

Briefing: Suspected Mass Gravesites in Simele

Prepared for the Kurdistan Regional Government Representative to the US (August 28, 2020)

Since 1933, the site of Simele in Iraq is a hallowed site of mourning and remembrance for the Assyrian community of Iraq and Assyrians worldwide. Located in Duhok Governorate, in today's Kurdistan Region of Iraq, the site has both ancient and modern significance for the Assyrian people. It is believed that the town was an ancient Assyrian settlement, at the same time, it is a site of massacre related to historic atrocities and injustices against an indigenous people native to modern-day Iraq and one of the oldest living cultures. This site, as well as a number of others in the area, are believed to contain the remains of Assyrian victims of systematic, large-scale killings when Iraq launched its genocidal campaign targeting Assyrians across northern Iraq in 1933.

An investigation of the sites related to the Simele Massacre may yield critical evidence for future justice processes and will create a historical record. Moreover, the process of investigation and documentation reconfirm the dignity of the victims. The denial of historical injustices threatens the democratization of the Iraqi state and prolongs strained relations between different ethnic and religious groups. Proper recognition acknowledges the gravity of the offenses perpetrated and will help promote Iraq's transition into a pluralist and tolerant society. Undertaking all appropriate measures regarding excavation, exhumation and identification, based on best practices and standards, including meaningful protection of these sites, will serve the broader obligation of the Government of Iraq and the Kurdistan Regional Government to ensure the rights to truth, justice, and reparations for the families of the victims and their descendants. This briefing provides recommendations and measures necessary to achieve these objectives in an effective manner.

The Simele Massacre of 1933

The Simele Massacre was a genocidal campaign led by the nascent Kingdom of Iraq, systematically targeting the indigenous Assyrian population in northern Iraq in August 1933. It was the first genocidal act committed by Iraq.[1] The term is not only used to describe the massacre in Simele, but the wider campaign that took place across more than 100 Assyrian villages in modern-day Dohuk and Mosul.[2] Prior to the massacre, Iraqi nationalist propaganda campaigns had portrayed the native Assyrian population as a foreign threat to security and national unity, creating an apparent justification for ethnic cleansing. With no foreign protection or territory of their own, Assyrians feared ethnic violence.[3]

The expected violence against Assyrians began in early August 1933, authorized by King Feisal.[4] The Iraqi Army and local police, joined by Arab and Kurdish irregulars and acting with the complicity of civil authorities, killed Assyrians wherever they found them, most of them civilians. As many as 6,000 Assyrians were killed. Thousands of Assyrian women were sexually assaulted and taken captive. Large-scale looting destroyed whole villages and the economic base of Assyrian life—destroying any prospects of return. Surviving Assyrians were reluctant to return home, and many were subsequently stripped of their citizenship and relocated to French-controlled Syria.[5] The violent raids against Assyrians persisted for more than a month. The evidence shows that the mass violence against Assyrians in Simele and in other Assyrian villages at that time was genocide:

Through corroborating sources, the data validates Iraq attempted to solidify its homogeneity as a nation through the purging of those Assyrians at Simele and the surrounding districts, epitomizing the complexity of a situation in which the envisaged state-building could only progress via 'nation-destroying' of the Assyrians.[6]

The genocidal violence meted out against Assyrians by the Iraqi regime received popular support from all of Iraq's other ethnic and sectarian groups and the success of the regime was celebrated. Later, some of these same groups would fall victim to similar forms of genocidal violence.

The 1933 Simele Massacre was one of two events that inspired the coinage of the word 'genocide' by lawyer and international legal scholar Raphael Lemkin in his *Axis Rule in Occupied Europe*. Lemkin's definition would later serve as the basis for the definition and codification of the crime of genocide in international customary law through the United Nation's Convention on the Prevention and Punishment of the Crime of Genocide of 1948, to which Iraq became a signatory in January 1959.[7]

Suspected Mass Gravesites in Simele

While there is no legal definition of the term ‘mass grave’ in international law, it is commonly understood to refer to a site containing a multitude of buried human remains. Under Iraqi national law, a mass grave is defined as “land or location containing the mortal remains of more than one victim, who were buried or hidden.”[8]

The question of whether ethnic violence targeting Assyrians occurred at the relevant times and places is not an issue, as it is well established in the historical record and scholarship. It is alleged that multiple sites in Simele could have been the disposal ground for some of the victims of the Simele Massacre of 1933. Eyewitness accounts reported that the victims were deposited in mass graves located at three principal locations, including: a killing site near the Iraqi police station in the middle of the town (presently the site of an archaeological tell); along a small stream that runs on the outskirts of modern-day Simele; and adjacent to a water spring on the southwestern side of the town.[9]

The aforementioned sites in Simele contain arrays of disassociated skeletal remains consistent with their designation as possible mass grave sites and warrant investigation. Preliminary information and assessments of these sites support their designation as possible mass grave sites. Extensive photographic evidence has been collected as part of preliminary assessments of these sites. There is speculation from well-informed international scholars that these sites are indicative of what could be a mass grave site and may indeed be related to the 1933 Simele Massacre. Though much of the evidence may have been destroyed due to the passage of time—factors to bear in mind include both natural and human-caused disturbances—it is possible that the skeletal remains of the victims of the 1933 massacre underwent fossilization due to the levels of salinity in the soil and therefore persist. These reports cannot be confirmed nor refuted without excavations and forensic examination of the remains.

The possible mass grave sites have not been properly maintained and remain unmarked and entirely unprotected, leaving them vulnerable to disturbance and contamination. Reports of preliminary excavations recently conducted at one of these sites, which included the removal of remains, by the Duhok Antiquities Office are especially troubling.[10] Any further contamination and disturbance of the mass grave sites could compromise the evidence value and thereby undermine attempts to ensure justice and accountability. Exhumations conducted without forensic experts can tamper with the sites, run the risk of desecrating this sacred space for Iraq’s Assyrian community, and can lead to the destruction of critical material required for addressing this historical atrocity.

Photos captured between 2015 and 2018 depicting multiple sites believed to contain the remains of Assyrian victims of the Simele Massacre.

Multiple sites in Simele contain disassociated skeletal remains consistent with their designation as possible mass grave sites and warrant investigation. The exposed remains are scattered, protruding from the earth and exposed to passersby.

The possible mass grave sites have not been properly maintained and remain unmarked and entirely unprotected, leaving them vulnerable to disturbance and contamination.

(Photos courtesy: GISHRU, Abnaa al-Nahrain)



Federal and Regional Law Pertaining to Mass Graves

In 2006, the Government of Iraq enacted Law No. 5 On the Protection of Mass Graves, which focuses on the protection of mass graves 'that resulted from the crimes committed by the past regime.' It is aimed at protecting such sites from unauthorized disturbance; to provide for investigations; to preserve and protect evidence so as to identify victims; and, to identify perpetrators. The Mass Graves Directorate was established pursuant to this law, but the Directorate has since been placed under the authority of the Martyrs Foundation. The law excludes references to the crimes committed by the Kingdom of Iraq. In 2015, Law No. 13 was enacted, amending the previous law to expand the temporal jurisdiction to crimes committed after 2003 and to specify what the 'protection, inspection and investigation' of mass graves entails.[11] The law should be amended to account for the crimes committed by the Iraqi state since its establishment in 1932.

In the Kurdistan Region of Iraq, the KRG Ministry of Martyrs and Anfal Affairs has an obligation to 'define the crimes' and human rights abuses that were committed against all people of the region 'at the local and global levels.'[12] A KRG report states that, "Since 2007, there has been an increased effort from the KRG towards the international recognition of the Anfal and other acts as genocide, especially by the Ministry of Martyrs and Anfal Affairs."[13] This obligation should be extended to the Simele Massacre of 1933 which was committed on Assyrian lands now administered by the KRG.

Federal and Regional Recognition of the Simele Massacre

The Preamble of the Iraqi Constitution recognizes crimes committed against Arabs, Kurds, and Turkomen in the country, but makes no mention of the historical suffering of Assyrians within Iraq's borders.[14] The exclusion of crimes committed against Assyrians absolves the perpetrators, trivializes the suffering of the Assyrians, contributes to the erasure of their modern history, and debases and diminishes their importance in Iraqi society. The impunity of the violence in 1933 underpinned the impunity exercised when successive regimes targeted larger segments of Iraq's population. By formally recognizing the Simele Massacre of 1933 in its Constitution, the Iraqi Government can pay tribute to the perseverance and determination of those who survived, as well as its citizens of Assyrian descent who form an integral part of Iraq's social fabric today. By commemorating and condemning these past crimes, the Iraqi Government will acknowledge its responsibility to prevent future atrocities targeting all components of the Iraqi people.

Similarly, the draft constitution of the Kurdistan Region omits mention of the cases of genocide, crimes against humanity and war crimes suffered by the Assyrian people in the region. Further, previous statements issued by the KRG Presidency recognizing Assyrian Martyrs Day (observed annually by Assyrians on the anniversary of the Simele Massacre) have repeatedly misrepresented and politicized the Simele Massacre. In such statements, the victims of the Simele Massacre are misrepresented as "martyrs of the Kurdistan Liberation Movement"[15] or "martyrs of Kurdistan"[16] in which their identity is reduced to that of Christians. This framing not only distorts Assyrian identity, but it misrepresents the events of 1933, as the cause of the mass violence targeting the Assyrians at the time was not the result of doctrinal differences.[17] Many Assyrians are offended by such statements and perceive them to be part of an effort to Kurdify the memory of Assyrian suffering.



The various sites in Simele are recognized by the local Assyrian community as places of mourning. Each year on Assyrian Martyrs Day, observed on the anniversary of the Simele Massacre, Assyrians gather at these sites to pay tribute to the victims and survivors. Left: A commemoration ceremony held at one of the suspected mass grave sites following mass at the local Assyrian church named The Church of Martyrs in honor of the victims of the Simele Massacre (Courtesy: Khoyada). Right: Diasporan Assyrians visiting Iraq as part of the annual GISHRU trip visit suspected mass grave sites (Courtesy: GISHRU).

Recommendations

1. To avoid further mishandling of the remains, the relevant authorities must commit to protecting the integrity of all alleged mass grave sites in Simele and take urgent steps to shield these sites against further degradation in order to preserve evidence. These sites should be guarded and access should be restricted. Any plans, be they local building or excavations, must be suspended immediately until a thorough investigation of the site(s) is completed. Any mortal remains that have been removed from these sites must be stored in a manner that is dignified and will permit their efficient examination and eventual identification;
2. An impartial survey of the various sites of the Simele Massacre of 1933 (including the town of Simele itself) should be vigorously pursued by federal and regional authorities with the participation of scholars of Assyrian ethnic background and other experienced specialists including forensic experts, legal scholars, political scientists, historians, mapping specialists, archaeologists, anthropologists, and photographers. This should include the identification, excavation, exhumation, and investigation of possible mass graves. A special public commission should be established for this purpose, comprised of Iraqi and international experts, and tasked with overseeing the investigation, analyzing the evidence, and safeguarding all available data and information collected. To ensure a victim-centered approach, the commission should be headed by a scholar of Assyrian ethnic background and include a significant proportion of other Assyrian academics and experts (see the attached list of recommended experts);
3. The relevant authorities should allow neutral forensic experts to help preserve and analyze the evidence, with participation from scholars of Assyrian background pending the establishment of the above-mentioned commission, by granting them uninhibited access in conducting a thorough investigation of the sites. The proposed commission should participate in the excavation of each site identified as a possible mass grave, as well as in the examination of remains recovered, upon receiving the necessary permissions. The proposed commission should also participate in the planning and implementation of excavations conducted, and assist in the analysis, forensic examination and sampling of remains recovered, as well as in recording any artifacts and other evidence present at these sites;
4. Authorities should make any and all efforts to pursue genetic identification of the dead and to provide dignified reburials with the approval of the families of victims and the local Assyrian community. Forensic work should be conducted in line with international standards and scientific best practices;
5. The site should be designated a permanent memorial space for the victims of the 1933 massacre and be memorialized as such. The process of memorialization should be Assyrian-led and community-based;
6. KRG officials must end the politicization of Assyrian suffering and ensure statements issued by the KRG Cabinet and KRG officials in relation to the Simele Massacre do not distort the events of 1933. Statements issued previously by the KRG that misrepresent the events and circumstances of the 1933 Simele Massacre should be retracted;
7. KRG authorities must address inaccurate and/or biased education curricula which distort or omit mention of historical injustices committed against Assyrians, including the Simele Massacre of 1933. Any misrepresentations of Assyrian identity should be corrected. In addition, representations of hatred and racism towards Assyrians should be removed.

Next Steps

On behalf of all signatories to the August 7 joint statement and the Assyrian NGO delegation, the API requests that a meeting be facilitated between the KRG Ministry of Martyrs and Anfal Affairs (and other relevant government agencies) and scholars and other specialists of Assyrian background (see page 5) to discuss the proposals related to the suspected mass grave sites in Simele and possibilities for their implementation.

Recommended Experts

To ensure a victim-centered approach to the identification, excavation, exhumation, and investigation of the suspected mass grave sites in Simele, it is necessary that any future processes include meaningful participation from scholars and other specialists of Assyrian background. The following experts should be invited to participate in the excavation of each site in Simele identified as a possible mass grave, as well as in the examination of remains recovered. These individuals should also participate in the planning and implementation of excavations conducted, and assist in the analysis, forensic examination, and sampling of remains recovered, as well as in recording any artifacts and other evidence present at this site.

Nicholas Al-Jeloo, PhD

Instructor, Department of Foreign Languages, Kadir Has University (Turkey)

Naures Atto, PhD

Senior Researcher, Faculty of Asian and Middle Eastern Studies, University of Cambridge (United Kingdom)

Alda Benjamen, PhD

The Avimalek Betyousef Postdoctoral Fellow in Assyrian History, Department of History, University of California, Berkeley (United States)

Arbella Bet-Shlimon, PhD

Associate Professor, Department of History, University of Washington (United States)

Sargon Donabed, PhD

Associate Professor and Chair, Department of History, Roger Williams University (United States)

Mariam Georgis, PhD

SSHRC Postdoctoral Fellow, Mamawipawin: Centre for Indigenous Governance and Community Based Research, Department of Political Studies, University of Manitoba (Canada)

Anahit Khosroeva, PhD

Professor, Leading Researcher, Institute of History, Armenian National Academy of Sciences (Armenia)

Shamiran Mako, PhD

Assistant Professor of International Relations, Boston University Frederick S. Pardee School of Global Studies (United States)

Helen Malko, PhD

Program Manager, Columbia Global Centers (Jordan)

Odisho Malko Ashitha, PhD

Historian and Linguist (Iraq)

Dolphine Oda, PhD

Professor, Oral Pathology, School of Dentistry, University of Washington (United States)

Michel Shamoon-Pour, PhD

Research Assistant Professor, Anthropology, Binghamton University (United States)

Hannibal Travis, JD

Professor of Law, Florida International University (United States)

Joseph Yacoub, PhD

Professor Emeritus of Political Science, Catholic University of Lyon (France)

Muna Yaku, PhD

Professor of Law, Salahaddin University (Iraq)

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7. Travis, p. 299.
8. UNAMI/OHCHR. (2018). *Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL*. www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_on_Mass_Graves4Nov2018_EN.pdf.
9. Ashith, O.M. (2013). *Semele Catastrophe in 1933, its local and international causes and influences* (Arabic), pp. 241-251.
10. In August 2019, multiple eyewitnesses reported to the API that archaeological excavations were taking place at a suspected mass grave site in Simele. Eyewitnesses stated that remains previously visible at this site have been removed. See also: www.facebook.com/GISHRU/posts/2400475153370136.
11. See Law No. 13 of 2015, Affairs and Protection of Mass Graves, amending the Law on Protection of Mass Graves (2006).
12. Kurdistan Regional Government: Ministry of Martyrs and Anfal Affairs. gov.krd/english/government/entities/moma/.
13. Kurdistan Regional Government: Genocide. www.krgspain.org/genocidio/.
14. Statement by former KRG President Masoud Barzani. (2013). previous.cabinet.gov.krd/a/d.aspxs=010000&l=14&a=48433.
15. Constitution of the Republic of Iraq, Preamble, available at: www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en [accessed 28 August 2020].
16. Statement by former KRG President Masoud Barzani. (2017). ishtartv.com/viewarticle,76314.html.
17. Hopkins, p. 38.