on the other. At the beginning of the First Kurdish War, with the exception of Barzani's personal guard of 50 – 100 fighters, the rebellion was carried on entirely by contingents of tribal fighters who either volunteered or were detailed by their tribal leaders to fight.[2] Dr. Najmaldin Karim, President of the Washington Kurdish Institute and long-time close associate of Mustafa Barzani, says that there was also a hard-core of full-time fighters from the beginning,[3] but this group must have been very small in comparison to the tribal contingents. These forces were not organized into formal units at this time, but were simply informal groups. Command was exercised on a regional basis, with Barzani appointing leaders – according to Lovat, usually from among the ranks of those exiled with him in the Soviet Union – who would take charge of the tribal levies operating within a given geographical area.[4] Dr. Karim seconds this, stating that commanders at brigade (*hez*), battalion, and even sometimes company (*liq*) level would always have been personal associates of Barzani and all had ready access to him.[5] Although effective at purely guerrilla operations such as ambushes and raids and particularly the intertribal fighting that preceded the start of the revolt[6], these tribal levies – whom O'Ballance characterizes as "partisans" – had many shortcomings. They were disorganized, undisciplined and unreliable, would not fight far from home or carry on the fight for very long, and would "stop or start fighting as the mood took them."[7] They were part-time fighters who would serve for the duration of a particular action – perhaps two or three days – and then return home, hide their weapons, and go about their private affairs, although as the movement developed some would volunteer to remain "mobilized" for periods of a month or so to hold key points and act as a reserve. By the summer of 1962 the situation had evolved to the point that Barzani generally had between

5,000 – 8,000 partisans on duty at any given time.[8] Although Barzani was very successful during this early period of the war, the shortcomings of his partisan troops were readily apparent. Because of this the KDP – which had initially opposed the war[9] but joined the struggle after Qasim banned the party on September 23, 1961 – soon sought to develop "a regular, disciplined armed force".[10] Upon becoming established in the field by March 1962, they set about doing so.[11] Barzani soon followed suit, but only "reluctantly", having been satisfied with his partisan force.[12]

By September 1962, a standing force had been organized called *Lashgar-i-Shoreshi-ye-Kurd* – the Kurdish Revolutionary Army. The leadership of this army was called *Sar Merga* ("leading death") and the rank-and-file *Peshmerga* ("facing death"). Eventually the term *Peshmerga* came to be applied to the whole force.[13] According to Schmidt, by the fall of 1962 as many as 40,000 Kurdish fighters were involved in the struggle – 15,000 to 20,000 in action at any given time, with another 15,000 to 20,000 reserves. He characterizes the core of this force, however, as 4,000 – 5,000 full-time *Peshmerga*, whom he describes as having been drawn from the Barzani and allied tribes, with many being veterans of the 1946 Republic and the flight to the USSR. Of those serving part-time, Schmidt identifies one component which he labels as a "rotating reserve" of between 5,000 and 15,000 available for periods of 6 months service at a time, and another 10,000 – 20,000 "local reserves" available to local commanders for short periods of service.[14] O'Ballance is careful to distinguish between the *Peshmerga* hard-core and the rest, whom he describes as "partisans", though he acknowledges that "for over a year" the distinction between the two was "very narrow".[15] This is born out by Lovat, who observed during a five-month stay with Barzani's forces during 1963 that the

latter's troops were still tribal levies not yet formed into regular units.[16] The process of transforming the tribal levies into more regular entities was helped along by the large numbers of officers and soldiers deserting to Barzani from the Iraqi Army.[17] The resulting organization was still far from the rigid structure we are accustomed too in the regular armies of recognized states. Units were generally known by the name of their commander[18] or, later, by the geographical area in which they operated.[19]

In 1963 – 1964, prior to the break between Barzani and the Ahmad-Talabani faction, Kurdish forces were effectively divided into three primary sectors: A northwest sector consisting of tribal forces and commanded by Assad Hoshewi; a central area consisting of a mix of tribal and party elements commanded directly by Mustafa Barzani himself; and a southern sector consisting of KDP units under the command of the party leadership, chiefly Jalal Talabani.[20]

Although both Schmidt and Dr. Karim characterize Barzani's central sector as consisting of both tribal and urban elements command there was drawn solely from the tribal segment of society.[21] The northwest or Bahdinan sector, by 1965 under the command of Ali Khalid Issa Swar, consisted of two brigades: *Hezi Zakho* and *Hezi Dohuk*, each commanded by one of Issa Swar's nephews, all veterans of the exile into the USSR. The central or Erbil sector, directly under Barzani's control, consisted of *Hezi Balak* under Abdul Agha Pishdar, *Hezi Rizgari* under Rashid Sindi, and *Hezi Khabat*.[22]

Barzani and other tribal leaders so distrusted the KDP leadership at this time that Barzani barred KDP *Peshmerga* units from operating in his area, cooping them up in a triangle-shaped area bounded by Mount Sarband, Sulaymaniyah, and Kirkuk.[23] It is here that the work of forming the Kurdish Revolutionary Army was largely accomplished.[24]

The KDP sector itself was divided into for commands at this time (1963 – 1964): One at Malouma, near the Iranian border, under Ibrahim Ahmed; one at Chwarta, northwest of Penjwin; one at Chami-Razan, near the road linking Kirkuk and Sulaymaniyah, under the command of Jalal Talabani; and one at Betwahta, northwest of Raniya, under Omar Mustafa.[25] The KDP party headquarters was established at Mawat, northwest of Sulaymaneyah.[26] In 1964 Jalal Talabani claimed that this force consisted of 14 battalions and 9000 men.[27]

The size and scope of subordinate echelons evolved over time as well. At the outbreak of the revolt, small groups of four or five fighters were known as *pal*.[28] Before long, the structure had evolved to include squads (*dasta*) of about 10 men; platoons (*pal*) of about 50 men; companies (*surpal*) of about 150 men; battalions (*liq*) of about 350

Peshmerga Organization, 1963 – 1964
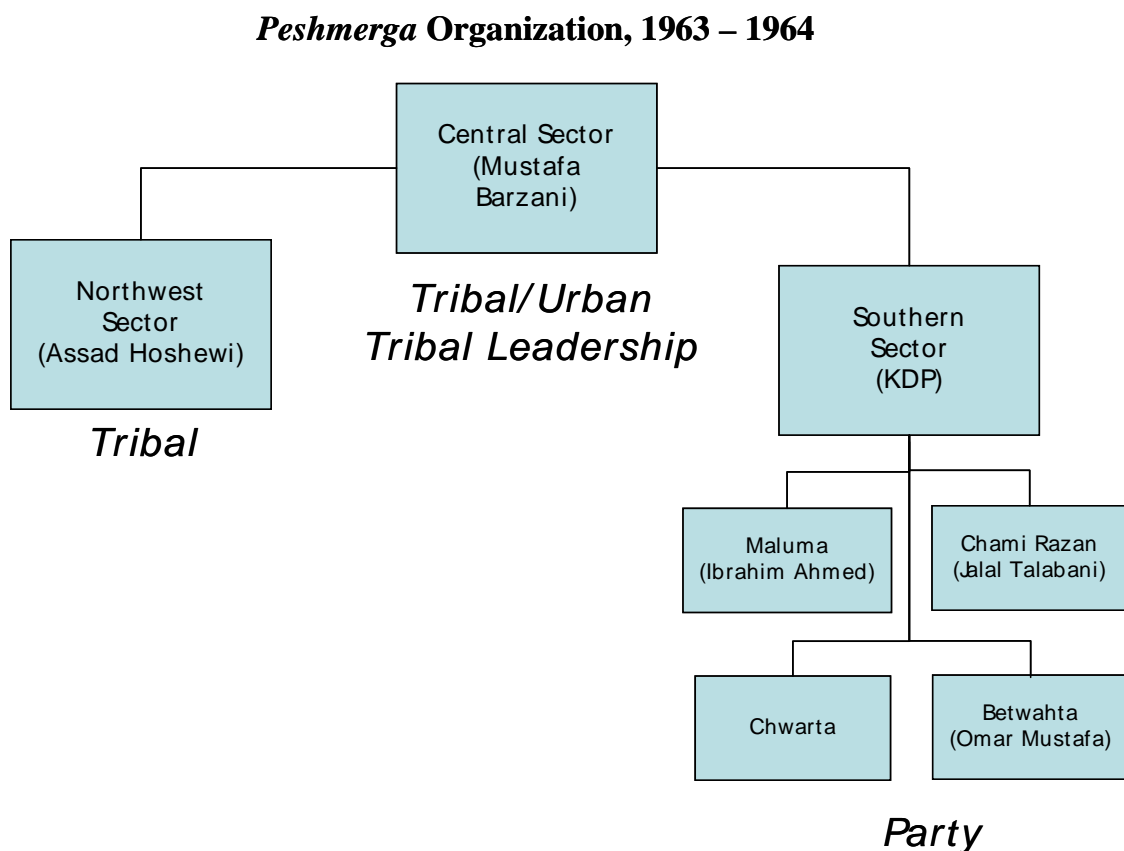
Figure 1

men; and brigades or regiments (*sarliq*) of about 1000 men.[29] Brigade-sized units later

become known as *hez* which by 1966 comprised four battalions each and number up to

3000 fighters.[30]

Peshmerga Organization, circa 1965

Erbil Command (Mustafa Barzani)

Badinan Command (Ali Khalid Issa Swar)

X Hez Balak (Abdul Agha Pishdari)

X Hez Rizgari (Rahid Sindi)

Sulaymaniyah

X Hez Zahko

X Hez Dohuk

X Hez Khabat

KDP Forces
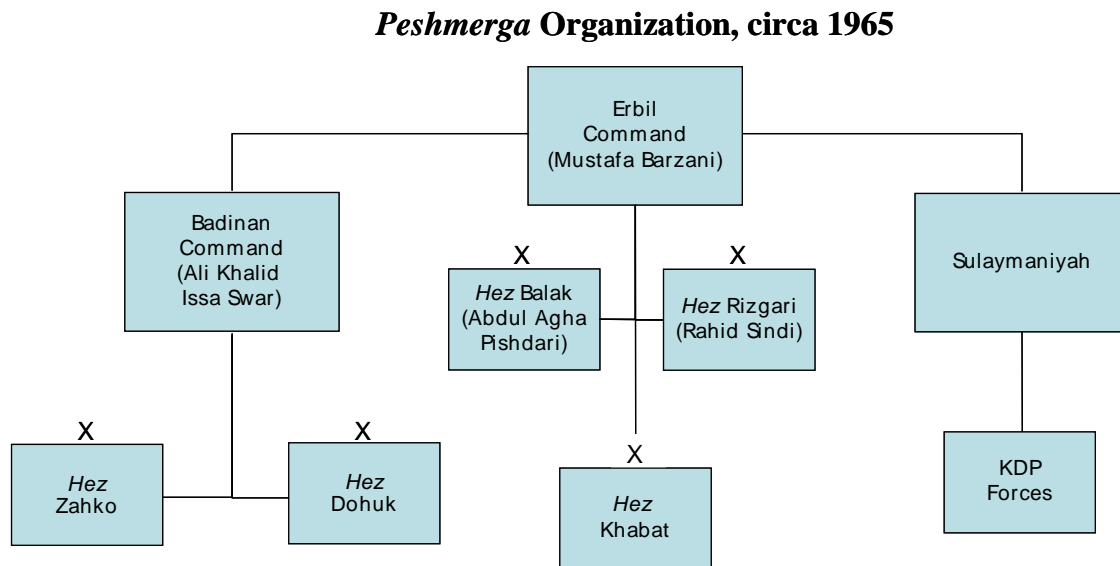
Figure 2
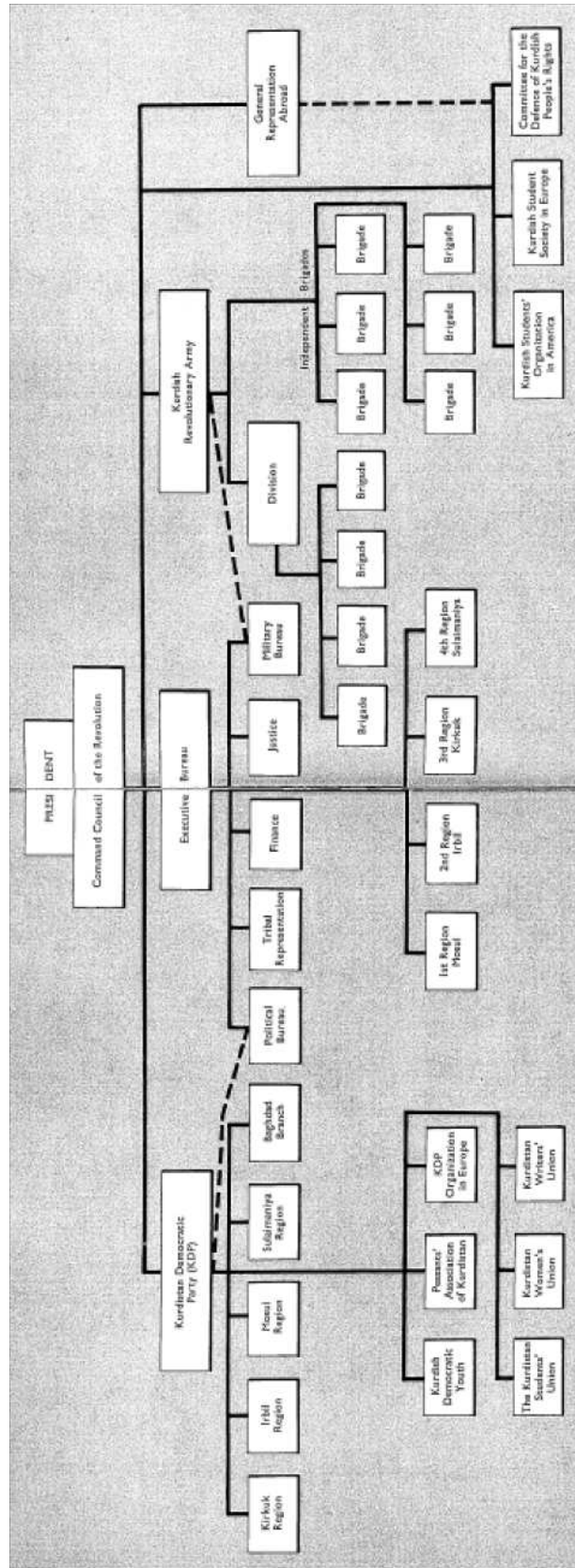
Much of the command structure in the KDP area must have been swept away

when Barzani routed the Ahmed-Talabani faction after the first schism in 1964.

According to Tahiri only 1,000 fighters followed Ahmed and Talabani when their faction

was routed and driven out by Barzani.[31*] This is evident in a 1966 a KDP party

publication entitled *Prepared to Die: The Story of the Kurdish Revolution in Iraqi

Kurdistan*, which described the *Peshmerga,* now labeled the Kurdish National Army, as

having a much different organization. This document describes the political "institutions

of the Revolution" as being headed by the Command Council of the Revolution (CCR),

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* Stansfield, as noted above, says 4,000 "followers" were driven out with Ahmad and Talabani, but it is not clear whether all these "followers" were "fighters" (Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 73).

which was presided over by Mustafa Barzani and consisted of the KDP Central Committee, the "principal commanders of the revolutionary forces," and elected representatives from the populace, with Iraqi Kurdistan itself divided into five administrative regions based at Dohuk, Sulaymaniyah, Erbil, Kirkuk, and Khanaqeen each of which managed civil administration, justice, taxation, etc.[32]

The same document goes on to describe the Kurdish National Army as a "permanent and regular force practicing modern guerrilla warfare," with the force being subdivided into "ten autonomous brigades called '*hez*'", with an eleventh forming, four of which were described as falling under the command of the single Kurdish division headquarters. Each *hez* in turn consisted of three to five battalions, each habitually operating in a specific geographical area.[33] *Prepared to Die* claims that at this time the Kurdish National Army had its own medical logistical, transportation, and intelligence services, several training centers, and a force of mobile artillery. Although Lovat claims to have visited one *Peshmerga* training center in 1963[34] and although the *Peshmerga* probably did have some modest artillery or mortar capability by then[*], it remains quite likely that these claimed capabilities are exaggerated. According to one former *Peshmerga* commander I interviewed, the *Peshmerga* still had only very rudimentary capabilities in these areas as late as 1975,[35] when they were receiving very substantial aid from Iran.

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[*]*Prepared to Die* contains a photo of a soldier wearing a traditional Kurdish headscarf standing next to a howitzer in the dark.

Organization of KDP and *Peshmerga*, circa 1966 (from *Prepared to Die: The Story of the Kurdish Revolution in Iraqi Kurdistan*. Reproduced by permission of the Kurdistan Regional Government).

Peshmerga soldiers pose before a piece of artillery, circa 1966 (from *Prepared to Die: The Story of the Kurdish Revolution in Iraqi Kurdistan*. Reproduced by permission of the Kurdistan Regional Government).

The *Peshmerga* continued to develop after 1966. In March 1970, shortly before the end of the First Kurdish War, a KDP representative described the *Peshmerga* as consisting of "18,000 – 20,000 mobilized members, with the possible figure of 40,000 reserves." He further described the organization as divided into 17 brigades of varying size "depending upon [their] strategic position," forming three divisions.[36*] The "political and military leadership of the Revolution" at this time was exercised by a 46-member Command Council of the Revolution (CCR) chaired by Mustafa Barzani, from which was chosen a nine member Executive Bureau. These bodies included members of the KDP Political Bureau and Central Committee. The author further stated that "[t]he leadership of the *Peshmerga* and that of the local party are often combined."[37]

1974 – 1975: The Second Kurdish War

The First Kurdish War ended when the Kurdish leadership and the ruling Ba'ath party in Baghdad agreed to peace terms embodied in the famous Manifesto of March 11th 1970, in which the Kurds won significant concessions from the Government, including the promise of regional autonomy within the Iraqi state. Although the 1970 agreement ended the fighting for a time, tension remained over a number of issues including disputes relating to Kirkuk; the future role of Barzani's armed *Peshmerga*; government attempts to undermine Barzani by supporting his rivals; and aid provided to Barzani by foreign powers.[38] Also badly aggravating the situation was repeated attempts upon Barzani's life.[39] The growing conflict came to a head in 1974 when, after failing to reach agreement with the Kurds over final implementation of the Kurdish Autonomy provisions

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[*] That the *Peshmerga* fielded anything that Americans would recognize as a division headquarters is doubtful. Although the KDP employed an echelon known as a *leshkir* during the Second Kurdish War which supervised subordinate brigades, *Peshmerga* do not use it today, despite some references to "four divisions" during the first unified administration in the 1990s. Clearly, if the division as a command echelon plays any role in the contemporary *Peshmerga*, it is aspirational rather than actual.

of the March Manifesto, the government unilaterally imposed its own Autonomy Law for the Kurdish region in on March 11th, 1974, the deadline specified in the original 1970 agreement. Barzani rejected the government law autonomy law,[40] and by April 1974 fighting had resumed – the Second Kurdish War had begun.[41]

By 1975 Barzani had 50,000 – 60,000 *Peshmerga* in the field, backed up by another 50,000 irregulars.[42] One *Peshmerga* commander during the Second Kurdish War, who we will call "*Sarliq* Chia," confirms these figures. He describes these irregulars or militia as being geographically based and under the command of a local leader who might be either chosen locally or appointed by the KDP.[43]

"*Sarliq* Chia" describes the KDP military structure between 1974 – 1975 as follows: KDP headquarters was based at the town of Hajji Omran, with the KDP Military Bureau based nearby at the town of Nowtirdan. The Military Bureau supervised two fully organized *leshkir* ("force"), together enough smaller independent units to equal the equivalent of two more leshkiri, for the equivalent of for total.[44] Each leshkir, in turn, commanded four or five *hez* or "brigades." Each *hez* in turn consisted of four to five *battalions* (the English word was used). Battalions were subdivided into four or five "branches" or *liq* of about 120 soldiers each. A *liq* was in turn subdivided into a headquarters section and three to five platoons or *pal*. Each *pal*, consisting of approximately 35 – 40 soldiers, was further divided into three to five squads or *dasto* of seven to fifteen soldiers each. Formal ranks were not yet in use in the *Peshmerga*, although leaders did have titles based upon their echelon of command: A company commander was a *sarliq*, a platoon leader was a *sarpal*, and a squad leader was a *sardasto*.[45]

KDP *Peshmerga* Organization, circa 1974
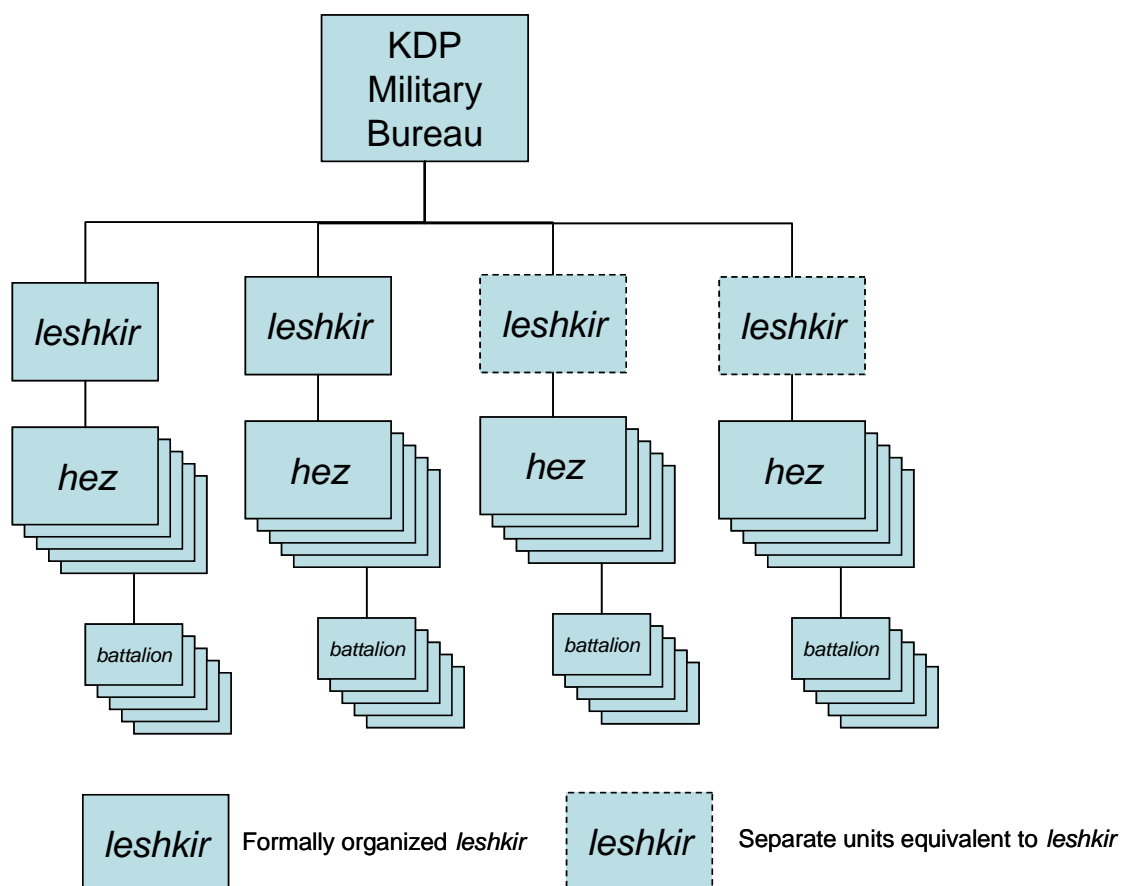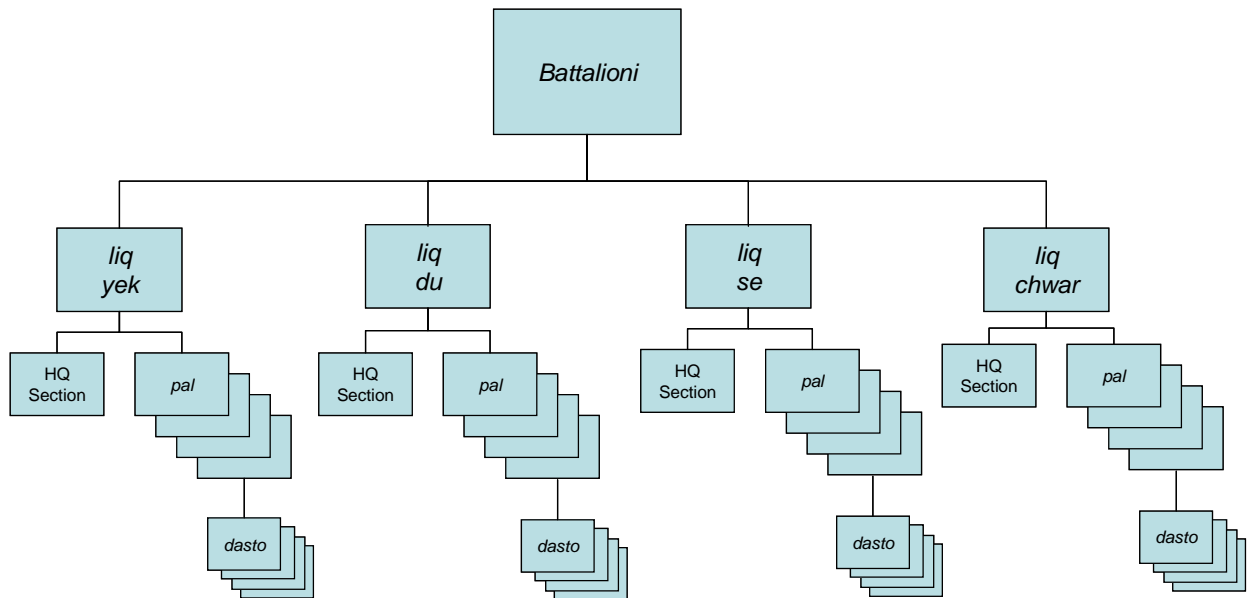
Figure 4

According to "*Sarliq* Chia", units operated on a geographical basis during this period. They could and did operate outside their home areas when required, but such service would be upon the basis of a specific tasking from their higher command and would be for a specified period of time or for the duration of the particular mission only. "*Sarliq* Chia's" *liq* was part of a battalion based near Zozik Mountain, between Hajji Omran and Erbil. The battalion headquarters had a base and each *liq* operated out of its own spartan, mobile base.

Typical Battalion Organization
KDP *Peshmerga*, circa 1974 - 1975

Liq: "branch", consisting of roughly 120 soldiers, equivalent to a US infantry company. Subdivided into a headquarters section (12 – 15 soldiers) and 3 – 5 *pal*. Three to five *liq* per battalion. Commanded by *sarliq*.
Pal: 35 – 40 soldiers equivalent to US infantry platoon; 3 – 5 *pal* per *liq*; subdivided into 3 – 5 *dasto*. Commanded by *sarpal*.
Dasto: 7 – 15 soldiers, equivalent to a US infantry squad. Commanded by a *sardasto*.
[Note on Numbers of Soldiers: The numbers listed above do not necessarily add up, because the size of each echelon was much more variable, based upon circumstances, than in US practice.]

Figure 5

The Second Kurdish War continued until shortly after the signing of the Algiers Accord between Iran and Iraq which, among other things, prohibited "infiltration of a subversive character"[46] between the two countries – effectively ending the massive Iranian support that Barzani was receiving and cutting the *Peshmerga* off at the knees. In reliance upon the extensive aid provided by the Iranians, Barzani had abandoned his traditional guerrilla tactics in favor of conventional warfare, exposing his fighters to destruction by superior government forces.[47] When the Iranian aid stopped, this method

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of warfare was no longer tenable. After the signing of the Algiers Accord, Barzani

ordered a halt to the fighting and withdrew to Iran,[48] disbanding the *Peshmerga*.

According to "*Sarliq* Chia," *Peshmerga* soldiers were given a choice - they could

surrender, return to their homes, or flee to Iran. About 50 of "*Sarliq* Chia's" soldiers

chose to flee with him to Iran. From there, they scattered to Europe and the United

States, and some returned to Iraq. Some veterans defied Barzani's order to lay down their

arms and instead reconstituted *Peshmerga* units to continue the fight (both the KDP and

the newly formed PUK resumed activities in 1976 and 1977). Weapons and equipment

were scattered. Soldiers returning home were allowed to take their arms with to be

disposed of as they saw fit. Some arms were cached for future use, some were donated to

friendly people remaining behind in Iraq, and some were taken to Iran and confiscated by

the Iranian Government.

The decision to end the fight was devastating for the *Peshmerga* – so much so that

some resorted to suicide.[49] In KDP circles the 1975 defeat came to be known as *nisko* –

the "catastrophe" or "calamity"; in PUK circles it is remembered as the *Ashbetal* – the

"stopping of the mill."[50]

Conduct of Operations During the Classical Period:

During most of the Classical Period the *Peshmerga* conducted a guerrilla

campaign, emphasizing ambushes and raids against isolated small garrisons.[51] In 1963

Schmidt wrote that the *Peshmerga*

> "don't try to take territory as such and they don't try to take towns.
> Territory is meaningless to them and towns are a burden. The towns must
> be fed and they must be defended, both costly operations. Much better to
> leave the Army and police and civil administration, cowed by raids and
> kidnappings, and prestige-bound to supply the populace."[52]

During the First Kurdish War, *Peshmerga* were organized in small groups based at locations not accessible by road. These could assemble on short notice. Lovat described to me witnessing one commander assemble a 100-man force for a raid within an hour, and on another occasion witnessing the assembly of a 1000-man force for an operation.[53] The Kurds ultimately consolidated their hold on a large swath of mountainous territory along Iraq's frontiers with Turkey and Iran. Soon the war took on a grim monotony, with government offensives capturing territory each spring and summer, only to lose it again in the autumn.[54]

"Sarliq Chia" describes a similar pattern in the Second Kurdish War, with his *liq* executing operations, usually at the platoon (*pal*) level in groups of 25 – 35 soldiers, consisting of "hit and run attacks". He says that his *liq* executed such missions perhaps 10 – 15 times per month.[55]

Other sources reveal, however, that at some point during the Second Kurdish War Barzani made the fateful decision to transition to a more conventional mode of operation. This decision has been attributed both to pressure from his foreign patrons[56] and to overconfidence stemming from extensive Iranian aid which included artillery and regular troops.[57] Although supporting Barzani, Iran kept his forces on a short leash, for example deliberately keeping him very short on artillery ammunition.[58] With Iranian support the Kurds were able to seize some 30,000 to 40,000 square kilometers of territory. However, the situation was ultimately untenable as it pitted the Kurds – experts in guerilla warfare – in a conventional-style fight against government troops vastly better trained and equipped for that kind of fighting.[59] Naturally Government forces soon began to enjoy success, grinding down the Iranian-based Kurdish conventional capability.[60] By mid-

1974 government troops had captured Amadia, Akra, Raniya, Rawunduz and Qala Diza.[61] During the winter of 1974 – 1975 the government pushed Barzani's forces back to the Turkish and Iranian borders, where Iranian aid enabled the Kurds to hold off the government for several months. When the Iranians cut off aid following the Algiers Accord however, resistance rapidly collapsed.[62]

Equipment, Logistics and Support During the Classical Period:

The *Peshmerga* operated on a shoestring throughout the Classical Period, even during the Second Kurdish War, when the KDP received relatively lavish aid from Iran. During the early years Kurdish fighters generally war traditional garb, with the occasional and predictable fratricide as result.[63] The first uniforms appeared in 1962 when a few fighters sported purchased or captured items.[64] By 1964, some attempt was being made to introduce cotton khaki uniforms, particularly in the KDP area dominated by Jalal Talabani, who was seeking to regularize his force.[65] Personal arms varied during the First Kurdish War, with the Brno rifle being the most popular; the now-ubiquitous AK-47 and its copies would not appear in large numbers until later.[66] Communications was limited to a few captured radios used only to monitor government transmissions, with all orders being hand carried by courier.[67] Transport was by porter and mule, later augmented by a few old vehicles.[68] Fire support was initially limited to small numbers of mortars and shoulder-fired rockets,[69] but this was later augmented with captured artillery; even when available artillery was of limited use due to the scarcity of adequate roads.[70]

Logistics remained primitive during the Second Kurdish War but improved somewhat. According to "*Sarliq* Chia", khaki uniforms had become standard by this time, and medical support was improved, with two nurses assigned to " *Sarliq* Chia's" *liq*

and the KDP fielding a small number of mobile clinics.[71] Fire support seems to have improved as well, with "*Sarliq* Chia" stating that his battalion had four 82mm mortars available, one organic to each *liq*[72]– this in addition to the artillery support provided by the Iranians. Transportation remained a problem, with the *Peshmerga* still moving largely on foot, with some donkeys or light vehicles available for requisition at the battalion level.[73]

Training During the Classical Period:

Training seems to have remained limited but did expand somewhat over time. It is unclear exactly when and to what extent formal training occurred in the *Peshmerga* during the First Kurdish War. Kurdish forces at the beginning of that war were almost entirely tribal in nature with a few urban volunteers, operating in informal units. Increasing numbers of Iraqi Army deserters undoubtedly organized and executed at least informal training in the units they joined. Lovat states that the first "officer training school" was opened near Zahko by 1963, providing a course of a few weeks duration in mountain operations to a few *Peshmerga* nominated by their commanders.[74] One KDP publication claimed that "several training centers" were open by 1966,[75] and Jalal Talabani claimed that by February 1964 KDP units were training four hours per day.[76]

Though not as well planned and organized as American soldiers are accustomed to, formal training did occur in at least some *Peshmerga* units during the Second Kurdish War. According to "*Sarliq* Chia", in the Zozik Battalion training guidance would emanate from the *leshkir*, *hez* or battalion commander based upon circumstances and perceived need. In his *liq*, "*Sarliq* Chia" would assemble his *sarpal* (platoon commanders), discuss the guidance from higher and their own situation, and formulate the training plan.

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Training guidance was not in the formal form US military personnel are accustomed to and no written or formal training schedule was published. Training rarely occurred above the *pal* (platoon) level due to the tactical risk of concentrating a full *liq* in one place (air attack being a large danger). "*Sarliq* Chia" states that training typically occurred three times a week and would begin with an early rise (0400 or so) and would consist of the skills deemed necessary as described above; he provides as examples such tasks as climbing (mountaineering), weapons training, guerrilla tactics, political or motivational training, as well as instruction on proper conduct (human rights, treatment of prisoners).[77]

[1] Hussein Tahiri, Honorary Researcher, Monash University, Australia, telephone interview by author, September 13, 2008.

[2] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 84

[3] Najmaldin Karim, President, Washington Kurdish Institute, interview by author, Washington DC, October 21, 2008.

[4] Francois Xavier-Lovat, Journalist, telephone interview by author, October 2nd 2008.

[5] Karim, interview by author, Washington DC, October 21, 2008.

[6] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 84.

[7] Ibid.

[8] Ibid.

[9] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 119.

[10] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 85.

[11] Ibid., 78 – 79.

[12] Ibid., 85.

[13] Ibid.

[14] Schmidt, *Journey Among Brave Men*, 61 – 62.

[15] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 85.

[16] Lovat, telephone interview by author, October 2nd 2008.

[17] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 84 – 88.

[18] Ibid.

[19] *Peshmerga* Veteran "Chia", Second Kurdish War, telephone interview by author, September 7, 2008.

[20] Schmidt, *Journey Among Brave Men*, 59 – 61.

[21] Ibid., 60; Karim, interview by author, Washington DC, October 21, 2008.

[22] Karim, interview by author, Washington DC, October 21, 2008.

[23] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 87.

[24] Ibid., 85.

[25] Ibid., 87.

[26] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 119

[27] Schmidt, *Journey Among Brave Men*, 289 – 290.

[28] Karim, interview by author, Washington DC, October 21, 2008.

[29] Schmidt, *Journey Among Brave Men*, 62.

[30] Karim, interview by author, Washington DC, October 21, 2008.

[31] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 120 – 121.

[32] General Representation of the Revolution in Iraqi Kurdistan, *Peshmerga: Prepared to Die* (n.p.: 1966), 45.

[33] Ibid., 41.

[34] Lovat, Journalist, telephone interview by author, October 2nd 2008.

[35] "Chia," telephone interview by author, September 7, 2008.

[36] H.Z., "The Role of the KDP in the Kurdish Revolution," *Kurdistan* 14 (1970), 10.

[37] Ibid.

[38] Nyrop, *Iraq: A Country Study,* 225 – 226.

[39] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 113.

[40] Ibid.

[41] Nyrop, *Iraq: A Country Study,* 225 – 226.

[42] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 117.

[43] "Chia," telephone interview by author, September 7, 2008.

[44] "*Sarliq* Chia", telephone interview by author, February 26 2009.

[45] "Ibid.

[46] Nyrop, *Iraq: A Country Study,* 62.

[47] Ibid. 225 – 226.

[48] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 117.

[49] "Chia," telephone interview by author, September 7, 2008.

[50] "Kitab," Kurdish Graduate Student, e-mail to author, 2008.

[51] Nyrop, *Iraq: A Country Study,* 50.

[52] Schmidt, *Journey Among Brave Men*, 69.

[53] Lovat, telephone interview by author, October 2nd 2008.

[54] Nyrop, *Iraq: A Country Study,* 50.

[55] "Chia," telephone interview by author, September 7, 2008.

[56] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 126.

[57] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 76 – 77.

[58] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 126.

[59] Ibid.

[60] Nyrop, *Iraq: A Country Study,* 225 – 226.

[61] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 76 – 77.

[62] Nyrop, *Iraq: A Country Study,* 226.

[63] Schmidt, *Journey Among Brave Men*, 62.

[64] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 82 – 88.

[65] Schmidt, *Journey Among Brave Men*, 62.

[66] Lovat, Journalist, telephone interview by author, October 2nd 2008.

[67] Ibid.

[68] O'Ballance, *The Kurdish Revolt, 1961 – 1970*, 84 – 88.

[69] Ibid., 84.

[70] Lovat, 2 Oct 08

[71] "Chia," telephone interview by author, September 7, 2008.

[72] Ibid.

[73] Ibid.

[74] Lovat, telephone interview by author, October 2nd 2008.

[75] *Peshmerga: Prepared to Die*, 44.

[76] Schmidt, *Journey Among Brave Men*, 289 – 290.

[77] "Chia," telephone interview by author, September 7, 2008.

Chapter 5
Peshmerga: The Interim Period

<u>Emergence of the PUK Peshmerga:</u>

The founding of the PUK *Peshmerga* can be traced to the immediate aftermath of 1975 defeat, when *Komala* decided to defy Barzani's cease-fire order and send its own fighters back into the field. It is upon this basis that PUK claims to be the first Kurdish party to renew the fight after the 1975 defeat,[1] although KDP contests this claim, arguing that their own fighters were returned first on May 26 1976 and claim that PUK did not "fire a shot in anger" until 1977.[2] Jalal Talabani took steps to regularize this new force in 1977 when he established a new command structure. He appointed the veteran *Peshmerga* commander Ali Askari as his military commander and divided the new force into regionally-based *haram* (regiments or brigades)*, with one *haram* per *qazan* (district). Fixed bases were established in PUK-controlled areas, with *haram* in other areas operating on a mobile basis.[3]

PUK felt the need for a fresh start after the *Ashbetal* and toward that end adopted a new nomenclature for the organizational structure of its new *Peshmerga* force, abandoning the old KDP names for various command echelons (which the KDP still uses today). The Arabic term *mafrazah* replaced the old KDP term *dasto*; the old *pal* and *liq* became *kart*; and the term *haram* replaced the KDP's *hez*. Later, PUK adopted the term *teep* ("team") in lieu of the *hiram*.[4] This structure was "fluid"[5] and evolved over time as the PUK expanded, with three major reorganizations between 1977 and 1990:[6]

1977 - 1979 Nomenclature:
- *Mafrazah*: Up to 7 Soldiers
- *Kart*: 30 Soldiers
- *Harim*: 100 – 200 Soldiers

1982 Reorganization:
- *Mafrazah*: 7 – 15
- *Kart*: 30 – 80
- *Teep* ("team"): 100 – 500[*]
  [*] Mahmood Singawi's Teep had 470.

1990 Reorganization:
- *Mafrazah*: 7
- *Kart*: 16
- *Teep*: 50
- *Battalion*: 173

Typical unit strengths cited here. Actual numbers could vary widely.

Table 1

One example of these early units is *Harimi Kirkuk* (later styled *Harimi Qaradagh*), which initially consisted of three *kart* but later expanded to six:[7]

A Typical PUK Unit During the Interim Period
ca 1977 - 1979
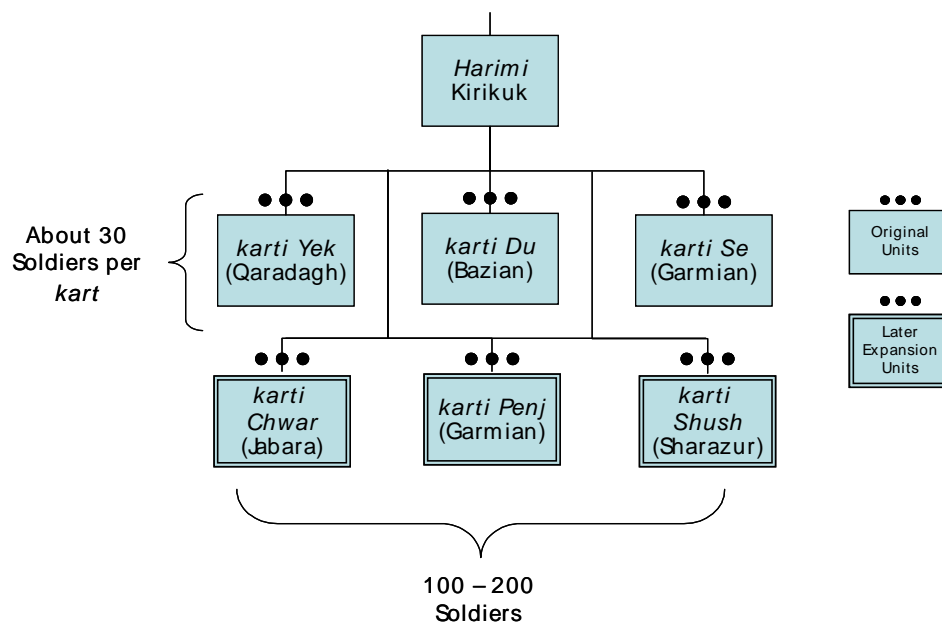
Figure 6

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The meaning of the nomenclature described above evolved over time, particularly the term *harim*. In PUK usage, the term *harim* was used to replace the KDP term *hez*, despite the fact that, by size, a *harim* was clearly equivalent to a US company, whereas by KDP usage a *hez* was something analogous to a US brigade.[8]

Each PUK unit during this early period had two components – a military component (*kart*) political component (*liq*). This is another departure from KDP usage, as under KDP practice, a *liq* – or "branch" – could be a military unit or a political unit, whereas the new PUK practice applied different names for the political and military functions.[9]

The PUK made a clean break from the past in its military organization in another, more substantial way as well: Tribalism played no role in the PUK's new military organization. *Heshtigishti* and *Bezutnawa* were neither pro- nor anti- tribal *per se*, but *Komala* (which provided the majority of the fighters in the new organization) was explicitly anti-tribal (as was the PUK's leader, Jalal Talabani). Tribalism played no part in the formation of their military units. Additionally, PUK *Peshmerga* units were regularly organized and numbered, with units being of permanent duration and personnel and leadership being subject to administrative transfer between units – something that might not have been possible in units built on tribal lines.[10]

The PUK *Peshmerga* was well integrated. Although each of the constituent parts of the PUK – *Heshtigishti*, *Bezutnawa*, and *Komala* – each retained their own political apparatus, they did not maintain separate armed wings, relying instead upon the unified PUK *Peshmerga*. Within this force, no distinction was made as to which faction an individual *Peshmerga* soldier was from.[11]

Mahmood Singawi described his own early *Peshmerga* service to me a private interview, giving me an interesting glimpse into the early development of the PUK's *Peshmerga* force.[12] Singawi began his political career when he joined the KDP in 1967, serving as the head of a party cell in his town, where he worked as a farmer. He joined the *Peshmerga* in 1974 (during the Second Kurdish War) where he served in the ranks, having no great responsibility. Singawi's connection with the PUK commenced after the defeat of 1975. Following the *Ashbetal*, Singawi did not to flee to Iran, choosing instead to return to his farm. In 1976 he joined *Komala*, attracted to that group because of its leftist stance against feudal landlords, which appealed to him as a small farmer.

In 1977 Singawi secured employment with the Forestry Ministry at a salary of 77 Iraqi Dinars per month at the town of Sangaw. During this period, he was in contact with the first PUK *Peshmerga* that had returned to the mountains, whom he calls "the beginners." This force had been carrying on small hit and run operations against government targets, just to let the people know that the *Peshmerga* still existed. It was these contacts that led to him back into the fighting ranks.

Sometime in 1977 Sangaw received information that the local police commander (one Warrant Officer Sa'ad) and the head of the local secret police in (interestingly, also named Sa'ad), had been invited to a house in the area. Upon learning this, Singawi contacted a friend in the new *Peshmerga* to tip them off, and a plan was hatched to kill the two commanders. Singawi was to participate in this attack, but missed the link-up with the *Peshmerga* raiding party. Fearing that his friends would believe that he had shirked the mission, he waited at the link-up point for the *Peshmerga* to return after the raid. Unfortunately, without Singawi's presence the *Peshmerga* did not know at which

house the meeting between the two Sa'adun's was to occur, deciding to attack the police station instead. In the course of this raid, the *Peshmerga* detained a man known to Singawi. Upon arriving at the link-up point after the raid with his *Peshmerga* captors, this man saw Singawi there waiting, thus compromising him. The *Peshmerga* offered to kill the captive in order to preserve Singawi's identity – an offer which Singawi rejected because Singawi considered the captive a friend and a good man.[*] However, having been compromised, Singawi could no longer safely stay home, so he joined the *Peshmerga* himself in the mountains. To this end, Singawi retrieved the weapons he had hidden after the *Ashbetal* (including a Brno rifle, an example of which – perhaps the same one – Singawi showed me during the interview). Singawi's *Peshmerga* career prospered thereafter. In 1978 he was appointed second-in-command of a *mafrazah*, or squad. In 1979, Singawi's commander, Ali Mohamed Hassan, was killed and Singawi succeeded the fallen man in command. In 1980 Singawi became deputy commander of *Kart* 5 (Garmian), following his predecessor's transfer to another unit. Singawi become acting *kart* commander after a battle near Erbil where his unit lost eight killed and 16 wounded. On November 17th 1980 Singawi's unit participated in inter-party fighting at Piranrust (near Qaladza), losing 16 killed. After this, Sinqawi was appointed permanent commander of *Kart* 5, which was then ordered to Tuz Khormatu. In 1981, Singawi was transferred to *Kart* 6 near Qaradagh. After the 1982 reorganization He was transferred to *Teep* 21 at Kirkuk, where he served as deputy commander. Later he was transferred to the newly created *Teep* 57, which he describes as the "most famous of all the *teeps*", again as deputy commander. While with *Teep* 57, Singawi took part in fighting both against the

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[*]This offer is as perplexing as it was regrettable, as *Peshmerga* have usually abstained from harming prisoners, as will be discussed below.

Iraqi Government and against the Iranian Government as "support forces" to Iranian Kurdish guerillas. Later, Singawi was transferred to *Teep* 55, and in 1984 was named commander of *Teep* 15 at Hawram. He later was transferred yet again, this time to *Teep* 51 at Garmian.[13]

Singawi related an interesting disciplinary matter that occurred at about this time. After accompanying Jalal Talabani on a visit to Iran, Singawi was asked to accompany a group of Iranian *Pasdaran* Iran on a military operation into Iraq. During the operation, the *Pasdar* commander feigned illness during battle and refused to fight. For this, Singawi beat the man up. Singawi was punished for this offense with six months suspension of duty. The incident apparently did not injure Singawi's career, however, as upon expiration of his suspension Singawi assumed command of *Teep* 57.[14]

The PUK *Peshmerga* continued to develop after this initial period. Singawi estimates that they reached a peak strength of approximately 15,000 by the time of the *Anfal* campaign,[15] although the few published reports available estimate PUK strength at around 10,000 throughout the mid-to late 1980s.[16] *Anfal* had a devastating impact on the PUK *Peshmerga*; Singawi says that as many as 12,000 fighters surrendering or otherwise disbanded and another 3,000 fled to Iran.

The party began to pick up the pieces and rebuild after *Anfal*, beginning with a tiny, hand-picked force of 75 fighters that formed the embryonic *Supai Rizgari Kurdistani*, or "Kurdistan Liberation Army." By 1990 – 1991 the party had rebuilt their *Peshmerga* back to a force of six – eight battalions of diehard loyalists,[17] with published estimates again placing the figure at around 10,000 soldiers.[18]

Return of the KDP *Peshmerga*:

The KDP did not remain dormant for long following the 1975 *Nisko*, or calamity. According to Dr. Stansfield, the KDP was "shocked" at the rapidity with which the PUK constituted itself after the collapse[19] and to avoid marginalization as well as to counter PUK penetration into the traditional KDP stronghold near the Turkish and Syrian borders, had to send its own *Peshmergas* back into the field as well.[20] The KDP Central Committee met following the *Nisko* and decided to continue the fight, despite the fact that Mullah Mustafa Barzani had forbidden such action and even threatened to oppose it by force.[21] KDP *Peshmerga* returned to Iraq under the banner of the KDP-Provisional Leadership (KDP-PL).[22] This group, formed in November 1975 and also known as KDP-Provisional Command, was led by Mullah Mustafa's sons, Idris and Masud Barzani, together with Sami Abdul Rahman.[23] KDP-PL resumed the name "KDP" in December 1979.[24] Published reports estimate KDP as fielding 10,000 – 15,000 full-time fighters by 1986, augmented by 20,000 – 30,000 part-time "militia."[25]

Peshmerga Operations During the Interim Period

The nature and scope of *Peshmerga* operations varied widely during the interim period, an unstable time of constantly shifting alliances that saw the PUK and KDP at various times fighting each other, the Iraqi Government, and with or against Iranian forces during the Iran-Iraq War. Operations ranged from actions in support of conventional attacks by Iranian forces to pure guerrilla actions. Although from a later period, the following quote aptly describes the *Peshmerga* of either KDP or PUK at this time:

> "Many Western observers refer to Barzani's men as guerrillas but this is
> apt only in that they are not equipped or organized to fight pitched or

maneuver battles against large enemy forces. A better description for them is that they are irregulars"[26]

Peshmerga operations varied. Typical attacks were not conducted to capture or hold ground but were usually "hit and run" operations executed at squad (*dasto* or *mafrazah*) level.[27] One commentator, describing KDP operations, writes that upon receipt of his mission, a squad leader (*sardasto*) might have to march his unit to a link-up point days away to receive instructions and equipment for the mission from a party representative; some operations even occurred in cities, where a *dasto* might quarter for up to 10 days with the assistant of party operatives.[28] Operations were not always limited to such surreptitious undertakings, however, as according to the same commentator, *Peshmerga* occasionally "mounts [sic] a conventional assault", such as a June 1985 KDP night attack by a 50-man *Peshmerga* unit against a 400-strong Iraqi Army unit, in which the Peshmerga successfully took prisoners and "routed" the unit.[29]

Monument to a *Peshmerga* martyr (photo by author).

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[1] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 161.

[2] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 82.

[3] Ibid., 85.

[4] Mahmood Singawi, Personal Representative of Jalal Talabani to the Peshmerga (PUK), interview by author, Sulaymaniyah Iraq, November 23, 2009.

[5] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 85.

[6] Singawi, interview by author, Sulaymaniyah Iraq, November 23, 2009.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] International Institute for Strategic Studies, *The Military Balance, 1986 – 1987* (London: Autumn 1986); _____, *The Military Balance, 1987 – 1988* (London: Autumn 1987); _____ *The Military Balance: 1988 – 1989* (London: 1988); _____, *The Military Balance, 1989 - 1990* (London: Autumn 1989).

[17] Singawi, interview by author, Sulaymaniyah Iraq, November 23, 2009.

[18] International Institute for Strategic Studies, *The Military Balance, 1990 – 1991* (London: Autumn 1990); _____ *The Military Balance, 1991 – 1992* (London: Autumn 1991).

[19] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 86.

[20] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 161.

[21] Ibid., 117.

[22] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 86.

[23] Gunter, "The KDP-PUK Conflict in Northern Iraq," 229.

[24] Ibid.

[25] International Institute for Strategic Studies, *The Military Balance, 1986 – 1987* (London: Autumn 1986); _____, *The Military Balance, 1987 – 1988* (London: Autumn 1987); _____ *The Military Balance: 1988 – 1989* (London: 1988); _____, *The Military Balance, 1989 - 1990* (London: Autumn 1989); _____ *The Military Balance, 1990 – 1991* (London: Autumn 1990).

[26] John Laffin, *The World in Conflict: War Annual 8* (Washington DC: Brassey's, 1997), 120.

[27] John Laffin, *War Annual 1* (Washington DC: Brassey's, 1986), 89-90.

[28] Ibid.

[29] Ibid., 90.

Chapter 6
Peshmerga: **The Contemporary Period**

<u>The Transition to Modernity</u>

The Contemporary Period in *Peshmerga* history can be said to have begun with the 1991 Kurdish *Rapareen* following the Gulf War. The Contemporary Period marked a significant departure for the from the Classical and Interim periods in three significant respects: First, it inaugurated a period of significant evolution of PUK and KDP *Peshmerga* away from small partisan, guerrilla forces toward large, standing formations organized along regular lines. Second, it marked the first time in the history of the *Peshmerga* movement that *Peshmerga* soldiers drew regular salaries.[1] Finally, it marked the beginning of a long – and unfortunately, so far unsuccessful – movement to unify the *Peshmerga* into a single, non-partisan state security force.

The 1991 *Rapareen* was neither ordered nor initially controlled by the Kurdish leadership of the IKF, but rather began as a spontaneous uprising largely carried out by what O'Ballance calls "overnight *Pesh Mergas*" [sic], most of whom "were mobs of untrained, excited and slightly bewildered volunteers lacking a leadership structure."[2] Even Masud Barzani admitted that "[t]he Uprising came from the people themselves. We didn't expect it."[3] An example of the operations carried out by such groups is the storming of the Iraqi *Amn* (Security) headquarters in that city, in which the civilian population fought a fierce battle against the heavily armed intelligence agents, leaving scores of casualties.[4] Also joining the fight were the *Jash*, who defected en mass from the government to the rebel side;[5] one significant *Jash* contribution was their success in convincing many of their erstwhile Iraqi army comrades to surrender without a fight.[6]

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Although the *Rapareen* failed in the short run, it was an important event in the development of the *Peshmerga* in so far as it set the stage for the establishment of the quasi-independent entity that was to follow. The establishment of the de facto Kurdish state following the *Rapareen* immediately triggered a number of changes in the *Peshmerga*, driven by three key factors:

- For the first time the *Peshmerga* could organize, train and operate openly without fear of attack by government air or ground forces. This gave the Kurds the freedom to develop larger units and to house and train them at fixed facilities.

- Also for the first time, the Kurds had their own revenue stream in the form of customs revenues derived from border crossings. Despite the embargo against Iraq that affect the Kurdistan Region as well as the rest of the country, and despite the fact that the location of the main crossing point into Turkey – the Ibrahim Khalil crossing – skewed receipts in KDP's favor due to its location in KDP territory[7], customs revenues still generated a steady flow of income that could be used to expand and organize the *Peshmerga* of both parties.

- Finally, the economic and social disruption caused by the various wars, government repression, and the double-embargo left many individual Kurds in financially desperate straits, without employment or business opportunities, even in agriculture. Under these circumstances many Kurds turned to employment with the main political parties, including their *Peshmerga* forces, where a guaranteed salary of 400 Iraqi Dinars per month was available.[8] This gave the parties a much larger recruiting pool from which to expand the size of the *Peshmerga*.

These changes occurred unevenly over time, however. One *Peshmerga* veteran described his PUK brigade to me as not using formal rank as late as 2003[9] and as late as November 2008 a *Peshmerga* official told me that some old-school commanders still objected to the wearing of rank insignia, despite that fact that such has long since become standard in both PUK and KDP *Peshmerga*.[10]

The payment of regular salaries to *Peshmerga* soldiers was a major break with tradition. One scholar described *Peshmerga* of the Classical period as "true volunteers" in that they received no pay for their services, save an occasional small stipend for pocket money, food received from the villagers, and some other essentials.[11]

Growth and Reorganization of the Peshmerga

The above factors led to two major changes in *Peshmerga*. The first was a significant increase in *Peshmerga* numbers. In PUK dominated areas, this was managed by the establishment of a *yaka*, or "unit" in each geographical area that would serve as a recruiting center where those interested in joining the *Peshmerga* could register. The *yaka* was subsequently replaced by the *hez*, which in turn was replaced by the battalion, which finally gave way to the *leshkiri* ("force").[12]According to published reports, KDP forces maintained between 15,000 – 25,000 full-time fighters, backed by 25,000 "tribesman" from 1992 through the end of the decade; the same reports estimate PUK forces at about 18,000 during the same period.[13] Unfortunately, later reports from these sources cast doubt on their veracity, as they continue estimate KDP and PUK strength at 15,000 and 10,000 respectively well past the 2003 US invasion of Iraq, going so far as to describe KDP as "dormant" by 2005 and to stop reporting strength figures for them after that, and continuing to estimate PUK strength at 10,000 as late as 2007 – by which time

PUK strength was three times that and KDP continued to field 60,000 or more troops.[14] Today, the Peshmerga have grown to a combined force of up to 120,000 soldiers between the two parties.

The second major change was in bureaucratic organization. The *Peshmerga* of the Classical Period had only a very basic command structure. Interaction between the rank and file and the highest political leaders was very easy, but this changed after 1991 when bureaucracy was introduced[15]. The *Peshmerga* began to reorganize along modern, conventional lines immediately after the Kurdistan Region achieved de facto autonomy, forming their own defense ministry – the Ministry of *Peshmerga* Affairs – in 1992. Other changes that occurred were the adoption of modern organizational structure (brigade-centric), adoption of standard uniforms, and adoption of rank insignia. By the mid to late 1990s, the *Peshmerga* had assumed most of the trappings of modern military organizations.[16] One such trapping was the adoption of a formal rank structure. As noted above prior to the *Rapareen Peshmerga* did not have a formal rank structure of the kind employed in modern armies; rather, commanders were simply known by the echelon at which they led – as a platoon commander (*sarpal*), company commander, (*sarliq*), etc.[17] After de facto autonomy, the *Peshmerga* adopted the standard Arabic nomenclature for military rank.

The post-1991 period also marks the first, brief attempt at *Peshmerga* unification as well. In the summer of 1992 the two parties formed a special joint PUK-KDP brigade[18] and on 16 September 1992 the KDP and PUK announced the unification of the *Peshmerga* under a single command,[19] with one source estimating the size of the unified force at 30,000 soldiers.[20] A structure of four commands or *leshkiri* was erected,

consisting of *Leshkiri* Kirkuk, *Leshkiri* Sulaymaniyah, *Leshkiri* Erbil, and *Leshkiri* Dohuk.[21]* Regrettably, this proved to be a unification in name only, as each of the parties' *Peshmerga* continued to answer to their own leaders only and not to the unified command,[22] as was clearly shown when in December 1993 the *Peshmerga* Minister, PUK's Jabar Farman, ignored Masud Barzani's orders to calm the situation after fighting broke out between PUK and IMK.[23] The subsequent fratricidal fighting that was to follow throughout most of the 1990s would render "stillborn … the idea of a united *Peshmerga* army."[24]

The Contemporary *Peshmerga* – Legal Basis and Legitimacy

In the years since the 1991 Gulf War the *Peshmerga* have undergone a systematic reorganization, evolving from a force of relatively loosely organized party-based partisan or party militia into large, legally constituted regional force organized along the lines of a regular army.

Many American observers mistakenly perceive the *Peshmerga* as mere party militias. While such a description was historically true, and while it remains true that the two major Kurdish political parties dominate the *Peshmerga*, the *Peshmerga* can no longer simply be dismissed as party militias. Party militias are either not accountable under the law, or worse, exist in defiance of it – a clear point of distinction between them and the *Peshmerga*,[25] who "take their orders from locally elected and centrally sanctioned civilian authorities."[26] Over the course of the past 17 years the Kurdish authorities have moved in a deliberate fashion to provide a valid legal basis for the *Peshmerga* as a legitimate security service. An early step in this process began with Law No. 2 of 1992,

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* PUK ultimately adopted term *lewa* –"brigade" and KDP *fermandayee* – "command" for their regional entities.

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Leader of the Kurdistan National Liberation Movement, promulgated by the Kurdistan

National Front prior to the Kurdish parliamentary elections organized by that entity later

that same year. This law sought to render the *Peshmerga* legally accountable to the

governing institutions then under construction in the Kurdish region by declaring the

Leader of the Kurdistan National Liberation Movement to be the "Commander in Chief

of all military forces in Iraqi Kurdistan."[27] After the 1992 parliamentary election the then

newly constituted Kurdistan National Assembly continued to regularize the *Peshmerga's*

status with the passage of Law Number 5 of 1992, *Law of Peshmerga*. In October 1992,

the KNA also enacted a political party law that prohibited the maintenance of private

militias or armed groups by political parties.[28]

Since the 2003 invasion of Iraq, the *Peshmerga's* special status has also been

recognized by the political authorities outside the Kurdistan Region. The occupation

authorities contributed to the process of normalizing the *Peshmerga.* The Coalition

Provisional Authority (CPA) can arguably be said to have ratified the existence of the

Peshmerga via the provisions of the *Transitional Administrative Law* (TAL), which

provided at Chapter Eight –Regions, Governorates and Municipalities, Article 54(A), that

> "[t]he Kurdistan Regional Government shall continue to perform its
> current functions throughout the transitional period, except those that fall
> within the exclusive competence of the Federal Government as specified
> in this Law. ... *The Kurdistan Regional Government shall retain regional
> control over police forces and internal security*…" (emphasis added).[29]

CPA further ratified the continued existence of the *Peshmerga* by exempting it from

disbandment via Section 3, "Exceptions", CPA Order Number 91, *Regulation of Armed*

Forces and Militias Within Iraq, June 2nd 2004, and Annex A and B thereto.[30*]

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[*]Unfortunately I have not been able to examine Annexes A and B directly, having been unable to locate
copies. A Freedom of Information Act (FOIA) request to United States Central Command and to the

This legal basis was permanently ratified by the 2005 Iraqi Constitution, which recognized "the region of Kurdistan, *along with its existing authorities*, as a federal region" (emphasis added).[31] Article 141 of the Constitution ratified the actions of the Kurdistan National Assembly, including Law Number 5 of 1992, stating that

> "Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution."[32]

Article 121 of the Constitution goes on to provide that

> "The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, *and guards of the region*" (emphasis added).[33]

In 2007 the Kurdistan National Assembly further defined and clarified the *Peshmerga's* legal basis with the passage of a series of four new *Peshmerga* laws:[+]

- Law Number 19 of 2007, *Law of the Peshmerga Ministry in Kurdistan Region-Iraq*, promulgated in the official *Kurdistan Gazette*, issue number 72, August 15th, 2007. This law enumerates the organization and responsibilities of the KRG *Peshmerga* Ministry and superceded Law No. 5 of 1992.

- Law Number 33 of 2007, *Law of Recognition of Peshmerga (The Guards of the Kurdistan Region-Iraq)*, promulgated in the *Kurdistan Gazette*, issue 78, January 27th, 2008. This law superceded the preceding legislation on the topic, Law No. 9 of 1992. It defines who is entitled to be called a *Peshmerga*; defines the period of the Kurdish

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United States Department of Defense has yet to produce them. In the absence of the actual documents, I rely on secondary reports as to their content.

[+] I am grateful to the Dr. Mahmod Taba-Tabai and the United States Defense Language Institute at Monterrey, California for graciously translating these four statutes for me.

revolution; defines the term "martyr" as used within the context of the *Peshmerga*; defines the computation of service time in the *Peshmerga* for purposes of promotion and advancement; and empowers the *Peshmerga* Minister to promulgate instructions for extending special recognition to *Peshmerga* members and veterans.

- Law Number 34 of 2007, *Law of Retirement of Disabled Peshmerga (The Guards of the Kurdistan Region-Iraq)*, was promulgated in the *Kurdistan Gazette*, issue 78, January 27th, 2008 and superceded Law No. 7 of 2000, a previous *Peshmerga* recognition law. This law defines conditions for retirement of *Peshmerga* by reason of disability and defines the pension and other benefits to which a disabled *Peshmerga* will be entitled based upon the circumstances of their service and disability, as well as compensation and benefits due to the families of martyred *Peshmerga*.

- Law Number 38 of 2007, *Law of Service and Retirement of Peshmerga (The Guards of the Region)*, issued by the President of the Region via Decision Number 4 of 2008. This law governs the hiring, service, and retirement of *Peshmerga*, including specifying the required qualifications for appointment as a second lieutenant in the *Peshmerga*; time-in-grade requirements for promotion from second lieutenant through general officer; qualification requirements for *Peshmerga* enlistees; enlisted and warrant officer rank structure from private ("soldier") through Chief Warrant Officer; qualifications for retirement benefits based upon *Peshmerga* service; credit for service with organizations outside the *Peshmerga* (presumably referring to security services of the Iraqi Government and other non-*Peshmerga* service within the KRG); provisions relating to missing and detained *Peshmerga*; and other provisions.

By their own terms, each of the above 2007 statutes was to take effect upon

their respective dates of issue, although KRG *Peshmerga* Minister Uthman stated in an April 2008 interview that the new laws would "go into effect after the new Kurdish government is announced."[34] Whatever the correct effective date of the new legislation, none of the four laws have yet been fully implemented. PUK has progressed farther than KDP in implementing provisions pertaining to the qualifications and training of new officers; progress on implementing other provisions remains unclear. As to the newly created retirement benefits, one senior PUK official estimated that the KRG would begin making payments to qualified individuals in 2009[35] (although it should be noted that according to one source, PUK already pays retirement salaries for 70,090 retirees[36]).

The Iraqi Parliament has acknowledged the legal status of the *Peshmerga* as well. The 2007 Iraqi Budget Framework Law provided at Article 17, Clause 5 that the Prime Minister of Iraq and the Prime Minister of the Kurdistan Region would agree on expenditures for arming and equipping the Regional Guards (*Peshmerga*) and incorporating them into the national defense system of Iraq.[37] The 2008 budget law contains similar provisions[38] (despite these provisions, Prime Minister Maliki and the KRG have yet to reach a final agreement on *Peshmerga* manning levels; as a result, the Iraqi Government has not yet appropriated or disbursed any funds to the KRG for *Peshmerga* support to date).

The draft (as yet un-ratified) Constitution of the Kurdistan Region contains three provisions pertaining to the *Peshmerga*. Article 13 provides that "[t]he Kurdistan Region has *Peshmerga* defense forces to guard the region, whose formations and tasks shall be regulated by law. No armed militias may be formed unlawfully"; Article 99 designates the President of the Kurdistan Region as the "commander in chief of the *Peshmerga*

forces (the guards of the region); and Article 104, Section 13 empowers the President of the Region to deploy *Peshmerga* outside the Region with the approval of the Kurdistan National Assembly.[39]

The foregoing legal provisions provide the *Peshmerga* with a clear basis of legitimacy. Other legal provisions do the same for other KRG security services. These provisions are not the first word on this matter, however, but rather build upon the precedents set by previous Iraqi regimes as well. Throughout the history of the Iraqi state the country has endured a pattern of alternating conflict and rapprochement between the Kurds and Arabs. Although the state was frequently at war with the *Peshmerga* and its tribal antecedents, they just as often negotiated with them, allied with one faction or another of them, and made significant concessions to them, including a long series of amnesties and pardons. Examples of such include the March 1945 grant of amnesty by Iraqi Prime Minister Nuri Said to Mullah Mustafa Barzani and others for operations against the Iraqi Army occurring prior to February 1944;[40] the September 3rd, 1958 grant of pardon by Iraqi coup-maker cum President Abdul Karim Qasim six weeks after the July 14th Revolution to "all concerned with the post-war Barzani insurrections", which allowed Barzani and his followers returned home to Iraq to "a hero's welcome";[41] an offer of amnesty to Kurdish rebels in March 1962, early in the 1st Kurdish War,[42] which was followed in turn by an amnesty proposal offered by Prime Minister Bazzazz in June 1966.[43] The pattern of the Iraqi state's interactions with the *Peshmerga* and its predecessors clearly evinces an implicit acknowledgement that the *Peshmerga* could not be dismissed as mere banditti or terrorists (though state propaganda did not hesitate to

depict them as such during periods of conflict[*]), and that successive Iraqi regimes have,

grudgingly, viewed the *Peshmerga* and their forebears as to some degree worthy

opponents, rebels though they were.[+]

Nothing illustrates this better than some of the concessions and decrees made by

the Iraqi state in the wake of the peace agreement of March 11th 1970, the so-called

March Manifesto. One provision of that agreement provided that

> "pension salaries shall be made for the families of those who met with
> martyrdom in the regrettable circumstances of hostilities from among the
> members of the Kurdish armed movement…"[44]

Another remarkable concession was the Iraqi Government's agreement to pay 5,000

Peshmerga – later increased to 8,000 – a stipend of 10 Iraqi Dinars per month from the

end of hostilities until they acquired other employment.[45] An even more striking example

is Resolution No. 281 of the Revolutionary Command Council (RCC), dated February

28th 1971, which provided that

> "The period during which Kurdish army-men joined the armed movement
> in the north shall be counted as a period of actual service for the purposes
> of promotion and pension, whether they were reinstated to service before
> or after March 11th, 1970."[46]

In other words, for Iraqi Army personnel who deserted to join the ranks of the Kurdish

insurgents during the First Kurdish War, their time spent with the *Peshmerga* would be

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[*] These propagandistic depictions were particularly spiteful during the Iran-Iraq War when Saddam
Hussein was enraged with the Kurds for, at various times, cooperating with the Iranians. His regime called
the *Peshmerga* by such epithets as "saboteurs," "the agents of Iran" (for the PUK), and "the offspring of
treason" for the KDP (*Bureaucracy of Repression: The Iraqi Government in its Own Words*, Middle East
Watch, February 1994, *in Overview: Developments in Iraqi Kurdistan*, compiled by the Foreign Relations
Committee, Patriotic Union of Kurdistan, 1994).
[+] The reader should not misunderstand me. When I argue that the Iraqi Government conceded a degree of
legitimacy to the *Peshmerga* and their leaders, I do not mean to imply the existence of the kind of mutual
respect, admiration, and forgiveness that would have existed between say, Union and Confederate veterans
of the American Civil War. What I do argue is that successive Iraqi regimes pragmatically concluded that
it was necessary, expedient, and most importantly *acceptable* to negotiate and ultimately work with
Peshmerga and their political leadership to achieve settlement. It should also be noted that the Iraqi
Government's wrath toward the Kurdish parties reached a fever pitch during the Iran-Iraq War due to
Kurdish cooperation with Iranian forces – cooperation that left the regime in Baghdad apoplectic.

treated as if it were service in the Iraqi Army! RCC Resolution 410 of April 19th 1970

provided for "[t]he reinstatement of officials, workers, and employees who had been

discharged because of the violent events of the north",[47] while a subsequent RCC

resolution provided for "counting the period during which Kurdish workers were out of

service on account of the incidents of the North, as actual services for purposes of wages,

pension, and social security."[48] Resolution 410 did not contain any provision excluding

from its application those who were out of service due participation in the fighting

against the government.

Perhaps most telling of all, however, was the divergent treatment meted out to

Peshmerga veterans – those who fought against the government – as compared to the

Kurds who sided with the government: On May 12th 1971 the High Committee on

Northern Affairs, chaired by Saddam Hussein, ordered that "all arms issued out to the

Fursans ("cavalry" or "horsemen" – a pro-government Kurdish auxiliary) in connection

with the incidents of the North shall be recovered",[49] while Law 157 of 1970 directed that

arms be given to 15,000 of Barzani's followers – previously having fought against the

government – who were to be inducted into a newly formed Frontier Militia Force to be

charged with securing Iraq's borders in the Kurdish portion of the country.[50] Even

Talabani's faction of the KDP that had fought alongside government forces from 1966 on

was forced to disband under the agreement, at Barzani's insistence. According to Dr.

Karim, Talabani's Politburo faction was compelled to convene a party congress at which

they constituted themselves as the Revolutionary Party of Kurdistan, which then

immediately dissolved itself. Most of the members of Talabani's faction then rejoined

the KDP, being integrated into the branch structure of the party under Barzani's

leadership (a few dissidents refused to continued to operate under the rubric of the Revolutionary Party of Kurdistan mentioned above, which functioned as a government puppet). The top leadership of the Talabani faction that rejoined the Barzani-led KDP moved to Haji Omran, where they entered into something like "internal exile," being given houses there and jobs within the party commensurate with their status (but not key party positions) such as positions in the youth auxiliary and similar work. Talabani himself, instead of being exiled to Haji Omran, was sent to Damascus to serve as the KDP representative to Syria.[51]

All of the foregoing provisions – under which the government's Kurdish allies were swept aside under the terms of the March 1970 agreement while Barzani and his followers were rewarded for their rebellion with places in the formal state security apparatus – represent an implicit acceptance by the government if not of the legitimacy of the Kurdish insurgency in itself than at least of the justice of their claims and the legitimacy of their leaders and institutions.

The *Peshmerga* can boast other bases of legitimacy as well. One is popular support: The *Peshmerga* are a revered institution throughout Iraqi Kurdistan because of their many years of hardship and sacrifice in pursuit of freedom for Kurdistan. In the words of one KDP *Peshmerga* officer, "the legitimacy of the *Peshmerga* flows from the heart of the people."[52] Furthermore, loyalty to and love for the *Peshmerga* largely transcends party lines.[53]

Finally, the *Peshmerga* bolstered their legitimacy by their record of generally good conduct on the field of battle – a record that has earned them the respect even of some of their erstwhile opponents. Staff Brigadier General Ismail Hussein Alsodani, Iraqi

Military Attaché to the United States, told me that despite being their "putative enemy," he had always respected the *Peshmerga* during his service under the prior regime, for three reasons: They fought face-to-face, they did not make war on the population, and they did not destroy the infrastructure.[54] The *Peshmerga's* record of conduct over the course of their history has hardly been perfect, but they have generally exercised creditable restraint in the conduct of their struggle, generally eschewing the terrorism and other forms of misconduct that so many other insurgent groups have taken to with zeal. There have been exceptions, including major ones, which will be discussed further below. Nonetheless, where other groups have distinguished themselves by the barbarity of their conduct, the hallmark of *Peshmerga* behavior has generally been the basic decency of their battlefield behavior.

<u>Administration and Discipline:</u>

Contemporary *Peshmerga* are generally well disciplined. In terms of basic soldier behaviors such as wear of uniforms and care and maintenance of facilities, they compared very well to the Iraqi Army soldiers with whom I came into contact. The *Peshmerga* do not have a single standard uniform, wearing instead derivatives of a variety of US uniforms such as the old Battle Dress Uniform (BDU), Desert Camouflage Uniform (DCU) and even, lately, copies of the newest US Army and Marine Corps digitized uniforms such as the Army Combat Uniform (ACU). Within this variety of uniform types, however, *Peshmerga* tend to wear their uniforms correctly to include the wear of rank insignia for enlisted as well as officers (something I could not get my Iraq Army counterparts to enforce), as well as proper wear of headgear, etc. Also, the *Peshmerga* have certain ceremonial or duty uniforms that present a very professional appearance. In

all these respects they were superior to the Iraqi Army during the period that I worked

with the latter from 2006 – 2007. One journalist familiar with Iraq and the Middle East

had this to say about Peshmerga discipline after a 2007 visit to the PUK *Peshmerga*

Ministry:

> "The soldiers and officers wore clean and crisp uniforms. Those in the
> lower ranks sharply saluted their officers. When entering the office of a
> person of higher rank, lower ranking officers and soldiers raised up their
> right knees and loudly stamped the floor with their boots …"[55]

The above description is confirmed by this account of Peshmerga soldiers by a

U.S. Army NCO:

> "Evey soldier present was in high spirits, showed signs of [of]
> camaraderie with other members of the unit … Also of note was the
> uniformity of dress and appearance among the soldiers, right down to
> small details rarely seen in typical IA [Iraqi Army] units such as belts,
> berets, brassards, etc … Nearly every Jundi[*] present rolled their sleeves
> the same way (mid forearm), wore the same patrol cap, wore desert tan
> books, carried their AK47 with magazine (although some were unarmed)
> … the only Jundis I saw not in full uniform were these new recruits and
> others engaged in work details like hauling water or working on the
> roof."[56]

When this NCO asked these soldiers how they kept their compound so clean, the

replied by "describ[ing] strong [battalion] and [platoon] level leadership, regularly

scheduled police calls and cleaning details, and swift severe punishment" for

infractions.[57] He went on to attribute the relatively high morale and discipline of these

Peshmerga soldiers to effective small unit leadership, saying that

> "One of the apparent keys to this unit cohesion and uniformity seemed to
> be in their middle level leadership – the Sergeants and Lieutenants. I say
> something … I have never seen in any IA unit previously, and that was a
> NCO walking up to a group of Jundis … and ask them what they thought
> they were doing and directed them to various work details … regardless of
> my presence. This happened two times with two different NCOs, and one

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[*] "Jundi" is the Arabic word for "soldier," universally used by US advisory personnel in Iraq when referring to Iraqi soldiers.

time with a Lieutenant … the *appearance* of [the soldiers] gathered up unprofessionally in sight of the [battalion] leadership was unacceptable" (emphasis in orginal).[58]

These descriptions may not much impress western soldiers, who will rightly look upon them as in and of themselves constituting evidence only of the most rudimentary form of military discipline. Viewed in the larger context however, these observations are very remarkable, because little if any of them could have been said with equal truth about most Iraqi Army or Police soldiers and units at that time.[*]

In terms of infrastructure such as offices and barracks, the *Peshmerga* seem at a real disadvantage, particularly in the PUK area. *Peshmerga* facilities are frequently very decrepit and run down, reflective of the limited resources available to them. While senior leaders tend to have rather nice, well maintained and tastefully decorated suites of offices, common areas in *Peshmerga* buildings are often in a poor state of repair. Even here, however, there are indications of a reasonably good level of basic soldier discipline. One does not encounter the equipment strewn about that one may find at Iraqi Army installations. Additionally, there is evidence that *Peshmerga* barracks and related facilities are better maintained than their Iraqi Army counterparts, at least as of 2007.

Working hours are managed differently for the *Peshmerga* than for US military personnel, with *Peshmerga* working fewer hours. Where American servicemen typically work 40-hours during a five day workweek, with extended hours during intensive training and deployments, *Peshmerga* typically work on a two-weeks on, two-weeks off

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[*] To be fair, the Iraqi Army is has improved substantially – even to the point that, seeing them on the news, I often initially mistake them for Coalition troops, which says a great deal about the extent to which they have improved, at least in terms of professional appearance and demeanor, from my time in Iraq during 2006 – 2007. Nonetheless, my personal observations of both Iraqi Army and *Peshmerga* facilities and practices, made contemporaneously with this journalists observations, tally well with his. The reader can get a good feel for the level soldier discipline in the Peshmerga from the photographs at the journalist's website: Michael J. Totten, *An Army, Not a Militia*, http://www.michaeltotten.com/archives/001412.html.

basis; during their two-weeks on, they are not expected to work extended hours or to be on-call around the clock, but typically work a shorter workday than their American counterparts.[*] PUK *Peshmerga* have moved to extend the working hours for their more elite formations in what they call the "Organized" *Peshmerga*, discussed below – these soldiers work two weeks on, one week off. Additionally, PUK demonstrated some flexibility on the matter of work schedules for their Canine Teams currently in training, when American police trainers informed them that a schedule of on duty half of the time, off duty half of the time was not suitable for successfully training working dogs. PUK authorities responded by extending the dog handler's working hours to five days per week, compensating them with additional pay for the extra workdays.[59]

Obviously the number of *Peshmerga* on duty can be ramped up during emergencies. This occurred during fall of 2007 when a crisis between the PKK and Turkey in northern Iraq prompted the Peshmerga in Dohuk Governorate to keep 75% of their soldiers on duty and 25% on leave, as opposed to the usual 50/50 arrangement; the last time 100% of *Peshmerga* troops in this area were on duty was during on the eve of the US invasion in 2003.[60]

There are a number of reasons for the less-rigorous approach to working hours of the *Peshmerga*, as opposed to the US model:

• First, it should be noted that *Peshmerga* practice in this regard is similar to that of the Iraqi Army, which *officially* grants soldiers one week of leave for every three weeks worked, but where in practice commanders may grant significantly more time off

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[*] Two weeks on, two weeks off is the general pattern. Some organizations differ from this pattern, with soldiers being week on, week off; month on, month off; etc. But the general pattern is the same – on duty half the time, off duty half the time.

than that when they do not perceive the need for the physical presence of the full complement of soldiers scheduled for duty at any given time.

• Second, the same factors that argue for this abbreviated schedule are also present for the *Peshmerga*: Iraq is currently a cash-based economy with no electronic banking or monetary transactions of any kind. Soldiers receive their pay at their units in cash and must transport it home to their families. Once home, soldiers are frequently required to attend to many matters, for even in relatively liberal Kurdistan, women do not have the same degree of autonomy as western woman and in some cases have a difficult time conducting certain matters on behalf of the family. These matters fall to the soldier when he brings his pay home.

• Third, on-duty soldiers must be fed and trained, both of which cost money – soldiers who serve on a half-time on, half-time off basis are cheaper to support than full-time servicemen.

• Fourth, the *Peshmerga* do not have adequate housing facilities to keep the entire force on duty at all times.[61]

• A final possible reason for requiring *Peshmerga* service on only a half-time basis may be to allow them the opportunity to augment their incomes – a KDP *Peshmerga* private only earns approximately US$ 250 per month.

<u>Reserve Forces</u>

One area where the *Peshmerga* have not yet adopted modern practices is in the employment of a formal reserve force structure. Despite the employment of a form of reserve forces during previous periods, and despite some statements to the contrary, no reserve component exists in the contemporary *Peshmerga*, although large number of

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retired *Peshmerga*, veterans, and *Peshmerga* soldiers currently on their half-time leave might be considered a reserve of sorts.

<u>Current *Peshmerga* Organization</u>

Today's *Peshmerga* is a much larger, better equipped, and better organized force than its predecessors. Between them the KDP and PUK field a forces totaling between 100,000 - 120,000 *Peshmerga* soldiers. Of these, only about 60,000 are intended to remain designated as *Peshmerga*.[62] Remaining troops earmarked for transfer to the Iraqi Army or, as has already occurred for a sizeable contingent of KDP troops, for transfer to the KRG Interior Ministry.[63] Approximate *Peshmerga* manning levels at this time are:

> PUK *Peshmerga* – Projected Residual Force: ~ 27,800
> PUK *Peshmerga* Earmarked for Transfer to 16th Division IA: ~ 14,700
> KDP *Peshmerga* – Projected Residual Force: ~ 40,000
> KDP *Peshmerga* Earmarked for Transfer to 15th Division: ~ 14,700
> <u>KDP *Zerivani*: ~ 30,000</u> (former *Peshmerga* transferred to Interior Ministry)
> Total: ~127,200[64]

Table 2

The laws of the Kurdistan Region provide for a single, unified force, *Peshmerga* army with all *Peshmerga* forces (KDP and PUK) subordinate to the KRG Presidency Council (the cabinet – headed by President Masud Barzani). However, in practice the two forces remain divided, with Barzani commanding the KDP *Peshmerga* and Iraqi President Jalal Talabani retaining command of the PUK *Peshmerga* in his capacity as chairman of the PUK. Although unification remains official policy and much preparatory work has been done toward that end, and although cooperation between the two sides is good, relations are cordial, and both sides maintain a common front in their interactions with the wider world, the political decision to execute unification has not yet been taken.[65] It should be noted however, that although formal unification has not been

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promulgated, even PUK *Peshmerga* profess loyalty to the KRG administration in Erbil.

According to one PUK general,

> "We follow the [KRG] Ministry Council. We are not involved in any other political things. We do not belong to any political party, but to the Kurdistan Regional Government. We obey the orders of the government and the Ministry of Peshmerga. We do not belong to any other side or special party."[66]

Once the political decision to execute unification is taken, the following arrangements are expected to be implemented:

- After unification the President of the KRG (Masud Barzani or his successor) will be Commander-in-Chief of all *Peshmerga* (Talabani's post-unification role has yet to be clarified).

- A standing committee of leaders will be assembled to oversee *Peshmerga* matters, consisting of the persons or their successors:

  o   Commander of *Peshmerga* General Command (PUK): Mustafa Seid Qadir.[*]

  o   Minister of State for *Peshmerga* Affairs (PUK): BG Sheikh Jaffer.

  o   *Peshmerga* Ministry Spokesman (PUK): Jabar Yawar.

  o   Deputy Commander of Qalachulon Military Academy (PUK): Colonel Baktiar.

  o   Minister of *Peshmerga* (KDP): Zaim Ali (Umar Uthman).

  o   *Peshmerga* Army Command G1 (KDP): LTG Shirwani.

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[*] Qadir's future role is unclear as of this writing. Qadir is a member of a reformist group within PUK seeking to improve accountability of the expenditure of funds and other reforms in the party. Matters came to a head on February 15 2009, when five senior members of the PUK Politburo – including Qadir – submitted their resignations from PUK in a dispute over the proposed dismissal over former PUK Deputy Secretary General and fellow reformist Nawshirwan Mustafa. It was not clear as of this writing whether Qadir's resignation would take effect and if so, what impact that would have on his status as the day-to-day head of the PUK *Peshmerga* ("PUK Turmoil: Kosrat Rasul Ali and Four Other PUK Politburo Members Resign," *Rozhnama*, February 15 2009, at Regional Reconstruction Team Kurdistan Region of Iraq, Media Summary, February 15 2009, translated and compiled by Press and Cultural Specialist Alan Attoof); Ivan Watson, "5 high-ranking Kurds leave Iraqi president's party," February 14, 2009, CNN.com, http://www.cnn.com/2009/WORLD/meast/02/14/Kurdish.politicians.Iraq/ (accessed February 18, 2009).

- o *Peshmerga* Army Command G3 (KDP): MG Azad Miron.

- o *Peshmerga* Army Command G2 (KDP): MG Mohammed Qazi.

Once the *Asayish* and the Interior Ministry have been unified, the heads of those respective institutions will be added to the above committee and it will be styled as the Armed Forces Committee.[67]*

Peshmerga Command Structure

The current *Peshmerga* command structure consists of five major entities and their subordinate commands, as depicted below. On the KDP side these entities are the KRG *Peshmerga* Ministry; the Kurdistan Army Command (*Fermandayee Leshkiri Kurdistan* or FLK, pronounced fah-lek); and the *Zerivani*. Major PUK command entities are the Ministry of *Peshmerga* Affairs and the General Command of Kurdistan *Peshmerga* Forces (*Fermandayee Gishti*).

Each party maintains both a *Peshmerga* political leadership (*Peshmerga* Ministry and Ministry of *Peshmerga* Affairs), and a command leadership (FLK and *Fermandayee Gishti*). The respective powers and functions of the political versus command entities are not easy to elucidate, as they are not articulated as clearly as are the functions of their US equivalents. However, certain generalizations can be made:

First, the *Peshmerga* Minister (KDP) and the Minister of the Region for *Peshmerga* Affairs (PUK) do not exercise command authority over their respective command leaderships, and the respective operational commands are not subordinate to the political ministries. The KRG *Peshmerga* Minister, Umar Uthman (generally known by the nom-de-guerre "Zaim Ali") exercises more personal authority than does his PUK counterpart,

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*One wonders whether this committee will be related to, or identical with, the General Security Committee currently operating in the KDP area, discussed further below.

Peshmerga Command Structure

Figure 7

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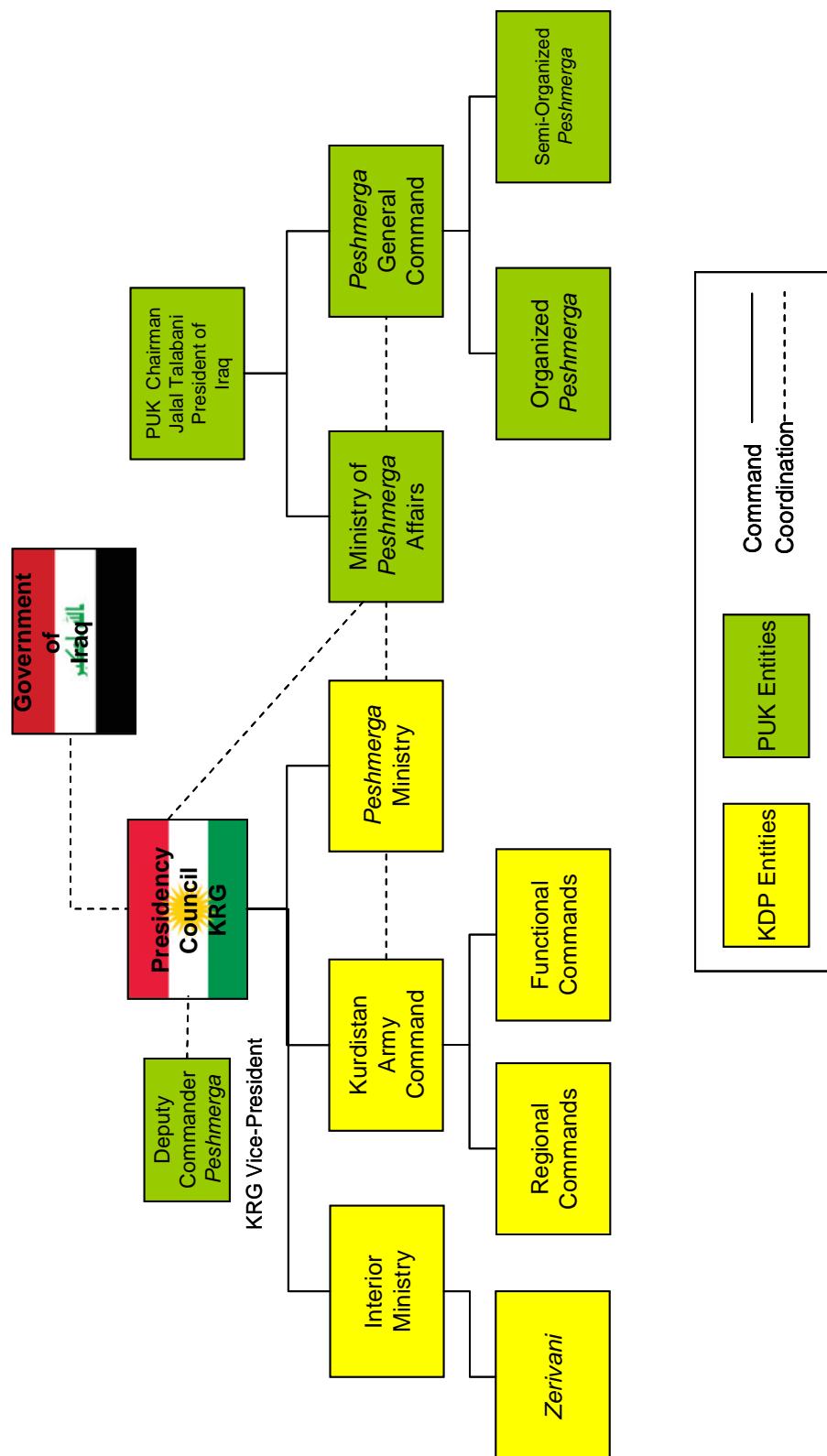
BG Sheikh Jaffer, but this is due Uthman's membership in the KDP Politburo and to his seniority within the party, *not* to his status as *Peshmerga* Minister.

Second, although the *Peshmerga* Ministry (KDP) and Ministry of *Peshmerga* Affairs (PUK) have staffs that parallel the staff structure of the respective command staffs (FLK and *Fermandayee Gishti*) their competence generally extends to only to political matters, such as serving as a conduit through which Kurdistan Army Command (KDP) and the *Peshmerga Fermandayee Gishti* communicate with the KRG Council of Ministers; serving as the principal points of contact for dealings with the Government of Iraq; and dealing with political matters concerning the *Peshmerga*.[68] According to Major General Mustafa Seid Qadir, Deputy Commander of the PUK *Peshmerga* General Command (*Fermandayee Gishti*), the relative weakness of the *Peshmerga* political leadership vis-à-vis the military command can be traced to the fratricidal fighting of the 1990s – the *Shari bra Kuzhi*, the "fight of brother killing" or as more commonly translated, the "brotherhood fight".[69] As noted earlier, a unified *Peshmerga* Ministry was established in 1992 but the civil war reduced this entity to a mere "skeleton" and caused real power to shift to the military command structure of each party.[70] This is expected to change once the formal unification of the two *Peshmerga* Ministries is achieved.

Despite the limitations on their practical authority, each of the respective *Peshmerga* Ministries does control one significant lever of power: The *budget*. Detailed budgetary figures were not available to me during the course of this research, but one *Peshmerga* official told me that as part of the on-going preparations for *Peshmerga* unification, an analysis had been done indicating that the unified *Peshmerga* would require US$2 billion to fund the first three years of operations at their current size and

level of activity – a figure that was cited to me as evidence of the straitened financial circumstances under which the *Peshmerga* are forced to operate.[71]

In the PUK area, *Peshmerga* funds flow through the Ministry of *Peshmerga* Affairs to the *Peshmerga Fermandayee Gishti* (General Command).[72] The KRG *Peshmerga* Minister exercises a similar oversight function for the KDP *Peshmerga*. Under the KDP process, funds are transmitted from the KRG Finance Ministry directly to the Finance Department of the Kurdistan Army Command. However, in most cases these funds cannot be disbursed without the prior approval of the *Peshmerga* Minister. This applies to most expenditures including procurement. Some exceptions have been established, as the FLK Administration and Logistics Department has standing authority to execute some expenditures independently and some are overseen by committees.[73]

The budget is a challenging issue. Salaries alone probably exceed $27,000,000 per month (including both PUK and KDP areas).[*] According to Major General Nariman Bekir Sami, Deputy G3 of the Kurdistan Army Command, the KDP *Peshmerga* does not have not standing, regularly appropriated budget. Instead, the KRG Finance Minister periodically pulls the together the funds necessary for salaries, fuel, sustainment, etc. from various sundry sources, sometimes borrowing it from banks. This leads to problems, including erratic payment of salaries – on the day we spoke, General Sami told me that his personal bodyguard had not been paid for two months.[74] David Pollack confirms this, reporting in 2008 that

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[*] As I do not reliable salary date for PUK *Peshmerga*, I use the monthly salary of a KDP private first class as a reasonable approximation of the overall average monthly salary for a *Peshmerga* for the KRG as a whole.

Pay Scale
KDP *Peshmerga*

Rank*	Salary -Iraqi Dinar (ID)
LTG	1,183,999
MG	1,032,000
BG	855,000
COL	781,000
LTC	707,000
MAJ	632,000
CPT	558,000
1LT	483,000
LT	409,000
WO2	401,000
WO1	390,000
SGM	362,000
MSG	334,000
SFC	307,000
SGT	279,000
CPL	264,000
PFC	256,000
PVT	251,000

Notes:
- Data provided by KRG *Peshmerga* Ministry, 5 November 2008.
- Comprehensive salary information for PUK *Peshmerga* was not available, but sources estimated the pay for a PUK soldier at between 260,000 - 280,000 ID per month and that of a brigade commander in the Fermundayee Gishti at 1,400,000ID. However, Peshmerga soldiers assigned to Organized Peshmerga units are paid more those assigned to Semi-Organized units. Additionally, there was talk in November 2008 of raising the pay of PUK Peshmerga soldiers to 400,000ID per month (PUK information per Fermundayee Gishti G1, 19 November 2008).
- 1158.6 ID = 1 USD as of 22 December 2008

*US equivalent.

Table 3

"[i]f the revenue stream from Baghdad is delayed for any reason, then the KRG quickly becomes so strapped for cash that government salaries, even for the *Peshmerga* military forces, cannot be paid on time. The situation has occurred several times over the past two years, notably during the last-minute bargaining over the 'package' of federal budget and other legislation in late 2007 and early 2008."[75]

The existence of such a problem is also confirmed by reports in the Kurdish media. In December 2007 *Rozhnama*, a Kurdish language daily in Sulaymaniyah,

reported that as many as 1,000 *Peshmerga* were resigning monthly over non-payment of salaries, and even the pay for 3,000 *Peshmerga* soldiers deployed to Diyala Governorate was in arrears.[76] *Aso*, a Kirkuk-based Kurdish language paper, reported the next month that some *Peshmerga* soldiers from the 34th Garmian Brigade deployed in Diyala had failed to return from leave, again over the issue of unpaid salaries.[77]

KDP *Peshmerga* Organization

KDP *Peshmerga* structure consists of the following major components: The *Peshmerga* Ministry; ten regional or area commands (*fermandayee dever*); four functional commands supervised by the Kurdistan Army Command; and the Ministry of the Interior troops known as the *Zerivani* ("Guards" in the Kurdish dialect of the Bahdinan area).[78]

The KRG *Peshmerga* Ministry, estimated by one source at up to 500 personnel,[79] oversees political functions, serves as the intermediary between the KRG and the Government of Iraq, and works issues such as officer administration, health/medical issues, retirement, supply, transportation, and legal matters.[80] *Peshmerga* Ministry functions overlap those of the General Staff of the Kurdistan Army Command (described below). The role of the *Peshmerga* Ministry is not always clear. What is clear, however, is that the Ministry's function is primarily political, and that it does not exercise command and control over the General Staff or operational units.

KRG President Masud Barzani is the Commander-in-Chief of Kurdistan Army Command (FLK). FLK is overseen by a General Staff consisting of Operations, Administration and Logistics, Finance, Intelligence, Inspector General, and

Indoctrination sections; President Barzani serves as chairman.[81] Interestingly, the General

Staff has no formal Chief of Staff. Decisions are reached on a committee or consensus

basis in the form of recommendations to the KRG President, who approves or

disapproves the actions. While there is no formal difference in status between the various

members of the general staff, informally certain members are more influential than

others. One such basis for this difference is rank: The Chief of Operations and the Chief

of Administration/Logistics are Lieutenant Generals, whereas other members of the

General Staff are major generals.[82] Another interesting figure on the staff is *Peshmerga*

Minister Lieutenant General Umar Uthman who sits on the General Staff as an ex officio

member and exercises great influence within that body. Ordinarily the *Peshmerg*a

Minister is not a member of the General Staff and exercises no authority over it. Uthman

is an exception, however. His authority on the General Staff derives not from his role as

Peshmerga Minister, but rather from his status as a member of the KDP Politburo and his

great seniority within the *Peshmerga* movement. His active participation in the

deliberations of the General Staff also derives in part from the unique circumstances of

the day, with important matters such as *Peshmerga* unification on the table. Any figure

less notable than Uthman as *Peshmerga* Minister would exercise far less authority over

the General Staff.[83]

Functional Areas of the
KRG *Peshmerga* Ministry

Peshmerga Minister

Kurdistan Army Command

Secretary General

Intelligence

Finance

Duty (Security) Battalion

Logistics

Administration

General Staff (not part of Ministry)

Peshmerga Ministry Entities

Command

Coordination

Figure 8

121
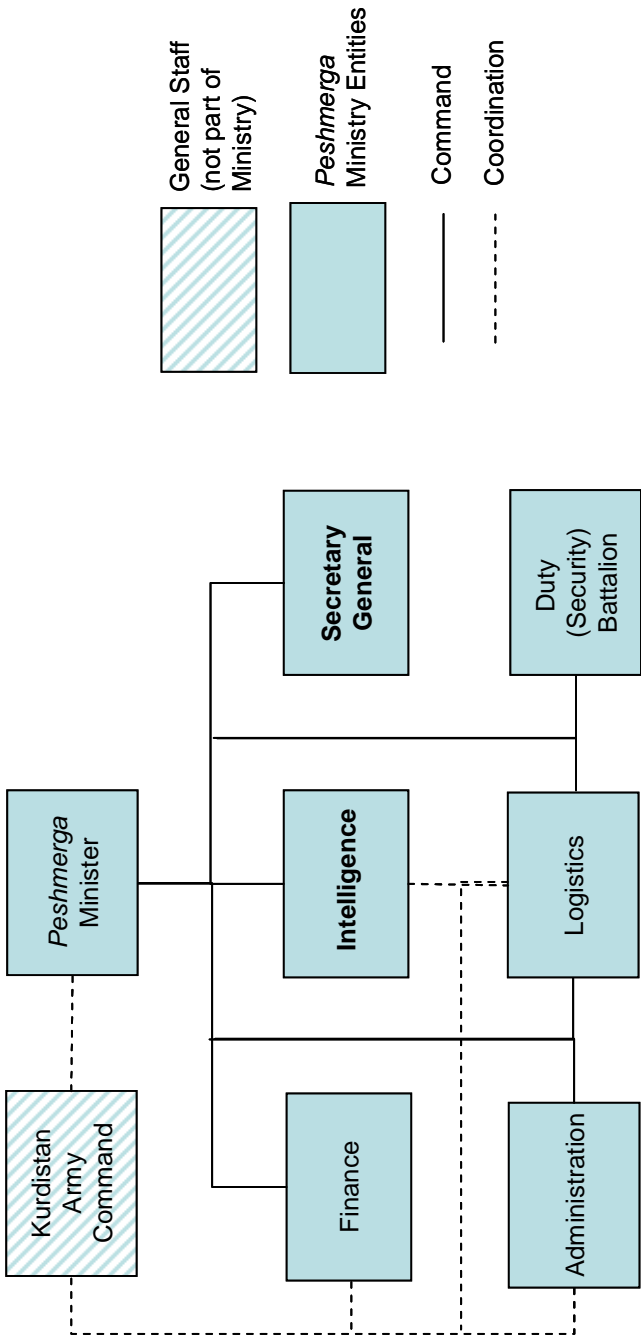
Kurdistan Army Command (FLK)
Kurdistan Regional Government (KDP *Peshmerga*)

General Staff

Regional Commands

Functional Commands

Zerivani (Interior Ministry Troops)

Engineer Fermandayee

Missile Arsenel

Environmental Fermandayee

Administration/ Logistics (G1/G4)

General Accounting

Garmian Special Forces Fermandayee

1st Special Forces Fermandayee

Artillery Fermandayee

Tank Forces

Presidency Council

Operations (G3)

Inspector General

Peshmerga Minister*

Finance

Fermandayee Spilk

Fermandayee Germiyan

Fermandayee Kawa

Fermandayee Erbil

Fermandayee Helgurd

Fermandayee Kirkuk

Fermandayee Sefin

Peshmerga Mininstry

Fermandayee Dohuk

Fermandayee Barzan

Fermandayee Suleimani**

* Peshmerga Minister not normally on General Staff; Zaim Ali is an Ex Officio Member due to his status as a Politburo Member.

Figure 9

122

Each *fermandeyee* is commanded by a major general. Regional commands (*fermandayee dever*)[84] vary widely both in terms of the geographical area for which they are responsible and in terms of assigned strength, each of which is based upon the mission assigned to that *fermandayee* and local conditions in its geographical area of responsibility. While exact strength figures for the ten regional *fermandayee* are not available, some idea of the wide variation among them can be gained from the example of two *fermandayee* whose approximate strength I was able to learn: *Fermandayee* Dohuk, responsible for a large area along the Iraqi-Turkish border, has an assigned strength of approximately 10,000 soldiers, while *Fermandayee* Kowa has a much smaller 1500 soldiers assigned.[85*] Regional *fermandeyee* are subdivided into divisions (*leshkiri*), brigades (*hez*), and battalions (*battalioni or fewj*) depending upon size.[86] Battalions are further divided into squads (*dashto*), platoons (*pal*), and companies (*liq*).[87] Units assigned to the regional *fermandayee* are mostly light infantry formations.[88] Nominally the KDP has a standard structure for its units to facilitate conversion into Regional Guards, with a standard strength of approximately 700 soldiers per infantry battalion, with four battalions per brigade and four companies per battalion.[89] However, in practice units vary widely in size and organization.[90]

In addition to the regional *fermandayee*, FLK fields four functional *fermandayee*: A small contingent of military engineers; two special forces *fermandayee* responsible for securing the KRG president and political institutions; and an artillery *fermandayee*

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[*]These figures are provided to illustrate the great disparity in size between the various Regional *fermandayee*. While I believe that the strength figures provided to me by *Peshmerga* officials to be accurate in aggregate, these figures offered as examples of strength for particular commands may or may not be accurate. For example, while the source above quoted the strength for the Dohuk *Fermandayee* at 10,000, another earlier media report set it at as 20,000, with 10,000 on duty at any one time (Haynes, Deborah; "We Have No Choice, We Will Defend our Land and Dignity", *The Times* (London), October 29th 2007, page 32).

organized into a regiment of perhaps 700 personnel. The Artillery *Fermandayee* suffers

from significant resourcing challenges, being equipped with old guns and lacking enough

transporters to move them all. Artillery officers are generally trained to a basic level of

proficiency, but the training level of enlisted soldiers varies widely.[91] FLK also boasts an

Environmental *Fermandayee*; a missile arsenal; and a tiny armored and mechanized

infantry force equipped with older model tanks (mostly T55), largely recovered from the

Iraqi Army (many of which are non-operational).[92*]

The final component of the KDP *Peshmerga* is the *Zerivani*, a security force of

approximately 30,000 troops that performs security functions outside urban areas such as

on the highways, at the boundaries of the KRG, and at the Erbil airport, as well as

providing support to the regular police when required.[93] Although technically Interior

Ministry troops and not *Peshmerga*, I address them here because the *Zerivani* consist

former *Peshmerga* units transferred from that force to the Interior Ministry, and it seems

likely that some residual working relationship remains between the two entities.[94]

The Engineer *Fermandayee* provides an interesting example of a functional

command in the KDP *Peshmerga*. Brigadier General Mahmood Al-Kari, Engineer

Fermundayee Chief of Operations, provided me with an overview of its structure and

functions.[95] The KDP's engineering force was established on December 23rd 1997 with a

very poor initial capability, relying at that time upon persons with practical experience in

the field but who did not necessarily have formal training. This situation persisted until

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[*] Numbers of various types of equipment in possession of KDP were not available to me during my
research. However, Robert Olson has quoted *Andolu Agency* as reporting that by April 23 2003 KDP had
captured 34 tanks, 21 armored vehicles, 14 armored personnel carriers, 37 cannons, 78 mortars, 27 multi-
barreled rocket launchers, 3800 rifles, 288 ground-to-air missiles, 70 trucks, and 2800 land mines from the
Iraq Army during the course of the US invasion (Robert Olson, *Turkey-Iran Relations, 1979 – 2004:
Revolution, Ideology, War, Coups, and Geopolitics* (Costa Mesa, CA: Mazda Publishers, 2004), 203).

2003, when the Engineer *Fermandayee* was able to bring in engineers from the former

Iraqi Army who had both practical experience and theoretical or academic training. The

Engineer *Fermandayee* is organized into a headquarters and field detachments with each

regional *fermandayee*. The Engineer *Fermandayee* consists of about 120 personnel. Each

regional *fermandayee* has an attached engineer platoon of between 30 – 40 personnel, led

by a *naqib* (captain). These platoons are under the operational control of the regional

fermandayee, but the Engineer *Fermandayee* has training and administrative oversight

responsibility.[96] Since 2003 the Engineer *Fermandayee* has made progress in

systematizing their work, to include the establishment of some training courses. The

curriculum for these courses covers the basics focusing mostly on mines and de-mining.

Additionally, in cooperation with Mines Advisory Group (MAG), the Engineer

Fermandayee has developed a six-week training course for 25 – 30 soldiers on modern

de-mining techniques and equipment. The first course was set to begin in mid-November

2008 as of this writing.[97] The Engineer *Fermandayee's* main engineering problem is de-

mining and disposal of unexploded ordinance, principally artillery shells and mortar

bombs. Local communities frequently report finding such items, often exposed by

landslides winter rains and snow, which frequently injure shepherds and farmers. BG al-

Kari cited an assessment conducted by the Iraqi Engineering Department estimating that

there are 30 million mines along the border between Iran and Iraq, including both anti-

tank and anti-personnel mines. Of these, BG al-Kari estimates that five million are in

Iraqi Kurdistan in an area stretching from Khanaqeen to Zakho.[*] He stated that several

---

[*] The figure of five million mines is actually a very low one compared to other estimates, which put the
total at 21 million (Council of Europe Document No. 6984 dated January 11th 1994, *Report on the
humanitarian situation and needs of the displaced Iraqi Kurdish population*, part II paragraph 24; Joint
letter by Masud Barzani and Jalal Talabani to the Secretary General of the United Nations and President of

NGO groups are working on de-mining in Kurdistan, of which MAG is the oldest and most important, having been operating in Kurdistan since 1992.[98] Al-Kari stated that some believe that that Kurdistan will be de-mined by 2018 (as required by the 1997 Mine Ban Treaty that Iraq ratified in August 2007[99]) but he found this highly optimistic, estimating himself that at current levels of effort and resources, it will take 50 years to complete de-mining of the Kurdistan Region.[100] At least one source confirms Al-Kari's unhappy assessment in this regard, estimating that "[w]e're going to need 35 years to finish if we don't increase capacity."[101] As of mid-November 2008, only one-sixth of the total mined area in Iraqi Kurdistan had been cleared of mines.[102]

Kurdistan Army Command
Engineer *Fermandayee*

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                    ┌──────────────────┐
                    │   Commander      │
                    │  Major General   │
                    └────────┬─────────┘
       ┌──────────┬──────────┼──────────┬──────────┬──────────┐
   ┌───────┐ ┌─────────┐ ┌──────┐ ┌──────┐ ┌──────┐ ┌────────────────┐
   │Deputy │ │Assistant│ │  G1  │ │  G2  │ │  G3  │ │ Indoctrination │
   │  BG   │ │   COL   │ │      │ │      │ │      │ │                │
   └───────┘ └─────────┘ └──────┘ └──────┘ └──┬───┘ └────────────────┘
                                         ┌─────────────┐
                                         │  Engineer   │
                                         │  Company    │
                                         │    LTC      │
                                         └──────┬──────┘
                                         ┌─────────────┐
                                         │  Engineer   │
                                         │  Platoons   │
                                         │    CPT      │
                                         └─────────────┘
```

One per Regional *Fermandayee*
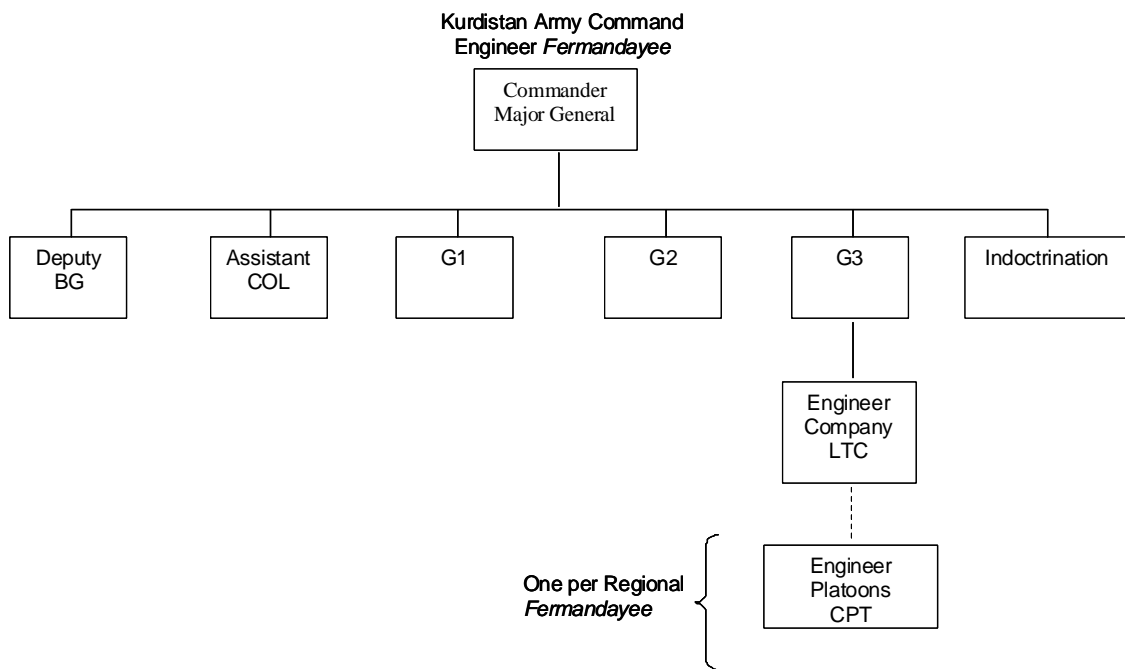
Figure 10

the Security Council, September 18, 1993. Both anthologized in *Overview: Developments in Iraqi Kurdistan*, compiled by the PUK Foreign Relations Committee, April 1994 (not paginated)).

PUK *Peshmerga* Organization

The PUK *Peshmerga* consists of four principal entities: The Ministry of *Peshmerga* Affairs; the General Command of Kurdistan Peshmerga Forces (General Command or *Fermandayee Gishti*); and the *Fermandayee Gishti's* two primary subordinate structures, the Organized *Peshmerga* and the Semi-Organized *Peshmerga*.

The *Fermandayee Gishti* exercises operational control over all PUK *Peshmerga* units.[103] Unlike the FLK General Staff, the *Fermandayee Gishti* does have a formal head – Major General Mustafa Seid Qadir, *Fermandayee Gishti* Deputy Commander. Because the titular commander of the PUK *Peshmerga* is Iraqi President Jalal Talabani, MG Qadir is left in effective command on a day-to-day basis. The *Fermandayee Gishti* consists of a Chief of Administration; a Political Bureau responsible for imparting patriotism and political ideology to the force; the *Peshmerga Zanyari*, or intelligence department (G2); and an Inspector General (dual-hatted as deputy to Mustafa Seid Qadir). Also part of the *Fermandayee Gishti* is the Chief of Staff of the Organized *Peshmerga*, through whom elite and specialized *Peshmerga* units report (the 17 brigades of the Semi-Organized *Peshmerga* are direct-reporting units separately answerable to the *Fermandayee Gishti*).[104] Other elements include the Counter Terrorism Group commanded by Bafel Talabani, son of Jalal Talabani; three Presidential brigades (one in Baghdad, incorporated into the Iraqi Ministry of Defense, and two in Kurdistan, securing President Talabani's residences)[*]; and a body of soldiers assigned as bodyguards to various leaders.[105]

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[*]There has been at least one report of combat action by the Presidential Brigade in Baghdad, consisting of a joint operation conducted with National Police and Coalition units on July 24th 2008. See "INPs, MND-B Soldiers seize massive cache in Baghdad", http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=21469&Itemid=21 (accessed February 21 2009).

PUK *Peshmerga* Command Structure
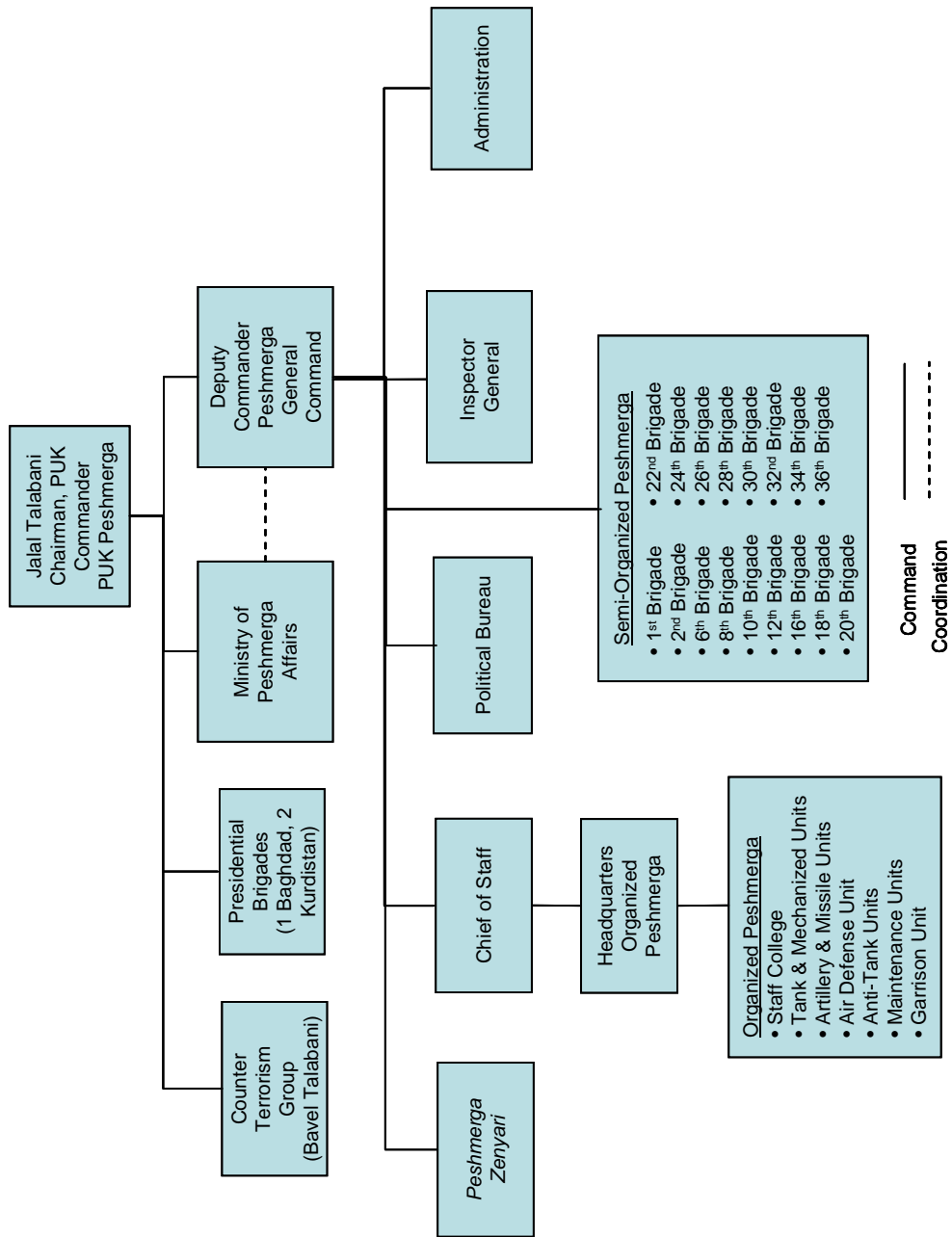
Figure 11

An interesting example of staff organization within the *Fermandayee Gishti* is the

Intelligence Department (G2), or *Peshmerga Zanyari*. The G2 serves in the dual roles of

director of intelligence for the General Command and commander of *Fermandayee*

Gishti intelligence troops, and as a deputy to the Minister of *Peshmerga* Affairs,

commanding ministry intelligence troops.[106] The G2 oversees the operations of an

administrative staff; an intelligence battalion; a company-sized counterterrorism unit

based in Sulaymaniyah (not to be confused with Bafel Talabani's Counterterrorism Unit);

and a deputy G2 who in turn supervises the G2 operations room and a battalion-sized

counterterrorism unit for Kirkuk.[107]

Figure 12

129
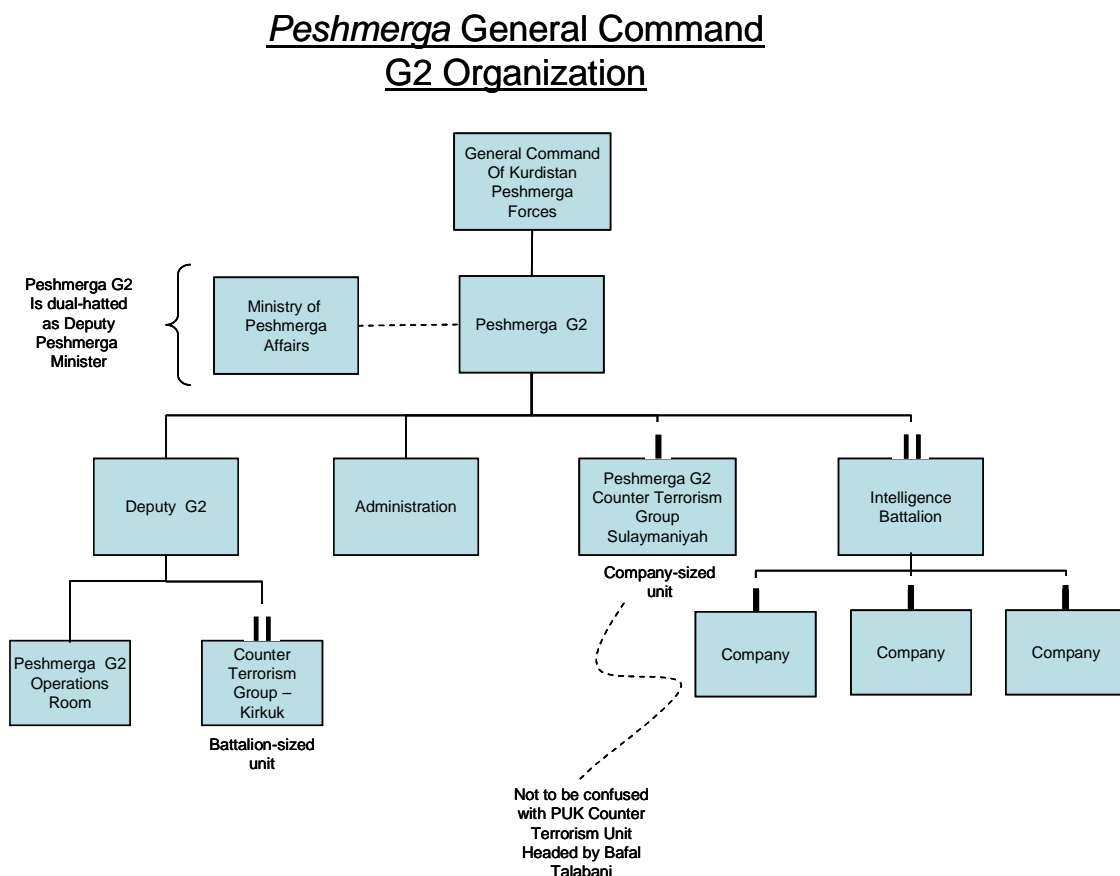
The *Fermandayee Gishti's* intelligence battalion is organized as a

reconnaissance/combat formation equipped to provide scout support to armored forces as

well as to execute its own combat operations. It consists of a headquarters company, a

support/security company, a special operations company with separate infantry, sniper,

machinegun and reconnaissance platoons, a BRDM-equipped scout company, and two

Cobra Companies – essentially elite infantry formations.[108] This newly organized

battalion replaces a previous unit currently deployed in Baghdad as part of President

Talabani's Presidential Brigade and paid by the Iraqi Army. The Presidential Brigade

intelligence battalion is identical to the newly-formed unit described above in all respects

except it has a third Cobra Company in lieu of the scout company.[109]

Intelligence Battalion - PUK Peshmerga
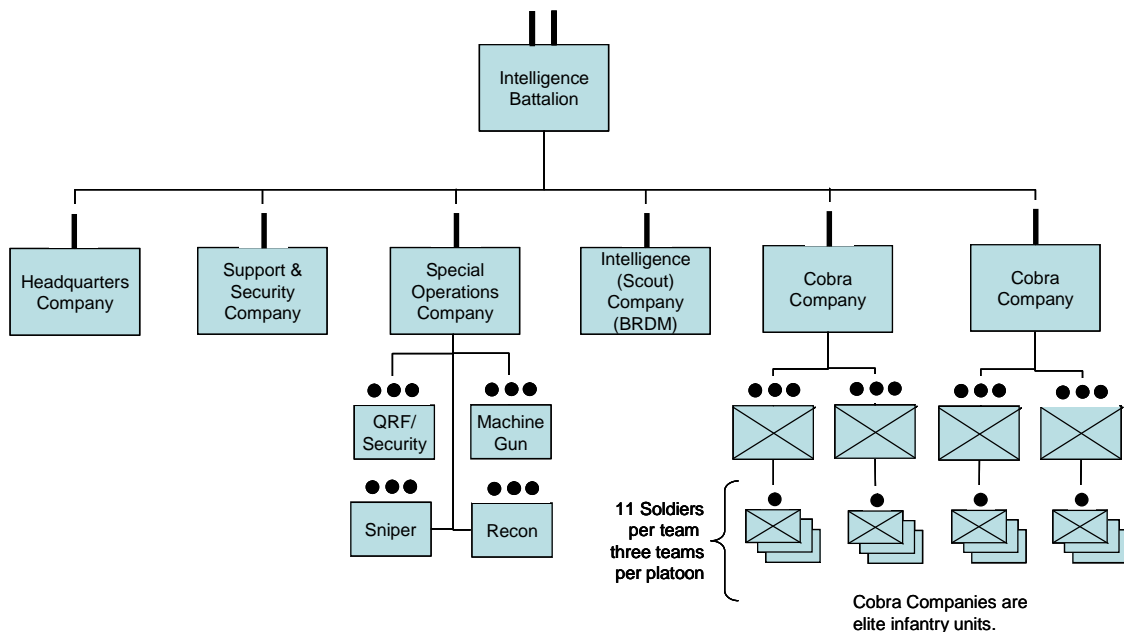
Figure 13

As in U.S. Army units, intelligence officers are assigned to all *Peshmerga* units down to company level. Typical intelligence officer rank structure would be a captain per company, a major per battalion, and a lieutenant colonel per brigade.[110]* Intelligence flow is straightforward, with reports flowing through command echelons from lower to higher until finally reaching the *Peshmerga Zanyari*, whence it is passed to the party headquarters at Qalachulon and shared with other agencies (such as the *Asayish*, the *Dazgay Zanyari*, and others as needed) as appropriate.

Intelligence Flow – PUK *Peshmerga*
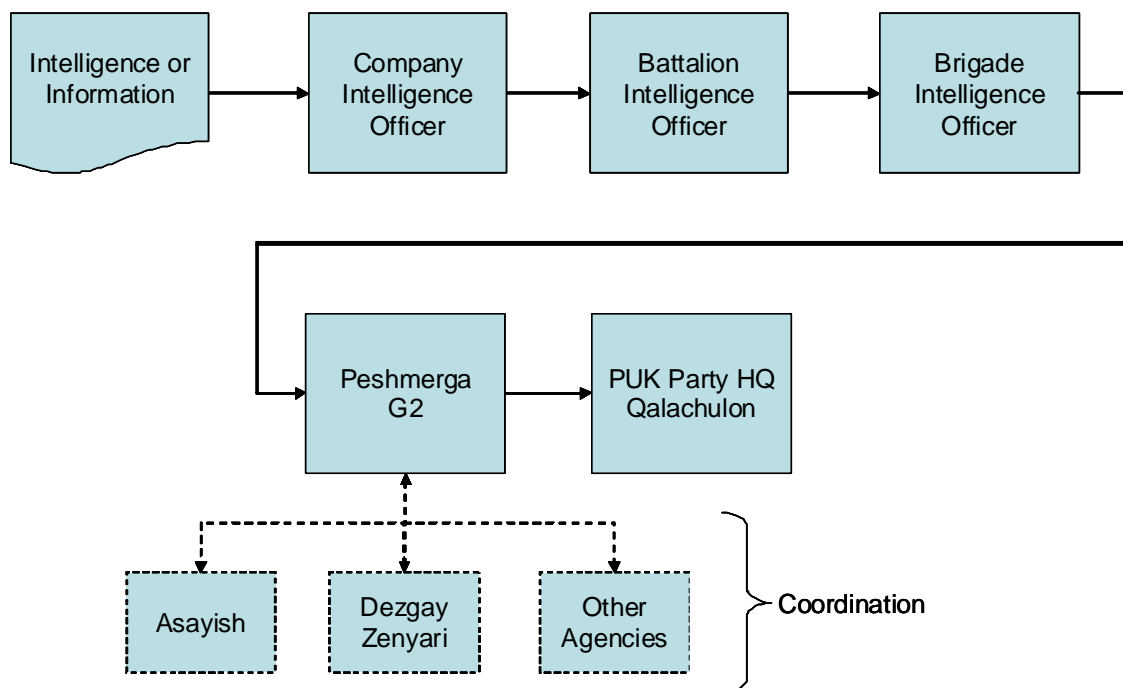
Figure 14

For the most part, PUK *Peshmerga* units are divided between the Organized and Semi-Organized *Peshmerga*. As of 2007 the Organized *Peshmerga* consisted of approximately 6500 enlisted soldiers and 658 officers for a total of just fewer than 6700.[111] Organizationally, it comprises the specialized or elite units that require a higher degree of training and readiness, such as armor, artillery, and other arms.[112] The order of battle for the Organized *Peshmerga* consists of the following:[113*]

PUK Organized *Peshmerga*

• *Headquarters*
• *Staff College*
• *Mechanized Unit Brigade HQ*:
  Tank Battalion (11 tanks per company)
  Mechanized Battalion #1
  Mechanized Battalion #2
• *Separate Tank Company* (11 tanks - newly
  formed since 2007)
• *Anti-Tank Battalion*
  1 x Company, SPG9
  2 x Company, 106mm Recoilless Rifle
• Tank Destroyer Battalion
  2 x RPG 7 Company
  1 x Cobra Company (specialized infantry)
• *Armor Repair Unit*
• *Heavy Weapons Battalion* (truck-mounted)
  2 companies, 14.7mm DShK machinegun
  1 company 12.7mm DShK machinegun
	• *Artillery Battalions*:
	  3 Battalions, 122mm D30 Howitzer (towed)
	  1 Battalion, 122mm D30 Howitzer (self-propelled, 3 batteries)
	   Self-Propelled Mortar Battalion (Mortar Equipped: 3 x Battery
	   120mm, 1 x Battery 81/82mm)
	  Missile Battalion (Grad)
	  Missile Battalion (Katyusha)
	• *Air Defense Battery* (denominated as a battalion): 6 x platoons
	  of 6 guns each, 57mm.
	• *Intelligence Battalion (Reconnaissance) #2**
	• *Engineer Company*
	• *Cobra School*
	• *Garrison Unit* (Garrison support and defense)
	• *Armored Vehicle Maintenance Company*
	• *Vehicle Maintenance Shop*

*Newly formed to replace the intelligence battalion deployed to Baghdad as part of the Presidential Brigade.

Table 4

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[*] As with KDP, detailed information on PUK equipment levels were not available to me during my research. However, Robert Olson reports, from *Andolu Agency*, that PUK captured the following items from the Iraqi Government as of late April 2003: 21 tanks, 9 armored vehicles, 11 armored personnel carriers, 24 cannons, 60 mortars, 46 anti-aircraft guns, and 125 multi-barreled rocket launchers (Robert Olson, *Turkey-Iran Relations, 1979 – 2004: Revolution, Ideology, War, Coups, and Geopolitics* (Costa Mesa, CA: Mazda Publishers, 2004), 203). Also, Washington Post reported in November, 2008 that the KRG imported "three planeloads" of arms from Bulgaria that month, although it is not clear exactly what the composition of the cargos were or how they were divided between PUK and KPD, though the planes landed in Sulaymaniyah, in the PUK area (Ernesto Londoño, "Kurds in N. Iraq Receive Arms from Bulgaria," *Washington Post Foreign Service*, November 23, 2008, http://www.washingtonpost.com/wp-dyn/content/story/2008/11/23/ST2008112300239.html (accessed February 19, 2009).

An example Organized *Peshmerga* unit is the 106th Field Artillery Battalion. The

battalion commander, Colonel Jalal Adhel Nasadene, gave me a brief overview of his

unit. The 106th is equipped with twelve Russian and Romanian multiple-rocket

launchers, organized into three firing batters of two platoons each, with each platoon in

turn divided into a section of two launchers each. Colonel Nasadene's staff consists of

two deputy commanders, a political officer, an intelligence officer, a finance officer, a

transportation officer, and a maintenance officer. He said a typical workday consists of

physical training (an obstacle course), marksmanship (small arms), and five hours of

training. Resource constraints have prevented his battery from ever conducting live-fire

training with their rocket launchers.[114] Nasadene did not specify the source of these

launchers, but during a visit to another PUK artillery unit in 2007, I was told that this

type of equipment was captured from the Iraqi Army during previous conflicts.

Example Organized *Peshmerga* Unit – PUK *Peshmerga*

One vehicle-mounted Katyusha-style platform per squad – two per platoon, four per company, 12 in the battalion

Figure 15
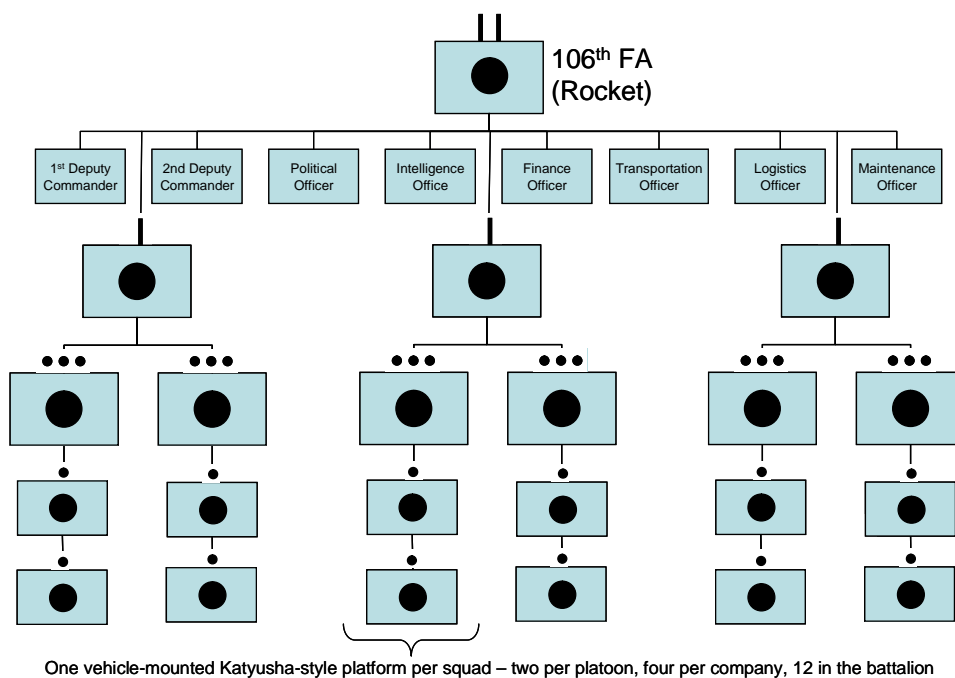
Two reasons for segregating *Peshmerga* units into "Organized" versus "Semi-Organized" contingents are resources and transition. The Organized *Peshmerga* comprises the most specialized and advanced types of units – units that, by their nature, require more robust resources. Also, PUK personnel often describe the Semi-Organized units as less disciplined than Organized *Peshmerga* units.[115] This is reflected in personnel policies as they pertain to the respective contingents. Organized *Peshmerga* personnel are higher paid than soldiers assigned to semi-organized units, and work a rotation of two weeks on duty and one week off, as compared to other *Peshmerga* forces that work two weeks on and two weeks off.[116] PUK is attempting to improve and modernize their entire force, but this process is slow and constrained. One obvious constraint is funding – they cannot afford to resource their entire force to the same level that they resource the Organized *Peshmerga*. Personnel limitations also constrain the process. Many *Peshmerga* veterans still serving are not really qualified for service in a modern force for a number of reasons, including age, literacy, and inability to adapt to new conditions. Many of these personnel are kept on duty out of respect for past service, but cannot be employed in the most up to date units. *Fermandayee Gishti* has established a modernization committee to improve the capabilities of the Semi-Organized *Peshmerga*[117] and a training program to upgrade the skills of veteran commanders[118] but the process will be a slow one.

The Semi-Organized *Peshmerga* consists of 17 infantry brigades. Unlike the units of the Organized *Peshmerga*, each of these 17 brigades is direct-reporting unit answerable to the *Fermandayee Gishti* directly – there are no intermediate level

headquarters.[119] Brigades of the Semi-Organized *Peshmerga* typically consist of three or four battalions but can vary widely in size from as few as 300 to as many as 2000 soldiers each.[120] Semi-Organized brigades are organized on a regional basis, with each unit having a home region or area of responsibility.[121] The brigades of the Semi-Organized *Peshmerga* are the following:[122]

PUK Semi-Organized *Peshmerga*

Unit No.	Unit Name
1st	1st Brigade Skrtyat
2nd	2nd Brigade Skrtyat
6th	Sulaimaniyah
8th	Hawler
10th	Kirkuk
12th	Mosul
16th	Soran
18th	Balak
20th	Pshdar
22nd	Bitwen
24th	Khoshnawaty
26th	Koya
28th	Dokan
30th	Sharbazher
32nd	Sharazoor
34th	Garmyan
36th	Jamala Soor

Note: Most unit names above reflect the unit's geographical home area. However, some names reflect the practice of both the KDP and PUK of naming entities for localities lying within the territory of the other party, or outside the KRG. thus, Hawler, Mosul, and Kirkuk many not reflect the actual home area of the troops assigned to those units. Also, 36[th] Brigade is named for its commander at the time this data was provided to me.

Table 5

One *Peshmerga* veteran who served during the period immediately prior to the 2003 US invasion described the organizational structure of the infantry brigade with whom he served as combat medic – the 4[th] Garmian Brigade – as it was constituted from

fall 2000 to spring 2003.* As a light infantry formation, this unit would have been typical of the Semi-Organized *Peshmerga*. This veteran's brigade consisted of a small brigade staff, a headquarters company, and three infantry battalions of approximately 400 soldiers each subdivided into three companies of three platoons each. Companies were manned at approximately 100 personnel, platoons at approximately 30. Each platoon was organized as three infantry squads, ranging from seven to 10 soldiers each.[123] Naturally, these numbers are estimates and should be assumed to have varied significantly from the standard configuration and over time.

Figure 16

The appropriate roles and missions of the *Peshmerga* has been a point of friction

between the Government of Iraq and the Kurdistan Regional Government. This is to be

expected given that, for some Arab Iraqis, even the mere existence of the *Peshmerga* is a

cause for concern, a view well articulated by one Arab scholar writing from Baghdad:

> "One of the obvious aspects of division and separation at this
> critical stage is the Kurdish parties' insistence to maintain their militias
> and introduce them as an organization that obeys one leadership …and
> stands equal to the central armed forces."[124]

 In general terms, the Iraqi Government would prefer a Regional Guard force of a

purely constabulary nature,[125] at one point going so far as to propose that the *Peshmerga*

should not retain any offensive capability (such as tanks or artillery)[126] – a non-starter

from the perspective of the KRG. Subsequent silence on the matter would seem to

indicate acquiescence by the Iraqi Government on this point, but friction on other points

of difference occurs from time to time.

An October 2006 Executive Conference on Regional security responsibilities at

Erbil in the KRG, attended by the Government of Iraq, the Kurdistan Regional

Government, and Multinational Forces Iraq (MNF-I), produced a definition of current

Peshmerga mission and functions. Although based in part on the *Peshmerga* legislation

then in force (Law No. 5 of 1992) which has since been superseded, the mission

statement and list of functions thus produced remains a comprehensive and accurate

statement of *Peshmerga* roles and responsibilities as they stand today. According to a

document produced at that conference, the mission of the *Peshmerga* is to

> "[d]efend and secure the Kurdistan Region and sovereignty, its
> government, [nationality] and territory; defend the security and
> sovereignty of Federal Iraq … Support MoD and MoI [in] stopping the

devastation of Iraq and eradication of terrorism … preserve democracy and constitutional institutions in the Kurdistan Region and Iraq. Also other duties on request of the Federal Government." [sic][127]

The exact wording of the *Peshmerga* mission has at times been a point of controversy. The 1992 *Peshmerga* Law provided in part that the *Peshmerga* Ministry would "defend the unity of Iraqi Kurdistan, its people and land from aggression wherever it may originate".[128] The Iraqi Government objected to this language at the October 2006 Conference on the grounds that defending Iraqi territory is an exclusively federal function,[129] presumably based upon articles 109 and 110 of the Iraqi Constitution. An unstated objection must also have been the fear on the part of the Iraqi Government representatives that the offending language in Law No. 5 may have been aimed at them. The Kurdistan National Assembly seems to have addressed this latter concern somewhat in the 2007 *Peshmerga* Ministry law, which at Article 2 charges the *Peshmerga* Ministry with "[p]rotecting, guarding and defending Kurdistan Region, and securing its patriotic and national interests" – clearly milder language than that of the previous law. Despite this more conciliatory new language, the KRG will likely continue to view defending the territorial integrity of the Kurdistan Region as a core function of the *Peshmerga*. At the same time, the suspicions of the Iraqi Government are likely to persist for sometime, as evinced in January 2008 when the KRG's request for funds for 100,000 *Peshmerga* prompted Prime Minister Maliki's office to ask if the Kurds "intend [to] engage in war with Iraqi opponents or declare their independence."[130]

The 2006 Executive Conference also enumerated the following as the then "current *Peshmerga* functions":[131]

- Defend the territory of the KRG
- Support the Border Patrol [Department of Border Enforcement]

- Secure lines of communication and infrastructure
- Provide humanitarian relief during natural disasters
- Counter-terrorism
- Military intelligence
- Support the police during civil disorders if required.

The Executive conference specifically *excluded* the following as *Peshmerga* functions:[132]

- Military aviation
- Protection of schools and personal property
- Law enforcement
- Civil disturbance and riot control
- Detention of civilians
- Border security on the southern KRG border
- Operating directly on Iraq's international borders

These enumerations track closely with the actual employment of *Peshmerga* on the ground. Law enforcement functions inside the KRG are exclusively carried out by police, *Asayish*, and (in the KDP area) the *Zerivani* Corps, as is security of entry points into the KRG on its southern border with the rest of Iraq. It is important to note that, because these personnel usually wear military uniform, outside observers frequently mistake these *Asayish* and *Zerivani* Corps personnel for *Peshmerga*.[*]

Peshmerga functions do deviate in some respects from those enumerated above, however. Although securing lines of communications and infrastructure are included among *Peshmerga* functions, these duties are rarely if ever discharged by *Peshmerga* inside the boundaries of the KRG, this function being the province of the *Asayish* and *Zerivani*. And the strictures above notwithstanding, *Peshmerga* soldiers secure the private dwellings and the persons of high-ranking KRG personnel. Although the function of securing Iraq's international boundaries belongs to the Federal Government's Department of Border Enforcement, this entity is so poorly resourced that *Peshmerga*

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[*] I only learned the difference months after living in Sulaymaniyah Governorate for months.

inevitably must contribute to that effort,[133] even to the point of taking casualties. In May 2007 the KRG found it necessary to deploy 1,000 troops to its Iranian border to "reinforce army units and border checkpoints and … mount patrols in the region to ambush the enemy."[134] Later that month, attackers linked with al-Qaida ambushed *Peshmerga* soldiers, wounding one.[135] In late August 2007, the Party for Free Life of Kurdistan (PJAK) issued a statement claiming that from 26 – 28 August 2007 a force of 200 PUK *Peshmerga* attacked PJAK guerrillas in the Penjwin area, adjacent to the Iranian border in Sulaymaniyah Governorate.[136][*] In February 2008, a *Peshmerga* commander was injured when Ansar al-Islam gunmen struck a base of a subordinate unit of the PUK *Peshmerga* 30[th] Brigade near Penjwin.[137]

Another interesting *Peshmerga* task relating to border security is monitoring the Turkish Army presence in Dohuk Governorate inside the KRG, where Turkey maintains 1,200 – 1500 troops[138] and up to 60 armored vehicles at a string of seven bases that it has occupied since 1997.[139] A remnant of joint KPD-Turkish operations against the PKK in the late 1990s, the KRG has allowed Turkey to retain these bases as a token of good will and a sign that they (the KRG) do not trust the PKK.[140] Nonetheless, "this tense arrangement is closely monitored by the Kurds", who limit Turkish movements, having

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[*] PJAK stands for Party for Free Life in Kurdistan, an insurgent group fighting the Islamic Republic of Iran. PJAK maintains bases inside Iraqi Kurdistan, which has provoked the Iranian government to shell villages inside the KRG in an attempt to destroy these bases. PJAK is often said to be a turn-key or franchise operation of the Kurdistan Workers Party, or PKK, of Turkey. Author Reese Erlich quoted me in support of his assertion that "KRG officials look the other way when PJAK launches armed incursions into Iran," quoting me as saying that's "Kurds helping Kurds." I remember speaking with Mr. Erlich; while I don't remember making that particular comment, although I may well have – although in fairness to myself, I spoke with him in November 2006, when I yet barely knew anything about Kurdistan (quotes from Reese Erlich, The Iran Agenda: The Real Story of U.S. Policy and the Middle East Crisis (Sausalito, CA: PoliPointPress, 2007), 136).

once even blocking participation by the troops at these bases in a February 2008 action against the PKK.[141*]

Additionally, although the above-quoted source excludes as a *Peshmerga* mission the securing of the KRG's southwestern border with the rest of Iraq, it should be noted that *Peshmerga* contribute to this effort indirectly. KDP *Peshmerga* deployed outside the KRG in Ninewa Governorate, PUK *Peshmerga* deployed inside Kirkuk Governorate between the city of Kirkuk and Sulaymaniyah and in Diyala Governorate, as well as *Peshmerga* units based adjacent to the border inside the KRG serve as a deterrent to infiltration of hostile elements into the region. PUK *Peshmerga* stationed in Kirkuk Governorate between that city and Sulaymaniyah serve as well as to support

> "Iraqi Army forces in Kirkuk … on the city's eastern side … These *Peshmerga* are positioned not only to seal the eastern edges of the city [Kirkuk] facing Sulaymaniyah but also to protect (and thus control) oil infrastructure."[142]

KDP *Peshmerga* units along the Mosul-Dohuk road perform a similar function.[143]

Finally, another unstated but important function should not be overlooked: Where *Peshmerga* of both parties serve outside the currently-recognized boundaries of the KRG, they are often deployed in areas with large concentrations of Kurdish population, indicating an implied task of securing Kurdish communities not under the formal jurisdiction of the KRG where populations are deemed to be under threat. Examples of such presence include Kurdish forces at Khanaqeen in Diyala Governorate; in the city and Governorate of Kirkuk; and at

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[*] It is interesting to note that politics aside, the Turkish Army and the *Peshmerga* are able to get along well at the soldier level – one American officer described to me *Peshmerga* soldiers helping their Turkish counterparts to repair the Turks' tanks.

various points in Ninewa Governorate including areas in the vicinity of Sinjar and Tal Afar.

Despite the accurate summation of *Peshmerga* mission, roles, and functions articulated at the 2006 Executive Conference, positions on these matters continue to evolve as negotiations on the future role, status, structure and funding between the KDP and PUK, and between the KRG and the Iraqi Government, continue. One example of such evolution can be found in the minutes of a November 13[th,] 2008 meeting at Baghdad between KRG and Government of Iraq representatives convened to discuss "outstanding issues between the Federal Government and the Kurdistan Regional Government," which articulated the mission of the *Peshmerga* as follows:

> "the Guards of the Kurdistan Region shall maintain the security, order, stability, and ensure the interests of the Kurdistan Regional Government and provide troops to the Federal Government upon request."[144]

The same source went on to frame the duties of the *Peshmerga* as follows:[145]

- Secure the Kurdistan Region
- Secure the government institutions of the Region
- Anti-terrorism
- Keeping the peace and maintaining public order during periods of civil disturbance
- Anti-corruption and suppression of smuggling
- Augmenting Army and Border Guard forces upon request
- Supporting police and security services of the Region
- Responding to natural disasters and humanitarian crises
- Environmental protection.
- Secure large economic, social, cultural and sporting events

Peshmerga Funding:

One of the most interesting matters remaining unresolved between Baghdad and the KRG is the matter of funding for the *Peshmerga*. Article 121, clause 5 of the Constitution of Iraq provides that

> "The regional government shall be *responsible for all the administrative requirements* of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, *and guards of the region*" (emphasis added).[146]

It would seem reasonable to interpret this paragraph to mean that the KRG bears responsibility for funding all the institutions of the Region, including the *Peshmerga*, but KRG officials argue otherwise. One such argument is very straightforward: The above provision does not explicitly charge the KRG with the responsibility for providing funding. On first hearing, this argument struck me as a stretch, but a close reading of the text would seem to provide at least some support for this position: the text explicitly mentions "administrative requirements" as being a Region responsibility; as to whether the term "administrative requirements" is broad enough in meaning to include funding the entities in question is at least arguable – giving this seemingly novel position at least some weight.

A more sophisticated argument centers on two other issues: the means of calculating the KRG's share of the Federal budget, and the role of the *Peshmerga* in Iraq's "national defense system." Nominally, the Kurdistan Regional Government is entitled to a 17% share of the federal budget, but this figure of is not calculated on the basis of gross expenditures, but upon the net budget after deduction of funds for "sovereignty costs for the system of national defense", including costs of the Foreign Ministry, the Iraqi Presidency, and the Iraqi National Assembly.[147] Funds are allocated to

the governorates and the Region net of these expenses. KRG officials reason that, although the *Peshmerga* are not part of the Iraqi Ministries of Defense or Interior, they are still part of Iraq's "national defense system" in their role as Regional Guards and should, therefore, be funded outside the 17% of the national budget allocated to the KRG.[148]

Whatever the merits of this argument, the Iraqi Government has accepted in principle the responsibility for funding the *Peshmerga*, as memorialized in the Iraqi budget framework laws for 2007 and 2008. No funds have been appropriated for the purpose yet, as the Iraqi Prime Minister and the KRG have yet been to reach agreement on funding levels. Previously, a key stumbling block in the way of an agreement was the matter *Peshmerga* manning levels.[*] As early as the October 2006 Executive Conference, the Government of Iraq objected that the current *Peshmerga* strength of well over 100,000 soldiers was too large.[149] KRG officials initially countered that such a large force was necessary in light of the terrorism threat and Iraqi Kurdistan's long borders.[150] A more prosaic motive may have been behind that stance, however. According to one commentator,

> "One of the most important economic problems [in the KRG] is bloated
> public employment … reliable statistics are hard to come by, but informed
> estimates are that at least half of the labor force works in the public sector,
> with an indeterminate but almost certainly significant proportion in
> unproductive jobs … 70 percent of the KRG budget, which in turn
> accounts for about 70 percent of total economic activity in the region, goes

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[*] Despite the impasses over releasing funds both for the *Peshmerga* and for the pending Kurdish 15th and 16th Iraqi Army divisions, one media outlet has reported that Prime Minister Maliki is funding some security forces in the KRG. According to Simko Azad of KurdishMedia.com, Baghdad is paying for two brigades of 1500 men each commanded by President Barzani, one brigade commanded by Vice President Kosrat Rasool, two by KRG Prime Minister Nechervan Barzani, and one information to answer to Iraqi Deputy Prime Minister Barham Salih (Simko Azad, "One man's militia," February 13, 2009, http://www.kurdmedia.com/article.aspx?id=15463 (accessed February 18, 2009). If true, at least two of these units may be the Special Forces *Fermandayee* described to me by *Peshmerga* Ministry officials in November 2008, the mission of which is to secure the KRG Presidency and political institutions.

to pay government salaries … These salary payments include the bulk of the *Peshmerga*, police, and other KRG security forces, who are paid from the KRG's own budget rather than from the appropriate federal ministries."[151]

Peshmerga spokesman Jabar Yawar seemed to confirm the importance of economic factors in January 2008 when he said "we are ready to reduce the number of soldiers *but it requires securing new opportunities for dismissed soldiers*" (emphasis added).[152] The KRG's dilemma is readily apparent: Kurdish leaders in Erbil and Sulaymaniyah want to reduce the public payroll to free up funds for other priorities, but they are loath to resort to lay offs in an economic environment characterized by very weak private sector employment.

Negotiations on the ultimate size of the *Peshmerga* have progressed, however. Preliminary negotiations established a proposed figure of 76,000 *Peshmergas* to remain on duty, but Prime Minister Maliki later undercut that figure by asking the KRG to accept 30,000 soldiers as the target *Peshmerga* manning level.[153] Maliki later offered a compromise figure of 60,000 troops that the KRG seems to have accepted[154] (senior *Peshmerga* officers in both Erbil and Sulaymaniyah told me that they considered 60,000 an adequate figure for the security of the region).[155] It should be noted however, that the KRG has accepted 60,000 as the target strength for the *Peshmerga* within a framework that will insulate them in large part from painful layoffs. This is done in two ways: first by the already accomplished transfer of approximately 30,000 soldiers from Kurdistan Army Command to the *Zerivani* Corps under the command of the KRG Interior Ministry in Erbil; and second, by transferring almost 30,000 *Peshmerga* troops into two new Iraqi Army divisions to be formed in the Kurdistan Region.[156] If the latter transfer occurs, the

net effect will be to cut the KRG military payroll by nearly 25% without having to layoff a single soldier.

Even assuming that the planned absorption of 30,000 *Peshmerga* soldiers into the Iraqi Army occurs, one budgetary question seems not to have been resolved: in addition to asking the Iraqi Government to assume payment of *Peshmerga* salaries, the KRG also asked that the Iraqi Government pay pensions to 90,000 *Peshmerga* retirees.[157] The matter of *Peshmerga* pensions is a very important one as the 2007 *Peshmerga* laws will provide for a significant pension liability when they go into force. Law No. 34 of 2007, *Law of Retirement of Disabled Peshmerga (Guards of the Region),* provides at Article Three that[158]

"1. Disabled *Peshmerga* (The Guards of the Region) will receive a retirement pension that is equal to his/her last pays and expenses during service. Also, his/her disability pay will be determined based on his/her disability degree.

2. *Peshmerga* … who became disabled in the war zone and his/her disability degree is 50% or higher, will be given a higher rank and his/her disability pay will be determined based on the new rank with special award as an appreciation of his/her heroic act in the war zone.

3. *Peshmerga* … who became 100% disabled in the war zone will receive two higher ranks and pays and expenses pertaining to recognition of heroic act in the war zone. He/she will receive a one-time award that is equal to all the monthly pays he/she would otherwise have received in the last eighteen months.

4. The disabled *Peshmerga* … (who is at least 50% disabled or who has lost a body part) will receive a disability pay that is equal to 50% of his/her entire salary."

The same law further provides that if a *Peshmerga's* disability is due to wartime service, then his or her pension benefits transfer to his or her heirs at the *Peshmerga's* death,[159] and provide for other ancillary benefits, including the services of a caregiver under certain circumstances, rehabilitative care, and free medical treatment;[160] discounted fares

for transportation services; housing; and free education for dependants.[161] The law also

provides for cost of living pension increases.[162]

Law No. 38 of 2007, *Law of Service and Retirement of Peshmerga (Guards of the*

Region) provides for vesting of full pension rights at the completion of 15 years of

service, with monthly pensions equaling approximately 69% of last monthly salary prior

to retirement for soldier retiring at exactly 15 years of service.[163*] The law also provides

for payment of allowances for retiree spouses and children[164] and for the payment of a

generous separation bonus equal to six months pay at retirement, or a full-year salary for

those whose service equals 20 years or who completed 15 years of service prior to the

March 1991 *Rapareen*.[165] The law even goes so far as to award up to 12 years of

constructive service credit under some circumstances to those who served prior to the

Rapareen, in order to qualify them for pensions.[166] The statute further provides that these

pension rights are transferrable to the retiree's lawful heirs upon his or her death.[167+]

Conflict During the Contemporary Period:

A detailed recitation of Peshmerga combat operations during the Contemporary

Period is beyond the scope of this work. Suffice it to say, however, that the period since

the *Rapareen* has been eventful for the *Peshmerga*. Iraqi Kurds fought the PKK in the

1990s and again early in the next decade; PUK and KDP each fought smaller, splinter

parties beginning in 1992, and in 1994 several years of major fighting broke out between

KDP and PUK themselves – fighting that did not finally end definitively until 1998;[168]

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*Article 28, Section 1, which reads: "*Peshmerga* may request to be retired if his/her service is not less than (15) years provided that his/her name is registered in Kurdistan Peshmerga Forces and that the Minister approves it, based on the last salary he/she used to be paid or the rank with which he/she was retired multiplied by the number of months of retirement service and divided by (260)."
+ Note that Articles 32 and 38 of the law restrict or forbid double-dipping. Article 32 provides that "[i]f the retiree is employed in another job, he may choose to receive either the retirement pension or the employment salary"; Article 38 provides that "[r]etirees who are given retirement rights, according to the provisions of this Law, shall not receive another formal [federal] salary."

the Kurds fought Saddam repeatedly during this period, beginning with Iraqi state-sponsored terrorist activities against the de facto state in the early 1990s;[*] followed in 1995 by a joint PUK-Iraqi National Congress defeat of Iraq's V Corps in 1995[169] and again in December 2000 when Iraqi forces attempted to capture the town of Baadhra, being repulsed by KDP forces.[170] Iraqi Kurds fought Ansar al-Islam side-by-side with US forces in the wake of the 9/11 attacks and again fought with the US against Iraqi forces during the 2003 invasion, and they have fought against PJAK and other militants inside the KRG in the years since.

A *Peshmerga* lieutenant and soldier from 1st Battalion, 10th Brigade, PUK (photos by author).

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[*] Discussed in a footnote below.

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[122] *Peshmerga Fermandayee Gishti* document, August 2007.

[123] *Peshmerga* "Cengawer," telephone interview by author, 2008.

[124] Abdel-Wahhab al-Qassab, "Rebuilding the Iraqi Army (A Preliminary View)," in *Planning Iraq's Future: A Detailed Project to Rebuild Post-Liberation Iraq*, ed. Khair el-Din Haseeb (Beirut: Center for Arab Unity Studies, 2006), 201.

[125] *Peshmerga* "Ali," interview by author, 2008.

[126] Smith, interview by author, September 3rd, 2008.

[127] *KRG Executive Conference*, PowerPoint presentation, Erbil, Iraq October 10, 2008.

[128] *Legal Team (KRG Executive Conference),* Erbil, Iraq, October 2006.

[129] *KRG Executive Conference*, Erbil, Iraq October 10, 2008.

[130] Basil Addis, "Military Budget Sours Relations Between Kurdish and Arab Leaders," Gulf News, January 25, 2008, at Nexis (accessed August 1, 2008).

[131] *KRG Executive Conference*, Erbil, Iraq October 10, 2008.

[132] Ibid.

[133] Schute, interview by author, Erbil Iraq, November 3, 2008.

[134] "Kurdistan: a thousand *Peshmerga* deployed along Iranian border," AsiaNews, May 11, 2007, http://www.asianews.it/index.php?l=en&art=9240&size=A# (accessed February 17, 2009).

[135] "Insurgents Ambush Kurdish Outpost in Iraq," Agence France Presse – English, May 25, 2007 at Nexis (accessed August 8, 2008).

[136] "Iran Rebel PJAK Says Surprised at Attack by Iraq Kurd Party," Kurdish Roj TV, August 28, 2007 at Nexis (accessed August 8, 2008); "Iran Kurd Rebels Urge Iraqi President's Party to Reconsider Stance – Paper," (Original Title: "Clashes Take Place Between KDP and the Democratic Party"), *Rozhnama*, transcribed by BBC Monitoring Middle East – Political, at Nexis (accessed August 8, 2008).

[137] Abd-al-Rahman Ali Raza, "One Peshmerga Injured in Border Raid in Iraq's Sulaymaniyah -- Kurdish Website" (Original Title: "*Peshmerga* Forces Have the Task of Protecting Some Areas of Mosul"), transcribed by BBC Monitoring Middle East – Political, November 6, 2006, at Nexis (accessed August 8, 2008).

[138] Felah Mustafa Bekir, Director of Foreign Relations, Kurdistan Regional Government (KRG), interview by author, Erbil, Iraq, November 4, 2008; Barkey, Henri J., Preventing Conflict Over Kurdistan (Washington DC: Carnegie Endowment for International Peace, 2009), 17.

[139] Michael Knights, "Guiding the Kurdish Role in Securing Northern Iraq," in *The Future of the Iraqi Kurds (Policy Focus #85)*, ed. Soner Cagaptay (Washington DC: The Washington Institute for Near East Policy, July 2008), 24.

[140] Bekir, interview by author, Erbil, Iraq, November 4, 2008.

[141] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 24.

[142] Ibid., 25.

[143] Isma'il Tahir, "Iraqi Kurdish *Peshmerga* to Protect Areas Northwest of Musil" (Original Title: "*Peshmerga* Forces Have the Task of Protecting Some Areas of Mosul"), Peyamner Website, transcribed by BBC Monitoring Middle East – Political, November 6, 2006, at Nexis (accessed August 8, 2008); "Iraqi Kurdish *Peshmergas* responsible for Mosul's economic stability - governor" (Original Title: "Mosul Governor: Without *Peshmergas*, the people of Mosul would not run their daily businesses"), *Khabat*, August 21, 2008 (BBC transcript, August 29, 2008), transcribed by BBC Monitoring Middle East – Political, at Nexis (accessed September 30, 2008).

[144] KRG Document, "Committee Meeting in View of the Outstanding Issues Between the Federal Government and the Kurdistan Region," November 13, 2008.

[145] Ibid.

[146] Constitution of Iraq, Article 121, Section 5.

[147] Sirwan Rashid, "Iraqi Kurdish Paper says *Peshmerga* Forces 'Tribal' and Disorganized" (Original Title: "Essential Unresolved Issues About *Peshmerga* Budget Between Kurdistan Region and Baghdad"), *Rozhnama*, April 21, 2008, transcribed by BBC Monitoring Middle East – Political, at Nexus (accessed August 1st, 2008).

[148] Ibid.

[149] *KRG Executive Conference*, PowerPoint presentation, Erbil, Iraq October 10, 2008.

[150] Ibid.; Basil Addis, "Military Budget Sours Relations Between Kurdish and Arab Leaders," January 25, 2008.

[151] Pollack, "The Kurdish Regional Government in Iraq: an Inside Story," 9.

[152] Basil Addis, "Military Budget Sours Relations Between Kurdish and Arab Leaders," January 25, 2008.

[153] Ibid.; "Iraqi Kurdish Paper Previews Discussions on *Peshmerga's* Name, Budget" (Original Title: "Kurdish Political Parties Have 300,000 Armed Men"), *Rozhnama*, April 22, 2008 (BBC transcript, April 29, 2008), transcribed in BBC Monitoring Middle East – Political, at Nexus (accessed August 1st, 2008).

[154] Sirwan Rashid, "Iraqi Kurdish Paper says *Peshmerga* Forces 'Tribal' and Disorganized," April 21, 2008.

[155] Interviews with Peshmerga officials, Sulaymaniyah and Erbil, November 2008.

[156] Iraqi Government document, September 22, 2007.

[157] Addis, "Military Budget Sours Relations Between Kurdish and Arab Leaders," January 25, 2008; Sirwan Rashid, "Iraqi Kurdish Paper says *Peshmerga* Forces 'Tribal' and Disorganized," April 21, 2008; "Iraqi Kurdish Paper Previews Discussions on *Peshmerga's* Name, Budget," *Roznhama*, April 21 2008.

[158] Law No. 34 of 2007, *Law of Retirement of Disabled Peshmerga (Guards of the Region),* provides at Article 3.

[159] Ibid., Article 5.

[160] Ibid., Article 6.

[161] Ibid., Article 7.

[162] Ibid., Article 6.

[163] Ibid., Article 28(1).

[164] Ibid., Article 28(2).

[165] Ibid., Article 29(1) and (2).

[166] Ibid., Article 34.

[167] Ibid., Article 30.

[168] "From 1991 to 2003," PowerPoint Presentation, *Peshmerga* "Ali," August 2008.

[169] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 98.

[170] Isam al-Khafaji, "Almost Unnoticed: Interventions and Rivalries in Iraqi Kurdistan," *Middle East Report Online*, January 24, 2001, http://www.merip.org/mero/mero012401.html (accessed February 19, 2009).

Chapter 7
Peshmerga Unification

The single most important outstanding issue pertaining to the KRG security sector today is the long-planned but still unexecuted unification of the KDP and PUK *Peshmerga* into a single entity under the rubric of the Regional Guards.

Having evolved as separate entities since *Komala* first sent its fighters back into the field in 1976, the *Peshmergas* of the KDP and PUK have never been a single unified entity in practice, despite unification provisions passed by the KNA. Unification has often been on the public agenda, but never successfully implemented.

The first attempt at a joint KDP-PUK *Peshmerga* force occurred in the summer of 1992 – several months after the withdrawal of the Iraqi administration allowed the Kurds to form their own de facto government – when the two parties formed a joint KDP/PUK Brigade.[1] This was followed in September of 1992 by announcement of unification of the *Peshmerga* under a single command as a four-division force[2] and that same year the *Peshmerga* became, *legally*, a single entity with the passage by the newly-established Kurdistan National Assembly of the 1992 *Peshmerga* Law.[*] Coincident with these developments, the Kurds of Iraq were establishing other government ministries, including Justice and Interior; establishing a court system; and organizing the *Asayish*, the KRG's principal security and law enforcement entity. Although as late as 1994 the Kurds were still boasting that "[i]nternal and border security are maintained by a unified Kurdish security force",[3] these early moves toward *Peshmerga* unification were doomed from

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[*] Interestingly, as late as the 2006 negotiations for transfer of security responsibility from the Coalition to the Kurdistan Region, KRG officials were still talking about this four-division structure, despite the fact that such descriptions in no way reflected reality at that time, or now for that matter (Colonel Hugh Smith, formerly Multi-National Force – Iraq Strategic Operations, interview by author, September 3rd, 2008; Sami, interview by author, Erbil Iraq, November 5, 2008).

the start by the deep rift between the parties. Despite the passage of the 1992 *Peshmerga*

Law the *Peshmerga* remained two separate entities in practice, with each party's

contingents answering only to their own party leaders.[4] This reality was forced into the

open in December 1993 when factional fighting began to break out, initially with fighting

between PUK and the Islamic Movement of Kurdistan (IMK) beginning on December

20th. President Masud Barzani ordered the Jabar Farman, the KRG *Peshmerga* Minister,

to "calm the situation."[5] However Farman, a PUK leader, "refused to implement

Barzani's orders … and instead launched strong attacks against the IMK", with 200 or

more people killed in the ensuing fighting.[6] The internecine fighting that would plague

Iraqi Kurdistan throughout the 1990s soon ended all pretence unification, leaving the

1992 law a dead letter even after the fighting ended in 1998.[7]

      Matters remained thus until the 2003 U.S. invasion of Iraq provided the parties an

opportunity to reestablish links between their respective *Peshmerga* forces. Although

one source claims that the KDP and PUK "formed a 'joint operations center' to deal with

an increasing threat from Ansar al-Islam" prior to the invasion,[8] such an entity must have

accomplished little, as one U.S. officer who played a key role in liaising with the Kurds

during the immediate aftermath of the invasion found little evidence of such an

enterprise. This officer – Colonel Harry Schute of the 404[th] Civil Affairs Battalion – told

me that when he arrived he did not believe that there was any friction or latent hostility

between the parties, but that they were not communicating and that their *Peshmergas*

were stove-piped within their respective organizations (although he says that the leaders

of the two forces did know each other).[9] Schute believes that the leaders of the two forces

were looking for a mechanism to reestablish contact, but he credits the US invasion as the

catalyst that actually brought them together to the same table.[10] The establishment of such coordination was particularly important at Kirkuk where both parties had forces in close proximity to each other.[11] According to Schute, renewed contacts between the *Peshmerga* of the two parties began under the auspices of the Coalition in the form of a weekly meeting, chaired by Schute, at which representatives of the two *Peshmerga* forces met and aired issues (the meeting interval was subsequently reduced from weekly to monthly).

Unfortunately this forum lapsed sometime in late 2004, with contact between the two party's *Peshmergas* remaining dormant until the 2006 decision to reunify the KRG cabinet merged the two separate administrations that had governed side-by-side since the civil war in the 1990s. It was political reunification, according to Schute, that brought about renewed coordination between the two *Peshmerga* forces.[12]

Masud Barzani, in his capacity as President of the KRG, and Jalal Talabani as Secretary General of the PUK, released a joint *Kurdistan Regional Government Unification Agreement* on January 21st 2006,[13] followed on May 7th 2006 by the inauguration of the new, unified cabinet with Umar Uthman ("Zaim Ali") as *Peshmerga* Minister and Jaffer Mustafa Ali (Sheikh Jaffer) as Minister of State for *Peshmerga* Affairs (PUK).[14] Key provisions of the *Unification Agreement* as pertaining to the *Peshmerga* were:[15]

- The Law of the Presidency of the Region would be amended to create the post of Vice President, which would be filled by the PUK. *The Vice President would serve as Deputy Commander of the Peshmerga*.

- The office of *Peshmerga* Minister would be filled by the KDP.

- The *Peshmerga* Ministry, together the Ministries of Finance, Justice, and Interior, were to unite within one year of the date of the agreement (to date, only the Justice Ministry has unified).

Despite the one-year deadline specified in the *Unification Agreement*, the *Peshmerga* Ministry has not yet unified, although eventual unification remains policy. Work toward implementation began with a preliminary meeting over the weekend of August 11[th] 2006 between the parties, chaired by Masud Barzani, at Salahadin.[16] This was immediately followed by a meeting at the *Fermandayee Gishti* in Sulaymaniyah attended by delegations from the KRG – led by *Peshmerga* Minister Uthman – and the PUK – led by *Fermandayee Gishti* deputy commander Mustafa Seid Qadir.[17] The key result of the meeting was the decision taken to form four committees charged as follows:[18]

- The first committee would review the 1992 *Peshmerga* Law and draft a new statute for submission to the Kurdistan National Assembly.

- The second committee would determine the appropriate structure and personnel requirements of the future, unified *Peshmerga* Ministry.

- Another committee was charged with formulating the initial and subsequent annual budget for the unified *Peshmerga* Ministry.

- The final committee was charged with drafting legislation addressing veteran, retired, and disabled *Peshmerga*.

Although the parties failed to meet their self-imposed deadline for unification, the work of the committees – of eight months duration – bore fruit with the passage of the four new 2007 *Peshmerga* laws noted above.[19] Work has continued on other fronts as well. In late September 2007 *Peshmerga* spokesman Jabar Yawar announced the formation of a High Commission to oversee the unification process, to conduct an inventory of all personnel assigned to both the Kurdistan Army Command and the

Fermandayee Gishti, and to screen these personnel to determine who should be retained in the unified *Peshmerga* when their transition to Regional Guards is complete, and who should be retired.[20] Additionally, progress has been made on ascertaining the budgetary requirements of the future unified force.[21]

A number of reasons have been cited as the cause of the delay in unification of the two *Peshmerga* Ministries to date. During an April 2008 interview KRG director of Foreign Affairs Director Felah Bekir cited "the complexity and sensitivity of the ministries' work and the technical problems involved in the process" as the principal reason for delay.[22] On the other hand, in an August 2008 interview PUK Minister of *Peshmerga* Affairs Sheikhh Jaffer attributed the delay to the open issue of the *Peshmerga* budget[23] with Baghdad, as did *Peshmerga* spokesman Jabar Yawar in an earlier interview.[24] Ultimately though, the true answer may be the simplest of all – that unification of the *Peshmerga* Ministry has not occurred yet simply because the political decision to implement the policy has not been taken, as implied by Jabar Yawar in this statement:

> "All arrangements for the merger [of the *Peshmerga* Ministries] have been concluded and we are just waiting for an order from the higher [authorities] in order to apply the final tasks of the merger."[25]

Mustafa Seid Qadir echoed this opinion in November 2008:

> "Preparations are complete. The law has been passed. All that remains is a political decision to implement unification."[26]

Despite the delay in implementing formal unification, the KRG has made cognizable progress ing practice: Relations between the *Peshmerga* leadership of the two parties is good – in my interactions with them, senior officers of each party seemed genuinely to

respect and esteem their counterparts in the opposite party and to count them as friends;[*] both parties maintain a united front on security matters, including *Peshmerga* policy, in dealings with the Government of Iraq and with the Coalition; *Peshmerga* personnel of both parties publicly acknowledge the role of the KRG President as Commander-in-Chief of the *Peshmerga*; and finally, if internal *Peshmerga* policies are not entirely uniform between the two parties, at least they seem to be making a bona fide effort to coordinate them.

Peshmerga General Command (*Fermandayee Gishti*), PUK (photo by author).

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[*]It is worth noting that during the course of my research for this work, only one *Peshmerga* officer on either side made disparaging remarks to me about his colleagues in the other party.

[1] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 171.

[2] Ibid.; 289; Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, August 14, 2007.

[3] "Iraqi Kurdish Report on Role of *Peshmerga*, Awakening Council in Operation 'Lion's Roar' in Mosul" (Original Title: "Kurdistan Democratic Party Obstructs Participation of Awakening Council in Operation 'Lion's Roar' in Mosul"), *Rozhnama*, May 14, 2008 (BBC Transcript: May 16, 2008), transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[4] Tahiri, *The Structure of Kurdish Society and the Struggle for a Kurdish State*, 289.

[5] Gunter, "The KDP-PUK Conflict in Northern Iraq, 232.

[6] Ibid., 233.

[7] Quil Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East* (New York: Walker and Company, 2008), 91.

[8] Maggy Zanger, "The US and the Kurds of Iraq: A Bitter History, " *Middle East Report Online*, August 9, 2002, http://www.merip.org/mero/mero080902.html (accessed February 17, 2009).

[9] Colonel Harry Schute (retired), former commander, 404[th] Civil Affairs Battalion, Consulting Adviser of KRG (Security Affairs), interview by author, Erbil Iraq, November 3, 2008.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] "Kurdistan Regional Government Unification Agreement," January 21, 2006, http://www.krg.org/articles/detail.asp?rnr=24&lngnr=12&anr=8891&smap= (accessed February 17, 2009).

[14] "Ministers of the new unified cabinet," May 7, 2006, http://www.krg.org/articles/detail.asp?rnr=159&lngnr=12&anr=10938&smap=04060000 (accessed February 17, 2009).

[15] "Kurdistan Regional Government Unification Agreement," January 21, 2006, http://www.krg.org/articles/detail.asp?rnr=24&lngnr=12&anr=8891&smap= (accessed February 17, 2009).

[16] "Iraqi Kurds Readying to Establish an Army," *Turkish Daily News*, August 15, 2006 at Nexus (accessed August 8, 2008).

[17] "Four Committees Formed to Work on Unification of Iraqi Kurdistan Forces," *KurdSat TV*, August 18, 2006, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[18] Ibid.

[19] Lina Sawish, "Iraqi Kurdistan Region Merges Ministries for New Unified Government," *Al-Hayat*, April 28, 2008.

[20] "Iraqi Kurdish Official Discusses Peshmerga Budget, Deployment," *Aso*, September 18, 2007 (BBC transcript, September 20, 2007), Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[21] Staff Major General Nariman Bekir Sami, Deputy Chief of Operations, Kurdistan Army Command (KDP), interview by author, Erbil Iraq, November 5, 2008.

[22] Lina Sawish, "Iraqi Kurdistan Region Merges Ministries for New Unified Government," *Al-Hayat*, April 28, 2008.

[23] Hiwa Jamal, "Iraqi Kurdish Official Discusses Unification of Regional *Peshmerga* Ministries" (Original Title: "Minister of Region for *Peshmerga* Affairs Shaykh Ja'far Shaykh Mustafa Says: 'We will not accept a hostile tone from anyone'"), *Rozhnama,* August 18, 2008 (BBC transcript, August 30, 2008), Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed September 30, 2008).

[24] Yasin Taha, "Two Main Kurdish Parties to Control Newly Formed Iraqi Army Division - Official" (Original Title "This month 3,000 Peshmergas will be turned into Soldiers"), *Awene* website, June 22, 2008 (BBC transcript, June 24, 2008), Transcribed at BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[25] "Iraqi Kurdistan *Peshmerga* Ministries to Merge" (Original Title, "Yawar: Merger of Two *Peshmerga* Ministries Awaits Order from Higher [Authorities]"), *Hawler*, February 6, 2008 (BBC transcript, February 8, 2008), Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 8, 2008).

[26] Major General Mustafa Seid Qadir, Deputy Commander, *Peshmerga Fermandayee Gishti* (PUK), interview by author, Sulaymaniyah, Iraq, November 22, 2008.

Chapter 8
***Peshmerga* Transformation**

A recurrent feature during periods of rapprochement between the Kurds of Iraq and the central government has been incorporation of Kurdish insurgent fighters into the security apparatus of the state. An early example of this occurred after the return of Mustafa Barzani from the USSR, when Barzani followers dominated Qasim's the Popular Resistance Force (PRF) militia (formed after the July 1958 overthrow of the monarchy) in Kurdish areas.[1]

An Early Effort: The Frontier Militia Force of 1970

The first effort to incorporate true *Peshmerga* into security services of the Iraqi state occurred in July 1970 with the establishment of the Frontier Militia Force as part of the March 11[th], 1970 settlement that ended the First Kurdish War.[2] The 15,000 men of this force were drawn from the ranks of Barzani's *Peshmerga*.[3] The new force fell under the administrative control of the Iraqi Director General of Police (who was also responsible for supply and provisioning of the force), but under the operational control of the Iraqi Minister of the Interior, who also had the authority to appoint its members without constraint (save for physical fitness) and to specify their uniform and insignia.[4] The mission of the force was "to protect the safety of the frontiers of the Republic of Iraq in the manner specified by the Minister of the Interior …"[5] The Frontier Militia Force was to be subject to the rules and regulations applicable to the police and its members were "to receive the standard provisions issued to an enlisted man."[6]

Transformation Since the 2003 Invasion

The process of incorporating *Peshmerga* into the security structures of the Iraqi state or of converting *Peshmerga* into other types of entities has occurred once again in

the aftermath of the 2003 U.S. invasion of Iraq, this time under the rubric of "*Peshmerga*

Transformation." Early on after the invasion the Coalition pushed hard for the disbanding

of the *Peshmerga*, viewing them as just one more militia, in at least one instance going so

far as to forcibly disarm KDP checkpoints in Mosul.[7][*] One proposal toward that end was

to undertake a full-blown Disarmament, Demobilization, and Reintegration (DDR)

campaign under the auspices of the International Organization for Migration (IOM).[8] The

DDR proposal faded away after the UN withdrawal from Iraq in the wake of the

devastating August 2003 attack on their compound,[9] but the impetus to transform

Peshmerga forces continued, albeit with reduced force after the Coalition began to

perceive utility in the *Peshmerga*.[10] After the UN withdrawal the transformation program

was carried on under the auspices of *Peshmerga* Transformation Offices (PTO) in each of

the three governorates comprising the KRG – Sulaymaniyah, Erbil, and Dohuk.[11] The

PTO program began as a $10,000,000 full-DDR proposal, but later came to be modeled

on an initiative by LTG David Petraeus to establish Veteran's Employment Offices in

Mosul, aimed at finding jobs for unemployed soldiers of the former regime.[12] The PTOs

were initially funded from Commanders Emergency Response Program (CERP) funds

and later by Multi-National Security Transition Command-Iraq (MNSTCI) after LTG

Petraeus assumed command of that entity. The PTOs were defunded in approximately

2006.[13]

The exact number of *Peshmerga* soldiers and units transformed into other

structure since 2003 is not known. What is known is that *Peshmerga* troops have been

converted into Iraqi Civil Defense Corps (ICDC) units, Iraqi National Guard and Iraqi

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[*] It is interesting to note that while initially suspicious of the *Peshmerga*, the Coalition welcomed police affiliated with the two Kurdish parties (Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 196).

Army units, Environmental and Forest Police, Department of Border Enforcement units,[*] Iraqi Police, and other types of entities.

Former *Peshmerga* in the Iraqi Army[**]

Probably the largest *Peshmerga* Transformation initiative has been the transfer of large numbers of Kurdish troops from *Peshmerga* formations into a number of newly formed units of the Iraqi Army, including one unit – 16th Brigade, 4th Iraqi Division – actually based inside KRG territory at Sulaymaniyah.[+] Many of these units began as Iraqi Civil Defense Corps (ICDC) battalions organized in 2003, numbered in the order that they were formed, as follows:[14]

- 1st ICDC was formed in Mosul. A mixed unit, 1st ICDC had one Kurdish company, an Arab company, and a mixed company.

- 2nd ICDC was established at Erbil under the command Said Hajar.

- 3rd ICDC, based in Dohuk, was responsible for pipeline security and operationally controlled by 3rd Brigade, 101st Airborne.

- 4th ICDC was formed Sulaymaniyah under the command of Anwar Dolani, who later commanded 3rd Brigade (now 16th Brigade), 4th Iraqi Division, which is the successor organization to the 4th ICDC battalion.

The ICDC were formed under the provisions of Coalition Provisional Authority No. 28, dated September 3, 2003.[15] The ICDC were intended to augment Coalition forces and were to be assigned the following specific tasks[16]:

- Patrolling in both urban and rural areas.
- Seizure of contraband and weapons.
- Security of fixed sites, checkpoints, routes, convoys, and areas.

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[*] Department of Border Enforcement was created by Coalition Provisional Authority Order No. 26, dated August 24, 2003, http://www.cpa-iraq.org/regulations/#Orders (accessed February 19 2009). It consolidated the functions of five different border control services of the previous regime (Ahmed S. Hashim, "Military Power and State Formation in Modern Iraq," *Middle East Policy* 10, no. 4 (Winter 2003): 42).

[**] The new Iraqi Army was established by Coalition Provisional Authority Order No. 22, "Creation of a New Iraqi Army," dated August 7 2003, http://www.cpa-iraq.org/regulations/#Orders (accessed February 19, 2009).

[+] This unit has recently been reflagged, having originally been designated as 3rd Brigade 4th Division.

- Riot control.
- Disaster response and search and rescue services.
- Liaison with the Coalition.

Whether these battalions were recruited from scratch or simply formed from intact *Peshmerga* units simply reflagged is unclear, although Schute believes the latter to have been the case.[17] ICDC battalions underwent a brief training program of about one month under the auspices of the 101[st] Airborne Division, which then assumed operational control of the newly trained units.[18]

These ICDC battalions subsequently evolved into units of the Iraqi National Guard and were thence converted into units of the Iraqi Army in May 2005.[19]

Former *Peshmerga* comprise a significant portion of a number of Iraqi Army units. The Iraqi Army's 2[nd] and 4[th] Divisions were originally Iraqi National Guard formations with manning levels originally more than 80% Kurdish.[20] This lopsided Kurdish population can certainly be attributed in part to the incorporation of *Peshmerga* units, but another contributing factor may also have been the early boycott of the new Iraqi security forces by Sunni Arabs.[21] Due to a concerted policy of ethnically rebalancing their forces, Kurdish manning in 2[nd] Division has been reduced to 65 - 70% and in 4th Division to 40-50%.[22] The Iraqi Army's 3[rd] Division also has a sizeable Kurdish contingent – about 40% of its strength in 2005 and about 30% now.[23*]

Three Iraqi Army brigades were organized inside the territory of the KRG, presumably with large Peshmerga contingents in their ranks. These are 16[th] Brigade, 4[th]

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* Some historical perspective on the ethnic contribution of the Iraqi Army may be interesting. One scholar has found that among "middle rank" officers in 1963 (those having graduated from the military academy in 1944 – 1945), 70% were Sunni Arab, 20% were Shia Arab, and only 10% were Kurds, Turkmen, Yezidis, or Christians. It also interesting to note that according to the same scholar, a plurality of the Sunni officers – 45% -- were from Mosul, with 15% from Ramadi and 10% from Baghdad (Hashim, Ahmed S., "Military Power and State Formation in Modern Iraq", *Middle East Policy*, volume 10, No. 4, Winter 2003, page 32). At least one Kurd has pointed out to me that it is no coincidence that the insurgency would remain strong in Mosul, a city with such a strong military tradition under the prior regime.

Iraqi Division (originally 3rd Brigade) at Sulaymaniyah (currently forward deployed vicinity of Tuz); 5th Brigade of the 2nd Division was originally formed at Erbil (now serving in Mosul); and 8th Brigade, 2nd Division, originally formed at Dohuk, but subsequently deployed to Mosul and now training at Habaniya.[24]

One major *Peshmerga* transformation initiative remains with respect to the Iraqi Army. In the fall of 2007 Prime Minister Maliki ordered the formation of two new infantry divisions in the Kurdistan Region.[25] These are to be 15th Division in the KDP area of Erbil and Dohuk, and 16th Division in PUK area at Sulaymaniyah. Each division has a projected manning of 14,700 soldiers.[26] Recruiting to fill the divisions began as early as May 2008[27] and at one point KRG officials expected to be able to activate the new units as early as the end of June 2008.[28] As of November 2008 the *Peshmerga* Ministry in Erbil had identified four KDP *Peshmerga* brigades to be reconstituted as the 15th Division.[29] Despite all of this, neither 15th nor 16th Division has yet been activated. Obviously, it is quite possible that mutual distrust and ongoing friction between the KRG and the Government of Iraq beyond matters strictly related to these two units may be at the root of the delay. However, the stated reasons have been more mundane. Budgetary constraints have been cited as one reason for the delay, but two other issues seem to of greater import: the qualifications of the officers appointed to the new divisions and command and control arrangements. The KRG seeks a voice in any decisions pertaining to the operational deployment of these new units on missions outside the KRG, citing a concern that the security of the Kurdistan Region could be compromised if these units were deployed elsewhere in the country.[30] The Government of Iraq has sought to assuage this concern in two ways: First, by assuring KRG officials that should any portion of the

two new divisions be deployed outside the Kurdistan Region, such deployment would be

for a specified duration and that the units' permanent bases would remain in the

Kurdistan Region.[31] Second, negotiators for the Iraqi Government and the KRG in 2007

agreed in principle that, while the Prime Minister of Iraq would retain the authority to

assign any mission to the newly formed divisions, he would exercise that authority "in

coordination with" the President of the KRG.[32] The more intractable problem seems to be

that of professional qualifications. The Iraqi Government seeks appointment of officers

who have completed the appropriate military training courses or equivalent civilian

education.[33] KRG officials, however, have asked that prior *Peshmerga* service be

accepted in partial satisfaction, or even in lieu of these qualifications for at least some

candidates.[34]

Ethnic Rebalancing in the Iraqi Army

The heavy Kurdish presence in some elements of the Iraqi Army has produced a

backlash in some quarters. Mufazar Arlsan, Advisor on Turkmen Affairs to Iraqi

President Jalal Talabani summarized suspicions of many non-Kurds in northern in June

2008:

> "The reality is … the domination of Kurdish control in Iraq, including
> domination over government and public life, the Army, police,
> municipalities, economy, and public services … instead of an equal
> partnership there exists severe discrimination against Turkmen, Arabs, and
> other groups."[35]

Dr. Hunain al-Qaddo, a Shabak member of the Iraqi Parliament from Mosul, gave voice

to the concerns of some parties to me in a telephone interview in October 2008. He

accused the Kurdish political parties of trying to "kurdify" the Ninewa Plain, to include

promoting a new identity for the Shabak by calling them "Shabak Kurds" – claims that

Felah Bekir emphatically denied during my interview with him in November 2008.[*]

During our October 2008 interview, al-Qaddo strongly implied that the Iraqi Army's 2[nd]

and 3[rd] Divisions – operating in the northern part of the country but outside the Kurdistan

Region – are acting as tools in the "kurdification" effort. He accused them of disloyalty to

the Iraqi Government and of taking their orders not from Baghdad but from KDP

headquarters at Salahadin. He even goes so far as to allege himself as having been the

victim of an assassination attempt at the hands of 2[nd] Division soldiers at a checkpoint in

2005, crediting his survival to the arrival of US troops.

Not everyone credits these claims, however. DJ Elliot of the *Long War Journal*

argues that while the concerns expressed by al-Qaddo and others may have had some

validity for 2[nd] Division as late as 2005, they no longer do, and that such accusations were

never valid for 3[rd] Division. He dismisses these allegations as nothing but "standard

political boilerplate" for non-Kurdish politicians in northern Iraq – according to Elliott,

these units are loyal to the Government of Iraq and are taking their orders from Ninewa

Operations Command.[36] Elliott's assessment is supported by the observations of his

colleague, Bill Roggio, who spent three weeks with 2[nd] Division units in March 2008, and

denies having encountered any evidence of sectarian bias in the units he visited and that, to

the contrary, elements of 2[nd] Division were working hard to incorporate non-Kurdish

elements.[37]

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[*]Interestingly, while Minister Bekir denied wanting for force a Kurdish identity upon anyone not desiring one, he did hedge a bit on the Shabak, rhetorically asking why the Shabak were expelled from their homes by the former regime if they are not Kurds? Whatever the merits of Minister Bekir's position, he seems not to be the first commentator to group the Shabak with the Kurds. In a 1983 publication Fuad Hama Khorshid characterizes the Shabak as speakers of the Bajlani dialect, spoken in an area "scattered east of Mosul. He describes Bajlani as a sub-dialect of Gurani, a major Kurdish dialect (Khorshid, Fuad Hama; Kahdim Sa'adedin, translator, *Kurdish Language and the Geographical Distribution of its Dialects* (Baghdad: Ishbeelia Press, 1983) 27).

Nonetheless, significant steps have been taken to reduce or dilute the Kurdish influence in the Iraqi Army in the north of the country, particularly within Ninewa Operations Command (NiOC), which "in theory cover[s] Ninewa, Erbil, and Dohuk, but in practice mainly cover[s] Ninewa."[38] One such step was the appointment by Prime Minister Nuri al-Maliki of Lieutenant General Riyadh Jalal Tawfiq – a Sunni Arab from Mosul – to command NiOC. Riyadh sought to reduce Kurdish influence in the NiOC by replacing the former Kurdish 2nd Division Commander, Brigadier General Moutaa al-Khazraji with Shiite Major General Abdulla al-Lami, reportedly

> "for taking orders not from his immediate supervisors, but from [KDP official and Kurdish deputy governor of Ninewa] Goran Khisro and from Iraqi Ground Forces Commander [and former KDP Peshmerga commander] General Babikir Shawkat Zebari."[39]

Brigadier General Moutaa was reassigned to a key position within the NiOC staff.[40] Others interpret the matter differently, however, asserting that Moutaa was "kicked upstairs" due to conflicts between General Riyadh and local commanders over how to conduct operations, and because the latter may have resented Moutaa's "media savvy and high public profile."[41] Other steps taken by Riyadh to dilute Kurdish influence in the Mosul area were the attachment of Sunni battalions to 2nd Division; increasing Sunni recruitment; and bringing in units from outside Mosul, including bringing in "troops from the ethnically mixed 9th division … to balance out the strong Kurdish manning of the 2nd and 3rd … divisions" during Operation Lion's Roar in May 2008.[42]

According to at least one source the Iraqi Government has gone far beyond ethnic rebalancing however. On February 15 2009 *Hawlati* reported that a senior Iraqi officer claimed that the Iraqi Army 12th Division in Kirkuk was wholly controlled by the Shia

Dawa Party, with all the division's Kurdish officers having been relieved or transferred elsewhere.[43]

Mistrust springing from ethnic imbalance in the Iraqi Army does not flow only one way – on a number of occasions KRG officials have expressed to me there feelings of suspicion and dismay at Iraqi Government efforts to ethnically rebalance their forces in northern Iraq, citing these efforts as evidence of an Iraqi Government intent to sideline and marginalize the Kurds. Of particular concern to KRG officials has been the transfer of Kurdish officers from the north to units in the south and their replacement with Arabs, including, the Kurds allege, former Ba'athists.

The Question of Kurdish Loyalty

As noted above, there is a fair amount of suspicion among non-Kurds of Kurdish intentions, both in terms of Kurdish insistence upon maintaining their own security services and in terms of their participation in the Iraqi Army. Whether such suspicions are warranted deserves some consideration.

Regrettably, some Kurds have fueled these suspicions by inflammatory comments in the press, such as this comment by a former *Peshmerga* officer now serving as a major (*ra'ed*) in the Iraqi Army: "It's true that we are Iraqi Army, but we are also Kurds … we will do whatever the Kurdish leadership tells us to"[44]; or this remark, by an Iraqi Army private:

> "I joined to defend my city, and my people, who are *Peshmerga* … from the time of the first prophet God sent to Earth, Kirkuk has been a part of Kurdistan … if it is not returned to Kurdistan, things will get very bad."[45]

Even more provocative have been occasional comments by senior Kurdish leaders, like this one by Sheikh Jaffer, PUK Minister of *Peshmerga* Affairs:

"The Kurdish Peshmerga forces are the strongest (Iraqi) military force in Iraq … if they [opponents of the Kurds in Kirkuk] don't respect the democratic process, we could take over Kirkuk and they could do nothing."[46]

Or this, from a Kurdish officer: " OK, every single person in Kurdistan dreams about an independent Kurdistan. We want to make our state."[47]

Inflammatory as such remarks may seem, however, they do not tell the whole story regarding the reliability and loyalty of Kurdish elements in the Iraqi security forces – to reach a fair assessment on this matter other factors must also be considered:

- One factor is actual unit performance. I have already addressed the performance of the Iraqi Army 2nd and 3rd Divisions in Ninewa Governorate above. Also relevant are my own observations of 3rd Brigade (now 16th Brigade), 4th Division (3/4IA), an all-Kurdish formation based in Sulaymaniyah Governorate, during a 110-day deployment to Baghdad from January to May 2007, during which the soldiers of the unit behaved in an exemplary fashion and won the respect and trust of the Arab residents of the Hurriya and Shula districts of the capitol.[*] The reports of both of these men reinforce my own observations of 3rd Brigade (now 16th Brigade), 4th Division, an all-Kurdish formation based in Sulaymaniyah Governorate, with whom I served a 110-day deployment to Baghdad from January to May 2007. The Kurdish soldiers of this brigade behaved in an exemplary fashion and won the respect and trust of the Arab residents of the Hurriya and Shula districts of the capitol during this deployment. My observations were also reflected

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[*]Regrettably, the follow on units that replaced 3/4IA did not perform as well. Reliable sources very familiar with the work of both 3/4IA and their successors in Baghdad tell me that at least one of the follow-on battalions – an ethnically mixed unit of Kurds and Arabs from Tuz Khormatu – rapidly became involved in serious corruption and misconduct. I add this remark largely to defend the honor of 3/4IA from the frailty of human memory, as at least one senior leader familiar but not directly involved with the operations of both sets of units has already, two years after the fact, conflated in his mind the records of the of these organizations that performed to very differently.

in media reports on the deployment. In one such report, Sheik Hassan al-Sudani, personal

representative of Grand Ayatollah Ali al-Sistani in the Hurriyah district of Baghdad,

praised the soldiers of the brigade at the end of their mission. Despite having been told to

fear the worst by Kurdish opponents in the capitol prior to the deployment, by the end of

the mission he was able to say that

> "for the first time [the people] have seen an Army force with a
> clean heart without any support for tribes or religion by working as an
> example, avoiding any stealing or receiving bribes … and doing their duty
> patriotically. They did everything to protect the people's dignity and were
> able to build a strong relationship."[48]

Shiekh al-Sudani's comments were echoed in the remarks of an Arab resident of

3rd Brigade's area of operations in Baghdad, who said

> "we are very happy for their presence in our area, these guys are an
> important force because they are neutral … we want them to stay in our
> area, not to leave us after such a short period."[49]

Another KRG-based brigade that deployed to Baghdad was 5th Brigade 2nd

Division from Erbil, commanded by Colonel Nazir. The single press report

available to this writer on that unit indicated a similarly strong performance.[50]

My observations and those quoted from the media above are reinforced by

those of another officer. During the summer of 2007 one US Army officer – the

senior advisor to the 1st Strategic Infrastructure Brigade (SIB) (later reflagged as

5th Brigade, 4th Iraqi Division) – gave me his impressions of the Kurdish

battalions from from Sulaymaniyah that periodically rotated in to augment 1st SIB

in its mission of securing the pipeline running from the Kirkuk oil fields to the

refinery at Bayji to the south. He told me that the Kurdish battalions were

consistently the best troops to serve on the pipeline, regularly outperforming both

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the locally recruited Arab battalions of the SIB and the ethnically mixed Iraqi Army units from the city of Kirkuk.[51]

3rd Brigade has amassed an extensive combat record since its initial formation in 2005, having served combat duty in and around Kirkuk, Baghdad, Tikrit, Tuz Khormatu, and other places, having incurred 34 soldiers killed due to enemy action as of August 2007.[52*]

Thus, regardless of the careless comments or interested allegations uttered by those on either side of the debate, it appears that Kurdish units in the Iraqi Army have at times demonstrated greater loyalty to Iraq *by their actions* than have many of their Arab counterparts.

- Another interesting factor is the conduct of the parties. Neither party has ever adopted secession from Iraq as its party line, limiting their demands instead to autonomy. While PUK and KDP have differed over how hard a bargain to drive with the central government, they have been agreement on what the basic relationship between the Kurdistan Region and the central government should be: "Autonomy for Kurdistan, democracy for Iraq." It is true that this policy is at odds with the sentiments of the great mass of Kurds in Iraq, who overwhelmingly prefer independence. But rather than feeling obligated to implement this desire, the Kurdish parties have seen it as their duty, in the words of Felah Bekir, to "manage the people's expectations" in this regard – while the Kurds of Iraq deserve their own state, they "live in a tough neighborhood" and cannot afford "to swim against the tide" at this time.[53] Reinforcing the political stance of the parties

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[*] Exclusive of soldiers wounded in action and deaths not attributable to enemy action.

(or at least of the PUK[*]) vis-à-vis Kurds serving in the Iraqi security forces. While PUK During my own time in Sulaymaniyah, the PUK maintained a keen interest in their former *Peshmerga* that had transferred to the Iraqi Army or other federal services, but they did not meddle, interfere, or otherwise undermine the official chain of command. One example of this occurred in August 2007, when a U.S. Army attack helicopter tragically attacked a misidentified Iraqi Police station in Diyala Governorate, seriously injuring several police officers. As it happens, these policemen were Kurds associated with PUK (and probably *Peshmerga* veterans). Despite the fact that these officers were nominally employed by the Iraqi Ministry of the Interior, PUK Interior Ministry was notified of the attack while in progress, contacted the Coalition to have it halted[*], had the injured officers evacuated to a hospital in Sulaymaniyah, and pressed the Coalition for recompense for the injured men.

Another example of the ongoing interest PUK maintained in their former *Peshmerga* serving in government forces was their relationship with 3/4IA, which occupied a compound on the *Fermandayee Gishti* installation donated by PUK to the Iraqi Government for the purpose. Although 3/4IA was under the operational control of 4th Iraqi Division based at Tikrit, the Peshmerga treated the brigade in a manner similar to the way a US commander treats tenant organizations sharing the installation he commands. The brigade commander attended weekly command meetings at *Fermandayee Gishti*, and the *Peshmerga* kept abreast of the brigade's missions and stayed in contact with 4th Division. It is also worth noting

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[*] I differentiate between PUK and KDP here not because I know the conduct of the two parties to have been different, but rather because I have first hand knowledge of PUK actions, but not of the KDP.
[*] However, Coalition troops discovered the error first and had already acted to stop the attack.

that PUK *Peshmerga* soldiers, when told of the brigade's performance in Baghdad, "were very proud of … the 3/4IA's performance. It seems as thought they saw that performance as a reflection on their own."[54]

Americans looked askance at PUK's ongoing interest in the affairs of these units, particularly the matter of the police in Diyala Governorate. This understandable, considering that these US personnel were familiar only with the formal structure of the Iraqi Army and unaware of the historical connection between the men and women of these federal entities and PUK. However, this suspicion was unfounded. The ongoing interest PUK did evince in their personnel serving in Iraqi Government forces was only natural and, what's more, to be expected in a culture in which relationships and informal lines of influence often play as important a role as formal lines of authority. Most importantly, to my knowledge PUK never exerted what influence they did retain over their members serving in the federal forces in a negative way (or exerted it all in most cases). On the contrary, the *Peshmerga* leadership was willing, at my request, to use their influence to reinforce and support the formal chain of command – particularly after 3/4IA's successful mission in Baghdad.

So what does all this mean? In my view, Kurds participating in the federal security services have shown themselves by their actions to be loyal and reliable in the execution of their duties to the Iraqi Government, particularly when compared to the frequent lapses in other, non-Kurdish units. While the concerns of non-Kurds about Kurdish loyalty cannot be dismissed, these concerns are only valid in the event of an open breach between the Kurdistan Region and the federal

authorities – a breach that need never occur, given even a modicum of flexibility on both sides. Absent such an eventuality, Iraqis can look with confidence to the Kurdish elements in the security services to defend their lives and property against aggression.

Can the Kurds and the government avoid such an open breach? That remains to be seen. The two sides have successfully avoided violence so far – even on such contentious issues as the final settlement of the Kirkuk issue and the KRG presence in Diyala Governorate – through pragmatic compromise. But they have also indulged in provocative words and deeds at times as well. Time will tell whether the parties have the wisdom, and can muster the political will, to effect a lasting and peaceful resolution of their differences.

Other Transformation Efforts: Police, Border Forces, and Other Entities

Peshmerga transformation has not been limited to the conversion of *Peshmerga* formations into Iraqi Army units. Thousands of *Peshmerga* troops have been converted into forest and other types of police in both the KDP and PUK areas, and even outside the KRG boundaries. Partly as a result of the Iraqi Government assertion of exclusive authority to defend Iraqi territorial integrity during the October 2006 Executive Conference, large numbers of *Peshmerga* were transferred to the Iraqi Department of Border Enforcement (DBE) between 2006 and 2007.[55] These units form the First Border Police Region, consisting (ostensibly) of three brigades: 1st Brigade (Dohuk), 2nd Brigade (Erbil), and 3rd Brigade (Sulaymaniyah).[56] Despite the designation of one "brigade" per Governorate, in reality each of these elements consist of little more than a battalion each, with expansion to true brigade size planned for the future. The Dohuk brigade is

responsible for the Zahko and al-Amadiya districts along the Turkish border in the KDP area, including one; the Erbil battalion covers the Soran and Choman districts along the Iranian border, again in the KDP area; and the Sulaymaniyah battalion covers the Pishdar, Sharbazher, Penjwin and Halabja districts.[57]

Another major transformation initiative previously under discussion was the creation of three Iraqi National Police (INP) brigades in the KRG, one in each Governorate. According to DJ Elliott these new INP formations would have come from ranks of Kurdish police,[58] but it seems more likely that the personnel would have been drawn from the ranks of the *Peshmerga* and *Zerivani*. Such a transfer would have been mutually beneficial to both the Iraqi and the Kurdistan Regional Governments, promoting the KRG goal of reducing their own payroll without resort to layoffs and the Iraqi Government goal of standing up an INP brigade in every Governorate. [59]According to the KRG Interior Minister however, the initiative is dead, having foundered on two issues: First, the Iraqi Government sought to build the new brigades from scratch, recruiting unit members individually, while the KRG was adamant that the Iraqi Government accept *Zerivani* units (and presumably *Peshmerga* units in the PUK area) intact for conversion; second, the KRG, incensed over recent transfer of Kurdish Iraqi Army officers from northern to southern units, was concerned that the Iraqi Ministry of Interior might implement similar measures in the newly formed INP brigades – an unacceptable proposition from the KRG's perspective.[60]

Among the most interesting transformation initiatives include the 2nd and 3rd Iraqi Military Academies at Qalachulon near Sulaymaniyah (PUK) and Zahko near the Turkish border (KDP), respectively.[61] Each of these institutions were founded as *Peshmerga*

military academies by their respective parties (in the case of Zahko, one observer reports having witnessed troops training there as early as 1963[62]), and now serve to train and commission officers for the Iraqi Army. *Peshmerga* training continues at these facilities alongside Iraqi Army training, with the KDP conducting a 45-day officer training course at the Zahko Academy[63] and the PUK conducting a two-year course of instruction for new *Peshmerga* lieutenants at the Qalachulon.[64]

Instructors and staff are shared between the Iraqi Army and the KDP at the Zahko academy,[65] and it seems likely that similar arrangements prevail at Qalachulon.

Other transformation examples include the Presidential Brigade based at Besmaya Camp outside Baghdad,[66] which was originally PUK *Peshmerga* but is now funded by the Iraqi Ministry of Defense;[67] and the 36th Commando Battalion in Baghdad, manned largely by former *Peshmerga*.[68]

Lastly, one might view some of the key personnel assignments in the Iraqi security services as a form of transformation: Iraqi Army Chief of Staff Babakir Zebari was a key KDP Peshmerga commander during the run-up to the 2003 US invasion;[69] Brigadier General Nabaz, Director of the Sulaymaniyah branch of the Ministry of Defense Intelligence service, is a former PUK *Peshmerga*; and other examples exist as well.

Kurdish soldiers of 3rd Brigade, 4th Iraqi Division on patrol in Baghdad, February 2007 (photo by author).

[1] O'Ballance, *The Kurdish Revolt, 1961 – 1970,* 64.

[2] Ministry of Information Directorate of General Information, *The Implementation of the March 11 Manifesto,* 139 – 142.

[3] Nyrop, *Iraq: A Country Study*, 56-57 & 226.

[4] Ministry of Information Directorate of General Information, *The Implementation of the March 11 Manifesto,* 139.

[5] Ibid.

[6] Ibid., 140.

[7] Schute, interview by author, Erbil Iraq, November 3, 2008; Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 211.

[8] Ibid.

[9] Ibid; "Adnan Mohammad Qadir, Minister for Labor and Social Affairs," KRG Website, November 18, 2006, http://www.krg.org/articles/detail.asp?rnr=136&lngnr=12&anr=14874&smap=04060100 (accessed February 17, 2009).

[10] Schute, interview by author, Erbil Iraq, November 3, 2008.

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] Ibid.

[15] Coalition Provisional Authority Order Number 28, "Establishment of the Iraqi Civil Defense Corps," September 3, 2008, http://www.cpa-iraq.org/regulations/#Orders (accessed February 19, 2009).

[16] Ahmed S. Hashim, "Military Power and State Formation in Modern Iraq," *Middle East Policy* 10, no. 4 (Winter 2003): 41 – 42.

[17] Ibid.

[18] Ibid.

[19] DJ Elliott, e-mail message to author, August 5, 2008.

[20] Ibid.

[21] Staff Brigadier General Ismail Alsodani, Iraqi Military Attaché' to the United States, interview by author, Washington DC, August 7, 2008.

[22] DJ Elliott, e-mail message to author, August 5, 2008.

[23] DJ Elliott, e-mail message to author, October 16, 2008.

[24] *Peshmerga* "Ali", e-mail to author, February 24 2009.

[25] Iraqi Government Document, Fall 2007.

[26] Staff Major General Nariman Bekir Sami, Deputy Chief of Operations, Kurdistan Army Command (KDP), interview by author, Erbil Iraq, November 5, 2008.

[27] Ibid.

[28] Yasin Taha, "Two Main Kurdish Parties to Control Newly Formed Iraqi Army Division – Official," June 22, 2008.

[29] Sami, interview by author, Erbil Iraq, November 5, 2008.

[30] KRG-Government of Iraq Document, July 6, 2007, translated by Mahmood Taba-Tabai, Defense Language Institute, Monterey, California.

[31] Ibid.

[32] Ibid.

[33] Ibid.

[34] Ibid.

[35] Iraqi Turkmen Human Rights Research Foundation (SOITM) and Unrepresented Nations and Peoples Organization (UNPO), *Kerkuk Problem and Article 140: Defining Alternatives. The Views of Kerkuk's Turkmen and Arabs*, (Brussels: European Parliament, June 23, 2008), 18.

[36] DJ Elliott, e-mail message to author, October 16, 2008.

[37] Bill Roggio, Editor, *Small Wars Journal*, telephone interview by author, October 17, 2008.

[38] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 24 – 25.

[39] Ibid., 25.

[40] Roggio, telephone interview by author, October 17, 2008.

[41] Ibid.

[42] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 25.

[43] "Shia Arabs from the Dawa Party Control the Kirkuk-based Iraqi Army 12[th] Division," Regional Reconstruction Team Kurdistan Region of Iraq, Media Summary, February 15, 2009, compiled and translated by Press and Cultural Specialist Alan Attooff.

[44] Lasseter, "In Iraq, Kurdish Militia has the Run of Oil-Rich Kirkuk," February 16, 2007.

[45] Ibid.

[46] Ibid.

[47] Michael J. Totten, "An Army, Not a Militia," *Michael J. Totten's Middle East Journal*, April 5, 2007, http://www.michaeltotten.com/archives/001412.html (accessed February 18, 2009).

[48] "Sheikh Hassan al-Sudani, Representative of Saed Ali-Sistani: 'Iraqi Army should be more proud of the Kurdish troops than the Kurds themselves," *Kurdistani Nwe*, May 21, 2007.

[49] "Baghdad's residents satisfied with what they do; CF: Kurdish troops are the main element to execute Baghdad's New Security Plan," *Kurdistani Nwe*, April 27 2007.

[50] "In Baghdad, the Kurdish *Peshmerga* opens Masjids and Hussainia's for prayer," Jamawar, April 2[nd] 2007.

[51] Discussion with SIB MiTT Chief, Kirkuk Iraq, August 2007.

[52] "The Martyrs Report from 3[rd] Brigade," August 21 2007, compiled by Captain Karzan Subhi Nuri, brigade legal adviser.

[53] Felah Mustafa Bekir, Director of Foreign Relations, Kurdistan Regional Government (KRG), interview by author, Erbil, Iraq, November 4, 2008.

[54] David Dunckel, "Report on Interaction with Enlisted Members of 1st BN 10th BDE Kurdistan Guards," Sulaymaniyah, Iraq, August 7, 2007, 3.

[55] Colonel Hugh Smith, formerly Multi-National Force – Iraq Strategic Operations, interview by author, September 3[rd], 2008; Sami, interview by author, Erbil Iraq, November 5, 2008; *Peshmerga* "Ali," interview by author, 2008.

[56] DJ Elliot, "Iraqi Order of Battle (OOB)," *Long War Journal*, December 31, 2008, http://www.longwarjournal.org/multimedia/OOBpage11-DBE.pdf (accessed February 17, 2009).

[57] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 24.

[58] DJ Elliott, "Iraqi Security Forces Order of Battle: August 2008 Update," *Long War Journal*, August 4, 2008, http://www.longwarjournal.org/archives/2008/08/iraqi_security_force_18.php (accessed February 17, 2009).

[59] Ibid.

[60] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008

[61] "World Armies, Iraq," *Jane's World Armies*, http://www4.janes.com/subscribe/jwar/doc_view.jsp?K2DocKey=/content1/janesdata/binder/jwar/jwara172.htm@current&Prod_Name=JWAR&QueryText= (accessed August 4, 2008).

[62] Francois Xavier-Lovat, Journalist, telephone interview by author, October 2[nd] 2008.

[63] Lieutenant General Azad Miron, Chief of Operations, Kurdistan Army Command (KDP), interview by author, Erbil Iraq, November 3, 2008.

[64] Brigadier General Hashem, Chief of Administration, *Peshmerga Fermandayee Gishti* (PUK), interview by author, Sulaymaniyah, Iraq, November 19, 2008.

[65] Miron, interview by author, Erbil Iraq, November 3, 2008.

[66] "World Armies, Iraq," *Jane's World Armies*, http://www4.janes.com/subscribe/jwar/doc_view.jsp?K2DocKey=/content1/janesdata/binder/jwar/jwara172.htm@current&Prod_Name=JWAR&QueryText= (accessed August 4, 2008).

[67] Staff Major General Fazzell, Deputy Chief of Staff, Organized *Peshmerga* (PUK), interview by author, Sulaymaniyah, Iraq November 18, 2008; Hashem, Interview by author, Sulaymaniyah, Iraq, November 19, 2008.

[68] "World Armies, Iraq," *Jane's World Armies*, http://www4.janes.com/subscribe/jwar/doc_view.jsp?K2DocKey=/content1/janesdata/binder/jwar/jwara172.htm@current&Prod_Name=JWAR&QueryText= (accessed August 4, 2008).

[69] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 186 – 187.

Chapter 9
The *Asayish*

Perhaps the most important and powerful segment the KRG security sector is the *Asayish*, which literally translates as "Security." *Asayish* has jurisdiction over major economic and political crimes such as smuggling, espionage, sabotage, terrorism,[1] connections with "opposition armed groups," and other major crimes pending referral to the courts.[2][*]

Formation of the *Asayish*

According to Dana Majed, governor of Sulaymaniyah Governorate and former head of PUK *Asayish*, the historical roots of *Asayish* go back to the aftermath of the 1991 Gulf War. The 1991 Uprising (*Rapareen*) and subsequent withdrawal of the Iraqi Government administration from the Kurdish areas presented the Kurds with their first opportunity to govern themselves. One of the first challenges of the new Kurdish administration was the reestablishment of security – a challenge to which existing entities were deemed unequal. The *Asayish* was first organized to address this need, with its earliest members being drawn from the ranks of the *Peshmerga*,[3] an obvious choice given that the *Peshmerga* were the only pool of armed men available, as well as the facts that the *Peshmerga* were widely trusted by the populace and not tainted by corruption in the public mind.[4] This new security apparatus was built practically from scratch without

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[*]A principal legal tool (among others) used by the *Asayish* to carry out their mandate is the KRG Anti-terrorism Law of 2006, which provided among other things that Arabs coming into the KRG from other parts of Iraq had to have a Kurdish sponsor to vouch for them and had to register with the authorities every three months. This provision was, however, lifted in the August 2008 extension of the law. Another important feature of KRG security efforts are firearms restrictions, imposed by Ministry of Interior regulations. These regulations require licensing for both ownership and carrying of firearms; carrying firearms is generally prohibited except for security services "on-duty" (loosely interpreted), and for judges and prosecutors (Michael Knights, "Guiding the Kurdish Role in Securing Northern Iraq," in the *Future of Iraqi Kurds*, edited by Sonar Cagaptay, page 22; Kurdish lawyer "Mihamî," telephone interview by author, February 2009).

equipment or funding. They did, however, have assistance in the form of "outside advisors." Governor Dana denied that these advisors were foreigners as some believe, but rather Iraqi Kurds who had served in the security services of the Ba'ath regime who, because of their associations with Saddam's government, could not serve openly in the new security apparatus but who could contribute by training those who did.[5] The Kurdish term "*Asayish*" itself was deliberately chosen according to Masrur Barzani, head of the KDP General Security Committee, as a clean break from the past. He said in a September 2008 interview that "[w]e intentionally used this name because the security apparatus under the former regime left a negative and frightening effect on the people."[6]

The *Asayish* were initially organized in October 1992, became operational in 1993, and were legally sanctioned by the Kurdistan National Assembly with the passage of Law No. 9 of 1993, *Law of the Ministry of the Interior*, on March 27th of that year.[7] As initially organized, *Asayish* was overseen by a General Security Directorate usually headed by a civilian. It consisted of four directorates, one covering each of the Governorates of Dohuk, Erbil, Sulaymaniyah, and part of Kirkuk. Each directorate consisted of a Political Unit, an Economic Unit, a Legal Unit, a Residence Unit, and a Travel Unit.[8] With the collapse of the first unified administration in 1994 however, each party assumed control of its own *Asayish*, placing them under their respective Ministries of the Interior. In 2004 and 2005, the two parties each removed their *Asayish* from Ministry of the Interior control. The KDP did so via Kurdistan National Assembly Law 46 of 2004, which created the General Committee for the Security of Iraqi Kurdistan ("General Security Committee") and placed KDP *Asayish* under that entity's control. The General Security Committee is chaired by KDP intelligence chief Masrur Barzani,

nephew of KRG President Masud Barzani, and was rendered "financially independent" by the terms of the above cited statute. The committee's portfolio includes drugs, terrorism, espionage, national security matters, and extradition.[9] Jalal Talabani made the decision to remove PUK *Asayish* from MoI control in 2005, placing the agency initially under the supervision of the PUK Political Bureau.[10] PUK *Asayish* now operates under the supervision of the KRG Deputy Prime Minister Omar Fatah, a PUK appointee.[11]

Even with the reestablishment of a unified KRG administration in May 2006, the *Asayish* services of the two parties have continued to operate as parallel organizations.[12] KRG officials declare it as their aim to unite the two organizations eventually,[13] although Karim Sinjari claims that action by the Kurdistan National Assembly will be required to affect this.[14] According to Governor Dana, a number of meetings have been held on the matter of *Asayish* unification, but a number of difficult issues remain.[15]

Asayish Roles and Missions

Asayish can be said to be analogous to the Federal Bureau of Investigation (FBI) in the United States. It has investigative, intelligence, and arrest powers and its principle mission is internal state security (especially counter terrorism).[16] Theoretically, *Asayish* does not handle general crime, even major matters like murder[17] or public corruption, which "does not lie at the heart of [*Asayish's*] work."[18] However, as the only law enforcement entity in the Kurdistan Region with any real investigative capability, *Asayish* handles many matters not strictly related to national security. Furthermore, *Asayish* has broad discretion in deciding what matters do fall within their security mandate, and can preempt investigations into matters not normally within their ken when they deem it appropriate.[19] In an interview with me in November 2008, Major General Saif al-ddin A.

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Ahmed, Director of *Asayish Gishiti* in the PUK area, represented his agency's chief priorities as counterterrorism, drug interdiction, anti-corruption, auto theft, counterfeiting, and political murders.[20] Another area of *Asayish* interest is prostitution.[21] In some cases, *Asayish* has found itself handling even more mundane matters, as in the case of a former *Asayish* officer who described his duties with the *Asayish* Economic Unit as working with the Health Ministry enforcing expiration dates on labels, etc. and with the other ministries on matters such as enforcement of price controls. The assisted ministries would provide the technical expertise to identify violations and the *Asayish* would provide the enforcement "muscle," imposing fines, disposing of contraband or expired items, etc.[22]

In addition to *Asayish's* broad mandate and wide discretionary powers, other explanations present themselves for the blurring of the lines between the responsibilities of the *Asayish* and those of the police. One US advisor in Sulaymaniyah opined that that *Asayish* interest in these areas may stem from the fact that vice rackets like drugs and prostitution often generate funding for terrorist groups, which falls squarely within the *Asayish* portfolio of state security.[23] Also, like terrorism, many crimes – such as narcotics trafficking, prostitution, and auto theft – are executed on an organized basis by more or less sophisticated networks, making it only natural that *Asayish* would assume responsibility for enforcement actions against them. Another possible reason is simply competence: *Asayish* investigative and intelligence capabilities far outstrip those of the ordinary police inside the KRG (and probably outside it as well). Finally, fear probably also plays a role: as much as the *Asayish* is respected for its relative competence as

compared to the police, it is also justifiably feared by at least some in the populace – a sentiment likely to stimulate increased compliance with its enforcement efforts.

<u>*Asayish* Organization, Training, and Recruitment:</u>

KDP *Asayish* is headed by the *Asayish Gishti*, or "General Security Directorate" located in the city of capitol city of Erbil, overseeing the two major subdivisions of *Asayish* Dohuk and *Asayish* Erbil. PUK *Asayish Gishti* is located at Sulaymaniyah. PUK *Asayish* is divided into the following six geographical districts: Sulaymaniyah City, East Hawler, Kirkuk, Rapareen, Garmian, and Sharazur; additional units include the Sulaymaniyah Airport *Asayish* and the *Asayish* Academy at Kanigoma.[24] According to a former police advisor in Sulaymaniyah, the PUK *Asayish* are organized by district and sub-district within the governorate, with each echelon manned much more lightly then the Municipal Police. *Asayish* also maintains representatives at all international border crossings and at checkpoints inside the KRG and on the Kurdistan borders with other governorates.[25]

In the PUK area, the major *Asayish* functional departments are the Political Unit (responsible for intelligence), the Operations and Economic Units (responsible for investigations and enforcement),[26] the Legal Unit, the Finance Unit, [27]Administration, the Inspector General, and the Human Rights office.[28] * *Asayish* handed over responsibility for immigration-related matters to Ministry of the Interior approximately two years ago, and primary responsibility for border enforcement at Iraq's international boundaries was ceded to the federal Department of Border Enforcement at about the same time (although *Asayish* still maintains a presence at the ports of entry).[29]

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[*]There was some disagreement as to the current organization of *Asayish* Gishti today. It may be that the Operations and Economic Units have been subsumed, absorbed, or renamed, but the functions that they handled continue to be carried out.

In addition to its investigative and intelligence functions, PUK *Asayish* also performs more traditional security functions including the manning of traffic checkpoints along the major highways and at the airports.[30] In Sulaymaniyah, airport security has developed into a fairly sophisticated, four-tier system consisting of perimeter security, entry control, internal security, and a Special Response Team.[31]

Initial *Asayish* Organization, 1993 (First Unified Administration)
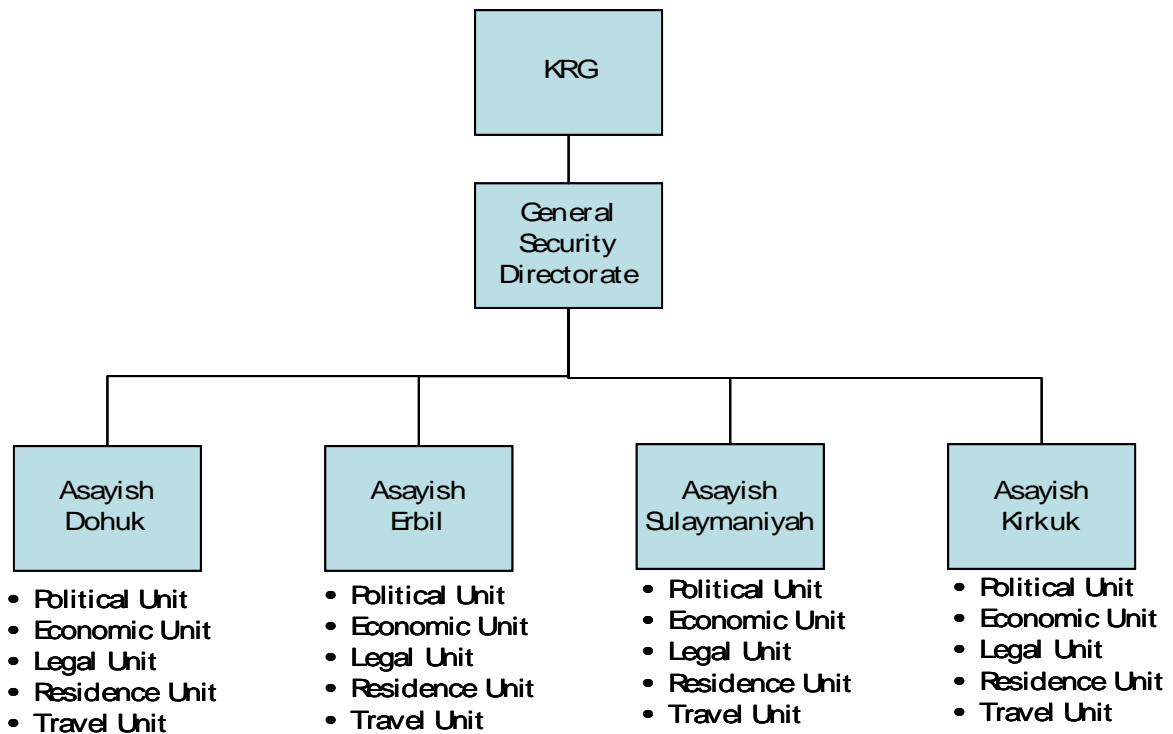
Figure 17

KDP Asayish Organization as of 2006

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┌─────────────────┐
│      KDP        │
│   (Massoud      │
│    Barzani)     │
└────────┬────────┘
         │
┌────────┴────────┐
│ General Committee│
│ For Security Of  │
│   Iraqi Kurdistan│
│ (Masrour Barzani)│
└────────┬────────┘
         │
┌────────┴────────┐
│ Asayish Gishti  │
│ (General Security│
│   Directorate)  │
└────────┬────────┘
    ┌────┴────┐
┌───┴───┐ ┌───┴───┐
│Asayish│ │Asayish│
│ Dohuk │ │ Erbil │
└───────┘ └───────┘
```
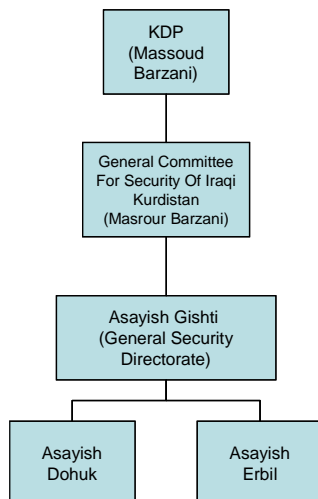
Figure 18

PUK *Asayish* November 2008

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┌─────────────────┐
│  KRG Deputy PM  │
│  Omar Fatah     │
│    (PUK)        │
└────────┬────────┘
         │
┌─────────┐   ┌─────────────────┐
│ Deputy  │───│ Asayish Gishti  │
│Director │   │(General Security │
│(GEN     │   │  Directorate)   │
│ Nasir)  │   │ (GEN Saifadeen) │
└─────────┘   └────────┬────────┘
```

| Airport Asayish | Asayish Sulaymaniah | Asayish Hawler (Kosinjaq) | Asayish Kirkuk (Qara Hinjar) | Asayish Raperin |
| Asayish Sharazur (Halabja) | | Asayish Garmian (Kalar) | | |
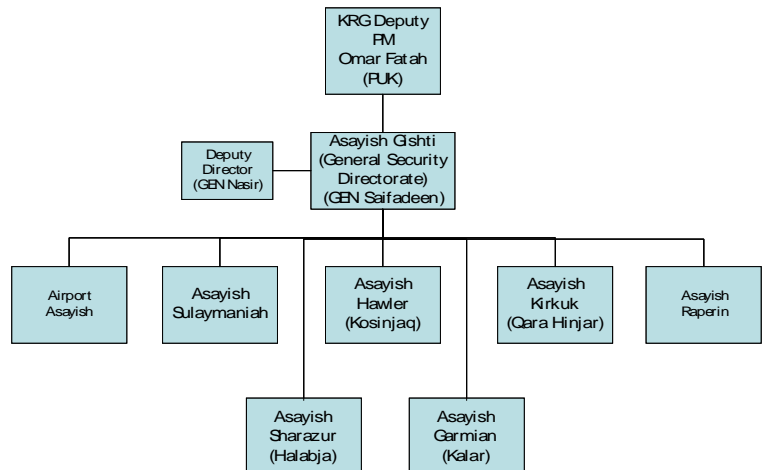
Figure 19

PUK *Asayish* Operational Structructure November 2008

```
            ┌─────────┐
            │ Asayish │
            └────┬────┘
```

| Political Unit | Legal Unit | Inspector General | Administration | Human Rights |

| Operations Unit | | Economic Unit | | |

▨ Status of these units unclear, but functions remain.

Figure 20

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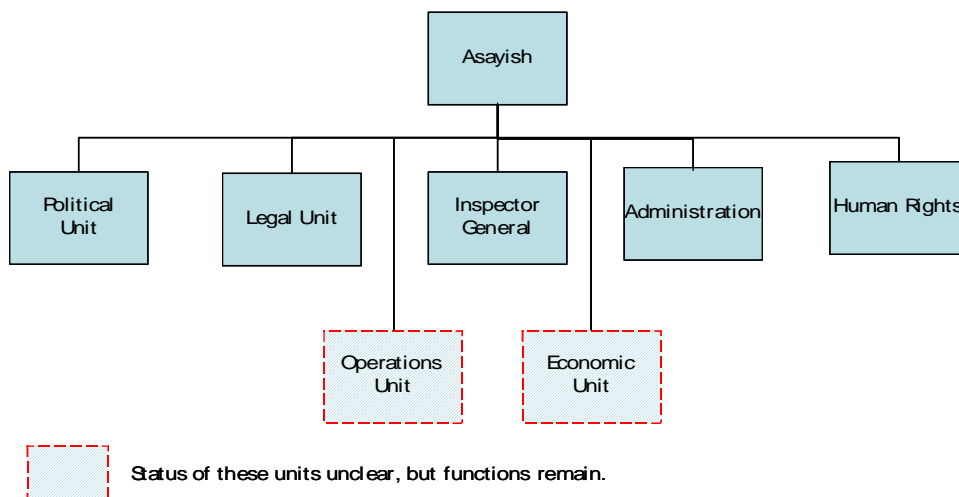
Sulymaniyah Airport
Asayish

Figure 21

Organizational chart: Airport Chairman → Airport Director → Resident Manager → Customs, Passport, Baggage Search, Canine, Front Gate, Interior Patrol, Camera Surveillance, Perimeter Security, Special Response Team
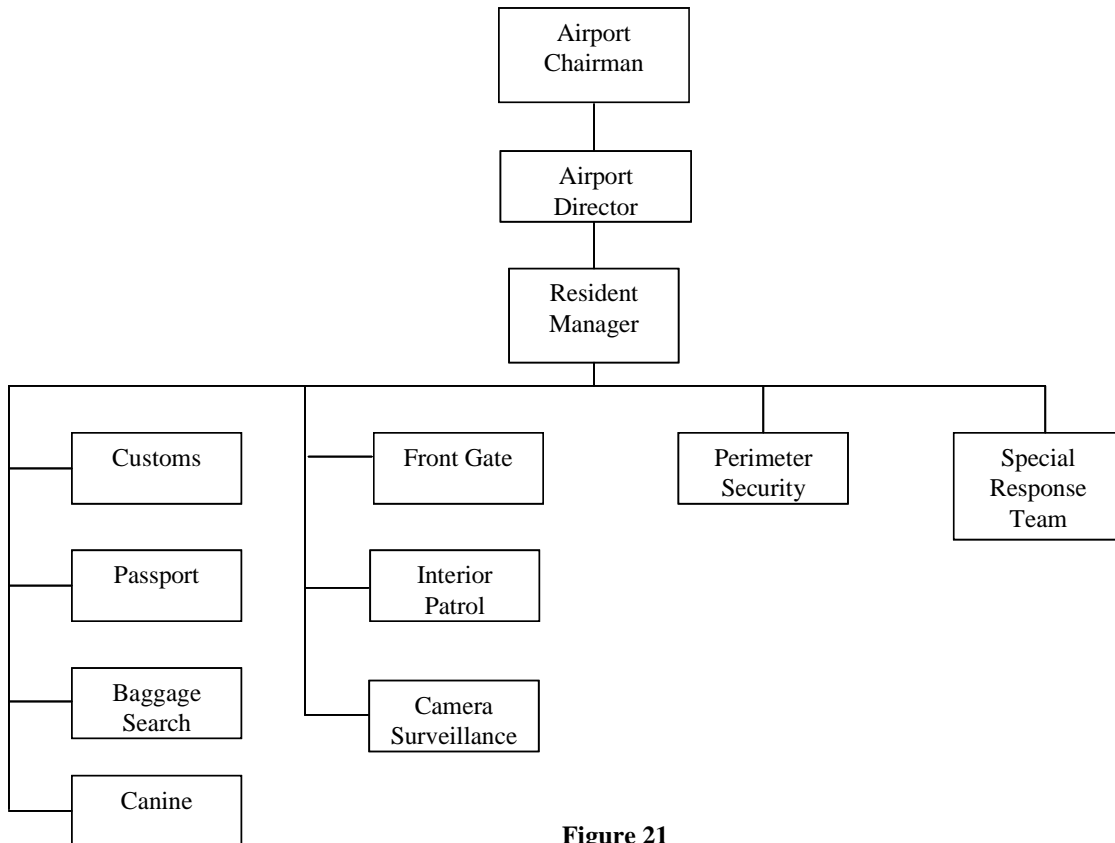
Asayish has left the military organization and rudimentary skills of their

Peshmerga past behind and are working hard to professionalize their institution.[32] This

manifests itself in at least two ways. The first is in an interest in advanced policing and

investigative skills. The skills that PUK *Asayish* has been building (with the assistance of

US advisors) include criminal surveillance,[33] crime scene investigation,[34] use of canine

teams in drug interdiction and explosives detection,[35] drug identification, electronic

tracking of vehicles, and non-coercive interrogation.[36] One US police advisor in

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Sulaymaniyah told me that as is so often the case Iraq, *Asayish* interest in this advanced training is not merely put on for the benefit of their American friends, but that *Asayish* truly value these skills and does in fact apply them to actual cases.[37]

The second prong of the *Asayish* professionalization effort has been recruiting. *Asayish* of both parties recruit their intelligence and investigative personnel from the colleges and universities in the Region and tend to be much better educated than ordinary police.[38] The recruiting focus is on graduates from relevant fields such as law, computer science, and technical fields.[39] [*] *Asayish* personnel are recruited on a contract basis, with the initial term of service being three years; personnel seeking to terminate their service early are subject to a monetary fine.[40]

The personnel structure of the PUK *Asayish* consists of three basic tiers. The bottom tier consists of low ranking, paramilitary personnel from the rank of "police" (private) through *rais arifa* (sergeant major). These personnel tend to be poorly educated; their preparation consists of a background screening and a very brief course of instruction at the *Asayish* academy at Kanigoma. After training, they perform traditional security duties such as manning checkpoints on the highways, working in patrol units, and service in a quick reaction force unit responding to calls from the public.[41] The second tier consists of the *mufawaz* or "Commissioner" ranks (equivalent to warrant officers), in grades of 8th through 1st Commissioner (1st being the highest). Commissioners are educated individuals recruited directly from the universities on the basis of their technical skills. They serve as assistant investigators, technical specialists,

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[*] One American advisor told me that there is a lawyer in nearly every group of *Asayish* officers that he instructs, that in a recent class four of 10 students were lawyers, and that the students scheduled for an upcoming block of instruction even included a trained doctor (interview in Sulaymaniyah, November 2008).

and administrative personnel.[42] The top tier of the *Asayish* personnel structure is

commissioned officer corps, which includes personnel from the ranks of second

lieutenant (*mulazim*) through lieutenant general (*lewa ruken*). PUK *Asayish* officers are

recruited from the ranks of recent university graduates, initially serving a probationary

period as Commissioners, after which they attend a one-year course of training at the

Kanigoma academy, culminating in their appointment as second lieutenants.[43] The

training received at Kanigoma is very rigorous, akin to and Officer Candidate course in

the U.S. Armed Forces, complete with shouting instructors and tough physical training.

Candidates receive one day off per week and receive instruction in a variety of

investigative and enforcement skills.[44]

Asayish Rank Structure, PUK*

	Rank	US Equivalent
Traditional Police Work & Checkpoint Operations	*Police*	Private
	Arif	Sergeant
	Arif Awol	Staff Sergeant, Sergeant First Class
	Rais Arifa	Sergeant Major
Mufawaz: Technical specialists, assistant investigators	*Eighth Commissioner*	Warrant Officer
	Seventh Commissioner	Warrant Officer
	Sixth Commissioner	Warrant Officer
	Fifth Commissioner	Warrant Officer
	Fourth Commissioner	Warrant Officer
	Third Commissioner	Warrant Officer
	Second Commissioner	Warrant Officer
	First Commissioner	Warrant Officer
Investigators and Command Personnel	*Mulazim*	Second Lieutenant
	Mulazim Awol	First Lieutenant
	Naqib	Captain
	Ra'id	Major
	Muqadem	Lieutenant Colonel
	Aqeed	Colonel
	Ameed	Brigadier
	Lewa	Major General
	Lewa Ruken	Lieutenant General

*Interview, Sulaymaniyah November 2008

Table 6

<u>A Window into *Asayish*</u>:

I received a glimpse into the inner workings of the *Asayish* from one *Asayish* veteran who gave me an account of his own career with the organization. This officer was recruited into the *Asayish* directly from university after completing a degree in chemistry and entered the organization at the rank of First Commissioner (equivalent to a chief warrant officer in the U.S. Army), one degree below *mulazim* or second lieutenant.

He was first employed reviewing official documents (land titles, car titles, etc.) for validity, screening them for evidence of forgery, alteration, etc, and was subsequently transferred to another section where he tested contraband narcotics to determine whether the seized drugs contained a sufficiently high concentration of prohibited material to meet the legal threshold for prosecution. These tests were performed at a laboratory on the campus of a local university under the supervision of a doctor on the university staff. Other duties performed included work in the *Asayish* Economic Unit, working with Health Ministry officials to enforce expiration dates on labels and similar matters, as well as working with other ministries enforcing matters such as price controls. The assisted ministries provided the technical expertise – the *Asayish* contribution consisting solely of enforcement actions such as the imposition of fines, disposition of contraband items, etc.[45]

<u>Interagency Cooperation</u>:

According to PUK Asayish Director General Saif al-ddin, *Asayish* cooperates closely with the PUK party intelligence service, *Dazgay Zanyari*; with the *Peshmerga* G2; and with Bafel Talabani's Counter Terrorism Group.[46] It is likely that similar arrangements exist on the KDP side, particularly between *Asayish* and the KDP party

intelligence service, the *Parastin* ("protection").[47] Saif al-dinn also touts a close relationship with the courts, having provided the Sulaymaniyah Chief Prosecutor with an office at the *Asayish Gishti* in Sulaymaniyah to improve cooperation.[48] There are problems however: one former American advisor described relations between the Sulaymaniyah municipal police and the *Asayish* as somewhat adversarial, with the *Asayish* viewing the local police as unprofessional and the police viewing the *Asayish* as politicized.[49]

The extent of cooperation between PUK and KDP *Asayish* remains unclear. Human Rights Watch has reported that cooperation between these entities is high[50], but some doubt is cast upon this by the comments of one PUK *Asayish* official, who advised me that he knew nothing about his counterpart organization in Erbil and advised that I would need to consult the KDP for any information on their *Asayish*.[51]

Asayish security vehicle, Sulaymaniyah 2008 (photo by author).
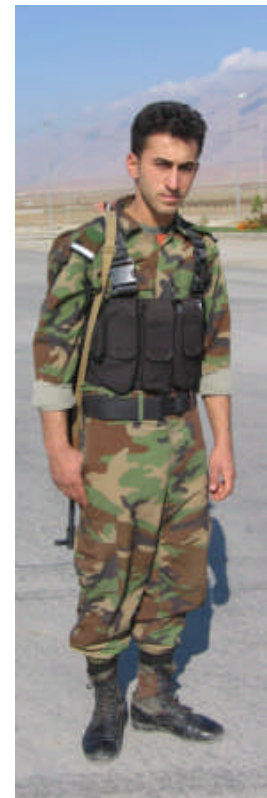
Asayish policeman (photo by author).

[1] United Nations High Commissioner for Refugees (UNHCR), *Governorate Assessment Report Dohuk Governorate* (n.p.: UNHCR September 2007), 9, http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=471efbe22 (accessed February 17, 2009).

[2] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 1-2, http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Newsletter_Anhaenge/126/kurdistan0707_hrw.pdf (accessed February 17, 2009).

[3] Dana Ahmed Majed, Governor, Sulaymaniyah Governorate, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[4] Ibid.

[5] Ibid.

[6] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, Transcribed by BBC Monitoring Middle East – Politics, September 13, 2008 (BBC transcript, September 17, 2008) at Nexus (accessed September 26, 2008).

[7] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 25.

[8] Ibid.

[9] Ibid., 26.

[10] Ibid.

[11] Saif al-ddin Ahmed, Head of *Asayish Gishti* (PUK),interview by author, Sulaymaniyah, Iraq, November 20, 2008; Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[12] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 26.

[13] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008.

[14] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008.

[15] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[16] Sinjari, interview by author, Erbil Iraq, November 4, 2008.

[17] Ibid.

[18] "Iraqi Kurdistan *Peshmerga* Ministries to Merge," *Hawler*, February 6, 2008.

[19] Interview by author with Coalition personnel, Erbil, Iraq, 2008.

[20] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[21] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[22] "Shurta," interview by author, 2008.

[23] CPATT Advisor, interview by author, 2008.

[24] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[25] Former CPATT Advisor, telephone interview by author, August 15, 2008.

[26] "Shurta," interview by author, 2008; Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[27] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[28] Judicial Review Committee, interview by author, Sulaymaniyah, Iraq, November 20, 2008; Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008; "Shurta," interview by author, 2008.

[29] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[30] "Shurta," interview by author, 2008; Coalition personnel, interview by author, Erbil, 2008.

[31] CPATT Advisor, interview by author, 2008.

[32] Ibid.

[33] CPATT Advisor, interview by author, 2008.

[34] CPATT Advisor, interview by author, 2008.

[35] CPATT Advisor, interview by author, 2008.

[36] CPATT Advisor, interview by author, 2008.

[37] Ibid.

[38] Coalition personnel, interview by author, Erbil, 2008; CPATT Advisor, interview by author, 2008.

[39] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[40] "Shurta," interview by author, 2008.

[41] Ibid.

[42] Ibid.

[43] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[44] "Shurta," interview by author, 2008.

[45] Ibid.

[46] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[47] [47] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 25 – 26.

[48] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[49] Former CPATT Advisor, telephone interview by author, August 15, 2008.

[50] [50] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, pg 26.

[51] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

Chapter 10
Police

The municipal police in the Kurdistan Region fill a variety of roles, including traditional civil and traffic enforcement functions, as well as more specialized niches such as forest and environmental police, immigration enforcement, oil and gas, water and electricity, hospital, and other facilities protection roles.

Training:

Training for police the KRG naturally varies by rank. In the KDP region, commissioned officer candidates undergo a formal course of instruction that varies according to their education level. University graduates attend an eight-month training course resulting in commission as a 2nd Lieutenant (*mulazim*) of police. High school graduates achieve the same status following a three-year course of instruction. The program of instruction varies somewhat for women. Women who have graduated from university are commissioned after an 8-month course, while women who have graduated from two-year institutes attend a 10-month course. According to KRG Interior Minister Karim Sinjari, the Police Academy at Erbil, established in 1997,[1] graduates approximately 200 officers annually, varying from year to year based upon actual requirements, with graduates about equally divided among university and high school alumni.[2] Rank and file police naturally receive less training, ranging from six to ten weeks in addition to any training received from the Coalition.[3]

American contractors working under the auspices of Coalition Police Advisory Training Teams (CPATT) are heavily involved in advising and training municipal police forces in the Kurdistan Region. CPATT-supported training initiatives completed or underway in the Sulaymaniyah area include:

- Self-defense and Verbal Judo.[4]

- An extensive training course in the use of non-lethal weapons including tasers, water cannons, pepper spray, and net guns. This training consisted of four weeks of instruction and two weeks of graded instructor experience and required trainees to be subjected to tasers and pepper spray.[5]

- Training and certification of the police diving team and instructors.[6]

- Training of canine handlers and their dogs for both drug interdiction and explosives detection.[7]

Other capability-building initiatives underway with US support include development of a handbook for rank-and-file police officers outlining appropriate legal provisions, police procedures, and other pertinent information needed by police on a day-to-day basis (a draft is complete, but publication is being withheld pending the next round of provincial elections to determine whether the new Parliament plans to publish any significant legal changes); standardization of badges and identification cards; improved court-house security and access procedures; and improving the security culture in the police force generally.[8]

Police Organization, Roles and Functions:

Despite the return to unified government in 2006, police forces in the KRG remain divided along party lines. The Unification Agreement called for unification of the Interior Ministry, together with *Peshmerga*, Justice, and Finance Ministries by 21 January 2007 (other ministries were unified previously), but so far of the four only the Justice Ministry has been unified. The agreement further called for the establishment of a "Supreme Commission to institutionalize the police and security agencies" and ensure that they are "removed from political considerations".[9]

Police for Dohuk and Erbil Governorates in the KPD dominated area report the KRG Ministry of the Interior. Police in each Governorate are headed by a General Directorate, with departments in each district and police stations in most sub-districts.[10] Police in Dohuk consist of Aid, Guarding, Civil Emergency, Stations, and Governor's Office Security units.[11]

Sulaymaniyah (PUK):

Police Organizations in the PUK area are organized under a Provincial Director of Police (PDOP) – currently Major General Rezgar Ali Aziz – and consist of six major directorates (three regional and three functional), each further divided into subordinate districts, sub-districts, functional entities and administrative units:[12]

- Sulaymaniyah Police Directorate
- Garmian Police Directorate
- Koya Police Directorate
- Provincial Oil and Gas Police Directorate
- Provincial Forest and Environment Police
- Traffic Police Directorate

Sulaymaniyah Directorate is the largest of the regional directorates, covering the Governorate of Sulaymaniyah. Garmian and Koya are smaller. Koya is organized in an unusual manner, with the PUK providing salaries for personnel and the KDP providing logistical support.[13] Sulaymaniyah Police Directorate has the widest array of specialized units and capabilities of the regional directorates. The major functional capabilities within the directorate are the Municipal Police, the Emergency Police, and the Civil Defense (or Civil Activities) Police. The Municipal and Civil Activities Police are distributed at stations throughout the governorate. The Sulaymaniyah Emergency Police maintain a single station within the city of Sulaymaniyah but operate throughout the city.

The functional directorates (Oil and Gas Police, Electricity Police, Forest and Environmental Police, and Traffic Police) distribute their personnel in districts and sub-districts throughout their respective jurisdictions.[14]

Functional Units within the Municipal Police:

The Functions of the major police subdivisions are as follows:

Municipal Police: Where sufficiently resourced and adequately led, the Municipal Police are responsible for routine police activities such as patrolling, first response and investigation/enforcement of crimes up to minor felonies. Their actual scope of responsibility varies widely however, and in poorly resourced or led districts they may be limited to performing administrative functions, with Emergency Police picking up other enforcement functions.[15]

Traffic Police: Handle all traffic related matters, including directing traffic. [16]

Emergency Police: Emergency Police responsibilities vary from district to district. Where Municipal Police maintain an active posture, Emergency Police responsibilities are limited to major felonies. In areas where the Municipal Police are more passive, the Emergency Police are called upon to handle matters normally associated with routine policing, such as patrol, responding to calls from the public, and investigation of less serious crimes.[17]

Civil Defense (or Civil Activities) Police: These formations handle public demonstrations, protests, riots, etc.[18]

Police Manning in the PUK Area:

Police manning in Sulaymaniyah Governorate ranges between 18,000 and 19,000 personnel, with numbers peaking in the summer and falling off in winter (likely due to

officers unwilling to work in the winter months without cold weather equipment).[19] Of these, approximately 5700 are untrained.[20] These figures do not include an unknown number of Facilities Protection Service (FPS) personnel working in the PUK area.[21] *

The largest and most sophisticated of the geographical directorates is Sulaymaniyah Police Directorate, encompassing both the city of Sulaymaniyah and the governorate by that name. Manned at over 6600 personnel, Sulaymaniyah police includes a number of specialized offices and agencies such as Municipal, Emergency, and Civil Defense units operating both within the city and throughout the governorate. Next largest is Garmian Police Directorate, manned at almost 4,000 personnel,[22] consisting of a Garmian Civil Defense unit and four Municipal Police Districts, each with between three and eight sub-districts. The smallest geographical directorate is Koya, manned at slightly more than 1200 personnel dividing among the Koya Civil Defense unit overseeing eight districts or "bases" and the Koya Municipal Police overseeing ten.[23] Of the functional directorates, the Forest and Environmental police is the largest, manned at almost 2100 personnel spread among 16 districts, each in turn subdivided between two and four sub-districts.[24] The Electricity Police Directorate is next with its five major subdivisions being the Darbandikan Dam Protection Regiment, the Dokan Dam Protection Regiment, and Electricity Police districts at Sulaymaniyah, Garmian, and Koya – all of which are subdivided into various sub-districts, stations, and units.[25] The smallest of the major police directorates in the PUK area is the Oil and Gas Police,

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*The Facilities Protection Service was established under the authority of Coalition Provisional Authority Order No. 27, with the mission of protecting critical infrastructure and government facilities (Hashim, Ahmed S., "Military Power and State Formation in Modern Iraq", *Middle East Policy*, volume 10, No. 4, Winter 2003, pages 29 – 47).

manned at approximately 950 personnel with districts and Sulaymaniyah, Garmian, and Koya, each consisting of between four and seven sub-districts.[26*]

<u>Administration and Decision Making</u>:

The expansion and training of the Sulaymaniyah Police Dive Team provides an interesting window into the bureaucratic decision making process of the PUK Municipal Police. Despite the support of the PUK Interior Minister supported the program, the CPATT advisors and their Kurdish colleagues had difficulty procuring adequate resources to properly fund the program, including an initial injection of US$60,000, to get the program properly launched despite repeated briefings and attempts to educate PUK police and interior ministry officials on the value of the program.[27]

Ultimately, it was discovered that a decision to approve and fund such a significant program could only be made upon a consensus basis. Having secured the PUK Interior Minister's support in principle, the project concept was then referred to the Provincial Director of Police (PDOP), who appointed a review committee to study the concept as a proposal. Only after winning the concurrence of this review committee did the PDOP agree to fund and implement the proposal.[28]

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* Strength data for the Traffic Police Directorate were not available as of this writing.

Municipal Police Rank Structure, PUK*

Rank	US Equivalent
shwrti	Policeman
karmand	Police Officer
naeeb arif	Lance Corporal
arif	Corporal
rais arifa	Sergeant
mufawaz yek	Warrant Officer - 8
mufawaz du	Warrant Officer - 7
mufawaz se	Warrant Officer - 6
mufawaz chwar	Warrant Officer - 5
mufawaz penj	Warrant Officer - 4
mufawaz shesh	Warrant Officer - 3
mufawaz hewt	Warrant Officer - 2
mufawaz hesht	Warrant Officer - 1
mulazim	Second Lieutenant
mulazim awol	First Lieutenant
naqib	Captain
ra'ed	Major
muqadam	Lieutenant Colonel
aqeed	Colonel
ameed	Brigadier
lewa	Major General

* From Kurdistan General Police Directorate (PUK)
Police Statistics, June 2008

Table 7

PUK Police 2008
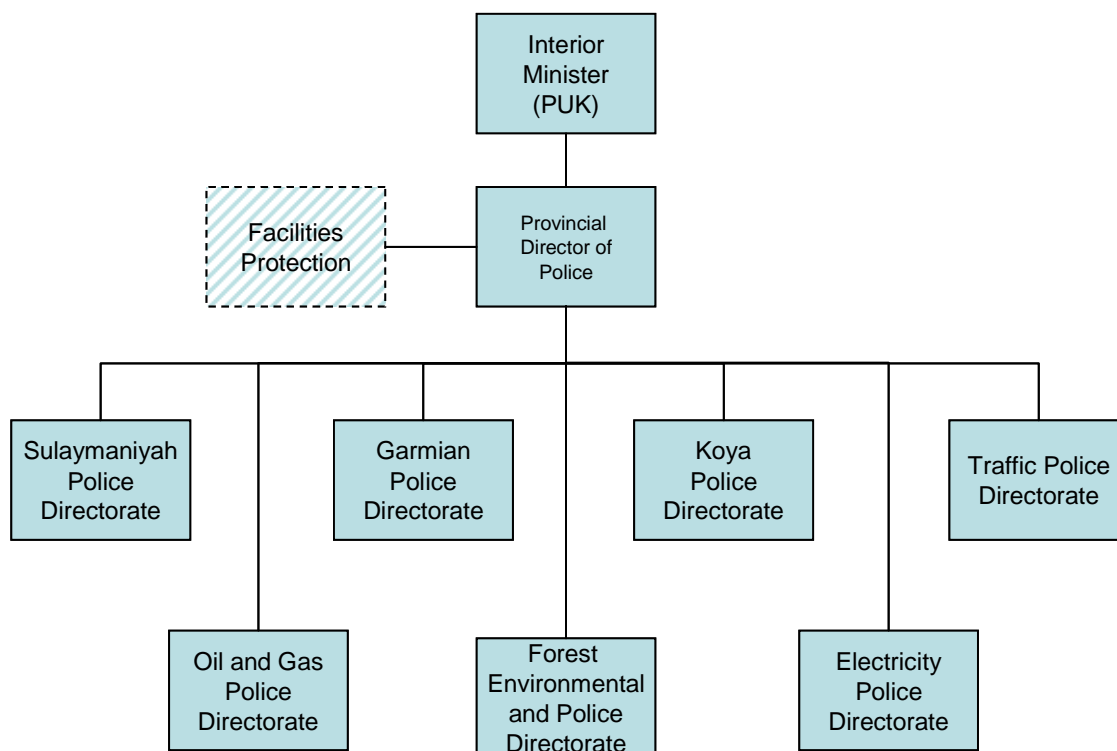
Bureaucratic Processes, PUK Police

Feedback

```
┌─────────────────┐        ┌─────────────────┐        ┌─────────────────┐
│ Minister of     │        │ Concept referred│        │ Concept referred│
│ Interior        │───────▶│ to appropriate  │───────▶│ to a review     │
│ approves concept│        │ agency head     │        │ committee for   │
│ in principle    │        │ (e.g., PDOP)    │        │ review          │
└─────────────────┘        └─────────────────┘        └─────────────────┘
                                    │
                                    ▼               Committee members
                           ┌─────────────────┐     Approved by agency head
                           │ Agency Head     │
                           │ approves review │
                           │ committee       │
                           │ findings        │
                           └─────────────────┘
                                    │
                                    ▼
                           ┌─────────────────┐
                           │ Concept funded  │
                           │                 │
                           │                 │
                           └─────────────────┘
                                    │
                                    ▼
                           ┌─────────────────┐
                           │ Concept         │
                           │ Implemented     │
                           │                 │
                           └─────────────────┘
```
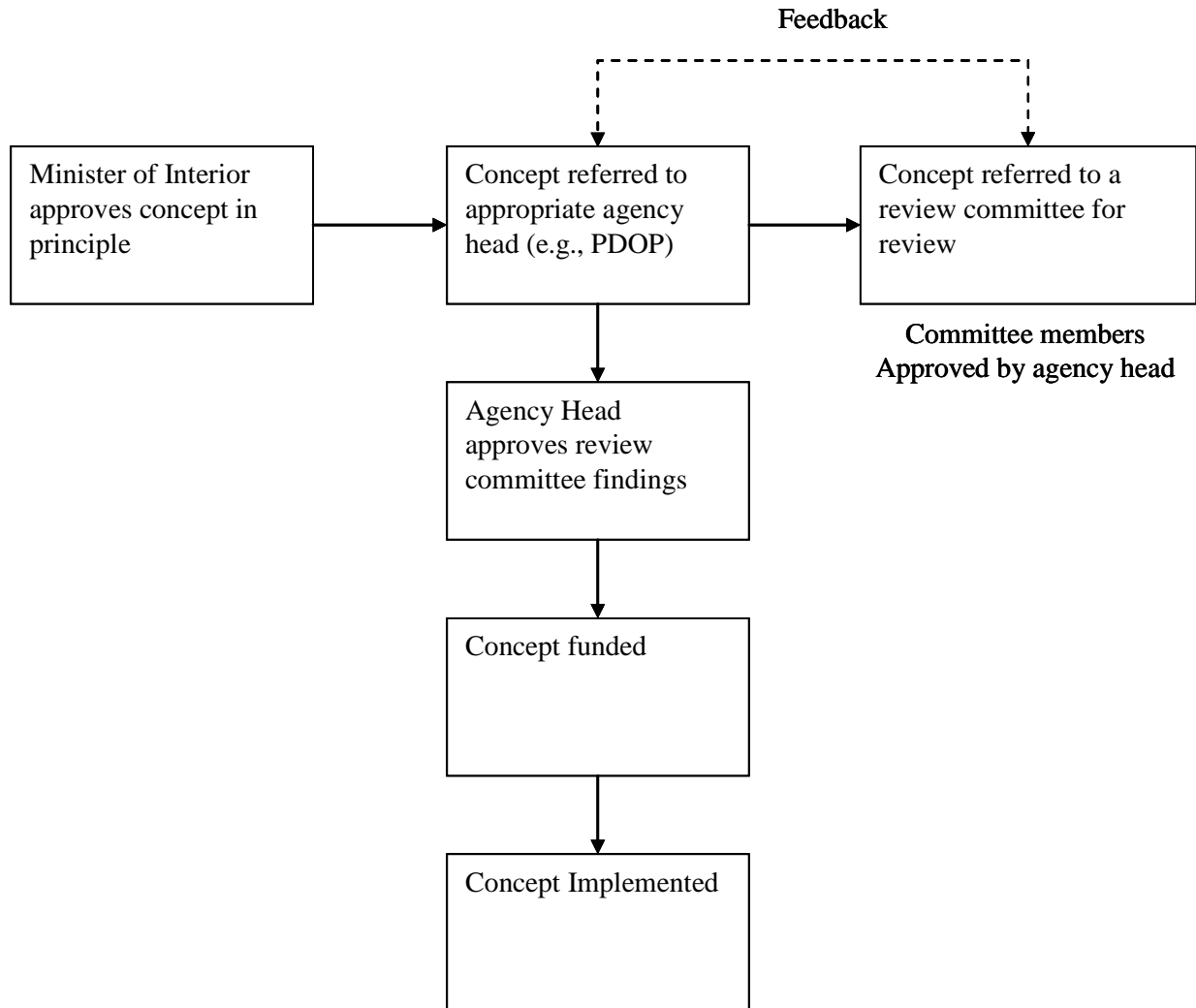
Figure 23

[1] Karim Sinjari, quoted in *The Kurdistan Region: Invest in the Future*, 108.

[2] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008.

[3] Sinjari, interview by author, Erbil Iraq, November 4, 2008; "Nearly 3,000 Iraqi Police Graduate from Training," American Forces Press Service, October 28, 2005, http://www.defenselink.mil/news/newsarticle.aspx?id=17950 (accessed February 17, 2009)

[4] CPATT Advisor, interview by author, 2008.

[5] Ibid.

[6] CPATT Advisor, interview by author, 2008.

[7] CPATT Advisor, interview by author, 2008.

[8] CPATT Advisor, interview by author, 2008.

[9] Kurdistan Regional Government, "Kurdistan Regional Government Unification Agreement," January 21, 2006.

[10] UNHCR, *Governorate Assessment Report Dohuk Governorate*, 9; UNHCR, *Governorate Assessment Report Erbil Governorate*, September 2007, 9.

[11] UNHCR, *Governorate Assessment Report Dohuk Governorate*, 9.

[12] CPATT Advisor, interview by author, 2008.

[13] Ibid.

[14] Ibid.

[15] CPATT Advisor, interview by author, 2008.

[16] CPATT Advisor, interview by author, 2008.

[17] CPATT Advisor, interview by author, 2008.

[18] Ibid.

[19] CPATT Advisor, interview by author, 2008.

[20] Ibid.

[21] Ibid.

[22] Police Directorate Sulaymaniyah, "Police Statistics," June 2008.

[23] Ibid.; CPATT Sulaymaniyah document , "Police Diagram, PUK Police," April 12, 2008.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] CPATT Advisor, interview by author, 2008.

[28] Ibid.

Chapter 11
The Intelligence Services: *Parastin* and *Dazgay Zanyari*

In addition to the legally-sanctioned law enforcement entities operating in the

KRG, the PUK and KDP each operate their own, separate intelligences services – the

Kurdistan Region Security Protection Agency of the KDP (*Azhanci Parastini Asayishi*

Haremi Kurdistan, commonly referred to as simply "*Parastin*" or "the Agency"), [1][*] and

the Information Apparatus (*Dazgay Zanyari*, or simply "*Zanyari*" – not to be confused

with PUK military intelligence, *Peshmerga Zanyari*).

Whereas *Asayish* may be described as analogous to the FBI in the United States,

Parastin and *Zanyari* are more likely to be characterized as the counterparts to America's

CIA,[2] being intelligence-gathering entities focused on external security (though, unlike

the CIA, these agencies unapologetically operate against threats inside the KRG as well

as outside).[3] They also differ from *Asayish* in at least one fundamental way: Neither has,

so far as this writer is aware, any legal basis for their existence. Masrur Barzani admitted

as much in a 2008 interview. Asked whether his security apparatus falls "under the

jurisdiction of the region's government", Barzani replied that "we have not yet finalized

this issue legally."[4] Unlike the other elements of the KRG security sector which are

constituted by statute and at least nominally serve the Kurdistan Region as opposed to

their sponsoring parties, *Parastin* and *Zanyari* are purely creatures of the KDP and PUK

respectively. *Parastin*'s history can be traced to predecessor organizations as early as

1968; the organization was reorganized under new leadership after 1991, and since July

2007 has been headed by Masrur Barzani, son of KRG President and head of the KPD,

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[*]Previously known as *Rekkhistini Tayebeti* or the "the Special Organization." Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch, 2007), 26.

Masud Barzani.[5] Like its KDP counterpart, *Zanyari* was constituted by PUK in its current

form from predecessor services in 1991.[6] The organization is headed today by Dr.

Khasrow Gul and ultimately answers through him to Jalal Talabani.[7]

KRG officials insist that these services are strictly intelligence gathering agencies

with no arrest powers.[8] Reality, at least in the past, has been far different. Although

neither organization has official power to operate detention facilities,[9] both organizations

have been known to operate their own jails and prisons. This is discussed further in the

section dealing with the KRG penal system, below.

Parastin and *Zanyari* are both highly secretive organizations. Little information

is readily available on them, and practically nothing is available publicly. This dearth of

information is reflected in the corresponding brevity of this chapter.

[1] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008; UNHCR, *Governorate Assessment Report Dohuk Governorate,* 9; Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 26.

[2] Sinjari, interview by author, Erbil Iraq, November 4, 2008.

[3] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 26.

[4] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008.

[5] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 26.

[6] Ibid.

[7] Ibid.

[8] Sinjari, interview by author, Erbil Iraq, November 4, 2008.

[9] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 26.

Chapter 12
Judiciary

Prior to 1991 a single Iraqi Appellate Court covered the entire Kurdistan Autonomous Region – as what is now the KRG was then known – covering the three governorates of Dohuk, Erbil, and Sulaymaniyah. The Court of Cassation in Baghdad heard appeals from the decisions of this court.

<u>Emergence of the KRG Judiciary</u>:

Iraqi Kurdistan was confronted with a legal vacuum when in October 1991 Saddam Hussein's regime "withdrew its funds and services from areas under Kurdish control" and subjected the region to an internal blockade, closing the courts as well as other institutions of civil government.[1]

The newly elected Kurdistan National Assembly acted to fill this void in 1992 with the passage of Law No. 14 of 1992 (Decree No. 44 of December 28th 1992), the *Judicial Authority Law*, replacing Iraq's 1979 judiciary law inside the KRG.[2] The new law created a Court of Cassation at Erbil to perform those functions previously filled by the Republic of Iraq's court of the same name,[3] as well as reconstituting other courts familiar from Iraq's judiciary such as the Court of 1st Instance, the Personal Status Court, Criminal and Misdemeanor Courts, and others.[4] The 1992 Judiciary Law purported to create an autonomous court that would act in the name of the people of Iraqi Kurdistan and would have jurisdiction over all persons including government officials.[5] The new court was to apply the laws of Iraq, except were modified by action of the Kurdistan National Assembly, and implement laws passed by the Kurdistan National Assembly (both provisions as provided for by KNA Law No. 11 of 31 August 1992).[6]

The courts as initially constituted were heavily influenced by the political parties.[7] One source of this party domination was the procedure for nominating judges. Under the 1992 Judiciary Law, the KRG Ministry of Interior would submit lists of judicial candidates to the Council of Ministers, from which judges would be appointed; inevitably, political considerations dominated the compilation of such lists.[8]

Although the courts initially remained unified during the period of divided government[9], PUK ultimately formed its own Court of Cassation and Court of Appeal at Sulaymaniyah, citing as authority the provisions of the 1992 Judiciary Law previously mentioned, so that for several years parallel judiciary systems were operating in the KRG.[10] This situation began to be reversed with the reestablishment of the unified cabinet in 2006. The two Courts of were united in August 2006, and the Ministry of Justice was unified in February 2007.[11]

The Judiciary Law of 2007:

The KRG again reorganized its judiciary with the passage of Law No. 23 of 2007.[12] A key aim of this law is to render the judiciary independent of the executive, which is accomplished via a revised procedure for appointing judges. Under the new procedure, the Kurdistan High Judicial Council nominates judges to President of the Kurdistan Region, who appoints them via Regional Decree. Once appointed, judges serve until mandatory retirement at age 65 and are prohibited from party membership or any political activity.[13]

The conduct of judges in office is overseen by the Judicial Supervision Office, which was created by the new 2007 judiciary law and is a component of the Kurdistan High Judicial Council. A new chief justice and three deputies were appointed under the

new law in October 2008, the incumbents having been over the age of 65 and thus subject to mandatory retirement under the 2007 law.[14]

Organization of the KRG Judiciary:

The judiciary in the Kurdistan Region consists of primary courts (courts of original jurisdiction), secondary courts (courts of appellate jurisdiction), the Court of Cassation (court of last resort), and the Kurdistan High Judicial Council which oversees the Judiciary.[15] Each governorate has its own Appellate Court and array of primary courts. There are four governorate court systems operating within the KRG, one each for the governorates of Erbil, Dohuk, Sulaymaniyah, and Kirkuk. The Kirkuk Appellate Court claims jurisdiction over all of Kirkuk Governorate but in practice exercises jurisdiction only over Chamchamal, Kifri, Kala, Darbandikan, and Khanaqeen (this last despite the fact that Khanaqeen is a part of Diyala Governorate, not Kirkuk, and is not formally under the administration of the KRG).[16] In Sulaymaniyah, the Kirkuk Appeals Court is also known as the Garmian Court.[17]

Primary Courts:

The courts of original jurisdiction in the KRG consist of the following: [18]

- Felony Courts: These courts try major crimes such as murder, theft, perjury, etc. They apply the Iraqi Penal Code (as amended by the Kurdistan National Assembly). Three judges preside at each trial.

- Misdemeanor Courts: These courts try minor crimes. Like the Felony Courts, they apply the Iraqi Penal Code (as amended by the Kurdistan National Assembly). One judge presides.

- Instruction Courts: These are the investigative courts that build criminal cases for submission to the Felony and Misdemeanor Courts for trial (like Iraq, the Kurdistan Region uses the inquisitorial model in their court system).

- Personal Status Courts: The courts handle family law (marriage, divorce, etc.) and related matters for Muslims. They apply Iraqi Law #188 of 1959, which in its

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provisions concerning Muslims constitutes a modified form of Sharia Law. The Kurdistan National Assembly is working on legislation to ban polygamy.

- Personal Objects/Civil Status Courts: The courts handle family law (marriage, divorce, etc.) and related matters for non-Muslims.[19] These courts apply a separate Iraqi statute applicable to minorities (as amended by the KRG).[20]

- Courts of First Instance: These courts handle all civil matters not within the jurisdiction of the Personal Status or Personal Objects Courts (tort, contract, etc.). They apply Iraqi Law #40 of 1951.

- Labor Courts: The courts handle labor law issues.

Courts of Appeal:

One Court of Appeal operates in each of the four governorate court systems noted above, with jurisdiction over that governorate.

Court of Cassation (Supreme Court):

The Court of Cassation (or Supreme Court) is the court of last resort in Iraqi Kurdistan.[21] Unlike the United States Supreme Court hears all cases as a body regardless of subject matter, the KRG Court of Cassation operates as six separate chambers, each with jurisdiction over a specific field of competence. These are the General Chamber, which "examines death sentences, reviews conflicts in case law at Court of Cassation level, reviews cases from other chambers, and reviews when the law stipulates"; the Plenary Chamber, which "reviews conflict between chambers and conflict over jurisdiction"; and the Civil, Criminal, Agricultural, and Personal Status Chambers, whose respective jurisdictions are evident from their titles.[22]

Operation of the KRG Judiciary:

Practices for the training and licensing of lawyers in the KRG differ from those followed in the United States. Unlike American attorneys, lawyers in the Kurdistan

Region are admitted to practice after completion of the appropriate course of study at a four-year undergraduate institution. Study at a specialized professional (law) school and passage of a specialized examination such as a bar exam are not required. Admission to practice comes in the form of membership in the Lawyer's Union, which is analogous to the Bar Association in the United States.[23]

Courts in the KRG operate under the inquisitorial model, under which the presiding judge takes a much more active role in the conduct of a trial than does his or her American counterpart. Under the KRG inquisitorial system, all participants in the trial act under the direction of the presiding judge. The prosecutor plays a smaller role in the actual courtroom proceedings than his or her US counterpart, and acts at the direction of the presiding judge, rather than independently from the judge as under the American adversarial model.[24] As in the adversarial model employed in Anglo-American courts, the presiding judge runs the trial in a KRG court. He or she plays a much more active role than his or American counterpart, however. In KRG courts, the prosecutor and defense attorney may request or recommend that certain witnesses be called, but the presiding judge ultimately decides who will testify, and may call witnesses of his or her own choosing in addition to, or instead of, the witnesses requested by the lawyers, of whom the presiding judge may call some, all, or none.[25] Once a witness is called, the judge participates in the examination of the witness and may originate questions for the witness in addition to those posed by the parties.[26]

In criminal cases the prosecutor acts at the direction of the trial judge and may be less active inside the courtroom than his or her American counterpart.[27] Nonetheless, the

prosecutor is a powerful figure and plays a vital role in the adjudication of criminal cases. Key prosecutorial functions in the KRG include:[28]

- Supervision of and participation in the investigative process.

- Participation at trial.

- Provision of recommendations to the presiding judge.

- Appeal of the decisions of investigative and trial judges to higher courts.

- Handling parole applications.

Parole applications are referred by prison authorities to the prosecutor who presents them to the court that handled the original case, together with his or her recommendations; the presiding judge then renders a decision on the application.[29]

Criminal Investigations:

The criminal investigation process begins with the Police or *Asayish*, as appropriate, who respond to reports from the public and investigate suspected offenses. Upon completion of their investigation, the police or *Asayish* refer the case to an investigative judge (Instruction Court), who continues to investigate and develop the case as required. Upon completion of his inquiry, the investigative judge makes a charging decision and refers the case to the Misdemeanor or Felony Court as appropriate.[30]

The prosecutor is very active in the case throughout the investigative process, closely monitoring the police or *Asayish* investigation and making recommendations to the investigative judge as to what the appropriate charge should be based upon the facts of the case.[31] If dissatisfied with the charging decision made by the investigative judge, the prosecutor may appeal this decision to a higher court. The prosecutor may also appeal the decisions and verdict of the trial court.

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<u>Challenges Facing the KRG Judiciary</u>:

The courts of the KRG have been described as "operating relatively regularly …

although they are prone to delays in court proceedings and issuing verdicts."[32]

The KRG Judiciary faces many struggles as it attempts to fulfill its mandate. One

obstacle is cultural: The courts face competition from traditional or tribal sources of

authority, with the courts being

> "more frequently referred to as a means to settle disputes in urban rather
> than rural areas where mediation through traditional leaders is more
> commonly practiced to solve disputes among families or clans or
> concerning marriage, divorce, or property issues."[33]

The courts face other challenges as well. One is a shortage of qualified personnel,

with Chief Judge Latif of the Sulaymaniyah Appeals Court stating in November 2008

that his court was short 22 of the 50 judges required and that the Kirkuk ("Garmian")

court was also shorthanded; he also cited the level of training for those personnel already

assigned as a problem.[34]

Latif also cited a major backlog of cases as a significant burden facing the

Sulaymaniyah Appeals Court, with the aforementioned shortage of judges, the return of

refugees – and their accumulated disputes – from abroad, and the ongoing terrorist

problem as major sources of delay.[35] Shortage of personnel affects not only the trial and

appellate courts but the ranks of investigative judges as well. According to Human Rights

Watch, investigative judges reviewing *Asayish* cases in both the PUK and KDP areas are

frequently unable to review detainees' cases and render decisions in a timely manner,

with one judge in Sulaymaniyah in 2006 citing a caseload as heavy as 20 cases per day,

and estimating that as a result *Asayish* prisoners waited an average of 12 days before seeing a judge.[36]

Another source of difficulty for KRG courts is their relationship – or lack thereof – with the courts and other institutions of the rest of Iraq. As of fall 2008, the link severed by Saddam in 1991 between the courts in Iraqi Kurdistan and those in the rest of the country had not yet been reestablished. KRG courts currently neither answer nor submit appeals to the Federal courts in Baghdad.[37] Lack of comity is another challenge. Although Kurdish is a second official language of the Republic of Iraq and although KRG judicial documents are recognized as valid, bureaucratic officials in the rest of Iraq often reject documents written in Kurdish. Even when translated into Arabic and returned, the courts in the rest of the country frequently do not act on KRG court actions, and documents and orders issued by the courts of the Kurdistan Region are often not honored. In some instances, other Iraqi courts may not recognize official documents (birth certificates, marriage certificates) written in Kurdish.[38]

Kurdistan High Judicial Council

Court of Cassation – highest judicial body consisting of at least 9 judges.
JPL (2007) Art 10

General Chamber
Examines death sentences, reviews conflicts in case law at Ct of Cassation level, reviews cases from other Chambers, and reviews when law stipulates.

Plenary Chamber
At least 6 members.
Reviews conflict between chambers, conflict over jurisdiction.

Civil Chamber

Criminal Chamber

Agriculture Chamber

Personal Status Chamber

Court of Cassation

Erbil Appellate Court

District Council:
Planning and review process for Appellate Court District
JPL (2007) Article 17

Felony Court 1 or More

Court of 1st Instance
In each governorate capital or district at least. At sub-district level at discretion of Ch Justice.

Personal Status Court

Personal Status Court

Court

Labor Court

Instruction Court

Personal Objects Court
If no specific PO Court, the Ct of 1st Instance will operate as such. This court covers Christians, Yezidi, and other religions

Duhok Appellate Court

District Council:

Felony Court 1 or More

Court of 1st Instance

Personal Status Court

Misdemeanor Court

Labor Court
Formed in each governorate capital.

Instruction Court
1 or more at each 1st instance court district.

Personal Objects Court

Secondary Courts

Kirkuk Appellate Court (based in Sulaimaniyah)

District Council:

Felony Court 1 or More

Court of 1st Instance

Personal Status Court
KJC can form PS Court at recommendation of CA Ch Just.
JPL 2007 Art 25-27

Misdemeanor Court

Labor Court

Instruction Court

Personal Objects Court

Sulaimaniyah Appellate Court

District Council:

Felony Court
1 or more formed in each governorate. The court session may take place outside of the governorate district under spec. circumstances.

Court of 1st Instance

Personal Status Court

Misdemeanor Court
1 or more under in each 1st Instance Court. Jude of Ct of 1st Instance can act as Judge.
JPL 2007 Art 28-29

Labor Court

Instruction Court

Personal Objects Court

Primary Courts

Source: United States Regional Reconstruction Team Kurdistan Region, Erbil Iraq

Figure 24

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Criminal Trial Procedure
Sulaymaniyah

Appeals Court

Trial & Sentencing

Trial & Sentencing

Misdemeanor Court

Felony Court

Investigative Judge Develops Case

Prosecutor makes charging recommendations

Investigation by Police/Asayish

Prosecutor Monitors and Reviews Investigation

Prosecutor Can Appeal Charging Decisions and Verdicts

Figure 25
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[1] Council of Europe Parliamentary Assembly, "Report on the humanitarian situation and needs of the displaced Iraqi Kurdish population," 11 January 1994, Doc. 6984, II, "Explanatory memorandum" (anthologized in Foreign Relations Committee, *Overview: Developments in Iraqi Kurdistan* (n.p.: Patriotic Union of Kurdistan, 1994), not paginated); Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 327.

[2] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 17.

[3] Ibid.

[4] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 142.

[5] Ibid., 141 – 142.

[6] Ibid.

[7] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 142.

[8] Kurdish lawyer "Mihami," interview by author, 2008.

[9] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 155.

[10] Ibid.

[11] Khalid Salih, "Prime Minister's speech: Kurdistan Region Re-establishes Supreme Court," KRG website, August 2, 2006, http://www.krg.org/articles/detail.asp?rnr=95&lngnr=12&anr=12625&smap= (accessed February 18, 2009); UNHCR, *Governorate Assessment Report Dohuk Governorate*, 11.

[12] Kurdish lawyer "Mihami," interview by author, 2008.

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] Chief Judge Latif, Sulaymaniyah Appeals Court, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[17] Kurdish official, private conversation with author, November 20, 2008.

[18] Kurdish lawyer "Mihami," interview by author, 2008.

[19] Kurdish lawyer "Mihami," interview by author, 2008

[20] UNHCR, *Governorate Assessment Report Dohuk Governorate*, 12; Kurdish lawyer "Mihami," telephone interview by author, 2009.

[21] Ibid.

[22] Ibid.

[23] Ibid.

[24] Ibid.

[25] Judicial review committee, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[26] Ibid.

[27] Kurdish lawyer "Mihami," interview by author, 2008.

[28] Chief Prosecutor Nas, Sulaymaniyah Governorate, Interview by author, Sulaymaniyah, Iraq, November 2008.

[29] Ibid.

[30] Ibid.

[31] Ibid.

[32] UNHCR, *Governorate Assessment Report Dohuk Governorate*, 12; UNHCR, *Governorate Assessment Report Erbil Governorate*, September 2007), 13; UNHCR, *Sulaymaniyah Governorate Assessment Report* 16.

[33] Ibid.

[34] Latif, interview by author, Sulaymaniyah Iraq, November 20, 2008.

[35] Ibid.

[36] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* (Washington DC: Human Rights Watch 2007), 34.

[37] Kurdish lawyer "Mihami," interview by author, 2008

[38] Judicial review committee, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

Chapter 13
Penal System

As is made plain by figures 26 and 27 below, the prison system in the Kurdistan
Region has undergone significant change over the past few years. Until recently each
security agency – *Asayish*, *Parastin / Zanyari*, and Municipal Police (Interior Ministry)
maintained their own independent systems of jails and prisons, holding their own
prisoners from arrest, through trial, until ultimate release after serving their sentences.
The figure 26 depicts this previous system as of approximately 2006, as reported by the
United Nations High Commissioner for Refugees (UNHCR), Human Rights Watch, and
other sources.[1]

Ministry of Labor and Social Affairs, *Asayish*, and Interior Ministry Prisons:

The above described system is in process of being replaced by a new, integrated
system as depicted in figure 27.[2] Under the new system, the Interior Ministry and
Asayish each continue to maintain their own facilities; however, detainees are held in
these facilities only while under investigation or at trial; upon conviction, prisoners are to
be transferred from *Asayish* or Interior Ministry facilities to prisons run by the Ministry
of Labor and Social Affairs,[3] a unified ministry headed by Adnan Mohammad Qadir of
the PUK.[4*]

The transition to the new system is not yet complete.[5] It seems to have been
largely completed in Sulaymaniyah Governorate, where the facilities for women,
juveniles, and adult male convicts are operating under the control of the Ministry of

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[*] Qadir previously served as head of PUK's Department of Social Affairs ("Adnan Mohammad Qadir,
Minister for Labor and Social Affairs," KRG Website, November 18, 2006,
http://www.krg.org/articles/detail.asp?rnr=136&lngnr=12&anr=14874&smap=04060100 (accessed
February 18, 2009).

Labor and Social Affairs, with *Asayish* and the Interior Ministry operating their own

facilities (Sulaymaniyah Transferring Jail operated by the Ministry of the Interior, and

Asayish running facilities at *Asayish Gishti* and Kanigoma).[6] In Erbil Governorate, the

Ministry of Labor and Social Affairs also has control of the Juvenile and Female Social

Reformatory Center and the Erbil Men's Prison (for convicted prisoners). Ministry of

Interior controls the Erbil Men's Prison for arrested prisons, while *Asayish* operates

Shaqlawa Asayish Jail, Erbil Asayish General Tesferat, and Erbil City *Asayish* Detention

Facility, all of which house prisoners who have not yet been convicted.[7] The process

appears to be lagging in the Dohuk Governorate however, according to one member of

the US advisory effort working with the KRG prison system. In Dohuk Governorate the

Ministry of Labor and Social Affairs has assumed control of the Juvenile and Female

Social Reformatory Center, but as of November 2008 was still negotiating with

Governorate authorities for the transition of the Dohuk Rehabilitation Center – which

contains both Interior Ministry and *Asayish* prisoners – to Ministry of Labor control.[8]

Intelligence Service Prisons:

Despite protestations of KRG officials to the contrary, the KDP and PUK

intelligence services maintain their own detention facilities as well. As recently as

September 2007 the UNHCR reported that *Parastin* was operating its own prison at

Salahadin.[9] One Kurd characterized the Salahadin facility as merely an interrogation and

holding jail, with long-term detentions taking place at another *Parastin* prison at Akre.[10*]

For its part, *Dazgay Zanyari* is believed to maintain its own prison at Qalachulon, home

of the PUK party headquarters.[11] *Parastin* and *Zanyari* can also rely upon the assistance

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[*]UNHCR incorrectly characterizes Akre as an *Asayish* facility (UNHCR, *Governorate Assessment Report Erbil Governorate*, September 2007, 11).

of their colleagues in *Asayish* to hold prisoners for them: Human Rights Watch reported in 2007 having been told by detainees in *Asayish* facilities that they had originally been arrested by *Parastin*.[12]

It should be noted however that on January 15th, 2009 Peyamner News Agency quoted KRG Human Rights Minister Chuan Aziz Mohammad as stating that the Akra prison has been closed and that over 600 detainees were released under an amnesty promulgated by the KRG.[13]

Due Process and Treatment of Prisoners

As discussed in Chapter 17 below, the KRG prison system has been criticized for abusing prisoners and failing to honor the due process requirements afforded them by law. Complaints by *Asayish* prisoners documented by Human Rights Watch include failure to notify prisoners of the reasons for their arrest; failure to bring prisoners before a judge in a timely manner; failure to provide a trial within a reasonable period, together with excessively long pretrial detention; failure to provide prisoners access to legal counsel; and use of coercion to extract confessions.[14] Other complaints include failure to release prisoners upon completion of their sentences or upon acquittal[15] and extremely limited access to family members.[16] The single biggest complaint among prisoners, according to Human Rights Watch, is lack of information on their status and on the status of their cases.[17]

KRG Penal System as of 2006

KDP Area

KDP General Security Committee

- Asayish Gishti
  - Asayish Gishti Prison — Erbil
  - Asayish Erbil Prison — Erbil City
  - Asayish Shaqlawa Prison — Erbil Governorate
  - Asayish Aqdra Prison — Dohukl Governorate
- Parastin
  - Salahadin Detention Center
  - Akra Prison
- KRG Ministry of Interior
  - Al-Mahatta Prison — Erbil
  - Shoresh Juvenile Prison — Erbil
  - Reformatory Prison — Zerka, Dohuk
  - Women and Juvenile Prison — Itle Village Dohukl

PUK Area

PUK

- PUK Ministry of Interior
  - Ma'askar Salam Prison — As Sulaymaniyah
  - Juvenile Prison
- Dezgay Zanyari
  - Qalachulon Prison
- KRG Deputy Prime Minister
  - Asayish Gishti
    - Asayish Gishti Prison — As Sulaymaniyah
    - Asayish Sulaymaniya Prison — As Sulaymaniyah
    - As Salam Garrison Prison — As Sulaymaniyah
    - Asayish Chamchamal Prisoni — Chamchamal
    - Asayish Hawler Prison — Koysinjaq
    - Asayish Sharazur Prison — Halabja

Legend:
- Party
- Ministry or Agency
- Facility
- Secret or unofficial prison

Figure 26

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KRG Penal System as of Fall 2008

Figure 27

Note:
Negotions under way to Transfer Dohuk Rehabilitation Centers (Arrested & Convicted Prisoners) to Ministry of Labor and Social Affairs.

Legend:
- KDP Entities
- Erbil
- Dohuk
- PUK Entities
- Unified Ministry
- Ministries Directorates Cabinet
- Secret or Unofficial Prisons

Deputy Prime Minister
Minister of State for Interior
Interior Ministry
General Security Committee
Ministry of Labor and Social Affairs

Sulaymaniyah Transferring Jail
Asayish General Security Directorate
Asayish General Security Directorate Prison
Asayish Kani Goma Prison
Qalachulon Prison (Dezgay Zanyari)
Convicted Male Facility
Women's Facility
Juvenile Facility
Sulaymaniyah

Erbil Men's Prison for Convicted Prisoners
Erbil Men's Prison for Arrested Prisoners
Erbil Female and Juvenile Social Reformatory (Arrested & Convicted Prisoners)
Erbil Asayish City Detention Facility

Asayish General Security Directorate
Shaqlawa Asayish Jail
Erbil Asayish General Tesferat
Dohuk Juvenile & Female Social Reformatory

Salahadin Detention Center (Parastin)
Akra Prison (Parastin) **Reported Closed, January 2009**

Dohuk Asayish
Dohuk Rehabilitation Center (Arrested Prisoners) Asayish & Interior Ministry
Dohuk Rehabilitation Center (Convicted Prisoners) Interior Ministry
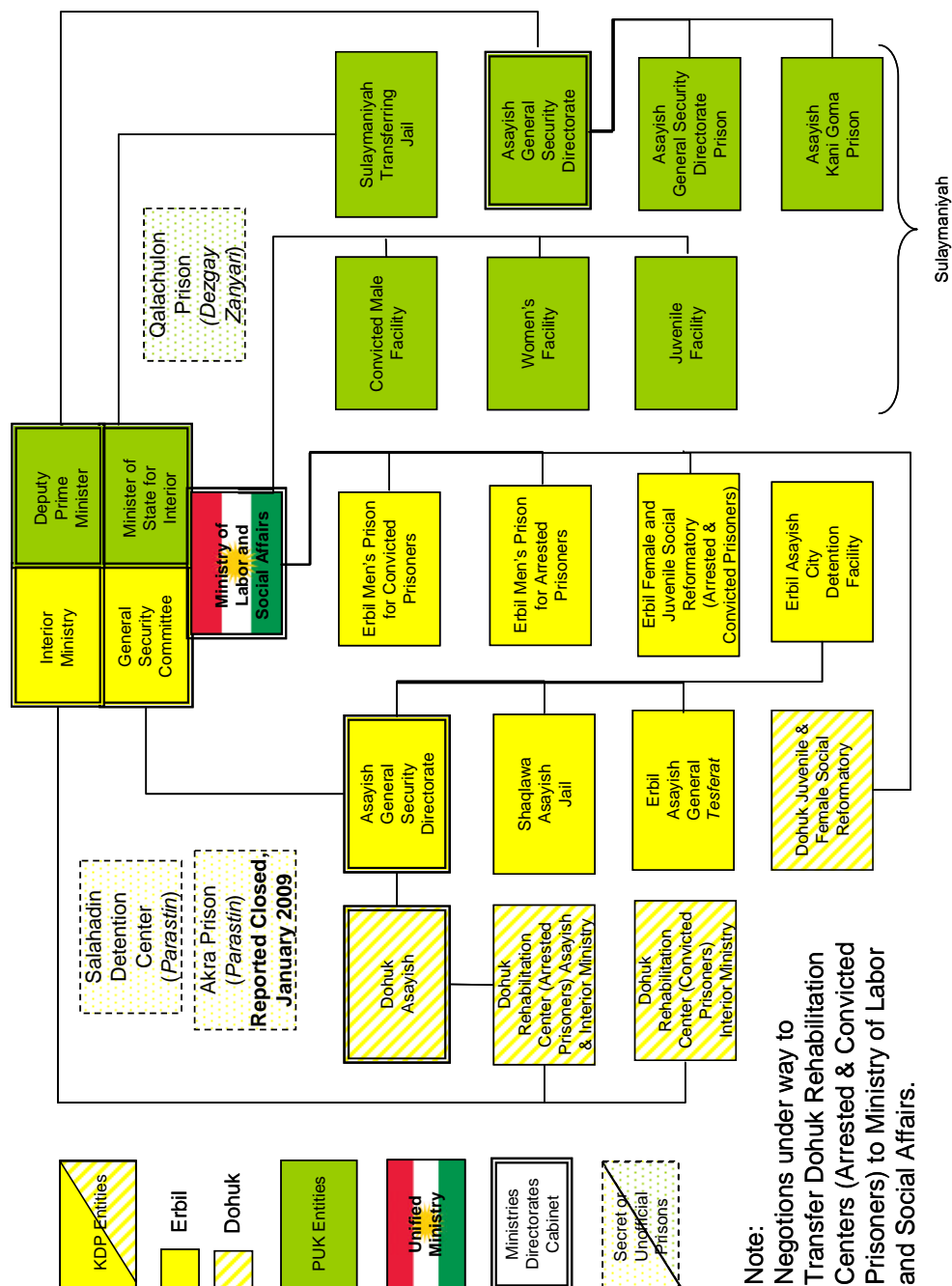
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[1] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 7-8; UNHCR, *Governorate Assessment Report Dohuk Governorate*, 10; UNHCR, *Governorate Assessment Report Erbil Governorate*, September 2007, 11; UNHCR, *Sulaymaniyah Governorate Assessment Report*, 14; Kurdish scholar "Mamosta," interview by author, 2009.

[2] Corrections Adviser, Sulaymaniyah, International Criminal Investigative Training Assistance Program (ICITAP), e-mail to author, November 18, 2008; ICITAP Staffer, Baghdad, e-mail to author, November 19, 2008; Kurdish scholar "Mamosta," interview by author, 2009.

[3] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008.

[4] "Adnan Mohammad Qadir, Minister for Labor and Social Affairs," KRG Website, November 18, 2006, http://www.krg.org/articles/detail.asp?rnr=136&lngnr=12&anr=14874&smap=04060100 (accessed February 17, 2009).

[5] UNHCR, *Governorate Assessment Report Dohuk Governorate*, 10; ICITAP Staffer, Baghdad, e-mail to author, November 19, 2008.

[6] Corrections Adviser, Sulaymaniyah, International Criminal Investigative Training Assistance Program (ICITAP), e-mail to author, November 18, 2008.

[7] ICITAP Staffer, Baghdad, e-mail to author, November 19, 2008.

[8] Ibid.

[9] *Governorate Assessment Report Erbil Governorate*, September 2007, 11.

[10] Kurdish scholar "Mamosta," interview by author, 2009.

[11] Ibid.

[12] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* 26.

[13] "Kurdish Minister of Human Rights in Kurdistan: the Territory's prisons does not include political prisoners," *Peyamner* Website, January 15, 2009, http://www.peyamner.com/details.aspx?l=2&id=105358 (accessed January 15, 2009).

[14] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security* 30.

[15] Ibid.

[16] Ibid., 48.

[17] Ibid., 30.

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Chapter 14
Extraterritorial Operations by KRG Forces

One source of tension and controversy between the Kurdistan Regional Government and others is the deployment of Kurdistan Region forces outside the boundaries of the KRG. Both PUK and KDP field extensive forces outside the territories they administer, including units of the *Peshmerga*, *Asayish*, and both of the party intelligence services.

KRG operations outside its own territory began with the US invasion in 2003 PUK forces took Kirkuk[1] and their KDP counterparts did the same in Mosul.[2] Although the bulk of their forces eventually evacuated both cities, the KRG continues to deploy forces – *Peshmerga* and others – at or near these cities and elsewhere outside the Kurdistan Region where Kurds live.

KRG Security Strategy:

These forward deployed elements are a vital part of what Michael Knights describes as the KRG's two-tiered security strategy.[3] According to Knight, the "the inner ring" or first tier "deals with the detection and disruption of militancy or perceived threat [within] the KRG itself".[4] The outer ring (or second tier) of consists of forces deployed "over the border" in parts of Iraq adjacent to the KRG,[5] both as a barrier to the infiltration of hostile elements into the region from the rest of Iraq and to maintain a presence in contested areas.[6]

The KRG Position on Extraterritorial Deployments

The KRG firmly rejects criticism of the presence of their forces outside the territories they administer. Masrur Barzani justifies this presence on the basis of necessity arguing that

> "by law we are concerned with Kurdistan's security but because of the security vacuum in other parts of Iraq we cooperate to maintain security and security all over Iraq."[7]

The KRG also advances a legal/political rationale in defending the forward deployment of their forces. In a personal interview, KRG Director of Foreign Affairs Felah Bakir defended these deployments and disputed my characterization of them as "extraterritorial", arguing that what I thought of as the boundary of the KRG is in fact merely the demarcation line between Kurdish and Iraqi forces, and that the final boundary of the KRG is to be settled under the provisions of Article 140 of the Iraqi Constitution. In his view, it is more correct to characterize the areas currently under the control of the KRG as the areas "*administered* by the KRG" (emphasis added) and to characterize the other territories where Kurdistan forces are currently deployed as "disputed territories." Under this line of reasoning given the possibility of a final disposition of these areas in favor of the KRG, stationing of *Peshmerga* in Ninewa, Kirkuk, and Diyala Governorates should not be viewed as extraterritorial deployments.[8] Bekir also pointed out that in some instances KRG forces are present in the disputed territories at the request of the Coalition (here he presumably referred to the deployment of PUK *Peshmerga* to Diyala Governorate).[9]

At the same time, KRG officials have sought to reassure other parties of their intentions vis-à-vis *Peshmerga* forces operating outside the KRG, as when on April 13th, 2008 the Kurdish daily *Aso* quoted *Peshmerga* spokesman Jabar Yawar as stating that *Peshmerga* forces require "Iraqi and multinational forces' permission to carry out" operations in "areas under the control of Iraqi federal authorities."[10]

PUK *Peshmerga* Outside the Kurdistan Region

By its own admission, PUK deploys approximately 7,000 *Peshmerga* troops outside its own administrative area. These include two battalions (approximately 1000 soldiers in total) deployed in Diyala Governorate as of this writing; one brigade of approximately 3,000 soldiers stationed at Qara Hanjer in Kirkuk Governorate, between Chamchamal and Kirkuk on the Sulaymaniyah-Kirkuk road; and six battalions of about 3,000 troops at Mosul in Ninewa Governorate.[11] Not included in the foregoing numbers is the battalion-sized Kirkuk Counterterrorism Group at the city of the same name,[12] and the Presidential Security Brigade currently stationed in Baghdad and being paid by the Iraqi Ministry of Defense.[13]

During 2007, both the PUK an the KDP participated in negotiations with the Iraqi Government to deploy two brigades (3,000 soldiers each) into Kirkuk Governorate to secure 83 electrical power transmission towers, but the proposed mission was finally called off as "not necessary",[14] despite the fact that as late as the end of July 2007 one KRG official gave odds at "90%" that the deployment would occur[15] and that the negotiations had been reported on extensively in the local media throughout the summer and even into the early fall.

The PUK presence in Diyala has been a source of great controversy in recent months. According to BG Kamal Shakir of the *Fermandayee Gishti*, the *Peshmerga* mission in Diyala originated with a 2007 meeting at the headquarters of the commander of the Department of Border Enforcement (DBE) for Diyala, General Nazzen Sherif. In attendance from the PUK *Peshmerga* were Political Director BG Mustafa Chow Rush, BG Kamal Shakir, and *Peshmerga* spokesman Jabar Yawar. The Coalition was

represented by the US brigade commander responsible for the area. The focus of the meeting was terrorist activity vicinity of a village in Diyala called Khesa. The result was the decision to deploy the PUK's 34th Garmian[*] Brigade to Diyala to augment Iraqi Army efforts there.[16] *Peshmerga* troops deployed on this mission suffered their first casualties as early as December 6th 2007 – about seven months into the mission – when gunmen believed to be from the Islamic State of Iraq opened fire on *Peshmerga* troops at their base near Qara Tapa, with nine *Peshmerga* and three attackers killed in the two-hour gun battle.[17] On June 11th 2008 a roadside bomb killed three *Peshmerga* soldiers in the town of Jalawa.[18]

Tensions between the KRG and the Iraqi Government over the Diyala mission first arose in late July 2008 when the Iraqi Army's 5th Division asked Nazim Kirkuky, commander of the 34th Garmian Brigade, to evacuate Qara Tapa and several other towns – a request that Kirkuky refused to execute absent orders from the KRG President.[19] The conflict escalated on August 10th 2008 when an Iraqi military delegation visited Qara Tapa and again requested, on behalf of Prime Minister Maliki, that the 34th Garmian Brigade evacuate Diyala. This delegation received the same answer: 34th Garmian would not evacuate unless directed to by the Kurdistan Regional Government, an answer reinforced this time by a similar statement by the spokesman of Iraqi President Jalal Talabani.[20] Tension escalated further when on August 11th 2008, Kurdish authorities defied an ultimatum to evacuate Diyala within 24 hours and reports emerged of Iraqi Army forces "blockading" *Peshmerga* units in their bases; at this time fears of armed clashes began to be heard.[21] A lengthy period of conflicting media reports aggravated by

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[*] While 34th Garmian was the main effort in Diyala, elements of other units have participated as well. I know of one soldier from 22nd *Peshmerga* Brigade (PUK) that participated in the operations in Diyala.

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claim, counterclaim, bluster and bravado between the Iraqi and Kurdistan Region governments ensued.

Ultimately, despite all the sound and fury, the Diyala controversy was resolved by compromise: The PUK withdrew its *Peshmerga* from the town of Khanaqeen – an important Diyala city with a large Kurdish population – but left behind police and *Asayish* personnel there, together with a reduced number of *Peshmerga* troops outside Khanaqeen in Diyala Governorate of two battalions or about 1,000 troops.[22]

KDP *Peshmerga* Outside the Kurdistan Region

KDP admits to having at least 1,500 *Peshmerga* troops outside the territory it administers, with 1,000 *Zerivani* troops deployed to Sinjar and another 500 from *Fermandayee* Dohuk deployed in Ninewa Governorate at the village of Zumar, a Kurdish-majority town outside Tal Afar.[23] The Sinjar deployment was in direct response to a devastating truck-bomb attack against a Yezidi area that killed and injured more than 500 people.[24]

Other observers allege a much higher KDP *Peshmerga* presence outside the KRG. Amin Farhan, a Yezidi[*] member of the Iraqi Parliament, confirms the number of KDP troops deployed near Tal Afar as about 500, but places the number deployed to Sinjar at 1500 to 2000 – up to double the KDP estimate provided to me.[25]

Another observer, Dr. Hunain al-Qaddo, a Shabak member of the Iraqi Parliament for Mosul, alleges an even larger KDP footprint consisting of a brigade of KDP

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[*]Farhan argues that Yezidis are not Kurds and speak their own language, and accuses the KRG of attempting to force a "Kurdish" identity upon the Yezidi. His claim that Yezidis are not Kurdish is not credible – most Yezidis consider themselves Kurds. That the Yezidi should be considered Kurds is reinforced by the facts that the Yezidi sacred text is written in Kurdish, and even more, that even the tiny fraction of the Yezidi community for whom Arabic is their mother tongue nonetheless consider themselves Kurds.

Peshmerga at Shallat, northeast of Mosul, two battalions of KDP *Peshmerga* stationed at

a resort complex north of Mosul Dam on the route to Dohuk, numerous garrisons

controlling the Dohuk-Erbil highway to a point beyond Sheikhan (25 – 50 kilometers

northeast of Mosul), as well as *Peshmerga* guards at party offices.[26][*]

The actual extent of *Peshmerga* operations in Ninewa Governorate is sometimes a

matter of dispute. In May 2008 A KRG spokesman dismissed complaints by an Iraqi

Member of Parliament about *Peshmerga* troops participated in Operation Lion's Roar in

Mosul, flatly denying such participation and attributing the complaints to

> "chauvinistic Arabs in the Iraqi parliament … not capable of
> distinguishing between the *Peshmerga* forces and the Kurdish soldiers in
> the Iraqi Army."[27]

The same report, however, cited other sources as saying that *Peshmerga*

had indirectly taken part via supporting efforts in villages surrounding Mosul.[28]

<u>*Asayish* and the Intelligence Services</u>

Both *Asayish* and the intelligence services of the two parties maintain a

substantial presence in areas adjacent to the Kurdistan Region.

Sulaymaniyah Governor Dana has readily admitted that PUK *Asayish* operates in

Kirkuk and Ninewa, claiming, however, that they operate in those cities only to collect

intelligence, not to make arrests.[29] General Turhan Abdulrahman, Chief of Police for the

city of Kirkuk, largely confirms this claim. In a phone interview with me, he described

the KRG presence in his city as substantial. He described the relationship between his

police force and the various Kurdish security services operating in the city (*Asayish,*

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[*] A similar situation may prevail in Kirkuk. PUK officially has no *Peshmerga* inside the city of Kirkuk, but there have been and may still be *Peshmerga* soldiers their in an auxiliary role, guarding police stations, party offices, etc. I met one such *Peshmerga* soldier who was wounded in a car-bomb attack on a police station inside Kirkuk, where he was on duty providing security to the facility.

Dazgay Zanyari, and *Parastin*) as good, with previous sources of conflict having been resolved. Abdulrahman views the presence of Kurdish security services in Kirkuk as "illegal", but pragmatically accepts that "they have become a reality on the ground."[30] He states that by 2006 KRG had detained between 1400 and 1700 persons in Kirkuk, taking those arrested to Sulaymaniyah and Erbil.[31] He acknowledges, however, that since at least 2007 PUK and KDP *Asayish* have stopped making arrests within his jurisdiction, instead turning over any persons they detain either to the Coalition or to the Kirkuk police.[32*] Despite his misgivings about the legality of their presence in his city, AbdulRahman credits *Asayish* with being very effective at fighting terrorism and professes to maintain good relationships with them and other KRG security services, with Kirkuk, KRG and Coalition forces meeting monthly to coordinate activities and exchange intelligence.[33]

PUK *Asayish* does not maintain its Kirkuk headquarters inside that city having, at the request of the Coalition, moved the headquarters out of the city proper to Qara Hanjer, between Sulaymaniyah and Kirkuk.[34] According to Governor Dana, 50 % of Kirkuk *Asayish* personnel are Arabs and Turkmen,[35] as compared to the ethnic composition of the Kirkuk city police Abdulrahman describes as 40% Kurd, 29% Arab, 29% Turkmen, and 4 % others.[36]

Asayish, Zanyari, and *Parastin* manpower figures were not available as of this writing. The only estimates of their manpower outside the KRG come from those strongly opposed to that presence. General Abdulrahman estimates the

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[*] This writer is also aware of a similar situation in the ethnically mixed city of Tuz Khormatu, where Coalition leaders had to ask *Asayish* to restrict their operations to intelligence gathering only and refrain from carrying out arrests.

KRG security and intelligence personnel operating inside the city of Kirkuk at 8,000 to 10,000.[37] Such a high estimate seems very questionable however, given that Abdulrahman estimates his own Kirkuk city police force as fielding only 12,000 personnel[38] and with the municipal police force for all of neighboring Sulaymaniyah Governorate numbering between 18,000 and 19,000.[39] *Asayish* manpower in Ninewa Governorate – numbers again provided by a staunch opponent of the KRG presence there – are more modestly estimated at 500 *Asayish* officers at Sinjar and 100 at Zumar near Tal Afar, exclusive of *Parastin* personnel also serving in those areas.[40]

Controversy Surrounding KRG Extraterritorial Operations

Al-Qaddo and Farhan both accuse Kurdish forces in their areas of attempting to achieve political domination and of harassing non-Kurds.[41] Riyad Sari, head of the Turkoman Front in Iraq, has voiced similar concerns, complaining to Prime Minister Maliki about Peshmerga presence in Mosul and Kirkuk.[42] The US State Department has reported "partisan pressure tactics … especially in bordering areas outside the KRG but … policed by Kurdish forces,"[43] and one source has accused KDP Peshmerga of abusing their power to interfere with elections by activities such as stuffing ballot boxes.[44] Also disturbing to Iraqi officials was the blocking by Peshmerga troops in Kirkuk Governorate of Oil Ministry engineers from reaching the Kirkuk fields in 2007 and 2008.[45] Others have complained about Peshmerga commanders "abusing their military power … exploiting political contacts and amassing enormous personal wealth,"[46]

The KRG administration dismisses such allegations as partisan attacks or worse.

Felah Bekir accused the Yezidi Reform Movement of being funded by Syrian

Intelligence, implying that they are not credible and do not represent the majority view of

Yezidis, and ascribed partisan motives to others. Bekir firmly denied any desire on the

part of the KRG to assimilate any minority group or to impose an unwanted identity on

anyone. He also pointed out that the KRG has assisted the Assyrian minority.[47] The latter

claim is verified by an August 2008 report from the wire service *AsiaNews* reporting that

the KRG had funded a local Christian militia at the village of Tal Asquf north of Mosul

in the wake of a car bomb attack on the town the year prior and on-going extortion by al-

Qaida. In response to a request from the village itself, the KRG administration in Erbil

donated Kalashnikov rifles, radios, and undertook to pay the $200 monthly salary for the

guards, who secure entry points to the village in cooperation with KDP *Peshmerga* that

control the surrounding area.[48]

Criticism of KRG conduct is hardly universal. In November 2006 a Kurdish

media source in Erbil reported that Ninewa Governorate officials had decided jointly with

the KRG to employ *Peshmerga* in securing roads and pipeline facilities northwest of

Mosul.[49] In August 2008, Mosul Governor Durayd Kashmulah was quoted as stating that

without *Peshmerga* troops securing the Dohuk-Mosul highway, "no daily business in

Mosul could have taken place … commercial goods could not have reached Mosul."[50]

And whereas Dr. al-Qaddo denounces KRG activities in Ninewa Governorate, other

Shabak disagree, as shown by a report in the Baghdad Arabic-language *Al-Ta'akhi*

newspaper of a Shabak delegation representing the Consultative Body of Shabak

Brothers and the Shabak Cultural Center visiting a *Peshmerga* headquarters on April 13th

2008 to thank the KRG for its activities in the Mosul region.[51]

[1] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 190 – 195.

[2] Ibid., 196 – 197.

[3] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 22.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008.

[8] Felah Mustafa Bekir, Director of Foreign Relations, Kurdistan Regional Government (KRG), interview by author, Erbil, Iraq, November 4, 2008.

[9] Ibid.

[10] "Iraqi Kurd Forces Not to Be Deployed Outside Region - Kurd Official"; Original Title - "It is not in the Peshmerga's capacity to carry out military operations outside the Kurdistan Region," *Aso*, April 13, 2008, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[11] Brigadier General Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, August 14, 2007.

[12] *Peshmerga* "Hassan," interview by author, 2008.

[13] Brigadier General Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, November 19, 2008.

[14] Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, August 14, 2007 and November 19, 2008.

[15] Kurd "Yezid," interview by author, 2007.

[16] Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, November 19, 2008.

[17] Ann M. Simmons, "Attack on Kurdistan security forces kills 9," *Los Angeles Times*, December 7, 2007, http://articles.latimes.com/2007/dec/07/world/fg-iraq7 (accessed February 18, 2009).

[18] "Iraq Road Bomb Kills Three Kurdish Security Guards," Agence France Presse – English, at Nexus (accessed August 8, 2008).

[19] "Iraq Army Asks *Peshmerga* Brigade to Evacuate from Part of Kirkuk," *Aso*, July 30, 2008, at "Kurdistan Region of Iraq Media Summary," 30 July 2008, as translated and summarized by Alan Attoof, Press and Cultural Specialist, Erbil Regional Reconstruction Team.

[20] "PM Maliki Asks for Withdrawal of Peshmerga from Diyala," PUKMedia.com, at Kurdistan Region of Iraq Media Summary, August 11, 2008, as translated and summarized by Alan Attoof, Press and Cultural Specialist, Erbil Regional Reconstruction Team.

[21] "Kurdistan's Peshmerga Military Forces on High Alert," *Peyamner* website, August 13, 2008, http://www.peyamner.com/details.aspx?l=4&id=75568 (accessed February 18, 2009).

[22] Kamal Shakir, *Peshmerga Fermandayee Gishti*, interview by author, Sulaymaniyah Iraq, November 19, 2008.

[23] Lieutenant General Azad Miron, Chief of Operations, Kurdistan Army Command (KDP), interview by author, Erbil Iraq, November 3, 2008.

[24] "*Peshmerga* Sent to Secure Sinjar," Qatar News Agency/UPI, August 17, 2007, at Nexus (accessed August 1, 2008).

[25] Amin Farhan, Member of Iraqi Parliament for Ninewa, telephone interview by author, October 24, 2008.

[26] Hunain al-Qaddo, Shabak Member of Iraqi Parliament for Mosul, telephone interview by author, October 16, 2008.

[27] "Iraqi Kurdish Report on Role of *Peshmerga*, Awakening Council in Operation 'Lion's Roar' in Mosul" (Original Title: "Kurdistan Democratic Party Obstructs Participation of Awakening Council in Operation 'Lion's Roar' in Mosul"), *Rozhnama*, May 14, 2008 (BBC transcript, May 16, 2008), Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 1, 2008).

[28] Ibid.

[29] Dana Ahmed Majed, Governor, Sulaymaniyah Governorate, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[30] Sudarsan Raghavan, "Ethnic Divide in Iraqi City a Test for Nation," *Washington Post*, December 20, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/12/19/AR2008121903885.html (accessed February 18, 2009).

[31] Turhan Abudulrahman, Chief of Police, City of Kirkuk, telephone interview by author, October 24, 2008.

[32] Ibid.

[33] Ibid.

[34] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[35] Ibid.

[36] Abudulrahman, telephone interview by author, October 24, 2008.

[37] Ibid.

[38] Ibid.

[39] CPATT Advisor, interview by author, 2008.

[40] Farhan, telephone interview by author, October 24, 2008.

[41] Ibid.; al-Qaddo, telephone interview by author, October 16, 2008.

[42] "Iraqi Turkomen Leader Wants *Peshmerga* Forces Out of Kirkuk and Mosul," Sbay Media website, April 15, 2008, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 8, 2008).

[43] Pollack, "The Kurdish Regional Government in Iraq: an Inside Story," 3.

[44] Michael Rubin, "Is Iraqi Kurdistan a Good Ally?" *Middle Eastern Outlook* 1 (January 2008): 5; Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 27.

[45] Knights, "Guiding the Kurdish Role in Securing Northern Iraq," 25 – 26.

[46] "The *Peshmerga* of Iraq," Aljazeera.net, March 1, 2008, http://english.aljazeera.net/programmes/insideiraq/2008/03/2008525185811788617.html (accessed February 22 2009).

[47] Bekir, interview by author, Erbil, Iraq, November 4, 2008.

[48] "First Christian Militia set up in village near Ninevah," AsiaNews, September 10, 20008, http://www.asianews.it/index.php?l=en&art=13183 (accessed February 18, 2008).

[49] Isma'il Tahir, "Iraqi Kurdish *Peshmerga* to Protect Areas Northwest of Musil" (Original Title: "*Peshmerga* Forces Have the Task of Protecting Some Areas of Mosul"), Peyamner website, November 6, 2006, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 8, 2008).

[50] Zangana, "Iraqi Kurdish *Peshmergas* responsible for Mosul's economic stability - governor" (Original Title: "Mosul Governor: Without *Peshmergas*, the people of Mosul would not run their daily businesses"), *Khabat*, August 21, 2008 (BBC transcript, August 29, 2008), Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed September 30, 2008).

[51] "Iraqi Kurd Shabaks Laud *Peshmerga* Forces for Providing Protection" (Original Title: "Shabak Intellectuals' Delegation Praises the Role of *Peshmerga* Guards in Protecting their Areas"), *Al-Ta'akhi*, April 15, 2008, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 8, 2008).

Chapter 15
Women and Minorities in the KRG Security Services

Minorities:

Non-Kurds serve in the security services of the KRG, although the receptivity to such service seems at variance between the KDP and PUK. During a trip to the KRG in November 2008, I found the KDP ambivalent about non-Kurd service in the *Peshmerga*. Officials in Erbil offered me conflicting statements: Director of Foreign Relations Bekir told me that minorities are free to participate in the KRG security services,[1] while a senior *Peshmerga* officer told me the opposite, stating that the KDP recruits neither officers nor enlisted soldiers from among the non-Kurdish population of the KRG, on the grounds that they have not been needed, though he allowed that prior to 2003 the KDP had employed a number of Arab officers as instructors at training centers.[2] Interior Minister Karim Sinjari offered a more nuanced assessment, stating that minorities do serve in the KDP security services, especially Christians, consisting mostly of KRG residents but with some Arabs from outside the KRG as well, though he hinted that such hiring is restricted.[3] Sinjari's expertise is limited to the police, *Asayish* and *Zerivani* Corps, but it seems likely that similar practices would be followed in the *Peshmerga* as well.

The PUK appears more comfortable with non-Kurds serving in their ranks, at least in the *Peshmerga*. PUK *Peshmerga* officials of all ranks have consistently made clear to me that non-Kurds are welcome. This openness appears to be of some longstanding. One *Peshmerga* veteran told me that his *Peshmerga* brigade boasted a significant number of non-Kurds and/or non-Muslims as earlier as his period of service from 2000 – 2003. He estimated the ethnic composition of his unit as having been 90%

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Kurd, 7% Turkmen, and 3% Arab; and the religious composition as 60% Muslim, 20 –

25% Christian, 15% Kakay, and 5% Yezidi. [*] He was very clear that ethnic

discrimination was not practiced in *Peshmerga* recruiting at that time and that all ethnic

and religious groups were welcome. This veteran further explained that some of the Arab

Peshmerga had been in the force for years, citing an Arab artillery officer who joined

between in the mid-1980s as having made a particularly valuable contribution due to his

technical knowledge. When I asked him what motivated Arabs in particular to join the

Peshmerga, he replied that they were motivated by opposition to Saddam's regime, and

that economic benefits (pay and housing) also played a role (this is hardly surprising as

the same incentives attract Kurdish recruits as well).[4] Minorities continue to serve in the

PUK *Peshmerga*. In 2007 one senior officer told me of a number of Arab officers hired

in technical specialties such as in artillery, holding ranks as high as General officer.[5] At

the same meeting, a *Peshmerga* battalion commander told me that Arab officers were

even serving at unit level.[6] On a visit to a *Peshmerga* infantry battalion on in August

2007, a *Peshmerga* non-commissioned officer told me that non-Kurds were eligible to

join subject to a background check.[7] BG Hashem, Chief of Administration for the PUK

Fermandayee Gishti, confirmed the NCO's remark during a November 2008 interview,

telling me that the minorities are free to join subject to a background investigation. BG

Hashem was not able to provide me with any statistics on non-Kurd participation in the

Peshmerga because, once accepted into the ranks, no distinction is made between

Kurdish troops and members of minority groups.[8] In April 2007 PUK Brigadier General

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[*]These are rough estimates from memory. Regardless of their exact degree of accuracy, it is clear that that a significant minority presence existed in the unit.

Baram Sadi told one reporter that "[i]f they meet all the conditions, such as age, health, and education", non-Kurds and non-Muslims are free to join.[9]* Baram went on to say that

> "We [PUK *Peshmerga*] have Catholics, Christians, Muslims, Yezidis, Sunnis … it doesn't matter. Before the uprising in 1991, many Arabs joined us … they were interested, they wanted to join. And now because of the safety of Kurdistan, so many families want to come here … some Arab people do join, here, now. Those friends who want to join us, we welcome them. Arab, Shia, we don't care. We are secular."[10]

Women:

Women also serve in the ranks of the KRG security services. One of the most noteworthy women to so serve was an Assyrian, Margaret George Malik, a legendary *Peshmerga* commander during the First Kurdish War, killed in 1969.[11] Other women have served as combatants in the *Peshmerga* over the years as well. Participation by women in the Municipal Police of the KDP has been cited above, and in 2008 I met several women at employed by the PUK *Asayish* who had participated in law enforcement training.

A small contingent of women serves in the PUK *Peshmerga* as well. 2nd Battalion, 6th Brigade based in Sulaymaniyah is PUK unit staffed and commanded by female soldiers. Officially established by Jalal Talabani on November 11th 1996, the unit began with an initial cadre of four members, all women and members of the PUK. Since then the unit has evolved into a battalion-sized entity with an assigned strength of 560

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* There are limits to the openness to non-Kurds in the services, even in the PUK area. This was made clear to me in dramatic fashion in the summer of 2007, when a large group of Arab recruits, fresh from initial training, were assigned by 4th Iraqi Division to 3rd Brigade in Sulaymaniyah. The Kurdish brigade leadership refused to accept the group on security grounds, and the soldiers were assigned elsewhere. There had been Arab officers in the brigade prior to that, so the nub of the matter does not seem to have been a rejection of Arabs *per se* – I believe the brigade would have accepted Arab soldiers in smaller numbers or if given adequate assurance of their loyalty.

officers and enlisted soldiers.[12][*] The battalion's main body is based at the *Fermandayee*

Gishti installation at Sulaymaniyah, and the unit has at least one separate detachment at

Raniya.[13]

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[*] In November 2008, Brigade General Hashim, Chief of Administration for Fermandayee Gishti, set this number at 300, but I accept as more authoritative the figure offered by the unit's own command.

[1] Felah Mustafa Bekir, Director of Foreign Relations, Kurdistan Regional Government (KRG), interview by author, Erbil, Iraq, November 4, 2008.

[2] *Peshmerga* officer, interview by author, Erbil Iraq, 2008.

[3] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008.

[4] *Peshmerga* "Cengawer," telephone interview by author, 2008.

[5] Staff Major General Fazzell, Deputy Chief of Staff, Organized *Peshmerga* (PUK), interview by author, Sulaymaniyah, Iraq November 18, 2008.

[6] PUK *Peshmerga* Battalion Commander, interview by author, August 13, 2008.

[7] Peshmerga Noncommissioned Officer, 1st Battalion 10th Brigade (PUK), interview with author, August 7, 2008.

[8] Brigadier General Hashem, Chief of Administration, *Peshmerga Fermandayee Gishti* (PUK), interview by author, Sulaymaniyah, Iraq, November 19, 2008.

[9] Michael J. Totten, "An Army, Not a Militia," *Michael J. Totten's Middle East Journal*, April 5, 2007, http://www.michaeltotten.com/archives/001412.html (accessed February 18, 2009).

[10] Ibid.

[11] McDowall, *A Modern History of the Kurds*, 2nd ed., 381

[12] Tracy Simmons, "A Kurdish Face," *Air Force Print News Today*, July 7, 2008, http://www.osi.andrews.af.mil/news/story.asp?id=123105564 (accessed February 18, 2009).

[13] Hashem, interview by author, Sulaymaniyah, Iraq, November 19, 2008.

Chapter 16
Security Sector Integration in the KRG

Although often overshadowed by hot-button issues such exploitation of oil and the normalization process in the disputed territories, the future role of the *Peshmerga* and other KRG security services has been the topic of much discussion – and sometimes disagreement – between the governments in Erbil and Baghdad. The principal points of discussion have between the two governments have been the budget, size and structure, and roles and missions of the *Peshmerga*; its relationship with the Federal Government of Iraq and place within the Federal defense system; activities of Federal security forces inside the territory of the KRG; and the respective responsibilities of the *Peshmerga* and Federal forces for securing the territorial integrity of Iraq, including the KRG.

Transition of Security Responsibility from the Coalition to the Regional Government:

These questions came to fore during the fall of 2006, when then Multi-National Force – Iraq (MNF-I) commander General George Casey directed his staff to transfer responsibility for the three provinces of the Kurdistan Region – Dohuk, Erbil, and Sulaymaniyah – from the Coalition back to Iraq. The Coalition's position at this time was that the KRG met the criteria necessary in the areas of threat, governance, and security forces capability to justify transfer of security responsibilities to Regional authorities.[1] Negotiations began with an 18 September 2006 meeting at Erbil between MNF-I representatives and President Barzani, followed on September 26th 2006 by a meeting in Baghdad between representatives of MNF-I, the Government of Iraq, and both Kurdish administrations.[2] The upshot of these meetings was an Executive Conference held at Salahadin Resort near Erbil from October 8 – 11 2006 to the study MNF-I proposal for transferring security responsibility to the Region. The conference was attended by representatives from all parties including, from the KRG, *Peshmerga*

Minister Umar Uthman and 14 other senior officers; from the Government of Iraq, the Interior Minister, deputy National Security Advisor, and others; and from the Coalition, representatives of MNF-I Strategic Operations office.[3] One objection raised by the Government of Iraq early in the negotiations was that of militia influence – namely, the existence of the *Peshmerga* as party forces.[4] This objection was easily overcome by reference to Article 121, clause 5 of the Iraqi Constitution, which provides for the existence of "guards of the region," with all parties readily conceding that role as belonging to the *Peshmerga* – a position re-affirmed by Iraqi Prime Minister Maliki as recently as April 18th 2008 when he said that "the guards of the province [sic] have the cover of legitimacy inside Kurdistan because they form organized forces."[5] Despite agreement on this basic point, the Executive Conference revealed a number of points of disagreement between the Erbil and Baghdad governments and other obstacles to transition of security responsibility, such as:[6]

- Selection of the formal name for the *Peshmerga*.

- Acknowledgement that the Guards of the Region (*Peshmerga*) are not a "separate army".

- Verification that unification of the *Peshmerga* under a single, transparent chain of command had been accomplished and that political party affiliation was not a requirement for *Peshmerga* membership.

- "Delineation of roles and responsibilities" and "lines of coordination with Federal Government entities".

- Delineating the respective roles of the *Peshmerga* and Federal forces in defending the territory of the Kurdistan Region from aggression.

- The authority of Federal Government forces to move through and operate within the Kurdistan Region.

- The size and composition of the *Peshmerga*.

The first three issues above were readily dispensed with. The formal name "Guards of the Region (*Peshmerga*)" was proposed by the conference and ultimately accepted as the formal name[7] (the *Peshmerga* are referred to by that name in the *Peshmerga* laws passed by the Kurdistan National Assembly in 2007), and the conference participants agreed to move forward without awaiting final unification of the *Peshmerga,* relying upon the strength of the KRG's statement of its' intention to unify them.[8] The third point – acknowledgment that the Regional Guards (*Peshmerga*) are not a "separate army" – was likewise easily disposed of, as KRG officials have often stated publicly their position that the *Peshmerga* be considered an integral part of the "defense system" of Iraq, albeit a component separate and distinct from the Iraqi Ministries of Defense and Interior.[9]

The remaining issues were not resolved at the October 2006 Executive Conference and were remanded for further consideration,[10] but negotiations seemed to have proceeded so smoothly thereafter that in early December 2006 President Barzani agreed to go ahead with the security transfer without insisting upon resolution of the outstanding issues. Later that month however negotiations collapsed after a disagreement between Barzani and an Iraqi Government official. This stalled the transition process for several months, until President Barzani once again agreed to accept the security file without resolution of all outstanding issues.[11]

The Kurdistan Regional Government finally accepted responsibility for regional security from the Coalition on May 31st 2007 at a ceremony in Erbil.[12] Under the Memorandum of Understanding that governing the transition to Regional Iraqi Control (RIC MOU) in the Kurdistan Region, the Government of Iraq and of the Kurdistan Region committed to continue "good faith" negotiations to

"transition … Residual Elements of the Armed Forces of the Kurdistan Democratic Party and the Patriotic Union of Kurdistan (presently known as *Peshmerga*) into Guards of the Region."[13]

Command, Control, and Coordination Between the Government of Iraq and the Kurdistan Regional Government:

A number of issues identified at the October 2006 conference remain unresolved. One such is the method of coordination between the Government of Iraq and Kurdistan Region forces. The October 2006 conference produced a proposed command and coordination structure, shown below[14]:
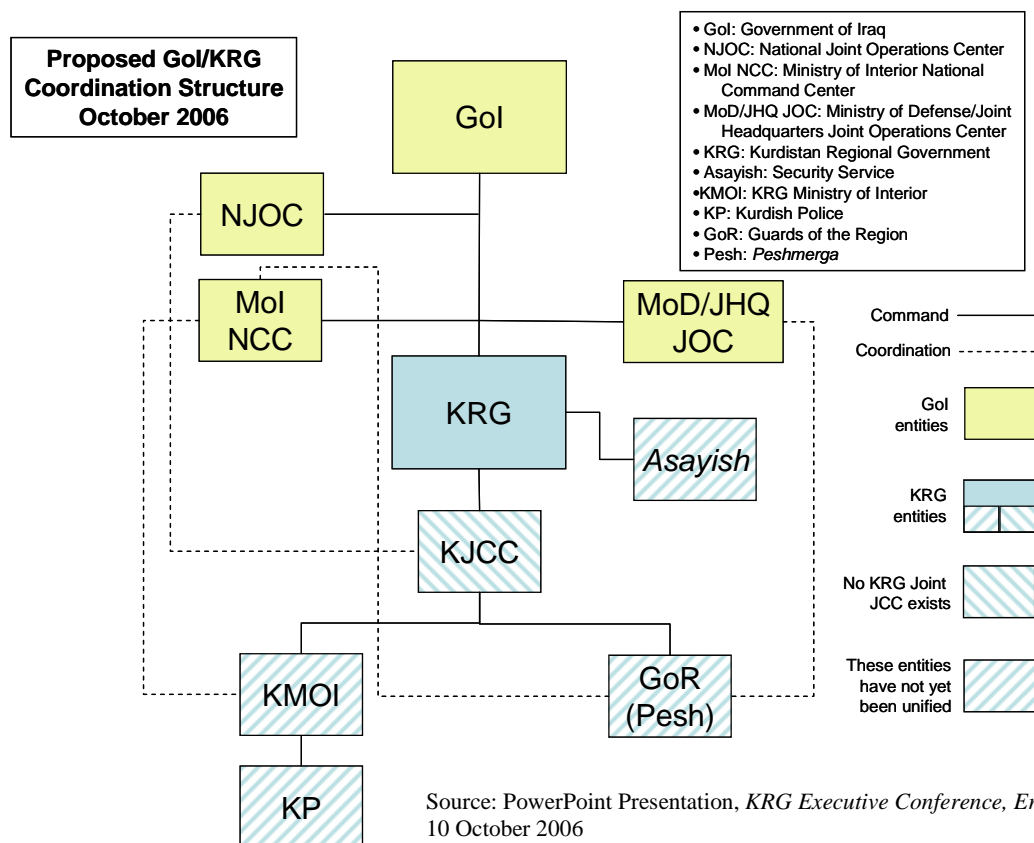

Figure 28

This proposal has not been implemented. While Joint Coordination Centers (JCCs) exist in each of the KRG's three governorates – indeed, in every governorate in Iraq – no Region-wide JCC has been established; the KRG Interior and *Peshmerga* Ministries have not yet been unified; and the *Asayish* and police remain divided. And while the KRG security services certainly coordinate and cooperate with their counterparts elsewhere in Iraq, fixed and formal lines of communications as depicted in October 2006 proposal have likely not been established in most cases.

Nonetheless, negotiations between the two governments continue along similar lines, it would seem, as this 2008 proposal shows[15]:
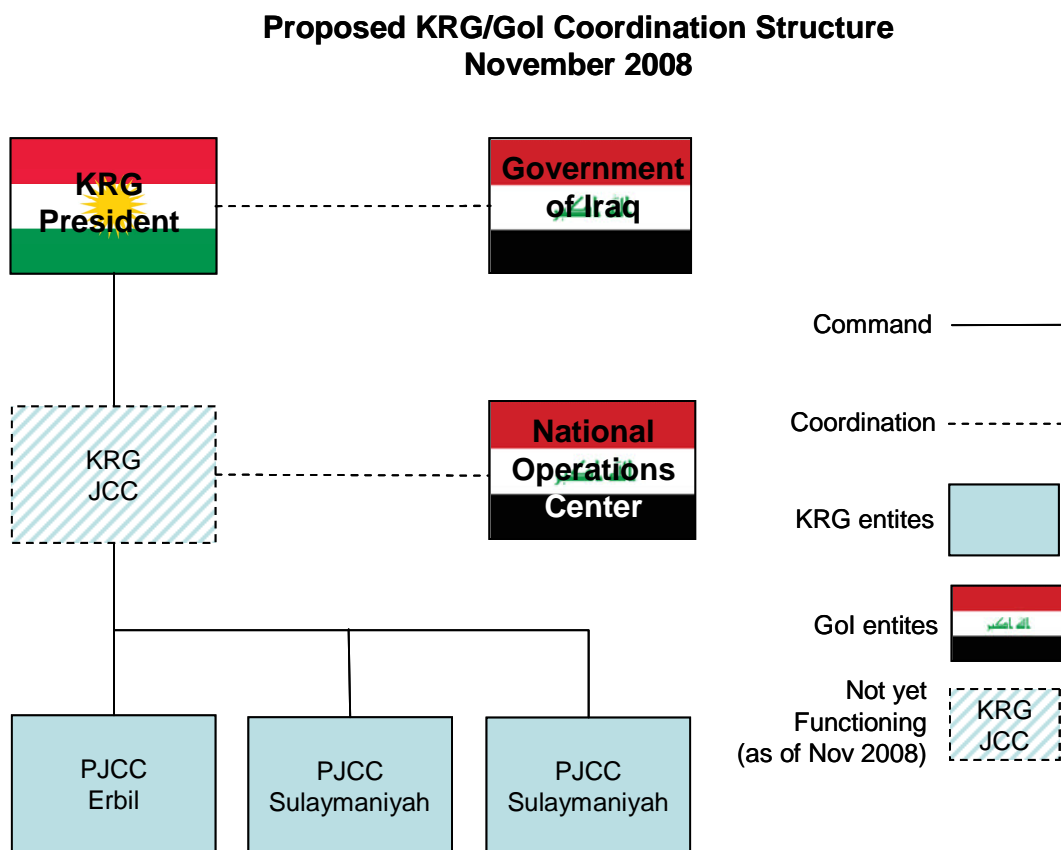
Proposed KRG/GoI Coordination Structure
November 2008

Figure 29

The proposals above reflect the coordination concept as outlined in the May 2007 RIC MOU. The RIC MOU envisions security cooperation between the Region and the central government as being accomplished in large part through the agency of a number of nested coordinating bodies. The foundation of the system would be Provincial Security Committees (PSC) charged with monitoring "the implementation of … provincial security strategies," with the Provincial Director of Police as executive agent at the Provincial Governor, Director of Civil Defense, local Iraqi Army commander, local Guards of the Region commander, local Department of Border Enforcement commander, as well as representatives from the Region Ministry of the Interior and MNF-I as members.[16] The PSCs would work through Provincial Joint Coordination Centers (PJCC) in each governorate through their subordinate district Joint Coordination Centers (JCC) – essentially fusion centers staffed by representatives of all security services operating in the province, intended to serve as "centers of intelligence collection and dissemination activities … are responsible for de-conflicting operations … [and] shar[ing] intelligence" with other entities, within and outside the governorate.[17] Within the Kurdistan Region, the Governorate PJCCs would answer to the Kurdistan Region Joint Coordination Center (KRJCC) – executing the same functions at Region level as executed by PJCCs within their Governorates[18] – which would in turn coordinate with the National Joint Operations Center (NJOC) in Baghdad.[19]

Although the security framework has not been fully implemented, command and control arrangement within the Kurdistan Region seem to be evolving toward something comparable to the framework envisioned in the RIC MOU. PJCCs are operational in the Kurdistan Region and, in the case of Sulaymaniyah at least, district-level JCCs have been

activated; although it does not appear that the KRJCC has been activated, the PJCCs are in communication with each other and their counterparts in Baghdad.[20]

Implementation of structures similar to the Provincial Security Committees (PSC) described in the RIC MOU actually predates the signing of that document in the KDP area. The functional role of the PSCs is carried out in the KDP area by General Security Committee (GSC) and subordinate bodies, established to under the provisions of Kurdistan National Assembly Law No. 46 of 2004.[21] GSCs are a nested network of bodies organized from sub-district through Region level in the KDP sector consisting of the commanders or representatives of the appropriate security services, charged with supervising the implementation of security policy within their respective jurisdictions.[22]

GSCs do not exist in the PUK area but their role is filled, albeit to a much lesser degree, by two informal bodies known as the Security Board and the Judicial Review Committee, whose functions are to facilitate improved coordination among the various agencies within their respective areas of competence.[23]

Provincial Joint Coordination Centers:

An important feature of the security sector in Iraq is constellation of Provincial Joint Coordination Centers (PJCC) throughout the country. PJCCs exist in all 18 of Iraq's Governorates, including the three Governorates of the Kurdistan Region. This institution plays a key integrative role in coordinating and synchronizing the efforts of the various security services operating in the Kurdistan Region.

The PJCC system in Sulaymaniyah Governorate is a particularly well developed. The PJCC is analogous to a 911 call center in the United States, which members of the public call to report emergencies or suspicious activities. Operating out of the PUK Interior Ministry in

downtown Sulaymaniyah, the Sulaymaniyah PJCC is a joint center that receives reports of

problems and emergencies from the population, logs them, and routes them to the appropriate

agency for action.[*] The Sulaymaniyah PJCC is staffed with three operators who field calls

from the provincial "dial 100" program and forward them to an on-site *Asayish* watch officer

who in turn forwards the reports to an on-site representative of the appropriate agency. The

following agencies maintain full-time representation at the Sulaymaniyah PJCC:[24]

- Department of Border Enforcement
- Iraqi Army 16th Brigade, 4th Iraqi Division (when not forward deployed)
- Ambulance service
- Civil Defense Police
- Municipal/Traffic Police
- Iraqi Ministry of Defense Intelligence Service
- *Asayish*

The *Peshmerga* are not yet represented at the PJCC, but plans are underway to embed

Peshmerga Zanyari representation in the PJCC.[25+]

The PUK has implemented a program for the governorate similar to the 911 programs

in the United States. This is the Governorate's Dial 100 program. Under this program

citizens dial "100" to report security related incidents and concerns. The Sulaymaniyah

Governorate PJCC maintains seven lines dedicated to the "Dial 100" program: Three land

lines, two Korek Company mobile phone lines, and two Asiacell Company mobile phone

lines.[26**]

The PJCC maintains telephonic and radio contact with all security agencies and

maintains close contact with other, non-security related agencies such as the Governor's

Office, the public utilities (electricity and water departments), the Weather Center, and the

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[*] A new, dedicated PJCC facility is under construction at the *Peshmerga Fermandayee,* a large installation west of town that serves as the home of PUK *Peshmerga Fermandayee Gishti* and other agencies.
[+] Absence of *Peshmerga* representation may be due to US prejudice against the *Peshmerga* the time the PJCC was established, the office having been initially funded by the Coalition.
[**] PUK *Asayish* has its own equivalent number – "106."

universities. The PJCC also maintains communication with all checkpoints on the major thoroughfares in the PUK area.[27]

In addition to the PJCC in downtown Sulaymaniyah, five Joint Coordination Centers (JCC) are either functioning or under development in Sulaymaniyah Governorate. These satellite JCCs are at Penjwin near the Iranian border; Halabja, also in the border area; Raniya, north of the city of Sulaymaniyah; Chamchamal, west of Sulaymaniyah city on the road to Kirkuk; and Kalar. The Chamchamal facility has been built and was in the process of organization at this writing, while the facility at Kalar is under construction. The remaining JCCs are operational.[28]

Major General Ahmed Jamal Khoshawest from the PJCC in Sulaymaniyah exercises administrative oversight over the JCC system in the PUK area. Reports flow into the local JCC from the public, which in turn routes them to the appropriate local agency and copies the PJCC in Sulaymaniyah (the PJCC also functions as the JCC for the city of Sulaymaniyah and its environs). The public phones in reports using the dedicated "100" lines via cell phone or land-line. Upon receipt of a report, the JCC operator completes a call report on a standard form, logs the call, and provides the form to the watch officer. The watch officer logs the report and determines whether it is urgent or routine. If urgent the watch officer will contact the appropriate agency immediately by phone or radio before passing the report to the appropriate agency representative in the PJCC. If routine, the watch officer will simply pass the report on to the appropriate agency representative and allow the agency representative to initiate action on the report. The agency representative logs the report both in hard copy and electronically,[*] after which he contacts his agency for action and follow up as necessary.[29]

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[*]This redundancy is a deliberate check against computer failure; given the unreliability of electrical power in Iraq, this is a prudent precaution.

The PJCC provides reports on activity in the Governorate to the KRG Prime Minister, the Deputy Prime Minister, the Ministry of the Interior, the provincial governor, the head of the provincial council, the mayor of Sulaymaniyah, Sulaymaniyah International Airport, and to the security agencies. Key events are extracted from the reports received daily for incorporation into a daily intelligence summary of important items and statistics are compiled for number of incidents reported to the Sulaymaniyah PJCC by type weekly and monthly.[30*] The Sulaymaniyah PJCC is linked via Internet and phone with all other JCCs in Iraq, and it coordinates with the Federal Government via communications with the National Command Centers of the General Directorate of Operations of the Ministry of the Interior, as well as with National Operations Joint Command Center at the Prime Minister's Office. It should be noted that despite the terms of the May 2007 RIC MOU and subsequent discussions, the KRG has not yet activated a Regional Joint Coordination Center for the entire KRG.[31]

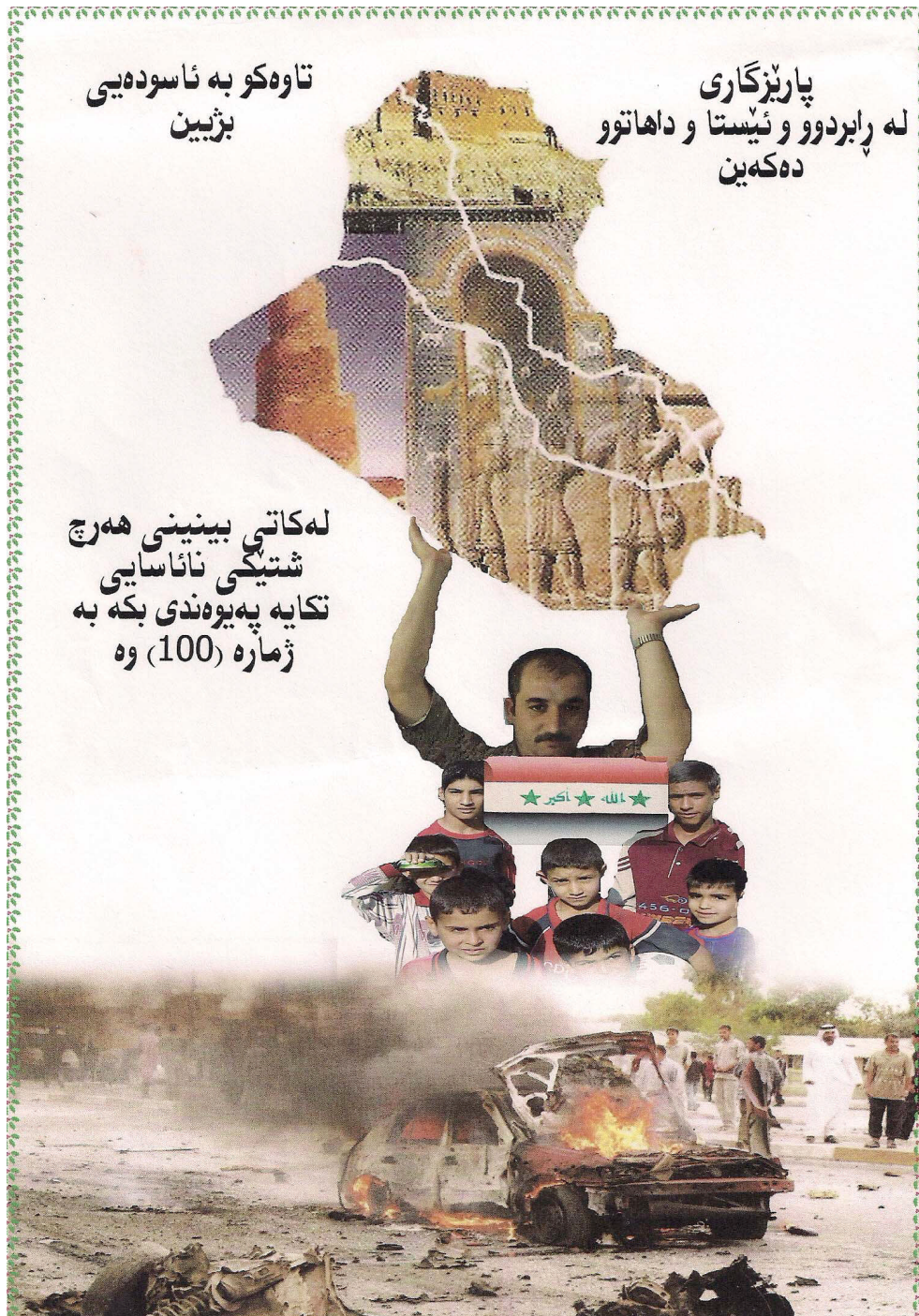
Traffic police on road between Sulaymaniyah and Erbil, 2008 (photo by author).

A policeman in Sulaymaniyah 2007 (photo by author).

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* According to MG Khoshawest, Sulaymaniyah PJCC had received 11,149 reports for 2008 as of 15 November 2008.

A handbill promoting the Sulaymaniyah PJCC Dial 100 Program. The poster reads: "We protect the past, present and future, so we can live in peace and prosperity. If you see something abnormal, please call 100" (from the author's collection. Reproduced by permission of the Kurdistan Regional Government).
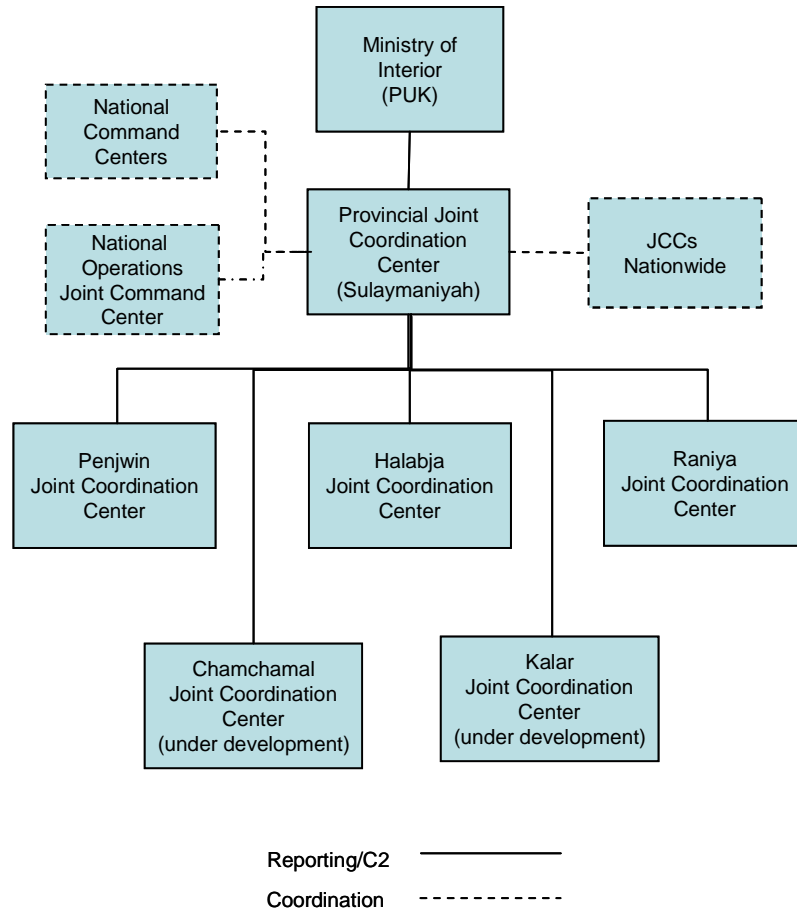
PUK PJCC System Organization

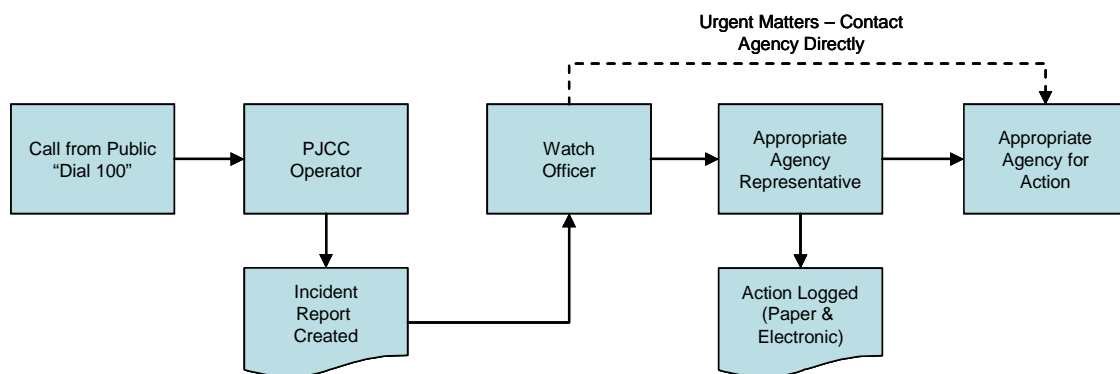**Figure 30**

Sulaymaniyah PJCC Information Flow

Figure 31

In the KDP area (Erbil and Dohuk Governorates), the security services are overseen by the General Committee for Regional Security of Kurdistan-Iraq,[32] generally known as the General Security Committee.[33] The General Security Committee was created by act of the Kurdistan National Assembly via Law No. 46 of 2004, passed on November 20th of that year and published in the Kurdistan Gazette on December 19th of the same year.[34] The goals of Law No. 46 are to bring all security agencies in Iraqi Kurdistan into one framework to streamline their operations and render their respective procedures mutually compatible; to render their operations compatible with international human rights standards; to create a mechanism for the exchange of intelligence and the coordination of security goals among various agencies; and to "end the era of private special security organizations and parties … which were necessitated" by the previous situation (also noted as a goal is "buttressing a federal governance system").[35] The General Security Committee is the tool prescribed by Law No. 46 to achieve these aims.

By the terms of Law No. 46, the General Security Committee has "financial and administrative independence" from the rest of the Government.[36] The Committee chairman has ministerial rank and is appointed by and reports directly to the President of the KRG;[37] the current chairman is the head of the *Parastin*, Masrur Barzani (son of KRG President Masud Barzani).[38] In Masrur's absence, the chairmanship is held on an acting basis by the KRG Prime Minister, Nechirvan Barzani.[39] As currently constituted, the General Security Committee consists of Masrur Barzani, head of *Parastin*; Karim Sinjari, Minister of the Interior; the heads of the *Asayish*, the *Zerivani*, the Traffic Police; and possibly others.[40] Collectively, the Committee oversees the execution of the overall security plan for the KDP

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area of the KRG, and supervises the activities of counterpart committees that exist at the

Governorate, district, and sub-district levels.[41]

The official mandate of the Committee as articulated in Article 6 of Law No. 46 is

to[42]

> "(1) Protect the bases and principles upon which the federal, democratic,
>   parliamentary, pluralistic state of Iraq is based, through:
>
> (a) Working to protect the lives and property of the citizens of the Region.
>
> (b) Provide security and stability in the Region and protect public
>   property.
>
> (c) Protect general and private freedoms and create an appropriate and
>   necessary environment for the citizens to practice their rights according to
>   the international human rights declarations and conventions.
>
> (d) Preserve the general order and public [morals/ethics].
>
> (2) Combat drugs.
>
> (3) Combat terrorism.
>
> (4) Combat espionage.
>
> (a) Collect intelligence and assess threats that face the federal Iraq
>   republic and pass them on to the specialized federal national
>   security agencies through the Regional Presidency.
>
> (b) Exchange arrestees {persons charged} and criminals and transfer
>   their cases among federal and Regional security agencies according to the
>   mechanisms that the laws outline."

Among its other provisions, Law No. 46 specifically provides at Article 10 that

> "All the connection of the General Directorate of *Asayish*, including all its
> establishments, will be severed from the Ministry of Interior and will be
> connected with the Committee, and will be restructured according to the
> provisions of this law … [and that] all the properties and monies, including
> both real and moveable; and records and files; and any {belonging} issues
> will be transferred to the committee."[43]

Law No. 46 has not been implemented in the PUK area. While PUK did remove their *Asayish* from under the jurisdiction of their Interior Minister in 2005 as prescribed by Article 10 of the law, PUK *Asayish* was made subject to oversight by KRG Deputy Prime Minister Omar Fatah, not to the General Security Committee.[44] PUK does not participate in the General Security Committee, nor have they established counterpart committees at the Governorate, district, or sub-district level. The closest that PUK has come to establishing any equivalent entities of its own are the embryonic Security Board and Judicial Review Committee.

The Security Board is an informal body composed of heads or their representatives of the Municipal Police, *Asayish*, Traffic Police, *Peshmerga*, the Chief Judge of the Sulaymaniyah Appeals Court, and other security entities. The board began as a recommendation by CPATT police advisers as a means to resolve communication issues between the *Asayish* and the Municipal Police and as a venue through which to build consensus in support of a training program for police on self-defense and other issues. It subsequently evolved into a regular forum for airing and resolving various coordination problems with the standing goal of improving interagency cooperation. The Board meets monthly at varying locations.[45]

The Judicial Review Committee consists of Chief Judge Latif of the Sulaymaniyah Appeals Court; the Chief Investigative Judge, the Chief Prosecutor, the Coroner, Ministry of Interior legal department representative, the head of the *Asayish* legal department, and others.[46] This committee meets weekly (Thursdays) at the Sulaymaniyah House of Justice (Court House) to identify legal and security issues that can be resolved locally.

Deployment of Federal Forces Within the Kurdistan Region:

A significant point of disagreement between the KRG and the Federal Government remains matter of transit and operational rights of federal forces inside the territory of the KRG. KRG sensitivity on this point was dramatically demonstrated during the 2008 controversy over Khanaqeen, during the course of which the KRG not only resisted withdrawing their forces from the city, but strenuously opposed deployment of Iraqi Army troops there even though the city is a part of Diyala Governorate.

The KRG insists upon having the right to approve or disapprove deployment of Iraqi Army forces within the Kurdistan Region territory, going so far as to incorporate language to that effect into the (as yet un-ratified) draft Kurdistan Region Constitution, which provides at Article 104, Section 12 that the President of the KRG may

> "*allow* the entry of federal armed forces … to the region when needed with *the approval of the Parliament of Iraqi Kurdistan* provided that their tasks and the place and duration of their presence shall be specified" (emphasis added).[47]

Needless to say, the Iraqi Government takes a different view, arguing that the Iraqi Constitution empowers the Federal Government to deploy anywhere in Iraq,[48] most likely relying upon Article 110 (exclusive Federal powers), Section 2, which entrusts the Federal Government with the role of

> "establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq."[49]

Although the controversy remains unresolved, it seems clear that despite the Iraqi Government's insistence upon its *legal* right to deploy troops anywhere within the country's territory, no deployment of forces into the territory of the Kurdistan Region would be *politically* possible without the concurrence of the KRG.

[1] Colonel Hugh Smith, formerly Multi-National Force – Iraq Strategic Operations, interview by author, September 3rd, 2008; Sami, interview by author, Erbil Iraq, November 5, 2008

[2] Ibid,; "Iraqi, Kurdish, Multinational Officials Discuss *Peshmerga* Name Change," Kurdistan Satellite TV, September 19, 2006, Transcribed by BBC Monitoring Middle East – Politics, at Nexus (accessed August 8, 2008).

[3] Smith, interview by author, September 3rd, 2008.

[4] Staff Brigadier General Ismail Alsodani, Iraqi Military Attaché' to the United States, interview by author, Washington DC, August 7, 2008.

[5] "PM: Status of Kurdish *Peshmerga* Remains Unchanged Despite Crackdown on Militias," International Herald Tribune, April 12, 2008, http://www.iht.com/articles/ap/2008/04/12/africa/ME-GEN-Iraq-Peshmerga.php (accessed February 18, 2009).

[6] *Legal Team (KRG Executive Conference),* PowerPoint Presentation, Erbil, Iraq, October 2006.

[7] Smith, interview by author, September 3rd, 2008.

[8] Ibid.

[9] Brigadier General Sheikh Jaffer, Minister of State for Peshmerga Affairs (PUK), interview by author at Sulaymaniyah, Iraq, November 16, 2008.

[10] *Legal Team (KRG Executive Conference),* PowerPoint Presentation, Erbil, Iraq, October 2006; Smith, interview by author, September 3rd, 2008.

[11] Smith, interview by author, September 3rd, 2008.

[12] Abdul Hamid Ziban, "Kurdish *Peshmerga* receives Kurdistan security file from MNF," *Voices of Iraq,* May 31, 2007, http://www.iraqupdates.com/p_articles.php?refid=DH-S-31-05-2007&article=17899 (accessed February 18, 2009).

[13] Multi-National Division North, Multinational Division Northeast, and Kurdistan Regional Government, "COORDINATED DRAFT as of 13 Mar 07 - Memorandum of Understanding Between the Kurdistan Regional Government Representing the Federal Iraqi Government and Mult-National Division-Northeast and Multi-National Division-Northeast Representing Multi-National Force-Iraq Concerning Assumption of Security Responsibilities in the Kurdistan Region," paragraph 5.1.

[14] *KRG Executive Conference*, PowerPoint presentation, Erbil, Iraq October 10, 2008.

[15] KRG Document, "Committee Meeting in View of the Outstanding Issues Between the Federal Government and the Kurdistan Region," November 13, 2008.

[16] "COORDINATED DRAFT as of 13 Mar 07 - Memorandum of Understanding Between the Kurdistan Regional Government Representing the Federal Iraqi Government and Mult-National Division-Northeast and Multi-National Division-Northeast Representing Multi-National Force-Iraq Concerning Assumption of Security Responsibilities in the Kurdistan Region," paragraph 2.1.

[17] Ibid., paragraph 2.3.

[18] Ibid., paragraph 2.4.

[19] Ibid., paragraph 2.5.

[20] Major General Ahmad Jamal Khoshawest, Director Sulaymaniyah Provincial Joint Coordination Center, interview by author, November 15, 2008.

[21] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security,* 26.

[22] Karim Sinjari, Minister of State for the Interior, Kurdistan Regional Government (KDP), interview by author, Erbil Iraq, November 4, 2008.

[23] CPATT Advisor, interview by author, 2008.

[24] Khoshawest, interview by author, November 15, 2008.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] Ibid.

[30] Ibid.

[31] Ibid.

[32] Law No. 46 of 2004, Law of General Security Committee [*Asayish*] of Kurdistan Region of Iraq, Article II.

[33] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security,* 26.

[34] Ibid.

[35] Law No. 46, closing paragraph.

[36] Law No. 46, Article 2.

[37] Law 46, Article 4.

[38] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008; Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security,* 26.

[39] Law 46, Article 4.

[40] Sinjari, interview by author, Erbil Iraq, November 4, 2008.

[41] Ibid.

[42] Law No. 46, Article 6.

[43] Law No. 45, Article 10.

[44] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security,* 26.

[45] CPATT Advisor, interview by author, 2008.

[46] Ibid.; Judicial Review Committee, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[47] *KRG Executive Conference*, PowerPoint presentation, Erbil, Iraq October 10, 2008; *Legal Team (KRG Executive Conference),* PowerPoint Presentation, Erbil, Iraq, October 2006.

[48] *KRG Executive Conference*, PowerPoint presentation, Erbil, Iraq October 10, 2008.

[49] Constitution of Iraq, Article 110, Section 2.

Chapter 17
Behavior and Conduct of Iraqi Kurdistan Forces

Conduct of the Armed Struggle:

Conduct of the Struggle Against the Iraqi State

If there is one single thing of which the Kurds of Iraq can be justly proud, it is

the restraint and generally decent manner in which they conducted their long series of

armed struggles against the Iraqi state. *Peshmerga* conduct during these struggles was

meritorious in two respects: First, in their generally good treatment of prisoners; and

second, in their avoidance for the most part of attacks upon non-military targets or

against persons or polities not party to the conflict. As one reporter has said,

> "…[t]he Kurds of Iraq are uncorrupted by terrorism. Not once during
> the fight against the Ba'ath did the Peshmerga or any other Kurdish
> guerrilla force attack Arab civilians in Kurdistan or anywhere else."[1]

While the record is not quite as clear-cut as the comment above would indicate, the

record of *Peshmerga* conduct during their fight against the Iraq state was a good and

honorable one.

Good treatment of captured government troops has been a long-standing

Peshmerga tradition, one having its roots in the conflicts during the years

immediately preceding the *Peshmerga* period. During the 1943 Barzani revolt, for

example, Mullah Mustafa Barzani issued "standing orders" to his fighters that

included, among other points, a directive to treat prisoners humanely and an

injunction against confiscating their personal property.[2] Barzani's troops

demonstrated similar restraint in their handling of prisoners during the period of the

Kurdish Republic of 1946; Eagleton recounts appropriate treatment of Iranian

prisoners, with the possible exception of transporting in trucks through the streets of

Mahabad, a display intended to boost morale in the doomed Republic. According to

Eagleton, Iranian prisoners captured in April 1946

> "were well treated, for they were looked upon as handsome prizes
> rather than hated enemies. Not long afterwards the offers were turned
> over to their compatriots at Saqqiz and the soldiers were sent north to
> Tabriz where they were released to return to Tehran."[3]

This tradition continued during the First Kurdish War, where Dana Adams

Schmidt describes Iraqi Government troops as often being released outright after

being disarmed, while their captured officers held under conditions affording as much

comfort and dignity as possible in a guerrilla encampment. Schmidt also reports that

prisoners had been able to send and receive letters via the International Red Cross, to

whom the names of the prisoners had been reported. Schmidt's only complaint about

the treatment of prisoners seems to have been the extremely crowded conditions in

which certain political prisoners were kept; in response to his complaints on the

subject, the Kurds replied with descriptions of these mens' crimes and explained that

they were working on an enlarged enclosure for them.[4]

Hama Dostan has given us this fictional account of *Peshmerga* fighters

capturing Iraqi soldiers during the Second Kurdish War:

> "Some of the soldiers held their hands up high, begging: 'Don't kill us,
> we have families and children.'
>
> Captain Farok gave the order to stop shooting and calmed the captured
> soldiers down: 'We won't kill anyone! All prisoners will be treated
> well.' He turned toward them. 'What are you waiting for, bury your
> dead soldiers and bandage up the wounded!'
> …
>
> When the exhausted and despondent soldiers were brought forward,
> some of them became hysterical and completely lost control of
> themselves. They begged for mercy and wept uninterruptedly. They
> threw themselves at Abdol's feet and kissed them. Abdol was annoyed

and shouted 'Stop this, haven't you heard that we don't kill our prisoners? When have we ever done that? … You will be treated like prisoners of war. No one will hurt you.'"[5]

What is interesting about the above excerpt is not that a Kurdish writer would depict the *Peshmerga* as behaving honorably – such can hardly be surprising and must be assumed to be commonplace. What is surprising is that this positive portrayal of *Peshmerga* handling of prisoners occurs in a novel that generally portays them in a negative light; Dostan depicts a large portion, perhaps even the majority, of the *Peshmerga* as corrupt, venal and cruel – yet, in the midst of his largely negative depiction, he includes a positive portrait of *Peshmerga* interaction with their prisoners. Humane treatment of captured soldiers must have been a key part of the *Peshmerga* tradition for him to do so.

The tradition of treating prisoners well seems to have persisted into more recent times as well. One *Peshmerga* veteran of the fighting between PUK and PKK in 2000 described the behavior of PUK Peshmerga toward prisoners this way:

> "Prisoners & wounded where treated in a very good way, for example, we captured a PKK wounded, I dressed his wounds personally, then we transported him to [the] *Fermandayee* (we were in Raniya), he was originally from Syria, *Peshmerga* HQ contacted his family & they came all the way from Syria & they received their son after signing some documents insuring that he will not join the PKK again, when the kid saw how good the *Peshmerga* treated him, he refused to go home & joined the *Peshmerga* forces, this is just one thing that I witnessed personally & I was a part of it. In general term, no Captured or Wounded enemy should be treated inhumanly, under *Peshmerga* HQ directions & policies…" [sic][6]

Another example of the *Peshmerga* tradition of proper treatment of prisoners is their handling of Ansar al-Islam prisoners during the March 2003 assault on Halabja. Here the *Peshmerga* got their first taste of Ansar al-Islam suicide bombers

and other acts of treachery, such as Ansar al-Islam fighters pretending to surrender then pulling out hidden weapons to kill their captors.[7] These tactics forced the *Peshmerga* to change their own tactics in response after losing "half a dozen men to suicide tricks", using more blunt force such as firing rocket-propelled grenades down the mouths of caves.[8] Despite the Ansar provocations, the Kurds did not resort to denial of quarter or to the wholesale murder of prisoners, resorting to other safeguards instead, such as

> "insist[ing] the prisoners strip naked before coming close and
> [sending] them down the mountain that way, provoking some funny
> looks from the Americans."[9][*]

To these historical references I can add my own observations of the treatment of Kurdish military detainees and prisoners. As senior advisor to an all-Kurdish Iraqi army brigade, I had the opportunity to observe the handling of detainees and prisoners by my counterparts, all former PUK *Peshmerga*. In almost all cases these *Peshmerga* veterans treated their prisoners with all the dignity appropriate and possible in the circumstances, to include providing them the same rations, and at the same time, as

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[*]While not the policy of the Kurdish parties, some *Peshmerga* soldiers did unfortunately commit abuses against Ansar al-Islam fighters. One *Peshmerga* veteran told me in 2008 that standing *Peshmerga* policies and directives prohibiting abuse of prisoners didn't save all captured Ansar al-Islam fighters from summary execution. When asked the reason for this, the veteran answered that not only were Ansar al-Islam fighters "absolutely terrorists [and] nothing more" (as opposed to PKK who, according to this *Peshmerga*, began as freedom fighters), but they committed horrible atrocities against the *Peshmerga* they captured. He provided an example: "Jund Al-Islam captured 40 *Peshmerga* & executed them in horrible ways, smashing there heads with cinder blocks, lining them & shooting them with 14.7 DSHKA, as well as mutilating their bodies (chopping their genitals, ears, nose & tongues off)." He describes this incident as having occurred at a village called Khilli Hama near Halabja and characterized it as a catalyst for the subsequent war between PUK and Ansar al-Islam The distinction indirectly alluded to by this veteran between honorable and dishonorable combatants will be discussed more fully below.

those provided to the Kurdish soldiers themselves. Access to medical personal was provided when needed. Such abuses as did occur were rare and minor.[*]

One aspect of *Peshmerga* policy toward their enemies may make Americans of today uncomfortable is Mullah Mustafa Barzani's treatment of Kurdish tribes siding with the government, which was harsh. According to one commentator,

> "Support for the Kurdish insurgence is widespread among the mountain tribesman. *Although some support was readily given to Mulla Mustafa, traditional hatreds for his Barzani tribe led the Kurdish leader to coerce some tribes with military force to support the Kurdish national cause*" (emphasis added).[10]

In Kurdish tribal warfare, the distinction between those men who are combatants and those who aren't can be tenuous or non-existent, as a tribe's army may simply be that part of the tribe capable of bearing arms with no other formal distinction. Because of this and other aspects of tribal life, any military action taken by Barzani against a recalcitrant tribe would necessarily have been hard felt by every member of that tribe, including women and children. Often defeat in tribal fighting meant outright expulsion of the tribe in toto from their tribal territory at least

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[*] I am aware of two incidents of abuse in particular, both minor. The first involved a detainee held by one the Kurdish battalions of the brigade I advised, the battalion at the time guarding the southeast perimeter of the city of Kirkuk. They had captured a man they believed responsible for (or at least connected with) the killing of one or more of their soldiers in an attack a short time before. They roughed the man up a bit and would have done more had an American officer not intervened. They were probably motivated both by the desire for information on who his accomplices were and for revenge. However, the detainee suffered no injuries as a result and, when challenged by the American officer, immediately called off any further harassment of the detainee. The other incident was more minor. In this case, one of our other battalions, having deployed to Baghdad under Prime Minister Maliki's Baghdad Security Plan (coincident with the surge), had raided a house on orders from their higher headquarters. Finding the target of the raid not on the premises, they detained two men who were there but were not wanted. When I confronted them about detaining innocent men, officers of the battalion told me that they only intended to hold them a short time, just to see if the actual targets of the raid would surface as a result. The only complaint registered by the two detainees themselves was that they feared missing a relative's wedding later that day. The two men were, indeed, released a short time later (I can only hope they made it to the wedding). It is interesting to note that this latter case was brought to my attention by a Kurdish soldier in the detaining battalion, who brought it to our attention because he felt that he had deployed to Baghdad to help people, not to arrest innocent men, and wanted something done about the situation.

temporarily, as well as significant economic damage in the form of the loss of crops, livestock, houses, and moveable property. Despite these hard realities, Barzani could hardly have afforded to ignore those tribes that opposed him or even to tolerate neutrality, as lack of widespread and uniform support from across the Kurdish population would have been the death of his movement, as in fact, it had been during the Barzani rebellions of the 1930s and 1940s. These revolts failed when other Kurdish tribes defected to the government side, and the result in both cases was expulsion and exile for many Barzanis. Most Americans will instinctively (and rightly) recoil at the thought of a form of warfare that inflicts such pervasive suffering across the entire enemy population and not merely those segments of it connected to or supporting the fighting.[*] However, in Barzani's defense it can be argued that his conduct of such struggles was well within the bounds of accepted behavior in the context of the Kurdish tribal mode of warfare, and the (usually temporary) suffering inflicted was proportional to the likely outcomes for Barzani and the Kurdish revolution had he failed to successfully suppress the opposing tribes: defeat of the movement and likely exile for the tribes that supported it.

As noted earlier, the Kurdish national movement in Iraq has been noteworthy for its abstention, for the most part, from abusive practices constituting terrorism. In 1990 Jalal Talabani proclaimed in a speech that

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[*]We should also remember that the United States and our allies have not always been squeamish about inflicting severe suffering on enemy noncombatants when necessary. When the stakes have been high enough we have not shrunk from implementing targeting policies that, while not deliberately targeting enemy civilians or non-combatants *per se*, have had vast human suffering among non-combatants as the inevitable and foreseeable result. Examples include Sherman's scorched-earth strategy during his 1864 March to the Sea (the Savannah Campaign), as well as allied strategic bombing of German and Japanese cities during the Second World War. An argument might be made that the conduct of tribal warfare within the context of the Kurdish national struggle in Iraq might be analogous to these examples from our own history, especially since Barzani and his allies did not deliberately engage in gratuitous cruelty.

"The Kurdish movement has adopted various forms of struggle including political, cultural and armed resistance. All of these away [sic] from terrorist activities such as hijacking planes and taking hostages. The responsible Kurdish leaderships [sic] are aware of the paramount necessity not to involve the Kurdish issue with any forms of terrorist activities."[11]

Quil Lawrence echoes Talabani's assessment, describing the attitude of

Kurdish leaders during the 1970s:

"Seeing the attention lavished upon the Palestinian Liberation Organization, some of the younger Kurds flirted with the idea of using hijacking, hostage taking, and bombs to get attention for their cause. *The leadership, from General Barzani on down, rejected such methods, though they lamented that the Kurds were unknown because they killed only their own enemies*"(emphasis added).[12*]

The *Peshmerga* have generally exercised restraint in other matters as well.

Very few attacks on economic infrastructure occurred, with one of the very few

attacks on oil infrastructure by Kurdish insurgents taking place at Kirkuk in 1969,[13]

although one source opines that it is possible that this attack may have been a civil

disturbance and not a military operation.[14] At least one source referred to oil

infrastructure attacks in the mid-1980s,[15] but the absence of details and the scarcity of

reporting indicate that these attacks must have been extremely rare, although it is

worth noting that Ghareeb cites the Christian Science Monitor as reporting that

Barzani threatened in 1974 to attack oil facilities if the Iraqi regime refused to share

oil revenues[16] and that Jalal Talabani voiced a similar threat (hypothetically, at least)

in 1990.[17] Atrocious behavior like airline highjackings did not occur.

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* The comment here about "younger Kurds flirt[ing] with" resorting to terrorism is telling. In the speech cited above, Jalal Talabani had warned of groups emerging that would resort to "extremist tactics" and of "the growth of fundamentalist tendencies" as possible consequences of continued repression of the Kurds. He argued that "international support to the responsible Kurdish forces who reject terrorism" was necessary to preempt the emergence of such movements, and that armed resistance "may well adopt the form of terrorism (individual terrorism against state terrorism), in the event that democracy is not attained."

One important lapse in judgment by the *Peshmerga* was a short-lived resort to hostage taking, with Kurdish fighters kidnapping foreigners in 1977, [18] including four Poles, two Frenchmen, and an Algerian,[19] and claiming to have kidnapped Polish, Algerian, and Yugoslav engineers in 1980.[20] The goal of these kidnappings was to popularize the Kurdish cause and to pressure the Baghdad government to release political prisoners and allow some Kurds relocated to the south to return home.[21] This action bore little resemblance to the other hostage incidents in the Middle East. Unlike the hostage taking episodes of Lebanon and at the US embassy in Tehran in 1979, the Kurdish hostages were not subjected to cruel treatment or detained for lengthy periods, but were treated well (even as "honored guests" according to at least one source) and released after relatively short periods. Nonetheless, these bizarre episodes represent an unfortunate blemish on an otherwise commendable record.[*]

Other allegations of misconduct have been raised over the years. In February 1994 Middle East Watch sifted through tons of Iraqi Government documents captured by Kurdish insurgent forces during the *Rapareen*. The purpose of the project was to

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[*]Some seem to have a blind spot when it comes to these kidnappings. A Kurd I know in Sulaymaniyah – a decent, upright man and a *Peshmerga* veteran – told me about kidnappings like these before I read about them elsewhere, explaining that the Kurds seized a few foreigners, treated them as "honored guests" for a short time, and upon the hostages' release asked them to tell the world about the Kurdish plight. My informant seemed even able to see humor in the story, as no one was hurt, reasoning "no harm, no foul" I suppose. He did not seem conscious either of the great fear and hardship undoubtedly imposed upon these unfortunate "guests" or of tremendous harm such actions could have had on the Kurdish cause in the eyes of the world. More disturbing, however, is the attitude taken by Sheri Laizer toward similar actions by the PKK in the 1990s in her otherwise excellent book on the Kurdish plight after the Gulf War. Laizer downplays the stark terror that must have been felt by unsuspecting tourists seized at gunpoint by frightening looking men, and instead finds fault with the West for failing to sympathize with the kidnappers: "[T]he European public, ignorant of the PKK motives, and generally frightened by hostage taking, tended to jump to the wrong conclusions: namely, that the lives of Western tourists and travelers were in jeopardy … Although the hostages were always well treated and released unharmed, those concerned were caught up in a struggle about which they usually had very little prior knowledge. The press sensationalized their stories, ignoring the fundamental political message and focusing on intimate details of the captives themselves: romance, physical hardships, abduction" (Laizer, *Martyrs, Traitors and Patriots: Kurdistan After the Gulf War*, Zed Books, page 92). It is odd that Laizer is (rightly) unsparing in her descriptions of Kurdish malfeasance and folly when the injured parties are other Kurds, but not when the victims are Westerners.

document Saddam Hussein's *Anfal* campaign, but the massive hoard also contained

Iraqi Government documents referring to alleged "kidnappings for ransom of Kurds

suspected of pro-government activity by Kurdish guerrillas."[22] Given the provenance

of the cited documents as products of the corrupt and brutal Ba'ath regime, it is hard

to know how much credence to give such allegations, and even if taken at face value,

it is hard to know whether such incidents were officially sanctioned operations of

KDP or PUK or the actions of renegade groups or simple brigands. Edmund

Ghareeb's *The Kurdish Question in Iraq* is the only source that I have found to

corroborate these allegations;[*] even this corroboration must be take with caution

however, as Ghareeb's sources are one Ba'ath party official,[23] a memorandum sent

from the Regional Command of the Ba'ath Party[+] to the KDP outlining Ba'ath

grievances,[24] a series of partisan articles in the presumably Ba'ath-dominated Arab

language paper *al-Thawra* in Baghdad,[25] and similar accusations by the Iraqi

Communist Party in the Iraqi Press.[26] What is clear is that other corroboration of

these allegations is either extremely rare or non-existent, so that it seems likely that

such activities were either not sanctioned by PUK and KDP or, if they were

sanctioned, were carried out on an extremely disciplined and limited basis.

One source has accused KDP and PUK of resorting to terrorist attacks such as

car bombs against each other during the mid 1990s.[27] Given the totality of the

circumstances, this claim simply cannot be taken seriously. The two major parties had

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[*]Ghareeb's excellent book is interesting in that it is a rare serious study of the Kurdish issue that seems oriented more toward the Arab point of view than the Kurdish.
[+]This would be the *national* Ba'ath party of Iraq. The Ba'ath use the term "regional" for ideological reasons. The Ba'ath Party views the entire Arab world as a single Arab nation (thus, the international Ba'ath party, before the Iraqi and Syrian wings fell into conflict, was known as the National Command); under this reasoning, the Ba'ath parties of the various Arab states are deemed "regional" components of a larger "national" party encompassing the entire Arab world.

never indulged in such behavior before (or, for that matter, since). What's more, a campaign of terror against the Kurdistan Region and UN and NGO personnel operating there by the Government of Iraq during the early 1990s has been well documented, so that the prime suspect in any such attacks should be Saddam Hussein's regime itself.[*] The case against KDP and PUK here is so weak that even the source making the allegation was forced to add a disclaimer that "it is possible that some of these provocations were the work of Saddam's agents bent on inciting more trouble between Barzani and Talabani."[28]

Despite the lapses described above, the conduct of the major Kurdish parties in the prosecution of their armed struggle against the Iraqi state, taken in its entirety, was as honorably conducted as was possible in the circumstances. Purists and those committed to finding fault with the Kurds by any means possible will gladly use such lapses as did occur to try and discredit the Kurdish cause generally. Such efforts are unjust however, in that they ignore the essential nature of war as a phenomenon of chaos and passion, where mistakes, errors in judgment, and injustice are always present even in the most justly pursued causes. What marks the *Peshmerga* out from

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[*] Sheri Laizer documents this in *Martyrs, Traitors, and Patriots: Kurdistan After the Gulf War* (Zed Books, 1996). At page 115 she says "The Baghdad regime paid terrorist agents … to deliver bombs, plant explosive devices, assassinate foreigners and perform acts of sabotage. In 1994, the fee for killing a foreigner was $10,000 a head. Disaffected elements … saw it in their interest to take advantage of Saddam's offers to disrupt the Kurdish administration." Another example of such reporting is "Iraqi Terrorism against UN Personnel," *Kurdish Affairs*, Volume 1, No. 1, March 1994. Yet another is Council of Europe Document No. 6984 dated January 11th 1994, *Report on the humanitarian situation and needs of the displaced Iraqi Kurdish population*, reported at Part II paragraph 22 that "the provision of humanitarian assistance in the Iraqi Kurdish de facto autonomous region is constantly hampered by serious incidents, including the killing of a United Nations Guard and a number of NGO staff, the interception of convoys, arrests of local drivers and attacks on vehicles. Bomb attacks have been perpetrated in the most densely populated parts of the region. *Time bombs have been attached to trucks while stopped at Iraqi Government check-points* … There have also been overt military attacks by Iraqi Government forces and troop concentrations near the border of the Kurdish autonomous region" (emphasis added) (anthologized in *Overview: Developments in Iraqi Kurdistan*, compiled by the PUK Foreign Relations Committee, April 1994).

other similarly situated groups is the fact that they strove to, and largely did, limit the pervasiveness of such evils to the extent that it was possible to due so.

Kurd Against Kurd – Conduct of the Shari Bra Kuzhi (The "Brotherhood Fight")

The behavior of the *Peshmerga* during their long struggle against the Iraqi state stands as a great credit to the people of Iraqi Kurdistan. It is so much more to be regretted therefore that their conduct toward each other has often been so much to their *discredit*. Fighting between and among KDP, PUK, and other Iraqi Kurdish parties has often been as marred by excesses as their respective struggles against the Iraqi Government were marked by restraint.

Fighting between the parties turned vicious almost from the start, beginning with the infamous Hakkari Massacre of 1978. Following the 1975 *Ashbetal* Ali Askari led his organization into the newly formed PUK at the invitation of Jalal Talabani. In April 1978 Jalal Talabani sent Askari, Talabani's deputy from Bezutnawa Dr. Khalid Sa'id, and a large military force to Hakkari, Turkey on a mission to procure arms there.[29] Relations between PUK and KDP (then known as KDP-PL) had already badly soured by then, and sources agree that Talabani had ordered Askari to attack KDP bases en route, perhaps in retaliation for three separate ambushes of PUK *Peshmerga* by KDP-PL.[30] Accounts begin to differ after this however, with some sources claiming that Askari, having established good working relations with KDP-PL, disregarded Talabani's order to attack and even made contact with KDP-PL en route.[31] Upon arriving in Turkey, however, Askari's force was ambushed by as many as 7,500 KDP and tribal fighters, forcing them to surrender; it was after this surrender occurred that the real atrocity was committed – both Askari

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and Khalid Sa'id were executed.[32] Some have even reported that the two were not merely shot, but were killed with rockets from RPG-7s rather than bullets,[33] this despite the fact that KDP claimed to have released "all the captured PUK fighters."[34] It is noteworthy that some have alleged that these executions were carried out to avenge the killing of some Barzani nephews previously by Kamal Mufti, a PUK commander.[35]

Regrettably, the murders of Ali Askari and Khalid Sa'id would prove not to be mere isolated events. During the intra-Kurdish fighting of the 1990s KDP and PUK engaged in a suicidal race to the bottom, seemingly striving to outdo one another in the brutality of their behavior, with all parties engaging in

> "widespread arbitrary arrests, detention without trial, summary trials leading to executions, routine torture of both political suspects and common criminal suspects, assassinations of political activists and perceived critics, and enforced disappearances."[36]

In the words of Laizer,

> "human rights abuses became rampant and the political parties hung their heads in shame … Here were Kurds who had believed themselves patriots … exposed before the international community as little better than Saddam Hussein."[37]

In previous conflicts government soldiers falling into *Peshmerga* hands could expect good treatment or even release, but during the fratricidal fighting of the 1990s *Peshmerga* of one party captured in battle by the *Peshmerga* of another faced a high likelihood of execution or of being held as hostages, with many reports of such incidents between the KDP and PUK during this period.[38]* Examples of this behavior include the May 1992 execution of PUK Dohuk representative Hassan Kwestini after

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*Dr. Tahiri also notes that similar reports were heard from fighting between Iranian *Komala* and Kurdistan Democratic Party Iran (KDPI) in Iran (Hussein Tahiri, telephone interview by author, 13 September 2008).

his capture by KDP and other Kurdish forces,[39] and allegations by KDP that PUK had executed 46 KDP *Peshmerga* prisoners in October 1996.[40]

One might well wonder at the disparate treatment that the Kurds dished out to their government opponents as opposed to each other. In a sense, perhaps it is to be expected – it is after all a commonly held truism that civil wars are the cruelest wars of all.[*] But there may be other reasons as well. One Kurdish scholar told me that the Kurdish concept of honor lay at the heart of both the restraint generally exercised by *Peshmerga* fighters during their battles with the government and the comparative lack of restraint in their battles with each other. He explained that the Kurdish sense of honor imposes an expectation that a man will behave in a certain way, which includes refraining from harming helpless persons such as women, children, or captives (including prisoners of war). As an illustration, he explained that attacking the wife of an adversary would damage the reputation of the attacker.[41] He went on to explain that even in the tribal warfare prior to the *Peshmerga* period, noncombatants were not harmed explaining that in the previous era of tribal war, if a man from one tribe killed a man from another tribe, that a vendetta could develop wherein all members of the victim's tribe would feel entitled to kill any *adult male* in the assailant's tribe, but that even during these tribal vendettas, women and children were not viewed as legitimate targets for retributory killing. Values have evolved since this period, however: Unlike in later periods, captives taken during tribal warfare not have been killed, depending upon the intensity of the blood feud between the tribes.[42]

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[*] Some Kurds object to the term "civil war", preferring fratricidal war or similar terms ("Brotherhood Fight", for example).

However, the same scholar goes on to point out that these cultural restraints breakdown when the enemy is not perceived honorable. While *Peshmerga* fighters generally viewed government soldiers falling into their hands as honorable men deserving of protection, *Peshmerga* from other political parties were often viewed as *traitors deserving punishment* – hence the worse treatment sometimes accorded to fellow Kurds taken on the battlefield.[43] One can see a similar dynamic in the comments about PKK versus Ansar al Islam fighters alluded to above.

Dr. Tahiri claims that even during the depths of the intra-Kurdish fighting of the 1990s some restraints remained operative, such as non-combatants – including the families of fighters from the other party – remaining exempt from harm.[44] While matters were probably not this clear cut and abuses are certain to have occurred with more frequency than at previous periods, it is likely that *Peshmerga* commanders and fighters did feel at least some constraint in this matter.

Human Rights and Due Process of Law:

The conduct of Kurdish security forces reached its nadir during the "Brotherhood Fight" of the 1990s with regard to human rights, but by the end of the decade had turned around considerably. As Human Rights Watch has said,

> "After 1998 the region saw significant improvements in the human rights situation. Both the KDP and PUK closed many secret or unacknowledged places of detention run by the political parties and transferred the inmates to officially recognized prisons operated by the police and internal security forces under the jurisdiction of their respective interior ministries. They accorded all categories of detainees held in these prisons visitation rights. The KDP and PUK abolished the special courts and made efforts to reduce the length of time security authorities held suspects in pretrial detention before charging them with cognizable offenses and referring them to the criminal courts. The number of reported incidents involving the torture of detainees also

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decreased, as did incidents involving the targeted killing of political opponents."[45]

Improvements have continued to the present. The Kurdistan Regional Government protects its citizens, and the residents of the region enjoy and exercise their rights. The government and security services are paying greater attention to the importance according persons with due process and in curbing abuses. In November 2008 the head of the PUK *Asayish* expressed to me his great pride in the recently having established, at the direction of Jalal Talabani, a Human Rights section within his organization.[46] In July 2007, Human Rights Watch credited both KDP and PUK with good cooperation with that organization's inquiry into KRG detention practices,[47] and Nechirvan Barzani "reportedly endorsed the conclusions of the report and pledged to send copies to the Kurdish security forces."[48] Most importantly, the KRG "is democratizing, gradually nurturing the civil society and middle class needed for real democracy."[49]

Despite these very real achievements by *Asayish* and other KRG security services, problems do persist. *Asayish* has been sharply criticized for its human rights record, particularly as regards the treatment of persons held in detention, with numerous allegations of mistreatment of and denial of due process protections.

According to Human Rights Watch, Iraq's Code of Criminal Procedure (CCP), which remains in force in the Kurdistan Region, prohibits arbitrary arrest and detention and requires that criminal suspects appear before an investigative judge within 24 hours of his or her arrest. Kurdistan National Assembly amendments to the Iraqi CCP provide for additional due process rights, including the right to procure legal counsel or to have counsel appointed "at the investigative stage."[50]

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Despite these guarantees, Human Rights Watch documented numerous allegations of violations of these due process rights by *Asayish*, such as:

> "failure to inform detainees of the grounds for their arrest, failure to provided a mechanism by which suspects can appeal their detention, failure to provide a trial without undue delay, failure to provide access to legal representation, holding suspects for prolonged periods of pretrial detention, and extracting confessions through coercion."[51]

Other abusive practices documented by Human Rights Watch include the use of the practice of *badil* ("replacement"), wherein a family member is detained in order to coerce the surrender of a fugitive;[52]* denial of or severe limitations upon family visits to prisoners;[53] threats of indefinite detention or retaliation against family members;[54] excessive solitary confinement;[55] and physical abuse, including beatings "using a variety of implements", "stress positions", and keeping persons handcuffed and blindfolded for extended periods.[56]

Human Rights Watch identified "absence of political will" as a prime cause of the problems cited above, asserting that such has "encouraged a climate of impunity in which security forces are able to commit abuses without accountability."[57] KRG officials themselves deny this, arguing that "persons held in their custody are routinely brought before an administrative judge within a short period following arrest,"[58] attributing lapses to "unavoidable delays" and personnel shortages.[59] KRG officials have equivocated on this matter in some instances, however. Judge Sirwan Ahmad Salih told Human Rights Watch in 2006 that some *Asayish* defendants were never brought before him due to political decisions.[60] In the same report, Human

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*One *Peshmerga* veteran told me that the brigade he served in prior to the US invasion of Iraq used *badil* to recover soldiers absent without leave or deserting.

Rights Watch quotes General Nuri Hassan of the Sulaymaniyah City *Asayish* as

stating that

> "[*Asayish* Investigative Judge] Salih only reviews the cases that are
> covered by law, such as premeditated murder, espionage, and other
> crimes. In these cases, we inform him of the arrests, and he decides
> whether to keep the suspects in detention … *these procedures do not
> apply to terrorists*" (emphasis added).[61]

Hassan estimated that (in August 2006) PUK *Asayish* was holding 50

to 60 persons in "preventative custody without access to a judge", though

Human Rights Watch believed the actual number to be much higher, having

found in one instance the entire population of 124 prisoners at one facility was

were in such "preventative custody" without access to a judge.[62]

Sulaymaniyah Governor (and former head of PUK *Asayish*) Dana articulated a

similar reservation to me in November 2008, stating that criminal suspects are

turned over to the police for action, but that security risks – such as members

of terrorist organizations – are detained by the *Asayish,* and may be detained

even if they have broken no laws,

> "because the laws do not cover all threats … for example, it is not
> illegal to be a member of an organization that is a terrorist threat. So
> the *Asayish* may detain persons deemed to be security threats without
> charge."[63]

Governor Dana went on, however, to assure me that even in these instances, a

judge must review the case and that the detainee is released if the judge finds

insufficient grounds for holding them.[64] Others confirm this practice. The

KRG Human Rights Minister acknowledged the existence of such detentions,

telling *Peyamner* News Agency in January 2009 that "some 700 detainees

accused of terrorism without warrant or permission from the courts" were in

custody. He went on to add however that his ministry was taking action on the matter, having "taken several decisions in this regard."[65]

KRG officials likewise deny or minimize the incidence of physical abuse of prisoners. When asked in a September 2008 interview with the Arabic-language daily *As-Sharq al-Awsat* whether KRG security services use torture to extract confessions, Masrur Barzani adamantly denied the charge:

> "No, absolutely not. This practice is unacceptable in the Kurdistan Region … the region's president issued strict instructions not to use torture to extract confessions and not to put undue pressure on any detainee or suspect. If this happens, the confession is considered invalid …"[66]

Other officials make similar claims, with General Saif-al-dinn telling Human Rights Watch that in "95 percent of cases" PUK *Asayish* doesn't "beat detainees,"[67] and Ismat Argushi of KDP's Asayish Gishti claimed that "if torture does take place, then it is certainly without my knowledge."[68]

Both KDP and PUK *Asayish* have internal procedures for investigating allegations of abuse. In the KDP, the charges are reviewed by a three-member investigative board consisting of an investigating officer, an administrative officer, and a legal affairs representative; in the event of substantiated charges, the board would recommend appropriate disciplinary action (a KDP official admitted to Human Rights Watch that, at the time of their report, no cases had been reviewed under this procedure).[69] PUK boasts a similar procedure, with potential disciplinary action ranging from reprimand to demotion to incarceration (General Saif al-dinn cited one instance of an *Asayish* officer being sentenced to nine days in jail for striking a prisoner).[70]

The KRG has taken steps to address the many allegations leveled against its security services. The first such occurred under first unified cabinet in the early 1990s, when attempts were made to increase transparency and accountability, though without much success.[71] More recently, the KRG took some steps in mid-2006 to address concerns raised by Human Rights Watch, including accelerated release of several hundred *Asayish* detainees and the formation of executive and parliamentary committees to review conditions in *Asayish* prisons.[72] It should also be noted that, also prisoners in KRG jails have inadequate access to visitors, they have not generally been held completely incommunicado. In addition to their (admittedly short and infrequent) family visits, Human Rights Watch was given extensive access to prisons and many prisoners in KRG jails have had the opportunity to send letters to their families via the Red Cross.[73] Again in his interview with Peyamner, Human Rights Minister Aziz Mohammed denied the existence of political prisoners in the Kurdistan Region, said that the Regional Government was constantly monitoring matter of the rights of women and children, and welcomed any evaluations of the human rights situation in Iraqi Kurdistan by international organizations.[74]

Finally, I should note that in personal interviews at Erbil and Sulaymaniyah in November 2008, KRG officials of both parties universally dismissed the Human Rights Watch report as outdated, claiming to have addressed the issues raised by that document.

One final area of concern is the use of the KRG security sector as a means to control and influence the media in Iraqi Kurdistan. The situation of the media in the KRG is well summarized by James Pollack below:

"Regarding freedom of the press, lively independent and even opposition media outlets flourish inside the KRG, although they suffer some infringements and occasional intimidation. The legal status of the press is ... Government officials or their allies have in some instances filed civil lawsuits or engaged in harassment of journalists for 'defamation' of public figures, including the local translator and publisher of a highly critical article by Michael Rubin, published by the American Enterprise Institute in January 2008."[75*]

Thomas Friedman has put the matter more succinctly: "[The KRG] has a vibrant free press, as long as you don't insult the leadership …"[76] Masrur Barzani clearly demonstrated the ambivalence of the KRG authorities on the issue of press freedom with the following comment to a reporter in 2008:

"[T]he press needs to become more mature and professional … There are writers and journalists who can tell the difference between freedom of expression and assaults on others. There are some who cannot tell the difference and think that whatever they write falls under the heading of freedom of the press even if it slanders others…"[77]

Other instances of media harassment have occurred as well. The most notorious has been the case of Dr. Kamal Sayid Qadir, a Kurdish journalist holding Austrian citizenship sentenced to thirty years in prison for publishing a series of articles containing sensational charges against Kurdish leaders and members of the Barzani family.[78] Qadir was not even safe after being released without serving his sentence, being attacked on the streets of Vienna by assailants allegedly associated with *Parastin* in February 2008, resulting in hospitalization,[79] and in February 2009 a Kurd was charged in Great Britain with attempting to kill a member of the Movement for Democratic Change, a reformist group within PUK; the victim alleges that the attacker is associated with the PUK office in London.[80]

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[*]The article was "Is Iraqi Kurdistan a Good Ally?" *AEI Middle Eastern Outlook*, January 2008, http://www.al-akhbar.com/ar/node/60606; the local publisher in Sulaymaniyah was *Hawlati*, http://hawlati.info/Ar/Default.aspx.

Qadir's initial conviction drew criticism even from the KDP cabinet in office at that time. Hadi Ali Abdulkareem, a member of the Kurdistan Islamic Union and Minister of Justice under the fourth KDP cabinet (which left office after reunification in May 2006)[81] complained that many judges were "beholden to KDP security and intelligence agencies."[82]

For its part, KRG challenges the attribution of the above attacks to KDP and PUK. Of the Vienna incident, one KRG official said that first, the matter is still being adjudicated by an Austrian court and the facts have therefore not officially been established, but more importantly that the incident under review should be characterized as a *personal* dispute, not a political one.[83] Of the incident in the United Kingdom, the same official stated unequivocally that whoever the attacker was acted entirely upon his own initiative and his actions were not in any way ordered, directed, or sanctioned by PUK.[84]

Improvements have been made on this last point with the passage of the 2007 Judiciary law, which invests the KRG Judiciary with a greater degree of independence from the executive. Another improvement is the recently passed Press Law of 2008. The law is an improvement in that it prohibits the jailing of journalists and bars suspensions or closure of newspapers and eliminated some objectionable provisions in previous legislation such as banning the publication of articles viewed by the government as being threats to "national security" or inconsistent with "common values."[85] Nonetheless, significant problems for press freedom remain even under the new law, which still allows for the imposition of stiff fines[*] upon journalists

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[*] The fines under the new law are between one and five million Iraqi Dinars (~ US$900 – US$4500) for reporters and editors-in-chief and five to 20 million Iraqi Dinars(~ US$4500 – US$18,000) for

for failing to comply with the standards set out in the new law.[86] The new law still bans articles that "create instability, spread fear and intimidation and cause harm to people," and articles that "violate religious belief;"the law also requires journalists to comply with "the International Federation of Journalists' ethics codes and also imposes strict guidelines for publications to run corrections."[87] Clearly, even the most benign of these requirements provides KRG authorities with all the leverage they need to effectively squelch discussion in the press of topics they find objectionable.

The KRG insists that criticism in this area is unjust. When I raised the matter of press freedom with one KRG official, his description of the situation in the KRG conveyed the idea of a free-wheeling press, some members of which are willing to write almost anything and who are not molested for doing so. In response to the specific matter of legal action against journalists, he insisted that action has only been taken in the most flagrant cases where the articles in question have amounted to libel.[88]

KRG Conduct in Context:

A review of the human rights situation in the Kurdistan Region – particularly a review that highlights negative practices or allegations – cannot be deemed complete without attempting to come to some understanding of the greater context within which the KRG functions, and of how its human rights record compares to that of its neighbors. Despite the many shortcomings enumerated above, the security services of the KRG have a much better record than their colleagues in the newly

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newspapers (Wrya Hama-Tahir, "Kurdish Press Law Draws Mixed Response," *Iraq Crisis Report*, October 17 2008, http://www.iwpr.net/?p=icr&s=f&o=347233&apc_state=henpicr (accessed February 22 2009)).

reconstituted security services in the rest of the country, both in terms of transparency, efforts at improvement, and actual conduct.

An incident from my own experiences in Sulaymaniyah illustrates the gulf in professionalism and conduct between Iraqi police in the rest of Iraq and the security services of the KRG as late as 2006. In late July 2007, two Arab refugees visited me at my office in Sulaymaniyah, a man and a woman – siblings. The man was operating a small business in the town of Raniya where he had found refuge, while his sister – in Sulaymaniyah on a temporary visit – was a refugee in Dubai. The two had come to my office looking for access to the prisons in the Sulaymaniyah area, hoping to find the woman's husband there. Her husband had been arrested, along with four other persons, in Baghdad in early September 2006 by members of the National Police. The detainees were her husband, his business partner, and two bodyguards. Shortly after the arrests, a relative of one of the bodyguards went to the police looking for word on his relative. The relative himself then disappeared, being discovered two days later with broken legs and head injuries. He later died. The two bodyguards were ultimately released but, having been tortured and intimidated, fled the country with the help of relatives. The business partner was also freed, possibly by a Coalition raid, and also fled. Adding insult to injury, the woman was shortly confronted at the family home by ominous, official looking men accusing her husband of being a British or American agent; these were soon followed by trucks and a moving crew who began packing up the family possessions. All of these people arrived in vehicles bearing markings of the Iraqi Ministry of the Interior and the National Police. The men then told her that she was being evicted from the neighborhood. Much of the

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household goods – consisting of the inventory of her husbands business – were lost. Owing to political and tribal connections the family had been able ascertain that the husband was alive, being held under a false identity, and being moved around among secret prisons.[89]

The security services the KRG operate at a much higher level of professionalism and respect for rule of law than that evinced by their brethren in Baghdad in the anecdote above – family members inquiring after detainees need not fear being arrested themselves; detainees can expect access, however limited, to their families; secret prisons are few in number and growing fewer; and the KRG has provided third parties with access to its facilities. All in all, the security services of the KRG, while naturally still beset by many problems, are a far cry from their colleagues in the rest of the country.

Sulaymaniyah House of Justice 2008 (a new court house is under construction) (photo by author).

[1] Michael J. Totten, "An Army, Not a Militia," *Michael J. Totten's Middle East Journal*, April 5, 2007, http://www.michaeltotten.com/archives/001412.html (accessed February 18, 2009).

[2] Barzani, *Mustafa Barzani and the Kurdish Liberation Movement*, 55.

[3] Eagleton, *The Kurdish Republic of 1946*, 86.

[4] Schmidt, *Journey Among Brave Men*, 216 – 218.

[5] Hama Dostan, *Black Wind from the Kurdish Hills* (London: Janus Publishing, 2005), 404 – 407.

[6] *Peshmerga* "Cengawer," e-mail message to author, 2008.

[7] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 176 – 179.

[8] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 179.

[9] Ibid.

[10] Paul R Viotti, "Kurdish Insurgency in Iraq," in *Political Violence and Insurgency*, eds. Bard E. O'Neill, D.J. Alberts, and Stephen J. Rossetti, 335.

[11] Jalal Talabani, "The Kurdish Movement … The Prospects in the 90s", Lecture presented to the Royal Institute for International Affairs (Chatham House), London, Anthologized in Foreign Relations Committee, *Overview: Developments in Iraqi Kurdistan* (n.p.: Patriotic Union of Kurdistan, 1994), not paginated.

[12] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 28 - 29.

[13] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 74.

[14] Nyrop, *Iraq: A Country Study*, 56.

[15] John Laffin, *War Annual 1,* 90.

[16] Edmund Ghareeb, *The Kurdish Question in Iraq* (Syracuse, NY: Syracuse University Press, 1981), 157.

[17] Jalal Talabani, "The Kurdish Movement … the Prospects in the 90s," not paginated.

[18] Nyrop, *Iraq: A Country Study*, 227.

[19] O'Ballance, *The Kurdish Struggle, 1920 – 1994,* 104.

[20] *Settlement of the Kurdish Problem in Iraq* (Baghdad: Ath-Thawra Publications, n.d) , 184.

[21] O'Ballance, *The Kurdish Struggle, 1920 – 1994,* 104.

[22] Middle East Watch, *Bureaucracy of Repression: The Iraqi Government its Own Words* (Washington DC: February 1994) Section V (anthologized in Foreign Relations Committee, *Overview: Developments in Iraqi Kurdistan* (n.p.: Patriotic Union of Kurdistan, 1994), not paginated).

[23] Ghareeb, *The Kurdish Question in Iraq* , 65.

[24] Ibid., 115 – 119.

[25] Ibid., 123 – 125.

[26] Ibid., 156.

[27] John Laffin, The World in Conflict: War Annual 7 (Washington DC: Brassey's, 1996) 71.

[28] Ibid.

[29] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 87.

[30] Ibid.; Lovat, *Kurdistan Democratic Party,* 55; McDowall, *A Modern History of the Kurds*, 2nd ed., 344.

[31] McDowall, *A Modern History of the Kurds*, 2nd ed., 345.

[32] Ibid.

[33] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 86 (note 173)

[34] Lovat, *Kurdistan Democratic Party,* 55.

[35] Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy,* 86 (note 173).

[36] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 12, (note 10).

[37] Laizer, *Martyrs, Traitors and Patriots: Kurdistan After the Gulf War,* 138.

[38] Hussein Tahiri, Honorary Researcher, Monash University, Australia, telephone interview by author, September 13, 2008.

[39] Laizer, *Martyrs, Traitors and Patriots: Kurdistan After the Gulf War,* 134.

[40] Lovat, *Kurdistan Democratic Party,* 99.

[41] Tahiri telephone interview by author, September 13, 2008.

[42] Ibid.

[43] Ibid.

[44] Ibid.

[45] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 13 (note 11).

[46] Ahmed, interview by author, Sulaymaniyah, Iraq, November 20, 2008.

[47] http://articles.latimes.com/2006/mar/27/world/fg-kurd273.

[48] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 276 (footnote).

[49] Thomas L Friedman, "The Kurdish Secret," New York Times, September 2, 2007, http://select.nytimes.com/2007/09/02/opinion/02friedmancolumn.html?_r=3 (accessed February 18, 2009).

[50] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, pg 3 [check CCP on my own]

[51] Ibid., 30.

[52] Ibid., 32.

[53] Ibid., 48.

[54] Ibid., 43.

[55] Ibid.

[56] Ibid., 42.

[57] Ibid., 46.

[58] Ibid., 33.

[59] Ibid., 34.

[60] Ibid.

[61] Ibid., 35.

[62] Ibid.

[63] Majed, interview by author, Sulaymaniyah, Iraq, November 17, 2008.

[64] Ibid.

[65] "Kurdish Minister of Human Rights in Kurdistan: the Territory's prisons does not include political prisoners," *Peyamner* website, January 15, 2009, http://www.peyamner.com/details.aspx?l=2&id=105358 (accessed February 18, 2009).

[66] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008.

[67] Human Rights Watch, *Caught in the Whirlwind: Torture and Denial of Due Process by Kurdish Security*, 45.

[68] Ibid., 44.

[69] Ibid., 44 – 45.

[70] Ibid., 45.

[71] Ibid., 25.

[72] Ibid., 3-4.

[73] Lawrence, *Invisible Nation: How the Kurd's Quest for Statehood is Shaping Iraq and the Middle East*, 266.

[74] "Kurdish Minister of Human Rights in Kurdistan: the Territory's prisons does not include political prisoners," *Peyamner* website, January 15, 2009.

[75] Pollack, "The Kurdish Regional Government in Iraq: an Inside Story," 3.

[76] Thomas L Friedman, "The Kurdish Secret," New York Times, September 2, 2007, http://select.nytimes.com/2007/09/02/opinion/02friedmancolumn.html?_r=3 (accessed February 18, 2009).

[77] Masrur Barzani, "Head of Iraqi Kurdistan Security Discusses Job, Relations with Baghdad ," interview by Ma'ad Fayyad, *Al-Sharq al-Awsat* website, September 13, 2008.

[78] Solomon Moore, "Free Press Stumbles in Kurdistan," Los Angeles Times, March 27, 2006, http://articles.latimes.com/2006/mar/27/world/fg-kurd27 (accessed February 19, 2009).

[79] "False News of Masrur Barzani's Arrests in Vienna," eKurd.net, February 28, 2008, 2009).

[79] "The members of the previous and fourth cabinet, which was in office from 1999 to early 2006," KRG website, May 7, 2006,
http://www.krg.org/articles/detail.asp?rnr=159&lngnr=12&smap=04060000&anr=91 (accessed February 18, 2009).http://www.ekurd.net/mismas/articles/misc2008/2/independentstate2038.htm (accessed February 18, 2009).

[80] Simko Azad, "PUK accused of attempted murder: London, UK," KurdishMedia.com, February 18, 2009, http://www.kurdmedia.com/article.aspx?id=15478 (accessed February 18, 2009).

[81] "The members of the previous and fourth cabinet, which was in office from 1999 to early 2006," KRG website, May 7, 2006, http://www.krg.org/articles/detail.asp?rnr=159&lngnr=12&smap=04060000&anr=91 (accessed February 18, 2009).

[82] Solomon Moore, "Free Press Stumbles in Kurdistan," Los Angeles Times, March 27, 2006.

[83] Telephone interview with KRG official by author, February 25 2009.

[84] Ibid.

[85] Wrya Hama-Tahir, "Kurdish Press Law Draws Mixed Response," *Iraq Crisis Report*, October 17 2008, http://www.iwpr.net/?p=icr&s=f&o=347233&apc_state=henpicr (accessed February 22 2009).

[86] Ibid.

[87] Ibid.

[88] Interview by author with KRG official, 2009.

[89] "Hussein and Fatima," Arab Refugees in Kurdistan, interview with author, July 28, 2007.

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Chapter 18
Conclusion – The Serpent and the Wolf

John Jay Chapman once wrote about the United States that

"[t]here was never a moment during this time when the slavery issue was not a sleeping serpent. That issue lay coiled up under the table during the deliberations of the Constitutional Convention in 1787."[1]

All of our country's great achievements during the struggle for independence and after failed to banish this serpent – it remained in our presence all the while. Eighty-five years after the declaration of July 4th 1776, the serpent of slavery stirred itself and struck with devastating consequences for our Republic.

Like our own Republic in its early days, the Kurdistan Region lives with a sleeping serpent of its own. The Kurdistan Regional Government has accomplished much great good in its young life. But also like our Republic in its younger days, the danger remains that the serpent coiled under its table will stir and strike, destroying everything the Kurds of Iraq have struggled for. The serpent I speak of is the latent rivalry between the two major parties – KDP and PUK. I do not refer to the parties *themselves*, and this observation should not be interpreted as an attack on or even a criticism of them; the serpent is not the parties themselves, but the *threat of conflict between them.* Despite errors of the past, KDP and PUK have achieved much good for their people. It is extremely unlikely that without them the Kurdistan Region could ever have achieved the freedom and security that it enjoys today. But their success has been tainted by the long record of "bloodstained competition"[2] between them. Despite the current

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state of rather good cooperation between the parties, we cannot forget that the

usual state of affairs has been one of deep antipathy, mistrust, and often open

conflict. Worse, these problems transcend the merely ideological and partisan. As

Dr. Stansfield has written,

> "… perhaps because the two parties became so similar, with personal
> differences creating an actor-based political system, it proved an
> impossible task to reconcile the leaderships of the two parties …"[3]

The deep involvement of the United States in Iraq, together with accession of

Jalal Talabani to the Iraqi Presidency, have served to release pressure from the political

process in the KRG and allow a period of peaceful cooperation, growth and development.

The question now is whether the parties can sustain this situation after the end of

President Talabani's term of office and after the departure of US forces. Perhaps the

greatest achievement of Mullah Mustafa Barzani was the merging of his tribal movement

with the KDP, thereby creating a framework that went beyond his personal charisma and

was able therefore to outlive him; the question today is whether or not the KDP and PUK

of today established a governmental framework that can outlive the current political

arrangements. If not, can they?

Regrettably, the serpent is not the only threat facing the Kurdish people. While

the serpent sleeps under their table, a wolf lurks near their door – the wolf of renewed

conflict between Iraqi Kurds and the Iraqi Government. The Kurds have played a very

constructive role in the formation of the Iraqi state since March 2003, and both the KRG

and the Iraqi Government have worked hard to minimize the points of difference between

them. Nonetheless, serious differences remain, over disputed territories, oil exploitation,

roles and status of various security services, as well as years accumulated bitterness and

mistrust. Can the KRG and the Government of Iraq continue to manage these differences constructively and peacefully, or will their relationship once again descend into violence?

A Way Ahead

An analysis of the KRG political system writ large, and of the relationships between the actors within it and with the central government, is beyond the scope of this work. Nonetheless, as the security services are of necessity intimately connected with all the problems mentioned above, some closing thoughts on future policy are in order.

The Long Term Solution:

The future configuration of the KRG security services must necessarily be a key element of any permanent resolution of the outstanding issues facing Kurdistan and Iraq. The KRG security services remain divided along party lines and dominated by KDP and PUK within their respective areas – a situation that carries the potential for future conflict. Only by fully integrating these services and by professionalizing them – that is, separating them from partisan politics and making them truly accountable to the leadership of the Kurdistan Regional Government as opposed to the party leaderships – can the Kurdish people be sure that political conflict will not again become military conflict and that the security services will remain pillar of, and not an impediment to, the democratic process. The danger of such conflict, while more remote now than in times past, cannot be ignored completely, as was recently demonstrated when an internal party conflict within PUK led to the placing of the *Peshmerga* on alert, the recall of all personnel, and the cancelling of all leaves.[4]

Naturally, full unification and de-politicization of the security services cannot realistically be achieved immediately, but interim steps can be taken now and in future to lay the groundwork for such action.

Quick-Wins

The KRG has already taken steps to improve the human rights performance of the *Asayish* and the prison system, and this area provides the best opportunity for further gains in professionalizing and de-politicizing the security services in the short term: Closure of any remaining *Parastin* and *Dazgay Zanyari* jails and prisons; completion of the transfer of prisons in Dohuk Governorate to the Ministry of Labor and Social Affairs; and continued steps to curb abuse of prisoners at all facilities and to hold law enforcement officers accountable for their treatment of prisoners are important steps that can be taken immediately at little political cost. More importantly, the KRG should take all necessary steps to ensure that every prisoner enjoy the actual benefit of all due process protections provided to them under the laws of both the KRG and the Republic of Iraq.

Peshmerga Unification

The *Peshmerga* may provide the greatest opportunity for unification, de-politicization, and professionalization of KRG security forces. Despite the large size of the force, the *Peshmerga* is perhaps the least politically sensitive of the KRG services, given its relatively limited role in intelligence gathering and law enforcement. At the same time, *Peshmerga* unification offers a number of potential benefits: If successfully effected, it could serve as an important confidence building measure and as a pilot program of sorts toward eventual unification of the other security services; it would remove a longstanding point of friction between the KRG and the Iraqi Government; and

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it would invest the *Peshmerga* with an aura of greater legitimacy in the eyes of the United States and other western observers than is currently enjoyed. It would also reduce the likelihood of renewed intra-Kurdish strife and, perhaps, be a more efficient and effective military force overall. Preparatory work toward unification has already been completed; consummation of the effort would be a great step forward.

Longer Term Reforms:

Once *Peshmerga* unification is achieved, the KRG should turn its attention to more difficult longer-term reforms. Those of most interest to this writer include:

- Normalization of the *Parastin* and *Dazgay Zanyari*: The continued existence of intelligence services whose chief allegiance is to political parties and not to the state as whole is inherently anti-democratic. While it is unrealistic to expect KDP and PUK to disband these entities altogether (and perhaps even be undesirable), they should not be continue to exist outside the state. As a minimum the Kurdistan National Assembly should pass legislation formalizing their status, defining their role, and clarifying their relationship with the state – as was done with *Asayish* years ago.

- Unification of *Asayish* and the Police: Party domination of the law enforcement agencies is also problematic for future democratic development. While elimination of this influence in the short term is not realistic, the KRG should begin laying the foundation for future de-politicization by effecting the long-planned unification of the Interior Ministry and its police, and implementing some form of *Asayish* unification, whether under the auspices of the General Security Committee or some other structure. The Municipal Police should be immediately depoliticized, as was called for in the 2006 KRG Unification Agreement, with de-politicization of *Asayish* to

follow more gradually in future. Whatever solution is devised should be implemented

with the approval of the Kurdistan National Assembly.

<u>Recommendations for Future US Policy</u>

US policy toward Iraqi Kurdistan over the past six years can fairly be

characterized as having been one of benign neglect. It is hard to argue with this comment

from a recent report by The Carnegie Endowment for International Peace, which reported

that "[t]he United States … has taken Iraqi Kurdistan's stability for granted and has

woefully underfunded programs of institution building there."[5] There are a variety of

reasons for such a US approach, some understandable, others less so. Whatever the

reasons for our policy to date, the United States should now consider changing course to

a policy of more energetic engagement with the KRG – including engagement with the

security services. We should consider expanding our advisory and assistance efforts to

include all *legally constituted* security entities in the KRG, including *Asayish*,

Peshmerga, and expanded assistance to the judiciary, on the same basis as such

assistance is provided to security entities in the rest of Iraq and in addition to the robust

support that we currently provide to the KRG Municipal Police and penal systems. Such

engagement could pay practical, political, and moral dividends, such as:

- Enhancing the ability of these entities to assist us and our allies in combating
unlawful terrorist and insurgent groups;

- Promoting rule of law and respect for human rights among the agencies benefiting
from US advisory and assistance efforts;

- Rewarding the KRG for its many positive achievements and for its close
cooperation with and support for the United States.

- Establishing a political buffer between competing governments and factions in northern Iraq and thereby tamping down the forces that could lead to violence.

The last point above may well be the most important. By engaging the security services of the KRG the United States could convey to the Kurds a sense of political and physical security that may make it easier for them to continue to exercise restraint in their relationship with the Iraqi Government. To be sure, such engagement could be perceived as a threat by the Iraqi Government; properly handled however, the influence that such engagement would give the United States with the KRG could provide a means of reassuring the Iraqi Government that the Kurds will not act precipitously on matters such as Kirkuk or exploitation of oil reserves, or make any rash moves toward independence.

Any misgivings about the shortcomings of the KRG security services are misplaced. Whatever their faults, they still operate to a higher standard of conduct and effectiveness than their counterparts elsewhere in Iraq and perhaps even in the region at large.

Conclusion

The first aim going forward in northern Iraq should be to consolidate the impressive gains for freedom and democracy that have been made in Iraqi Kurdistan. The indispensible prerequisite toward that end is an absolute renunciation of the use of force as a means of settling the ongoing political disputes between KRG and the Government of Iraq and among the Kurdish parties.

Neither side was ever been able to achieve a permanent victory in the episodic conflict between the Kurds and the Iraqi Government – the government has never been able to extinguish the flame of Kurdish resistance, while the Kurds have never been able

to fully slip the yoke of government control. For six years Iraq has enjoyed a considerable rapprochement between these two forces. The central Government and the Region have shown a remarkable ability to defuse (or at least sidestep) potentially explosive issues and to cooperate on many important matters. A recent example is the provision of security during the recent provincial elections, during which *Peshmerga* and Federal forces operated side-by-side at the polling stations in the disputed areas to preserve the peace.[6] Nonetheless, key issues between the Federal Government and the Region remain unresolved and, as the controversy over the *Peshmerga* presence in Diyala Governorate demonstrates, these differences can still boil over. Similarly, experience has shown that the two main Kurdish parties are too evenly matched to ever permanently destroy one another. Advantages of one over the other have been of fleeting nature at best.

Given these realities, the best thing that all concerned can do is to acknowledge that resort to arms can result only in suffering and not in a permanent solution, and foreswear such as a means of settling the differences between them, committing instead to lawful political processes, however difficult they may be.

Asayish checkpoint outside Sulaymaniyah (photo by author).

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Monument to *Asayish* martyrs (photo by author).

Kurdish Iraqi Army soldier preparing to deploy to Baghdad, 2007 (photo by author).

Kurdish Iraqi Army soldiers in Kirkuk – 2nd Battalion, 3rd Brigade, 2006 (photo by author).

Kurdish Iraqi Army soldier in Baghdad, 2007 (photo by author).

3rd Brigade 4th IA vehicle destroyed by IED in Baghdad spring 2007 (photo by author).

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[1] John Jay Chapman, *William Lloyd Garrison* (BiblioBazaar: 2008) 9.

[2] Gareth Stansfield, "Governing Kurdistan: The Strengths of Division," in *The Future of Kurdistan in Iraq*, ed. Brendan O'Leary, John McGarry, and Khaled Salih (Philadelphia: University of Pennsylvania Press, 2005) 198.

[3] Ibid.

[4] "PUK Turmoil: Kosrat Rasul Ali and Four Other PUK Politburo Members Resign," *Rozhnama*, February 15 2009, reported in "Regional Reconstruction Team, Kurdistan Region of Iraq, Media Summary, February 15, 2009," compiled and translated by Press and Cultural Specialist Alan Attoof.

[5] Barkey, Henri J., Preventing Conflict Over Kurdistan (Washington DC: Carnegie Endowment for International Peace, 2009), 15.

[6] *Peshmerga* "Ali", e-mail to author, February 2009.