

(b)(6) (Ministry of Culture)

From: (b)(6)
Sent: Tuesday, July 08, 2003 5:50 PM
To: (b)(6)
Cc:
Subject: Re: Sites and air

Dear (b)(6)

below is all I have been able to find out so far, the second FRAGO is a very short list of sites indeed and consists of sites with confirmed and active looting plus abu salabikh which we dont know about one way or another. It does not include all the known looted sites by any means. As to sites with security apart from Babylon I dont know of any apart from Ur (the Talil airbase). I did have an email from (b)(6) about Kish though and she seemd to think that was now a camp but that the soldiers there did not know it was anything archaeological and thought that the ziggurats were hills (Kish has 2 zigs). Kish is not far away and I thought I would try and visit soon.

I was a bit disturbed by the reaction here to my Nejed trip the general feeling was that sites with holes in them did not mean much and nothign could be done and it was only if you actually saw people looting did that count. Peoples other suggestion was that I should either shoot the looters (which I can not do as I dont have a gun and would not be prepared to do anyway) or set up a security force (as I have never set up a police force from scratch before I regard myself as unqualified to do so).

(b)(6)

Monday 8th July Air report

I had finally made contact with (b)(6) the air officer for the HACC (Humanitarian Assistance communications centre) on 4th July having been told of his existence by (b)(6) I showed him (b)(6) site list and a selection of the already known looted sites and those with reported looting and sent him my report about the looted sites SE of Nejed on the 6th which he in turn forwarded to the MEF LNOs (Marine expeditionary force liaison officers) and I went and saw the G2 MEF LNO (ie the officer in charge of intelligence). (b)(6) told me he would try to find out about the poss of heli or similar flights over these sites.

We had another meeting on the evening of 8th july when (b)(6) told me what he had found out so far. Apparently no special flights are being done just to look at archl sites, instead they are usually combined with another mission, this is due to a shortage of flying machines, I take this to mean there is little chance of getting up in a helicopter. (b)(6) had found info about a recent FRAGO (fragmentary order) which added some sites to be watched to an original FRAGO. We don't know what the original FRAGO was but the additions were : Isin, Fara, Umma, Larsa, Umm al Agarib, Bismaya, Nippur, and Abu Salabikh. I could not be given a ocopy of the FRAGO additions report as I have no security clearance but was able to hear which sites were involved. (b)(6) said he would try to find the original FRAGO.

I don't know what relation this is if any to the FRAGO that (b)(3):10 US and (b)(6) were organizing.

(b)(6) was also able to give me the contact details of a number of individuals associated with the scheduling of UAVs & other flights and collecting the images taken by all flight varieties. So I can try these various people and see if I can get any further.

That’s it so far.

(b)(6)

On Jul 8 2003, (b)(3):10 USC §130b (Ministry of Culture) wrote:

> (b)(6)

>
> Do you know which archaeological sites that you have visited in your
> region have Military security in addition to Babylon? The impression from
> the military here is confused to say the least. The 1st frago was not a
> success and a 2nd one with more political clout has been issued.

> (b)(3):10 USC §130b

> Policy Advisor
> Ministry of Culture
> CPA HQ

> -----Original Message-----

> From: (b)(6) [mailto:(b)(6)]
> Sent: Monday, July 07, 2003 3:52 PM
> To: (b)(6) (Ministry of Culture)
> Cc: (b)(6) (Ministry of Culture)
> Subject: RE: pay again etc

> Dear (b)(6)

> While I was busy down in Nejef yesterday some of the museum staff went
> to the treasury in Hillah and it seems that money for salaries has
> arrived but that it is insufficient to pay everyone. There is some
> confusion as to the audit committee too, the Marines seem to think the
> audit committee is/should be (b)(6) but the audit committee
> that went to the treasury was (b)(6) who
> are presumably the committee chosen by the SBAH. We also heard that the
> payroll list has arrived at the treasury also from Baghdad. (b)(6)
> and I are going to the treasury tomorrow to find out about the problem
> with the money being insufficient to pay everyone. (b)(6) seems to
> still think we need to put in a payroll list to the treasury, but as far
> as I can see if the SBAH has already put a list into the treasury there
> is no need for this.

> (b)(6), I did have the slight feeling that there might be a difference
> of

> opinion as to (b)(6) position between the SBAH and the MEF (Marine
> expeditionary force). (b)(6) has apparently seen the MEF plan for the
> museum which lists (b)(6) and did not at
> the time raise any objection (this is acc to (b)(6)). The MEF document says
> they had agreed (b)(6) appointment with the SBAH, but this may be news to
> the SBAH.

> I am finding all this stuff very confusing. I think the presence of
> the
> Marines here and their involvement in the museum has led to a an extra
> layer of confusion (although obviously that is not their intention).

> (b)(6)

> On Jul 6 2003, (b)(6) (Ministry of Culture) wrote:

> > I'm trying to get an 'organogram' as (b)(6) calls it for the SBAH &
> > the
> > various museums etc., We want to know who is who and what are their job
> > descriptions. I asked about Babylon and mentioned (b)(6) and will

> > give you more info in another email but according to (b)(6)
> > (b)(6)
> > (b)(6) is just a researcher and should not be making
> > decisions down there. I shall find out more.
> >
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(b)(6) (Ministry of Culture)

Archaeological Site

From: (b)(6)
Sent: Sunday, July 06, 2003 8:29 PM
To: (b)(6)
Cc: (b)(6); (b)(2); (b)(6) (Ministry of Culture); (b)(6) (Ministry of Culture); (b)(6)
Subject: looted sites SE of Nejef

Dear all,

Sunday 6th July

Trip with 4 marines (the shooters we had to have), (b)(6) (b)(6) (who drove the two vehicles and came as a favour), an interpreter and (b)(6). This was a somewhat confusing trip. There are two different ways of getting around the landscape. 1. The military way with very detailed map and grid coordinates and planned routes 2. The Iraqi way, by knowing the land. These do not mix at all as the latter does not involve any sort of map, nor need it involve many place names. Under normal archaeological circs the latter way would work just fine, you just go where your guide takes you. However the military do not and WILL NOT do this instead they have to plan a route in advance and therefore need to know EXACTLY where they are going. As a result, although I had put a map in front of (b)(6) the day before and read out lots of place names and he had confidently pointed at a number of places that the sites were near and we had planned a route accordingly. (This route ran SE from Nejef and then south down the west bank of the Euphrates.) The places named by (b)(6) as ‘near’ the sites were in general within 30 km and on the other side of the river. At the first point where the military route diverged from (b)(6) route and he said so, the military insisted on going the route that had been planned for security reasons i.e. they had told Ops they were going that way and therefore that was the way they had to go. So we did the route to the furthest point without encountering any looted archaeological sites at all (not surprising as we were on the wrong side of the Euphrates). It was only on the way back having crossed the river at ash Shenafiyah that we finally stumbled over somewhere that (b)(6) recognized and then were able to find the areas he was talking about. None of these were very obvious tell sites, all were very low lying. In fact, for the most part, if it were not for the busy looters and large holes it would be possible to go straight past such sites without noticing them at all. Also although (b)(6) gave all the sites names, I got the impression that these were very general area designations rather than being the name of that exact part of the landscape.

So having crossed the Euphrates from west to east at Shenafiyeh and traveled north east for a time and then taken a left and traveled NW past the left turn to Ghammas, heading generally NE, roughly parallel with the Euphrates, we encountered an area on the left side of the road where numerous people were busy with shovels and there was also a stationary bulldozer. There were also a few people digging on the right side of the road. (b)(6) called this area “al Assaya” (38 RMA 60897 15862). The major in charge of our convoy was not keen to have us get out of the vehicle so we made two slow passes and took photos from inside the vehicle with the windows closed. (I have to say I was using a videocamera that also does stills, but they are very poor quality and what with that and the moving vehicle, I am not sure that they are good enough to persuade people that what they depict is actual looting in progress. Also it was not possible to zoom in close enough and some of the figures in the pictures are rather remote.)

We then continued NE up the east side of the Euphrates and then took a left turn and traveled SW towards the Euphrates and took another left off the

zifit road and down a track roughly south, parallel with the Euphrates, but not quite in sight of it. This route was quite picturesque with reed huts and trees etc. We passed the area of the excavated site of Umm Kheshem (dug in the 1970s by the late Majid al Haditha) on our left and the looted area was further on at 38RMA 53344 27448, this more open area beyond the reed huts was heavily pitted with broken pottery. Some of the robber holes had come down on rows of jars which had then been broken. We walked around the area a bit, but it was not possible at any of these sites to walk around enough to see the full extent of all the looting. To properly document the extent of the looting, the whole area between Nejef and Ghammas would need to be properly surveyed (it is probably around 40 km from N to G).

After Umm Kheshem we made our way back to the zifit and took a left turn onto it and crossed the Euphrates to the west bank and turned NW and traveled through Abu Skrayr towards Nejef. It was on the left of this road at 38RMA 48117 32752 that we stopped at another area of extensive pitting and some clear use of a bulldozer. Again there was broken pottery and even one complete jar. One pit has a row of large stones that could have been the remains of a wall. The general looters approach is to dig a small circular pit about a foot across, then if anything of interest is found this is then expanded into something roughly the size of a grave. So you end up with lots of small circular pits and the occasional larger rectangular one. Some of the latter are quite large. All of these sites were Sasanian cemeteries according to our guide. It may be that some of the areas were not only cemeteries and the time span may be a little wider, but I think post-Hellenistic/pre-Islamic is a pretty good guess, not that there was a much diagnostic material. There was very little bone material around, certainly nothing that was definitely human, but possibly the rather sandy soil in these areas does not preserve bone well.

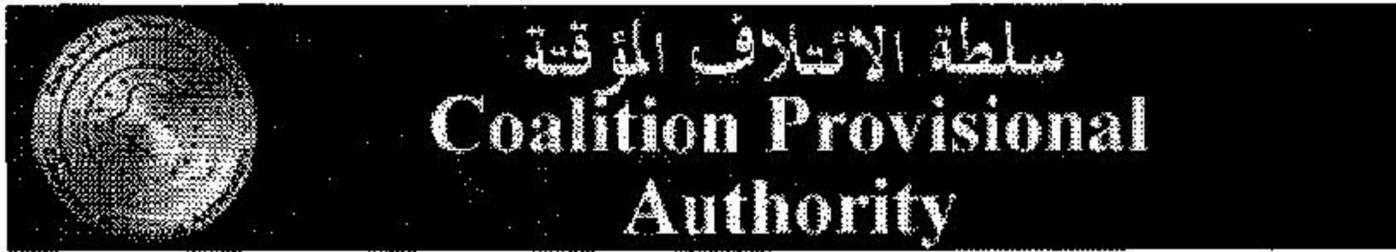
I know that (b)(6) has already been to see the officer in charge in that area a (b)(6) who apparently considers any patrolling the business of the local police. Michael Gfoeller (the regional coordinator ie the top bod in CPA heartland) also said when he had discussed looting with (b)(6) that (b)(6) had said he was trying to get the police to deal with it. I could not tell you if the gov of Nejef has many, or indeed any, police at the moment.

One last problem, (b)(6) wanted me to visit the diraa/museum in Kufa on the way. The military were equally insistent that we do no such thing. We had been told to stay out of the city of Nejef, including Kufa, as it is regarded as a slightly dicey area since Mike Gfoeller sacked the governor and arrested him for corruption. I am sure it was a faux pas not to visit but there was nothing I could do about it. I was also unable to tell (b)(6) when I would be able to make such a visit as I can not be sure of getting that many vehicles or people together again.

Summary

Looted Sasanian sites, probably cemeteries
Al Assaya NE of Ghammas Looters at work 38 RMA 60897 15862
Umm Kheshem SE of Abu Skreyr Looters pits 38 RMA 53344 27448
Abu Skreyr NE of Abu Skreyr Looters pits inc bulldozer 38 RMA 48117 32752

(b)(6)



Cultural Heritage

A Survey of Islamic Monuments in Baghdad after the War

Starting the 20th December 2003 and up to the 10th of January 2004, a survey of the Islamic monuments in Baghdad was carried out by prof. Giovanni Curatola with the cooperation of four members of the SBAH (State Board of Antiquities and Heritage), namely Dr. Dabel Majhul, art historian, Mr. Haidar Farhan, art historian, Mr. Ala Husein, photographer and Mr. Abu Saad, driver. A list of about 20 monuments, ranging from a period including the Abbasid one (i.e. XIIth century) up to the late Ottoman period (i.e. XIXth century), has been compiled.

The following monuments have been visited and photographs of them have been taken. The total amount of photographs is slightly more than 400 (the exact amount being 411).

Abbasid Palace
 Madrasa al-Mustansiriyya
 Madrasa al-Marjani
 Masjid al-Qaffafin
 Masjid al-Qamariya
 Masjid al-Khulafa (manar suq al-Ghazil)
 Masjid al-Ahmadiya
 Masjid al-Qadimiya
 Masjid al-Haidar Khan
 Masjid Siraj ad-Din
 Masjid 'Ali Efendi
 Masjid al-Ghailani (shrine Shaikh Abdul Kadir)
 Shrine of Shaikh Omar Sukhrawardi
 Shrine of Zumurrud Khatun
 Shrine of Shaikh Maruf (manar)
 Bab al-Wastani
 Khan al-Marjani
 Khan Yasin al Khadeiri
 Hammam al Pasha
 Old Khan Entrance
 Ali Wali House
 Al Kishla complex

The conditions of the above mentioned monuments are generally fairly good, with the exceptions which are discussed below.

The Abbasid Palace

The so called Abbasid Palace (built by Sultan an-Nasir, 1180-1230) is one of the most famous Islamic monuments in Baghdad, and originally was probably a *madrasa*. Many restorations through the past and in the last century brought the structure to the present state. In the large central court is a big fountain in red porphidus which comes from Samarra. From the same site an important *mihrab* they has been recovered and rebuilt. In three little rooms on the right side of the court are many stucco panels coming from the German archacological excavations at the beginning of the last century.

Present conditions.

All the wooden doors of the building have been looted together with all other furniture. Nowadays there are many instruments (lamps, clothes, furniture, artifacts, etc.) from a film set. On the outside there are few holes from bullets and black smoke traces from burning. The site is in good conditions and only needs a cleaning up, outside and inside.

Shrine of Zumurrud Khatun

The structures of the monument from an architectural point of view are in a good condition, although a more precise analysis is recommended. The doors have been broken and the surrounding old cemetery is in a rather poor condition and a cleaning up should be started.

Hamman al-Pasha

Only one room of what used to be an important hamman (Turkish bath) in one of the old quarters of Baghdad is still standing and has been transformed into a store. On the walls there are extensive cracks and a structural restoration is urgently needed.

Masjid al-Ghailani

Although mainly a modern mosque, extensive restoration works are carried on in the present moment.

Masjid al-Qadimiya

Again work in progress of the left side of the mausoleum and prayer hall is actually done. Also some side rooms with the characteristic mirror mosaic decorations are currently under rebuilding.

Ali Wali House and al-Kishla Complex

These two places have suffered of an almost complete destruction (the first one) and pillaging and looting quite everything the second one. A close study of all the area and a master plan of the entire place are strongly suggested before starting any work of restoration or refurbishment.

Bab al Wastani

A reconstruction more than a restoration project is currently on its way. The all area will be organized as a park with a small new cafeteria. From the point of view of the

conservation too much work has already been done, but, on the other hand, if the area will be used as a family picnic spot, than the results are acceptable. On the right side of the Gate there are some empty fields in which some archaeological sounds are suggested to be done.

Russell, John

From: (b)(6) (b)(2)
Sent: Wednesday, October 15, 2003 5:54 PM
To: Russell, John
Subject: FW: Work in Babylon

-----Original Message-----

From: (b)(6)
Sent: Wednesday, October 15, 2003 5:44 PM
To: Cordone, Piero; (b)(6) (b)(2) (b)(6) (b)(2) (b)(6) (GS-14)
Subject: Work in Babylon

(b)(6)
Project Director
Babylon Archacological Project
Camp Babylon

Dear Sires,

I came down to Iraq following a kind invitation by Dyr. M. Gfoeller of the CPA SC, to carry on an archaeological research in Babylon in closest possible cooperation with Iraqi Archaeologists representing the State Board of Antiquities and Heritage.

During a visit paid to (b)(6) of the CPA SC today, I was assured that the Chairmen of the State Board has accepted the idea of joint Polish-Iraqi work in Babylon. Consequently, I plan to come to Baghdad at the beginning of the next week or even earlier, if possible (depending on the transport opportunities here in Babylon) to apply for a necessary permit to start a work. I think, nevertheless, that before my visit to the State Board I should get in touch with person from your office, who has been overseeing this matter, and that the visit in the State Board of Antiquities should be paid by this person and myself together.

It would be mostly welcomed if the person responsible contacts me at (b)(6) or send a message to (b)(6) from whose computer I am sending this letter as soon as possible.

Looking forward to hear from you

(b)(6)

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10/15/2003

Russell, John

From: (b)(6) (b)(2)
Sent: Wednesday, October 15, 2003 12:26 PM
To: Osio, Mario B. (ITA); Russell, John; (b)(6) (b)(2) (b)(6)
Subject: FW: Arrival of Polish Archaeologists for Babylon

MOC, For your information.

(b)(6), the individuals that I forwarded your email to are the new senior advisor, Amb Mario Bondioli Osio (Amb Cordone has departed), Professor John Russell, his new deputy (and archeologist) as well as our military person who watches out over SBAH, (b)(6).
 (b)(6). Regards, (b)(6)

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@ (b)(2)]
Sent: Wednesday, October 15, 2003 11:54 AM
To: (b)(6) (b)(2) Cordone, Pierro; (b)(6)
Subject: Arrival of Polish Archaeologists for Babylon

Dear Ambassador Cordone et al.,

(b)(6), the Polish project director for the upcoming Babylon excavations, has arrived in al-Hilla. He is currently accompanied by one other archaeologist and 5 more are due to arrive on October 20.

He would like to meet with the SBAH as soon as possible to obtain written permission to conduct the dig, and to discuss the project with Iraqi experts. I believe he'll be in touch with you himself in the next day or two when he gets access to email.

Please let us know when it would be possible for him to come up and meet with you at CPA and with the SBAH.

Thanks very much.

(b)(6)

=====

(b)(6)
 Governorate Coordinator
 Babil
 Thuraya (b)(2)

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Cordone, Pierro

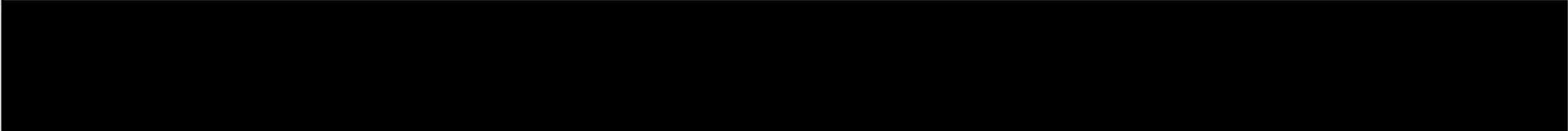
From: (b)(6)
Sent: Tuesday, September 09, 2003 4:09 PM
To: (b)(6)
Cc: Cordone, Pierro; (b)(6)
Subject: Polish excavation

(b)(6)

Unfortunately, I have some bad news for you. Ambassador Cordone coordinated with the State Board of Antiquities and they have concluded that based upon the current national situation, it is too soon to begin any archeological excavations. They would like to see this project delayed until January 2004. If you have any questions, please don't hesitate to contact us. Best regards.

(b)(6)

9/10/2003



- Babylon -

Doc. 59

Republic of Iraq
Ministry of Culture
Baghdad
State Board of Antiquities and Heritage
P.O Box: 8056 Tel:5378732
E-Mail: (b)(6)@ (b)(2)

No.4036
Date:29-10-2003

To / Ministry of Culture / Minister's office
Sub / Babylon historical city

Greetings...

We would like to inform you that Babylon historical city is suffering from the large shaking, resulting from the wandering of the big machines, tanks, and the landing and taking off the planes in the important areas of the city. Most of its buildings are built of mud, which will lead to its falling apart and all the civilization features will be lost. It is the heritage of the humanity. We would like you to address the CPA in Babylon historical city to put an end for all these acts. In addition, to this to draw their attention not to harm the antiquities of the ancient city.

With regards.

(b)(6)

Head of the Board of Antiquities and Heritage

Copy:

- The Head of the Board's office.
- Babylon Antiquities Directorate/ reference to your memorandum dates 25-10-2003.

Babylon

Osio, Mario B. (ITA)

From: (b)(6)
Sent: Monday, November 10, 2003 12:38 PM
To: (b)(6); Osio, Mario B. (ITA); Russell, John; (b)(6); (b)(2); (b)(6); (b)(2); (b)(6)
Subject: Memo: Babylon Archaeological Project

TO WHOM IT MAY CONCERN

Memo: Background and Perspectives of the Babylon Archaeological Project

A proposition to carry out archaeological projects consisting of excavations at three sites located in the SC region of Iraq was launched by Mr Michael Gfoeller, Director of the CPA SC, and addressed to ambassador Bratkiewicz, the secretary of the Task Team for Iraq of the Ministry of Foreign Affairs, Republic of Poland. In subsequent correspondence with (b)(6) Director Gfoeller stated that the CPA will run the project with a budget up to 100.000 US dollars which will be spent on the wages for Iraqi workers, aquisition of tools and technical equipment, accomodations and provisions for the Polish members of the team (letter of September 4). He has also stated that a laboratory space for the needs of the mission will be prepared within the Babylon Museum. In the same letter Director Gfoeller informed me that the expenses of the Polish members of the team (travel costs, wages and insurance) could not be covered by the CPA. The list of the sites under investigation was limited to Babylon only, for security reasons.

The Polish side insisted on some changes in the original offer of Director Gfoeller. The most important one was to include into the project a survey of damages which the site of Babylon suffered during and after the war, when a military camp has been created in its central part along with preservation activities, should they turn out to be necessary. The second important issue was including Iraqi archaeologists into the project as an equal partner. To stress these two improvements, the Project has been dubbed "Babylon Archaeological Project", avoiding usage of words like "excavations", as from the start it was intended to include other form of activities at the site, and "Polish", as it was considered an international project to be carried out jointly by Polish and Iraqi scientists. The main idea behind the project was to combine experience of Iraqi archaeologists with up-to-date documentation standards provided by the Polish side of the project to benefit fully from the technical means provided by the CPA. The concern of both CPA and Polish MFA was to start a civilian project which, besides allowing Iraqi colleagues to return to the field work which had stopped abruptly in Spring 2003, will provide local manpower with the much needed employment opportunities for at least 80 people.

The letter of Director Gfoeller quoted afforehand was grounds to apply for a financial support from the Polish MFA, to cover the expences of Polish members of the mission to Iraq which could not be paid by the CPA. This support was granted and I have been sent to Iraq via Kuwait accompanied by one of the mission members on October 9, and joined by the other members of the mission in Babylon on October 30.

On arrival to Babylon on October 14, I was assured by the local authorities of the SBOAH that the site had survived the war without any damage whatsoever. Therefore, when I outlined the research programme of the BAP in a letter to Late (b)(6) the Chairman of the SBOAH, on October 18, the documentation and preservation work was not included in it. This programme was approved by (b)(6). Consequently, five Iraqi archaeologist were appointed to join the project and workers recruited, though the work in the field did not start, because, on one hand, military authorities requested time to perform a security check on Iraqi colleagues and workers and, on the other, CPA SC did not provided promised tools and equipment.

11/16/2003

In the meantime discussions with the staff of the regional office of the SBAOH at Babylon, its Director, (b)(6) and the staff of the Babylon Museum led me to reconsider the original project and put much more stress on protection of the surviving monuments and the site itself. The site, which had been extensively excavated in the early XXth century by Germans and later by the Iraqis, changed considerably since its topographical plan had been drawn, as a result of digging, reconstruction activities and site erosion. In consequence, the century old German contour plans hardly reflect the present state of the site, especially in three much explored areas of Merkez, Humara or Qasr. Moreover, despite the introductory announcements of the members of the SBAOH staff, some harm has been done during the war and after it, when the military camp was established on part of the site. These damages need to be registered and site monitoring programme to avoid further destructions must be introduced. Finally, the Iraqi colleagues have turned my attention to the fact, that the entire field documentation of more than 30 years of Iraqi excavations at the site was burned down when the Babylon Museum compound was looted. It is possible that copies of the original documentation exist in the central archive of the SBAOH in Baghdad, but as the Iraqi Museum and central office of the SBAOH were partly looted too, there is a serious risk that these copies were also destroyed. In this situation re-documenting the remnants still preserved within the trenches of recent Iraqi excavations seems to be a task of the highest priority. There is still a possibility to secure some information while neglecting this opportunity will result in irreplaceable loss of these data, given the fast deterioration rate of excavated remains.

In this situation I decided to write a letter to (b)(6) requesting permission to change the agreed programme of the first season's and concentrate our efforts on documentation work and a topographic survey of the site. Due to the sudden death of (b)(6) the letter was not delivered, but similar letter suggesting the same changes to the working plan was sent to (b)(3); 10 USC §130, the coordinator of the CPA SC for Babil province.

In the meantime, legal issues were raised within CPA questioning legitimacy of the project, even though it had been launched on CPA's initiative. Being aware of international treaties concerning protection of cultural heritage during war time I stress that the Polish side of the project never meant to carry out illegal activities at Babylon, and that protection of the site and documentation of its remains have always been considered our primal concern. This concern was reflected in the correspondence with Director Gfoeller, who had envisaged the project as limited only to excavations.

With a new perspective I reached after I got more familiar with the conditions at the site, it is obvious that documentation and protective work are the highest priority tasks at present. In consequence, I recommend following activities at the site:

1. Carry out a topographical survey to register present conditions at the site.
2. Register damages caused during and after war (when the site was open to looters), and after the military camp was established.
3. Take protective measures in the areas like the Central Palace, frequented by trespassers from the military camp, who despite prohibitive orders from the camp commander, as often as not wander freely in the ruins, occasionally collecting inscribed bricks and sherds in the area of previous Iraqi dig. This part of the site needs to be enclosed entirely by a fence and this task may be performed using the manpower contracted originally for excavations.
4. Clear away debris and trash amassed in the reconstructed buildings at the site during the period of abandonment.
5. Removing rubble and trash from the sectors excavated by Iraqis before the war as a preparation for the documentation work.
6. Replacing lost architectural documentation of the Iraqi sectors in places where remains are preserved well enough to be still registered. This activity has to be approved by the authorities of the SBAOH.

The project, however, can not be started without the CPA's approval as the CPA, according to the original offer confirmed subsequently by Director Gfoeller on several occasions, is responsible for providing means to pay workers, buy tools needed to carry out the cleaning work, and technical

equipment necessary for documentation work. The delay in starting the project caused already a lot of much unwanted disappointment among Iraqi workers, who are waiting eagerly for employment. Also the Iraqi archaeologists who were chosen to cooperate are upset by the delay of the start of work, which, in their perspective, has been fully approved by the Iraqi authorities (SBOAH). Finally, Polish members of the team are also ready to act, once the financial support to the project will be provided.

I hope that this memo, intended to explain the background of the Babylon Archaeological Project, will clear potential misunderstandings concerning Polish position toward the Babylon Archaeological Project cleared. I feel deeply convinced that archaeological and protective work is much needed at Babylon in this moment. Of course, many more sites need immediate protection and archaeological research but it is also important to start archaeological work as soon as possible, that is in places where there are security conditions to work and not wait for the normalization of the situation in Iraq which surely come in a due time.

Camp Babylon, November 8, 2003

(b)(6)

Project Director
Babylon Archaeological Project

PS.1 Dear Dr. (b)(6)

I will be very grateful if you can pass a copy of this memo to (b)(6). I hope to come to Baghdad this week, but I am still unable to give you the exact day.

PS.2 Do osob mowiacych po polsku:

Przepraszam, ze memo napisane jest po angielsku, ale chodzilo mi oto by kazdy z zainteresowanych otrzymal dokladnie ten sam tekst.

Greetings/Pozdrowienia

(b)(6)

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11/16/2003

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 16 (REVISED)**TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council Resolutions, including Resolution 1483 (2003) and Resolution 1511 (2003),

Recognizing that it is desirable as soon as possible to restore the normal transit and movement of people to and from Iraq,

Acknowledging that the Iraqi laws on immigration, customs and quarantine should remain in place unless exceptions prove necessary for security reasons or otherwise to accomplish the obligations of the CPA under the laws and usages of war,

Recognizing that effective export and border controls are essential to prevent the proliferation of weapons of mass destruction, their delivery systems, advanced conventional weapons and related technologies,

Noting that the current security situation in Iraq does not permit the unrestricted resumption of normal transit and movement,

I hereby promulgate the following:

**Section 1
Definitions**

- 1) "*Authorized officer*" means any Coalition personnel or Iraqi official designated by the CPA to perform border control, customs, immigration, consular or quarantine services.
- 2) "*Coalition personnel*" means all non-Iraqi military and civilian personnel under the authority of the Coalition Forces Commander, as well as all non-Iraqi military and civilian personnel assigned to, or under the direction or control of, the Administrator of the CPA.
- 3) "*Designated travel permit issuing authority*" means (a) Ministry of Interior offices and, if any, Ministry of Foreign Affairs offices designated by the Interim Minister of Interior or Deputy Interim Minister of Interim to issue interim travel documents and to extend Iraqi passports; (b) any Iraqi mission located outside Iraq designated by the Interim Minister of Foreign Affairs or the Director of Consular Affairs to issue interim travel documents and to extend Iraqi passports in addition to issuing diplomatic and official passports.

CPA/ORD/1 December 2003/16

- 4) **"Goods"** means **my commodity, substance, organism, article, document, data or thing, whether manufactured or natural, including my Controlled Item, that may be moved across the borders of Iraq. "Goods" does not include human bodies, cadavers or human remains.**
- 5) **"Member of a crew"** means **a person, including a master, who is employed on a vehicle to perform duties during a voyage or trip related to the operation of the vehicle or the provision of services to passengers.**
- 6) **"Controlled Item"** means **any item contained in the control lists of the Missile Technology Control Regime, the Australia Group, the Nuclear Suppliers Group, the Zangger Committee or the Wassenaar Arrangement or any other documents, systems, components, materials, software or technology that may be intended to contribute to the acquisition, manufacture, development, research or transfer of Weapons of Mass Destruction, their delivery systems or advanced conventional military systems. "Technology" includes information necessary for the design, development, production, or use of a controlled commodity or software.**
- 7) **"Terrorism"** means **the use or threatened use of unlawful violence against civilians, noncombatants, or other innocents, calculated to cause fear or to coerce or intimidate governments or societies, and motivated by political, religious, or ideological goals.**
- 8) **"Terrorist organization"** means **an organization whose objective is to support or commit acts of terrorism, directly or indirectly, physically or financially.**
- 9) **"Transportation company"** is **any corporation, enterprise or other entity transporting persons to Iraq.**
- 10) **"Travel documents"** means **documents required by the CPA for entry into and exit from Iraq, These may include: a) an Iraqi passport valid on its face or which has had its validity extended consistent with this Order, b) a CPA Interim Travel Document (ITD), c) a document or documents proving Iraqi nationality (including an Iraqi Nationality Card) for return to Iraq, d) a travel permit issued by an authorized officer as defined by this Order, or e) a document issued by a foreign government or an international organization, such as the United Nations High Commission for Refugees or the International Committee of the Red Cross identifying the person as a refugee from Iraq.**
- 11) **"Travel permit"** means **a permit to enter Iraq issued pursuant to Section 5 of this Order.**
- 12) **"Vehicle"** means **any conveyance that may be used for transportation by land, water or air.**

- 13) *"Weapons of Mass Destruction"* means **nuclear, biological, or chemical** weapons.

Section 2 Preservation of Laws

- 1) **All Iraqi laws regarding immigration, emigration, customs and quarantine shall remain in force unless specifically suspended by this Order.**
- 2) **Wherever a stipulation or provision of this Order or any other CPA Regulation, Order or Memorandum conflicts with a current provision of Iraqi immigration, emigration, customs and quarantine laws, the stipulation or provision contained in such Regulation, Order or Memorandum shall prevail.**
- 3) **The edict of the former President Saddam Hussein regarding the expiration of "N" series passports issued during the years 1996 to 2002, fixing their expiration in the year 2003, is hereby suspended. All "N" and "M" series passports will continue in effect for their statutory duration.**
- 4) **All Iraqi passports that have expired since June 27, 1999, or will expire before January 1, 2004 for the exclusive purpose of direct return travel to Iraq, will be deemed valid until December 31, 2003, with such travel to be completed by December 31, 2003. Such a passport will not be considered valid for any other purpose.**
- 5) **All Iraqi passports in the "N" and "M" series may be extended by any designated travel permit issuing authority. Passports presented to a designated travel permit issuing authority for extension on or before their original expiration date or within the two months immediately following their original expiration date may be extended for a period of 4 years. Passports presented to a designated travel permit issuing authority for extension after the two months following their original expiration date may be extended for a period of 2 years. Any passport purporting to have been issued after March 19, 2003 that does not bear a CPA/Ministry of Foreign Affairs stamp and/or a CPA/Ministry of Interior stamp, as appropriate, is invalid. Any Iraqi passport valid under this Order may be amended by any authorized officer at an Iraqi mission overseas to register a child born on or after January 1, 2001, on the passport of a parent, guardian, or legal trustee, in accordance with established Iraqi law and procedures.**
- 6) **Consistent With Section 2 of CPA Order No. 26 (CPA/ORD/24 August 2003/26), the Ministry of Foreign Affairs has the authority to grant, issue, renew, extend or amend diplomatic and service passports in accordance with established procedures and for the purpose of facilitating official travel of Iraqi officials. As of January 1, 2004, all diplomatic and service passports that do not have a CPA/Ministry of Foreign Affairs stamp either to reflect issuance, renewal, extension or validation, are declared invalid**

for travel **except** for direct return travel to Iraq. **Such** passports **may** be confiscated by **any authorized officer** or **any authorized representative** of the **Ministry of Foreign Affairs**.

Section 3 Right to Exit

- 1) **Subject to compliance** with Iraqi law and **with border control procedures established** from time to time by **the CPA**, **all persons** may exit from Iraq, **provided they are in possession of travel documents** and are **not** subject to **any travel** restrictions under **applicable law** including **this Order**.
- 2) The following persons shall **require special clearance to exit** Iraq and may **be prevented from** exiting at **the discretion of the Ministry of the Interior**:
 - a) **Senior regime or military leadership and Senior Party Members** or office holders of the **Baath Party**, as **described in CPA/ORD/16 May 2003/01**;
 - b) Persons suspected of having committed **serious crimes**;
 - c) Persons **who are known or are suspected to have links to a terrorist organization or who are suspected to have committed or to have provided** financial, material, or technological **support for** acts of terrorism; and
 - d) Persons suspected of being involved or attempting to be involved with **the acquisition, manufacture, development, research, or transfer of technology or material** related to Weapons of Mass Destruction or their **delivery systems; or having knowledge of the location of Weapons of Mass Destruction** or their **delivery systems, or the identity of persons with such knowledge**.

Section 4 Examinations for Entry

- 1) Subject to **the present Order**, a person seeking entry to Iraq shall **appear before an authorized officer** at a port of **entry**, border control station or at such **other place** as may be designated by the Ministry of **the Interior** for **examination to determine whether the person may be granted entry to Iraq**.
- 2) A person **appearing** for examination shall **answer truthfully** all questions put to **that person** and shall **produce such documentation** as may be required for the purpose of **establishing whether the person may be granted entry**.
- 3) **A person may be detained for further examination** upon entry **and/or** pending arrangements for his or her removal,

Section 5

Permits to Enter Iraq

- 1) **Persons seeking entry to Iraq are to be classified as either persons who require permits granting entry into Iraq (hereinafter "permits") or persons who do not require such permits. All persons who are not listed in Sections 5(2) or 5(3) of this Order require permits. Authorized officers shall issue permits valid for up to 90 days, in accordance with this Order and with applicable law.**
- 2) **Persons not requiring permits to enter Iraq are all those persons not otherwise denied permits under this Order who are a) citizens of Iraq or persons who were born in Iraq, b) Coalition personnel, c) United Nations officials or any official of any other UN organization, and d) documented members of seagoing ships' companies during the stay of a ship in Iraqi waters, or e) documented members of airship companies during the stay of the aircraft in Iraqi territory. Persons requiring permits are all persons who are not listed in this Section 5.2.**
- 3) **Persons seeking entry into Iraq for tourism purposes require only those documents directed in writing by the CPA for such limited-duration visits.**
- 4) **Permits may be obtained and issued from any Iraqi missions or embassies that have reopened, and from CPA offices established for this purpose within Iraq and at authorized ports of entry.**

Section 6

Powers of an Authorized Officer

- 1) **An authorized officer who receives an application for a permit shall either approve or refuse the application, and shall notify the applicant of the decision. At any time after an application for a permit is approved, the authorized officer may:**
 - a) **Alter or revoke any terms and conditions subject to which the person was granted entry;**
 - b) **Add terms and conditions as prescribed by the present Order and other CPA Regulations, Orders or Memoranda; and/or**
 - c) **Extend the permit.**

- 2) Subject to the **present Order**, a **visitor** seeking an extension of a permit shall **appear before** an authorized officer at such place as **may be designated** by the Ministry of the **Interim for examination** to determine **whether the visitor may be granted an extension of a permit**.
- 3) A **visitor appearing** for **examination** shall answer **truthfully** all questions put to that visitor and shall produce **such** documentation as **may be required** for the purpose of establishing whether the visitor **may be granted an extension of a permit**.

Section 7 **Persons Who May be Denied Entry to Iraq**

- 1) **An** authorized officer who receives an application for a **permit** may **refuse** the application if the authorized officer has reasonable grounds to **believe that** the applicant:
 - a) **knowingly** provided **any false, misleading**, or inaccurate information in **the** course of the application process;
 - b) is **suffering from any serious** communicable disease, or **is suffering from any** disorder, disability or other health **impairment for which** commercial health services **are not** readily available in Iraq;
 - c) will be **unable** or unwilling to support herself or himself, **and** those persons who **are dependent** on the applicant;
 - d) is **or was** a **member of** a criminal organization;
 - e) will **commit** offenses, or engage in criminal activity planned and organized by persons acting in concert with **or in furtherance of the** commission of **any** offense;
 - f) **will engage in** or has **engaged in an** act of terrorism, or **is a** member of a **terrorist** organization **or an organization that** there **are reasonable grounds to** believe will:
 - i) **engage** in acts which are offensive to the principles of **democratic** government, **institutions or processes** in Iraq; **or**
 - ii) engage in or instigate the removal by **force of any** government;
 - g) will engage in **acts of** violence that may endanger the lives or safety of persons in Iraq, **or** who is a member of an organization **that** engages in such acts;
 - h) has been involved or attempted to be **involved with** the **acquisition**, manufacture, development, **research or** transfer of **technology** or material related to **Weapons of**

Mass Destruction, their delivery systems, or advanced conventional military systems, including dual use items;

- i) **has committed acts or omissions that constituted a war crime or a crime against humanity; or**
 - j) **has previously been deported from, or denied entry to, Iraq by the CPA, or an international territory with border control formalities.**
- 2) **In the case of a person is in possession of a valid travel document, or who can otherwise establish Iraqi nationality, his or her entry into Iraq shall not be denied; however, if security or military necessity requires, such a person may be detained upon entry into Iraq;**
 - 3) **A person denied entry under this Order may appeal to the Ministry of the Interior for a review of the case. The determination of the Ministry of the Interior will be final.**

Section 8 Notice to Depart

- 1) **Where an authorized officer, upon examination of a person, is of the opinion that it would be contrary to the present Order to grant entry to the person, or to extend the permit of a person, the authorized officer may, as appropriate:**
 - a) **allow that person to leave Iraq immediately; and/or**
 - b) **serve that person with a Notice to Depart (hereinafter "Notice") within a specified period.**
- 2) **A Notice must specify:**
 - a) **that the person must depart Iraq within a specified period;**
 - b) **the reasons why the Notice is being served;**
 - c) **that the person may object to the Notice in writing to the Ministry of the Interior within a specified time, or give reasons why the Notice should not remain in force; and**
 - d) **that timely compliance will not have adverse consequences for the return of a person who otherwise complies with entry requirements.**
- 3) **Where the Ministry of the Interior receives written objections from a person under this Order, the Ministry of the Interior shall:**

- a) **consider such** written objections promptly;
- b) **promptly** determine the **fair** and **lawful resolution** of the matter; and
- c) **advise** the **person in** writing of the decision.

Section 9 Revocation of a Permit

An authorized officer may revoke a person's permit if:

- a) the **circumstances that formed the basis** of the approval of the person's application for the permit no longer exist;
- b) the person breaches a **prescribed term** of the permit, or another person required to **comply** with a condition of the permit has **not met that condition**;
- c) the **presence of the person in Iraq is, or would be, a risk** to the **health, safety** or good order of the **Iraqi community**; or
- d) the permit should not **have been** granted because the application for the permit was in contravention of the **present Order** or other **applicable law**.

Section 10 Identification and Seizure of Documents

- 1) **Persons shall** comply with the instructions of an authorized officer regarding their identification a) **if they seek entry into Iraq**, b) **if they make an application for the renewal of a permit**, c) **if they have been arrested**, or d) **if they are subject to deportation** under this Order.
- 2) **For the purpose** of identification, an authorized officer may:
 - a) search persons **who the authorized officer** believes either have not **revealed** their identity or **have hidden** on or about **their person documents** that are relevant to a **decision as** to whether they may be granted permission to enter Iraq, and may search any vehicle that conveyed the persons to Iraq and their luggage and personal effects;
 - b) search persons who the **authorized officer** reasonably believes have committed an offense or are in **possession** of documents that may be used in the commission of an offense, and may search any vehicle that conveyed the person to Iraq and their luggage and personal effects;

- c) **examine any travel document or any other document purporting to be a travel document at a port of entry or any other place in Iraq, for the purpose of this Order or relevant directives, examine any object that is, or is about to be, imported into or exported from Iraq,**
- 3) **An authorized officer may seize and hold at a port of entry or any other place in Iraq any object or document if the authorized officer reasonably deems this necessary for the discharge of the functions of the officer under this Order.**
- 4) **An authorized officer may seize and hold any object or document if the officer reasonably believes that it has been fraudulently or improperly obtained or used, or that such action is necessary to prevent its fraudulent or improper use.**
- 5) **An authorized officer shall provide a written receipt to any individual from whom he seizes an object or document under this Order.**

Section 11 Search of a Person

- 1) **An authorized officer may, without a warrant, search a person who seeks entry to Iraq.**
- 2) **The search of a person must be made by an authorized officer pursuant to the present Order and must be made on reasonable grounds.**
- 3) **No person shall normally be searched by a person who is not of the same sex, and if there is no officer of the same sex at the place at which the search is to take place, an authorized officer may request that another border control or customs employee of the same sex perform the search, when necessary to comply with this provision.**

Section 12 Search and Seizure of Goods

- 1) **An authorized officer may, without a warrant, search the vehicle, luggage or personal effects of any person who seeks entry into Iraq.**
- 2) **Persons crossing the borders of Iraq must make declarations or manifests of all goods being carried by the person available to an authorized officer on request.**
- 3) **An authorized officer shall confiscate any goods that may pose a threat to the peace, security, health, environment, or good order of Iraq, including Controlled Items. Authorized officers also shall confiscate any antiquities or cultural items suspected of being illegally exported.**

- 4) The **export or import of a Controlled item shall require the prior written authorization of the Administrator, or his designee. Such prior written authorization requirement shall not apply to exports of Controlled Items by the CPA or Coalition personnel. Such prior written authorization requirement shall also not apply to exports of Controlled Items by Coalition contractors, as defined in Section 1(5) of CPA Order No. 16; provided, however, that the contractor must be exporting such Controlled Items in connection with the performance of its contract with the Coalition.**
- 5) **Goods that are not declared may be confiscated by an authorized officer. Persons may also be ordered to return such goods, at their expense, to the jurisdiction from which they came.**
- 6) **Any goods confiscated must be immediately handed over to the Ministry of the Interior or to his or her delegate(s), and a receipt must be issued to the person from whom the goods are confiscated.**

Section 13 Offenses

- 1) **Allegations of an offense shall be subject to review and action, if appropriate, by an investigative judge of a customs court of Iraq or a criminal court of Iraq, as appropriate to the alleged offense.**
- 2) **The following shall constitute an offense under this Order:**
 - a) **failing to appear before an authorized officer for examination as required by this Order;**
 - b) **failing to answer truthfully all questions by an authorized officer during examination;**
 - c) **knowingly concealing documentation as may be required by the authorized officer during examination;**
 - d) **failing to make a declaration or manifest of all goods being carried by the person on request by an authorized officer;**
 - e) **failing to cooperate with a search of the person or search of the person's vehicle, luggage or personal effects pursuant to this Order;**
 - f) **knowingly making a false representation, orally or in writing, to an authorized officer for the purposes of securing entry of a person into Iraq;**
 - g) **entering Iraq or remaining in Iraq without a permit, if one is required;**

- h) **entering Iraq or remaining in Iraq by use of a false or improperly obtained travel document or other document pertaining to the entry of that person or by reason of any fraudulent or improper means or misrepresentation of my material fact;**
- i) **failing to comply with a prescribed term of a permit;**
- j) **escaping or attempting to escape from lawful custody or detention under the present Order and relevant directives;**
- k) **organizing or facilitating the entry or proposed entry into Iraq of a person, knowing the person would, upon entering Iraq, be guilty of an offense under this Section; or**
- l) **seeking to export or import, or exporting or importing Controlled Items without prior authorization issued pursuant to Section 12(4) of this Order.**

Section 14 Penalties

A person who commits an offense described in this Order is liable to have any goods in his or her possession confiscated and may be deported from Iraq. The person may also be liable to a penalty prescribed in an applicable Iraqi law or CPA Order, Regulation or other directive.

Section 15 Liability for Removal Costs

- 1) **A transportation company shall ensure that:**
 - a) **the persons it conveys to Iraq are in possession of all travel documents required by applicable law,**
 - b) **it presents each person to an authorized officer for examination at such place as may be designated by an authorized officer upon arrival of each one of its vehicles in Iraq, and**
 - c) **no other person leaves the vehicle i) at any place other than that designated by an authorized officer, or ii) until permission has been granted by an authorized officer.**
- 2) **Where a person has been allowed or required to leave Iraq pursuant to this Order, a transportation company that has conveyed the person to Iraq may be required by an authorized officer to cause that person to be conveyed to the country from which that**

person came, or to such other country as the authorized officer may approve at the request of the company.

- 3) Where a person has been required to leave Iraq because at the time of the arrival in Iraq the person was not in possession of a valid travel document required by applicable law, a transportation company that has conveyed the person to Iraq shall be liable to pay all costs of conveying that person to the country from which that person came, or to such other country as an authorized officer may approve at the request of the company.
- 4) Where a person has been granted entry to Iraq, or where that person, at the time of arrival in Iraq, was in possession of a valid travel document, and where that person is required to leave Iraq pursuant to the present Order, a transportation company that has conveyed the person to Iraq and that is required to cause that person to be conveyed from Iraq is entitled to be reimbursed by the Ministry of the Interior for the costs of conveying that person from Iraq. However a transportation company shall not be reimbursed for the costs of conveying from Iraq a person who enters Iraq as, or to become, a member of a crew,
- 5) Where a person enters Iraq as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause that person to be conveyed to the country from which that person came, or to such other country as the Ministry of the Interior may approve at the request of the company. The transportation company shall be liable to pay all costs of conveying that person from Iraq,

Section 16 Other Offenses

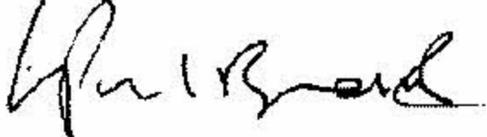
- 1) Where an authorized officer has reasonable grounds to believe that a person who seeks entry to or exit from Iraq, or who seeks to remain in Iraq, is liable for an offense committed under applicable law in Iraq, other than an offense prescribed in this Order, the authorized officer shall report the matter immediately to security forces, who may take such action as they deem appropriate.
- 2) Where the circumstances of the case require, an authorized officer may arrest a person suspected of having committed an offense other than an offense prescribed in this Order. The arrest must be immediately reported to the Interim Minister of the Interior, and the arrested person must, as soon as possible but no later than six hours after the arrest, be delivered into the custody of security forces.

Section 17 Review

- 1) A person against whom an adverse decision has been made by an authorized officer under this Order may apply in writing to the Ministry of the Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of the Interior shall review the decision and notify the applicant of the determination.
- 2) A person whose goods have been confiscated may apply in writing, with a copy of the confiscation receipt attached, to the Ministry of Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of Interior shall review the decision and notify the applicant of the determination.
- 3) The Ministry of Interior may issue Administrative Instructions in connection with such reviews.

Section 18
Entry into Force

This Order shall enter into force on the date of signature.

 12/1/03

L. Paul Bremer, Administrator
Coalition Provisional Authority



COALITION PROVISIONAL AUTHORITY
BAGHDAD

ACTION MEMO

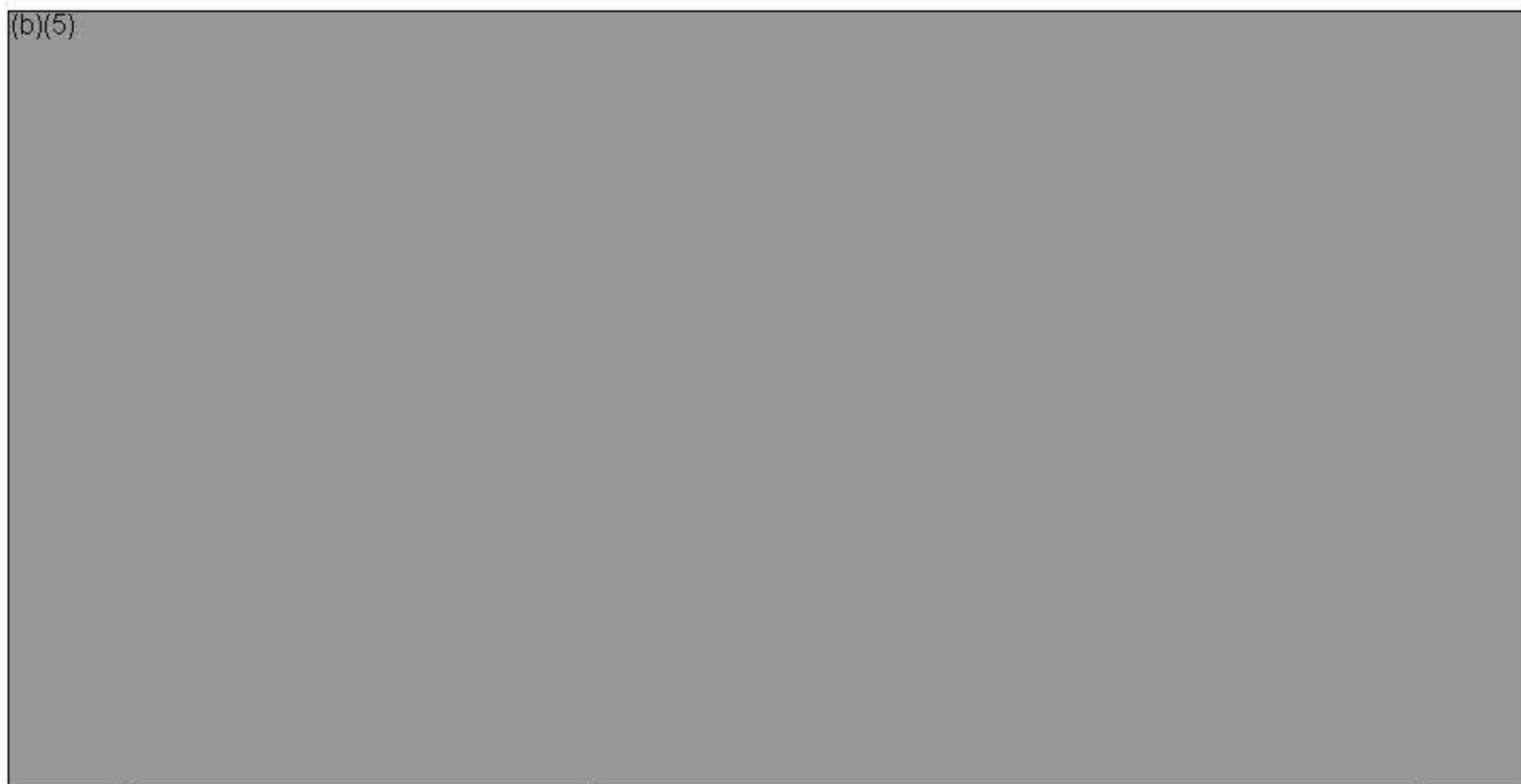
June 9, 2004

FOR: THE ADMINISTRATOR
FROM: John Russell, Senior Advisor for Culture *JRF*
SUBJECT: Restoring Babylon

The removal of the Coalition military camp from the archaeological site of Babylon will require careful supervision by Iraqi archaeologists in order to limit further damage to the site. Following the evacuation of the camp, a plan must be implemented with Coalition Forces to protect the site from looters and vandals.

On June 9, I met with representatives of the State Board of Antiquities and Heritage (SBAH) to discuss the removal of the Coalition camp from Babylon. Present were Director General for Excavations and Investigations (b)(6), Director General for Museums Dr. Donny George, and CPA Advisor to the SBAH (b)(6). The following points were determined to be essential:

(b)(5)



B(5)

RECOMMENDATION: Approve the above steps to protect the site of Babylon during and after the removal of the military camp.

Approve: _____ Disapprove: _____ Approve with modification: _____

Castle, Edwin (CIV)

From: (b)(6)
Sent: Wednesday, June 09, 2004 11:21 AM
To: Castle, Edwin (CIV); (b)(6)
Subject: Camp Alpha

(b)(6) -- Military (Polish) and contractor activities have resulted in archeological damage at Camp Alpha (also known locally as Camp Babylon) located two miles west of Hillah. A few weeks ago Amb Bremer asked MNC-I to stop all movements of earth or any other activities that might cause further damage. MNF-I issued a FRAGO to this effect, except for those activities required for force protection.

A team which visited the site this week noted that extensive contractor activity, including the movement of earth, continues. There is confusion who these contractors are, who they work for, whether the Poles can direct them to stop, etc. This is a very large base with a lot going on.

(b)(5)



B(5)

Also, just so you are aware, he also just verbally ordered MNF-I to relocate the entire base and wants to see their plan tomorrow morning.

vr (b)(6)

6/9/2004

(b)(6)

From: Denham, Giles (CIV)
Sent: Wednesday, June 23, 2004 8:41 AM
To: Executive Secretary
cc: (b)(6) (CIV)
Subject: RE: Review of Babylon MOU

In my view, with just a week to sovereignty and a Ministry of Culture which has already transitioned, the MOU should be between MNC-I and the IIG rather than rushed through CPA. The alternative is for the Ministry of Culture to have the chance to comment before anyone signs it for CPA, but in practice that will push any signing beyond June 30.

My advice would be for (b)(6) to make contact with the Deputy Minister for Culture in the first instance. She is (b)(6) al Damluji and can be reached at (b)(2) or email: (b)(6)@ (b)(2)

Giles Denham
Director Civil Affairs
Coalition Provisional Authority Baghdad
Room M239
cell: (b)(2)
DSN
civ: 1

-----Original Message-----

From: (b)(5) (CIV) **On Behalf Of** Executive Secretary
Sent: Wednesday, June 23, 2004 8:29 AM
To: Denham, Giles (CIV)
Cc: Executive Secretary; (b)(6) (CIV)
Subject: Review of Babylon MOU
Importance: High

Sir,
MNF-I has sent a proposed MOU on the (b)(6). Since we understand the Office of the Senior Advisor for Culture is temporarily unmanned, we'd like you to review the document for CPA. This is time sensitive and we need your inputs, if any, today. Copies of the MOU have been placed in the Civil Affairs and Culture mailboxes in Exec Sec.

Vr
(b)(6)
Action Officer
Executive Secretariat

6/23/2004

040622-09



HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF

FICI-CG

16 June 2004

MEMORANDUM THROUGH Staff Judge Advocate, Multi-National Force - Iraq, Baghdad, Iraq,
APO AE 09342

*Received 20 Jun 04
21 Jun 04 No legal
objections.*

Chief of Staff, Multi-National Force - Iraq, Baghdad, Iraq, APO AE 09342

(b)(6)

FOR Ambassador Jones, Deputy Administrator, Coalition Provisional Authority, Iraq

SUBJECT: Proposed Memorandum of Understanding (MOU) for the (b)(5)
(b)(5)

B(5)

Reference:
MNC-I FRAGO 096 (DTG 010520DJUN04)

1. Multi-National Corps - Iraq FRAGO 096 was issued on 1 Jun 04 with a view to immediately stopping damage to archaeological sites at Camp Alpha, a military establishment collocated with the Babylon ruins. This FRAGO further suggests the establishment of (b)(5)

(b)(5)

B(5)

4. As time is of the essence, I request that any concerns be referred directly to (b)(3): 10 USC §130b
|| SJA, MNC-I. Likewise, if you approve of the MOU in its current form, I request that you execute it on behalf of the CPA.

(b)(3): 10 USC §130b

Brigadier General, USA
Chief of Staff

CF:
Mr Giles Denham, Director of Civil Affairs, Coalition Provisional Authority, Iraq

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE ADMINISTRATOR, COALITION PROVISIONAL
AUTHORITY - IRAQ
(OR ITS SUCCESSOR IN INTEREST)**

AND

**COMMANDING GENERAL, MULTI-NATIONAL CORPS -
IRAQ**

AND

**COMMANDING GENERAL, MULTI-NATIONAL DIVISION -
CENTER SOUTH**

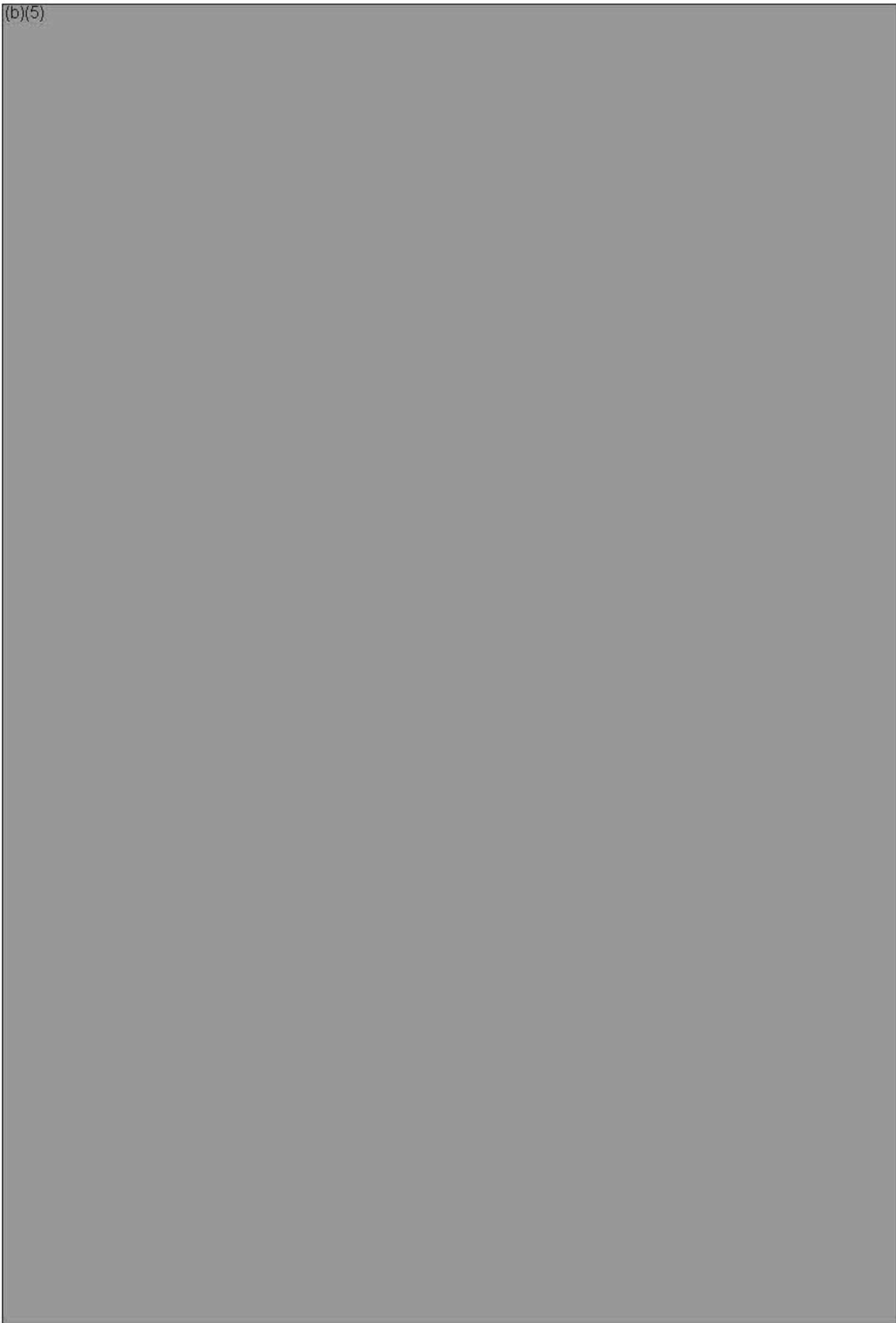
CONCERNING

(b)(5)

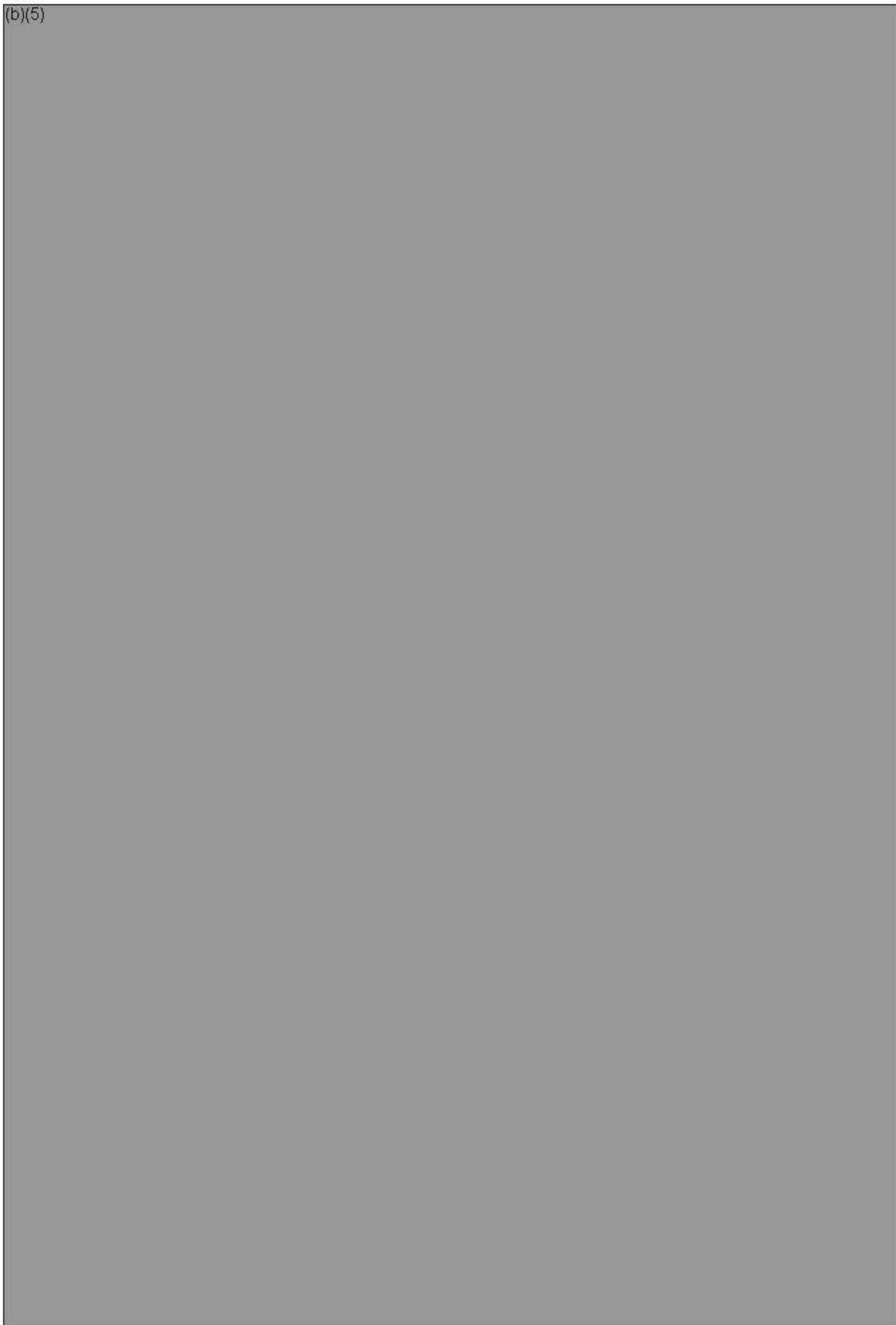


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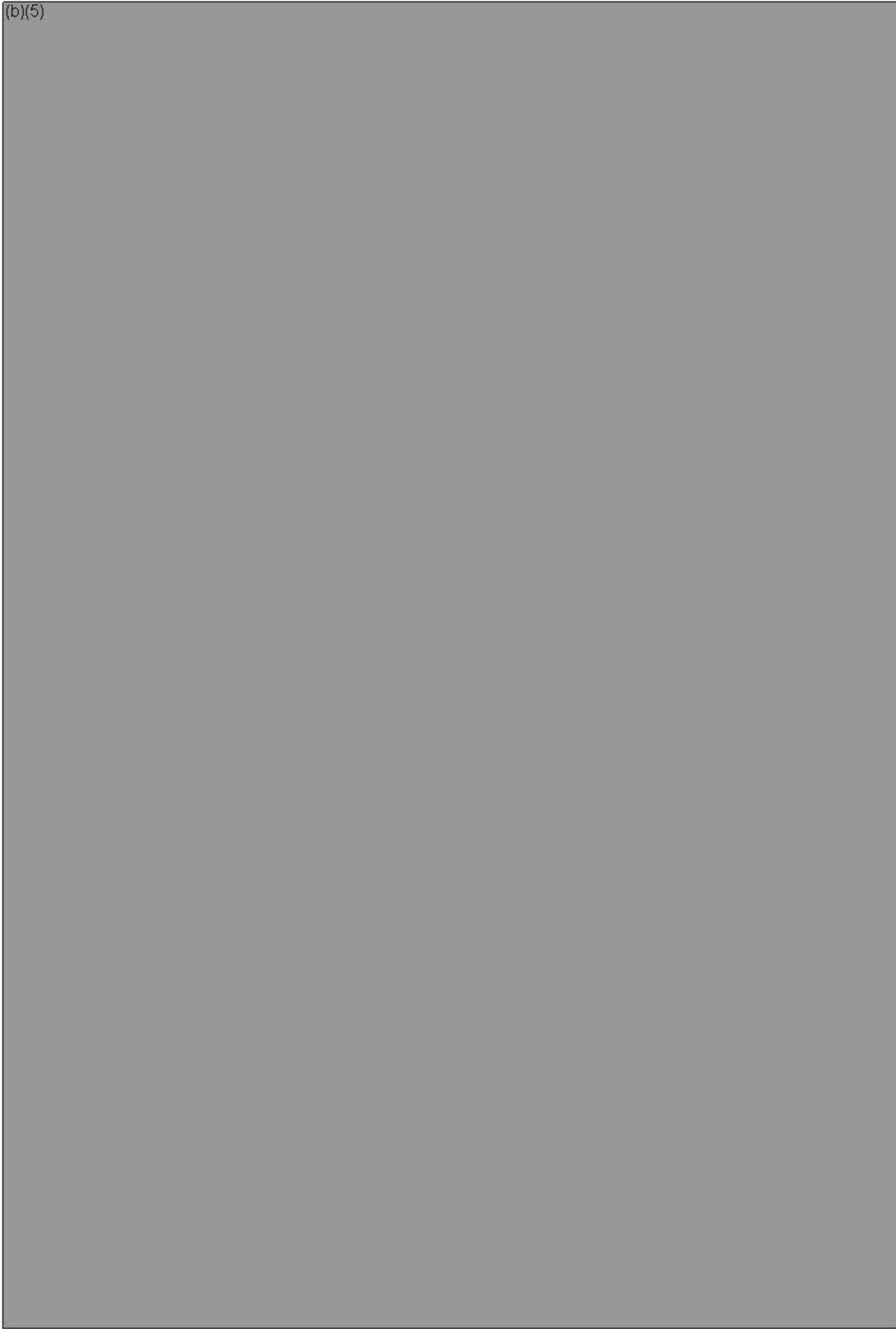
(b)(5)



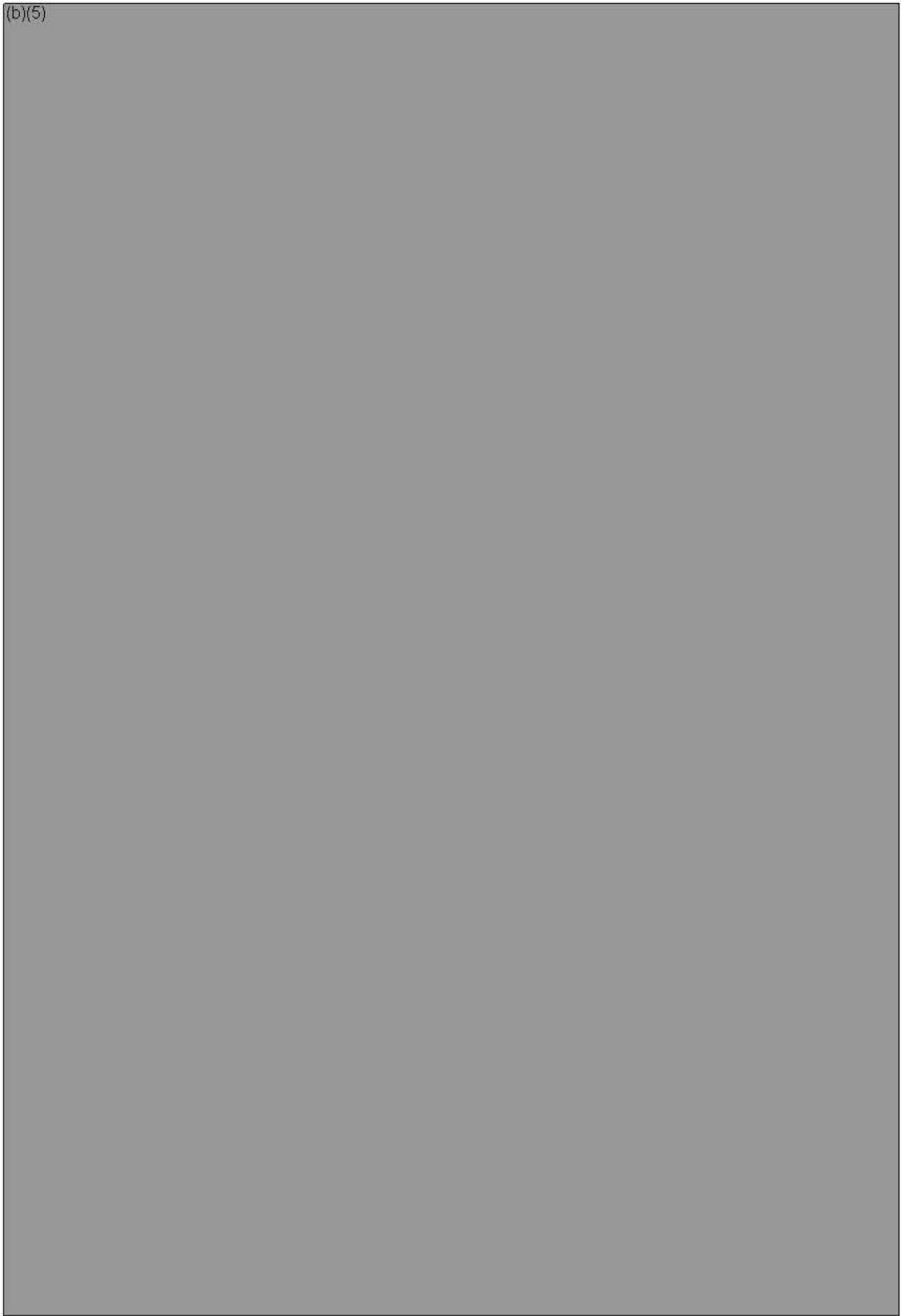
(b)(5)



(b)(5)



(b)(5)



.....

(b)(3):10 USC §130b

From: Russell, John (SES-1)
Sent: Sunday, May 16, 2004 12:57 PM
To: (b)(3):10 USC §130b
cc: (b)(6)
Subject: RE: Ishtar gate

Dear Everyone,

This sounds like a good start--(b)(6) thank you very much for your frank assessment of the roots and causes of the problem. I do appreciate the efforts of all the people who have been trying to monitor the damage due to the transformation of a world heritage site into a military base by a military occupation authority. The inadequacy of such volunteerism, unfortunately, is evidenced by the fact that the site has been dramatically altered in just one year, and that if anything, the pace of these alterations has picked up in recent weeks with the rotation of units. I do not think it is, or ever was, sufficient to hope for the best. Even education is not enough if compliance is not required.

(b)(5)

As stated in the summary of regulations below (which I think I already sent you), AR 200-4 requires the Army to observe host nation laws and international treaties. (b)(5)

(b)(5)

I strongly recommend that the Army Corps of Engineers St. Louis District Mandatory Center of Expertise for the Curation and Management of Archaeological Collections (MCX-CMAC) be brought in to monitor activities at Babylon and on other bases that include archaeological sites, to inform units about protection of archaeological sites, and to ensure compliance with regulations in AR 200-4. MCX-CMAC has the required expertise in this area. For an example of the services offered by archaeologists with USACE, see the following web site: <http://www.mvs.usace.army.mil/engr/curation/Mission.htm>

The commitment of the US to the cultural heritage of Iraq (and humanity) is the question here. (b)(5)

(b)(5)

I would be grateful for your thoughts on this matter.

Best,
 John

John Russell
 Senior Advisor for Culture
 CPA-Iraq

-----Original Message-----

From: (b)(6) [mailto:(b)(6)] (b)(2)
Sent: Saturday, May 15, 2004 10:54 PM
To: Russell, John (SES-1)
Subject: RE: Ishtar gate

Apparently, many people didn't (don't) seem to understand that ancient Babylon is not limited to the area inside the renovated walls. That is only the "inner city" of ancient Babylon. Our compound is actually right on top of a good bit of the "middle and outer city" of ancient Babylon. Our very presence here contributes to the distruction of archiological treasures, but it also helps protect the site from looting, vandalism, and other forms of destruction.

(b)(3):10 US, the Babil GC, some of the CIMIC Archiologists, Museum curators, attornies and commanders got together -- some became enlightened, some seem to have agreed not to sue the world (especially the US) for the destruction of a 6000 year-old site, the excavation has stopped, and things seem to be under control.

Any way, in an attempt to try to prevent any similar future situations, the CIMIC archiologists and I are going to put together an information paper on the extent of Ancient Babylon, and the international law concerning destruction, looting, and removing little souvenirs from such sites. Once it is approved, we might have it translated into the languages of all 28 nationalities present here on this compound. I hope it helps.

(b)(6)

--- "Russell, John (SES-1)"

<russellj@ (b)(2) > wrote:

> Thank you (b)(6)

>

> (b)(6) can you please give us full details on this "misunderstanding"
> and how the situation was brought "under control"?

> This may help us

> anticipate and prevent future misunderstandings.

>

> Such misunderstandings happen fairly regularly at

> Babylon--by my count,

> we have had 4 incidents involving threats to

> archaeological remains at

> Babylon since April 20. Thank you very much.

>

> Best,

> John Russell

> Senior Advisor for Culture

> CPA

>

-----Original Message-----

From: Russell, John (SES-1)

Sent: Friday, May 14, 2004 6:21 PM

(b)(6)

Subject: RE: More at Ishtar's temple - 2nd attempt to (b)(6)

Dear (b)(6)

(b)(6) asked me to forward you this list of regulations that the US Army (and any military forces under their overall command, including the Poles) must observe for

cultural sites. This was compiled by (b)(6) of the Cultural Property Office of the State Department.

In addition to everything below, "Article 4: Respect for Cultural Property" of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict states:

"1. The High Contracting Parties undertake to respect the cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property."

(b)(5)

B(5)

Best,
John

John Russell
Senior Advisor for Culture
CPA

-----Original Message-----

From: Gardiner, Bonnie S [mailto:GardinerBS@state.gov]

Sent: Monday, May 10, 2004 8:35 PM

To: (b)(6) Russell, John (SES-1)

(b)(6)

Subject: Law, regulation and Ishtar's temple

(b)(6)

Here's the gist of legal obligations:

Department of the Army, Army Regulation 200-4, Cultural Resources Management (30 October 1997)

Applicability:

f. Commanders outside of the United States will comply with:

- (1) Substantive cultural resources requirements of general applicability included in host nation law and regulation to the extent practicable or, when adopted, those requirements identified in Final Governing Standards adopted by the DoD Executive Agent.
- (2) International Treaties and Status of Forces Agreements.
- (3) NHPA Amendments of 1980, Section 402 (16 USC 470a-2).

HOST NATION LAW

Antiquities and Heritage Law

Law No. 55 of 2002

Article 3 "Any excavation, destruction, alternation made to the features of such a site [cultural heritage site] shall also be prohibited"

Article 5 - Third "Rights to use an archeological building or archeological site shall encompass the establishment of a no-use perimeter around archeological areas and buildings as well as areas ensuring access to those sites."

Article 6 - Second "The Antiquities Authority may evacuate persons and property from archeological and cultural heritage sites as well as from their no-use perimeters in case of a threat to people and to the archeological and cultural heritage sites."

Article 9 - Third "Agencies responsible for the preservation and maintenance of archeological sites shall obtain the written consent of the Antiquities Authority before making or altering any plans for locating general, industrial, agricultural, and housing projects at those sites."

Article 15

It shall be prohibited to:

Second -- "Farming, residing, building a residence, or constructing any other structure on these archeological and cultural heritage sites, or altering them or those locations within them that are considered sacred in any way."

INTERNATIONAL TREATIES

World Heritage Convention (US and Iraq are parties)

Article 6

Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

NOTE: Although the US is not a State Party to the 1954 Hague Convention for the Protection of Cultural Property In the Event of Armed Conflict, it has been said that we follow its principles. Thus:

Article 5

OCCUPATION

1. Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.
2. Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.
3. Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

I hope this helps. Let me know if there is anything else I can do.

Bonnie

Bonnie Magness-Gardiner
Senior Cultural Property Analyst
Cultural Property Office (ECA/P/C)
US State Department
Tel: (202) 619-5323 Fax: (202) 260-4893
Email: GardinerBS@state.gov <mailto:GardinerBS@state.gov>
URL: <http://exchanges.state.gov/culprop>
This message is unclassified according to the definitions provided in Executive Order 12958.

(b)(3):10 USC §130b

From: (b)(6)
Sent: Friday, May 14, 2004 10:41 PM
To: (b)(6)
cc: (b)(6); Castle, Edwin (CIV)
Subject: RE: More at Ishtar's temple - 2nd attempt to (b)(6)

(b)(6)

Wouldn't it make sense for the engineers to check with the senior advisor for culture or one of his staff before doing any digging in the vicinity the ruins, especially given their recent experience with picking sites that did disturb the ruins? Are there any cultural advisors at the CPA regional office?

V/R

(b)(6)

-----Original Message-----

From: (b)(3):10 USC §130b
Sent: Friday, May 14, 2004 9:37 PM
To: (b)(6)
 (COL/O-6)
Cc: (b)(6); Edwin (CIV)
Subject: RE: More at Ishtar's temple - 2nd attempt to (b)(6)

(b)(6)

Yes thanks, but the information from the senior adviser for culture is extremely disturbing from a pol/mil and CPA perspective. I am confident that you will take all necessary action but felt that you needed to see the email from him so you were fully informed as to the senior adviser's view.

I agree, the facts are far from clear with your subordinate units, not unsurprisingly, saying they are not interfering with the ruins while the senior adviser, being adamant the "base is atop the most historic part of the remains, which are much more extensive than anyone there seems to realize". I am sure that both parties have good reason for having these views and I have no doubt you will pursue the true situation but in the meantime I would counsel extreme caution in any further construction, which appears to accord with your approach.

Let me know if you want me to talk to John Russell about this and ask him to leave it with you or take any other action? Cheers (b)(6)

-----Original Message-----

From: (b)(6)
Sent: Friday, May 14, 2004 7:01 PM
To: (b)(3):10 USC §130b
 (COL/O-6)
Cc: (b)(6); Castle, Edwin (CIV)
Subject: RE: More at Ishtar's temple - 2nd attempt to (b)(6)

(b)(6)

Did you see my e-mail which indicates that the facts may not be clear in this case. Per the e-mail I sent earlier today, it appears that there was construction at an initial site that was a parking lot, and then, when it was discovered that the second proposed construction site was at the location of a historical site, they moved their construction to a third site that did not impinge on the ruins.

(b)(6)

-----Original Message-----

From: (b)(6) [mailto:(b)(6)] @ (b)(2)
Sent: Friday, May 14, 2004 10:31
To: (b)(6); (b)(2); (b)(6); (b)(2)

You can walk over to the site and find out under what authority they are doing the work, and advise them of the John Russell, Senior Advisor for Culture, CPA-Iraq, message below. I suggest you take this message to whoever is in charge for doing the work, and get clarification before proceeding further.

(b)(3):10 USC §130b
LTC, CA, US Army
IAD CMO LNO Economy
CPA Al Hillah
APO AE 09332

(b)(6)
(b)(2)

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@ (b)(2)]
Sent: Thursday, May 13, 2004 9:41 AM
To: Russell, John (SES-1)
Cc: (b)(6)
Subject: RE: FW: more at Ishtar's temple

Dear Sir: I have re-forwarded your message to (b)(6) and also to the LNO out near that area, (b)(6). It is my hope that he has been able to intercede on our behalf with the ground commander. Will give you an update as soon as I hear back from him.

Thank you,
(b)(6)

-----Original Message-----

From: Russell, John (SES-1)
Sent: Wednesday, May 12, 2004 11:02 PM
To: (b)(6)
(b)(6)
Cc: (b)(6) @ (b)(2) (b)(6)
(b)(6)

Subject: RE: FW: more at Ishtar's temple

Dear (b)(3):10 USC §130b

I'd appreciate knowing what (b)(6) recommended. (b)(5)
(b)(5)
(b)(5)

B(5)

The only thing that stopped them today was the appearance of the CPA coordinator for Babil governorate, but they'll be back with their bulldozers and ditch witches tomorrow.

Whatever we've done so far to get the word out to the military at Babylon hasn't been enough. If you wish, I can send you a summary of the numerous international laws and conventions that forbid an occupying power from negligently destroying the heritage of an occupied land. The only justification for damaging a World Heritage site is if combatants have taken up positions on it, which is also illegal. That is not the case here, and as the occupation authority, we are directly responsible for preserving the site. We'll be hearing much more about this in the international press if this gets out.

The original decision to build a US military base on the most famous part of the most famous archaeological site in the world was an act of such colossal stupidity as to be beyond the comprehension of mere mortals. This is the sort of thing we used to criticize Saddam for, but he was smarter than to do this. In any event, I'm getting tired of hearing criminal or stupid US actions justified by saying "Saddam did it too."

We need to do more to stop the continuing damage, and we need to do it now. If there's any vestige of Arts, Monuments, and Archives left in Civil Affairs, they need to be in Babylon now. May I have your recommendations please? Thank you very much.

Sincerely,
John Russell
Senior Advisor for Culture
CPA-Iraq

(b)(2)

Here is today's report from Babylon from (b)(3):10 USC CPA Coordinator for Babil Province:

I drove back past the 6/7th century site on the Ishtar temple mound tonight on my way back from downtown and came across an element of MND's Romanian engineering battalion doing -- well engineering. driving a bulldozer or some similar heavy thing, laying pipes, whatever it was it was work in preparation for further construction. I pulled over and approached them,

asking to speak to whomever was in charge. (I speak broken Romanian from my assignment in Buchareas years ago.) The man in charge, I think a Sargent

said that he had "orders" from his Major (something like "(b)(6)") who, he said was told to do the (construction) work by the MND Commander. I asked

them if they realized that they were in violation of international law/agreements on the protection of such historical sites and they just looked at me. I repeated this and one of the soliders said in Romanian " yes, but we have our orders and we will get into trouble if we don't follow them". I said who I was, and that I did not want the Romanians to get into trouble. I told them to go and tell their (b)(6) what I said, to tell him who I was. They said they would, laid down their equipment and left.

I am saddened by all of this. So much damage has already been done to the entire site that I fear we are already in major trouble -- or will be when the international community gets a chance to see what has happened during the past year of "occupation care". All one really has to do is look at

some overhead before April 03 and current overhead to see the extent. There are sufficient site excavation records remaining from the fire and in Berlin to make a damn good legal case against us.

We can not replace/undo what has already been destroyed. But it bothers me that we all give lip service to protecting antiquity but in fact plod right on ahead with our destruction of it as if no one will ever notice or care. It is the arrogance that bothers me. I am just as much at fault for not

being more of an advocate in my months here. but virgin 6/7th century material simple puts me over the edge. the photos attached (i hope) show the site from two nights ago. (the first two photos of the newest damage - the area that I can't see how (b)(6) missed. The third photo shows a landing area done a month or two ago and in the background the stratigraphy dug through to to far south east of the newest area. I don't know the dates of this later area.

-----Original Message-----

From: (b)(6)
Sent: Monday, May 10, 2004 10:45 AM

(b)(6)

Russell, John

(b)(6)

Subject: RE: FW: more at Ishtar's temple

I will get with (b)(6) immediately and ask for his recommended action....thanks.. (b)(6)

-----Original Message-----

From: (b)(6)
Sent: Monday, May 10, 2004 10:23 AM

To: (b)(6)

Cc:

Russell, John

(b)(6)

Subject: RE: FW: more at Ishtar's temple

(b)(6)

(b)(6) is on travel. Does this issue warrant C-9 attention?

(b)(6)

(b)(3):10 USC
8120b Colonel, USAF
Military Assistant to
CPA Director of Civil Affairs
Room M117
Cell: (b)(2)
Desk:
DSN (b)(2) "Inveniãam Viam Aut Faciam"

-----Original Message-----

From: (b)(6)
Sent: Monday, May 10, 2004 10:11 AM

(b)(6)

Russell, John

Subject: RE: FW: more at Ishtar's temple

(b)(6)

Does this fall into your lane?

(b)(6)

(b)(6)
Military Assistant to
CPA Director of Civil Affairs
Room M117
Cell: (b)(2)
Desk:
DSN (b)(2) "Inveniãam Viam Aut Faciam"

-----Original Message-----

From: (b)(6) <(b)(2)> [mailto:(b)(6)&(b)(2)]
Sent: Monday, May 10, 2004 10:05 AM
To: Russell, John (SES-1)

(b)(6)
Subject: Re: FW: more at Ishtar's temple

John: Also recommend you contact (b)(6) at the C9 Fwd in CPA Palace....I believe he is the cultural advisor there....he can also influence I believe or he will know who can....I don't know his NIPR address so maybe its best for you to pay him a visit there.....I will try and get the message to him....

(b)(6)

----- Original Message -----

From: "Russell, John (SES-1)" <russellj@ (b)(2)>
Date: Sunday, May 9, 2004 11:52 pm
Subject: FW: more at Ishtar's temple

> (b)(6) et al,
>
> FYI
>
> John Russell
>

> -----Original Message-----

> From: (b)(6) <(b)(2)>
> Sent: Monday, May 10, 2004 7:12 AM
> To: Russell, John (SES-1); (b)(6) <(b)(2)>
> (b)(6) <(b)(2)>
> Cc: (b)(6)

> Subject: RE: more at Ishtar's temple
>
> john - it was certainly not CPA/Hilla. It might have been
> CPA/South
> Central in which case it was (b)(6) or more likely (b)(6)
> I'll
> check.
> There is no previous - 20th century structure - because the area used
> is
> 6th and 7th century BC. and among the very few if not only areas
> unexcavated/damaged at the entire site.
> And, it is the Polish that alerted me to this. I am sure people mean
> well,
> but they are just unaware of the significance of the area.
>
> (b)(6): are you aware of this?.
> (b)(6)
>
> >From: "Russell, John (SES-1)" <russellj@ (b)(2)>
> >To: (b)(6) <(b)(2)>
> >CC: (b)(6) <(b)(2)>
> >Subject: RE: more at Ishtar's temple
> >Date: Sun, 9 May 2004 22:09:19 +0400
> >
> >Dear (b)(6)
> >
> >I'm not convinced that anything I did last time had the effect you
> >attribute to it. I did contact (b)(6)
> >(b)(6) <(b)(2)> of
> >First Cav. and (b)(6) <(b)(6)>
> >director of
> >the First Cav. Museum, both of whom have expressed an interest in
> >preserving Iraqi heritage, and both of whom (especially (b)(6) may
> >be in
> >a position to help.
> >
> >By the way, one of the military involved in the Babylon work
> >wrote to
> >(b)(6) who coordinates our ministry activities with the military
> >and other branches of CPA. This officer stated that they were only
> >bulldozing some mounds and not destroying any standing buildings.
> >He
> >says the Americans are no worse than Saddam (whew, that's a relief!).
> >
> >And he says that they had permission from CPA al-Hilla and the
> >Poles to
> >expand the helipad on this site. Can you find out who from CPA
> >al-Hilla
> >gave them this permission and copy (b)(6) on the response? Thank
> >you.
> >
> >Best,
> >John
> >
> >John Russell
> >Senior Advisor for Culture
> >CPA-Iraq
> >
> >-----Original Message-----
> >From: (b)(6) <(b)(2)>
> >Sent: Sunday, May 09, 2004 8:29 PM
> >To: Russell, John (SES-1)
> >Subject: RE: more at Ishtar's temple
> >
> >John - when are you actually departing - it will be asad here, but
> >honestly
> >I do wish I could just join you. can you let me know who you

> forward>these
> >to. that way i can bother him/her directly after you leave.
> take care
> >of
> >yourself. (b)(6)
> > >From: "Russell, John (SES-1)" <russellj@ (b)(2)>
> > >To: (b)(6) @ (b)(2)
> > >Subject: RE: more at Ishtar's temple
> > >Date: Sun, 9 May 2004 19:11:06 +0400
> > >
> > >Dear (b)(6)
> > >
> > >Thank you, I guess, for this latest news. I've tried to pass
> it on
> > >where it may do some good. Fingers crossed.
> > >
> > >John
> > >
> > >-----Original Message-----
> > >From: (b)(6) @ (b)(2)
> > >Sent: Sunday, May 09, 2004 7:22 AM
> > >To: Russell, John (SES-1); jrussell1@ (b)(2)
> > >Cc: (b)(6) @ (b)(2); (b)(6) @ (b)(2); (b)(6) @ (b)(2); (b)(6) @ (b)(2)
> > >Subject: more at Ishtar's temple
> > >
> > >John - I am taking the chance that you are still in Baghdad and can
> > >help
> > >
> > >>once more (last time you were a saint). On the chance you are not
> > >>there, I am tossing this out more widely in the hope someone has an
> > >>idea of
> > >>where
> > >>we
> > >>can go.
> > >>
> > >>We all do understand the situation surrounding us in southcentral
> Iraq
> > >>and
> > >>the need for military staging here in realitively peaceful Hillah.
> And
> > >>we
> > >>understand that in the balance between saving a rock and a man's
> life,
> > >>well,
> > >>the rock looses every time and that is right and proper.
> > >>
> > >>As you knew, a few weeks ago the fence protecting the Ishtar Temple
> > >>mound was driven over by an US MP unit wanting to park its
> cars/trucks. I
> am
> > >>convinced these guys simply had no clue what they were doing
> nor of
> the
> > >>importance of this 5000 year old site to human history. Thank you
> fer
> > >>the
> > >>help in getting that sorted out and I am glad to tell you that the
> > >>re-built
> > >>Polish fence has only been run over once more and it is being
> repaired
> > >>today.
> > >>
> > >>However, newly arrived US troops have begun constructing a
> helicopter> landing zone in the area adjacent to the temple mound
> itself. this
> >area

> > >is
> > >the last remaining UNTOUCHed 6 and 7th century BC temple and
> habitation
> > >area
> > >of this World Heritage "protected" temple. I know that it
> looks like
> a
> > >stupid bunch of worthless hills and it is an attractive site to
> >bulldoze
> > >for
> > >military use. But in terms of world history it is priceless. The
> > >Polish
> > >command, I am told feels helpless in getting the americans to stop
> and
> > >use
> > >another area (a bit futher away from the main camp road behind land
> KBR
> > >has
> > >already flattened has been suggested as an alternative), but
> they are
> > >taking
> > >photos to protect themselves against accusation of destruction of
> this
> > >piece
> > >of cultural heritage in the future.
> > >
> > >I was over there last night and although some of the temple
> area has
> > >been
> > >bulldozed and preped, I did not see anyone at work. I will go over
> > >there
> > >again tonight (conditions permitting) and try to talk to
> whoever they
> > >are.
> > >
> > >Please, can you raise this issue again since you had so much
> success> >last
> > >time. Thanks (b)(6)
> > >
> > >

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> > >
> > >

(b)(3):10 USC §130b

From: (b)(3):10 USC §130b
Sent: Friday, May 14, 2004 4:41 PM
To: (b)(3):10 USC §130b Castle, Edwin (CIV); (b)(3):10 USC §130b
 (b)(3):10 USC §130b
 (b)(3):10 USC §130b Russell, John (SES-1)
Subject: FW: Protection of Cultural Heritage

All,
 This should be regarded as a "scouts report." Until we have confirmation, we shouldn't relax.

(b)(6)

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@ (b)(2)]
Sent: Friday, May 14, 2004 04:28
To: (b)(3):10 USC §130b
Cc: (b)(3):10 USC §130b
Subject: RE: Protection of Cultural Heritage

Thanks. Please keep me informed of any further developments. The message needs to get back to all those who were concerned about the land, but only after we are absolutely certain there was no interference with 'cultural ground'.

(b)(3):10 USC §130b

-----Original Message-----

From: (b)(3):10 USC §130b
Sent: Friday, May 14, 2004 12:20 PM
 (b)(3):10 USC §130b
Subject: RE: Protection of Cultural Heritage

All,

I have spoken with the C7 LNO in MND-CS, 1 LT Larson. He gave me the following preliminary report and will follow up with a written document detailing the events concerning the archaeological site at Camp Alpha.

Bottom Line There is no issue he is aware of.

The 1AD needed to construct a helipad for use as a FARP. An existing parking lot was identified. The design interfered with some part of a KBR service site. A second configuration was designed that apparently would have put the site on top of a historical site. The on-site archaeologist was consulted and a third configuration was designed and was approved by the on-site archaeologist. The third configuration required moving some existing hesco barriers but did not effect the historical site.

I will forward the report from the LNO as soon as I receive it.

Thanks,

(b)(3):10 USC §

CJTF-7, C7
 Chief of Operations

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@ (b)(2)]
Sent: Friday, May 14, 2004 8:40 AM
To: Free, (b)(3):10 USC §130b

5/14/2004

Cc: (b)(3):10 USC §130b
Subject: RE: Protection of Cultural Heritage

(b)(3):10 USC §130b

This was addressed to both us. Can you please assure me that you will follow right thru with this. Please let me know if you would like me to get involved in any way. (b)(5)

(b)(5)
(b)(5)

B(5)

Thanks

(b)(3):10 USC §130b

-----Original Message-----

From: (b)(3):10 USC §130b
Sent: Thursday, May 13, 2004 11:26 AM

(b)(3):10 USC §130b

(b)(3):10 USC §130b Russell, John (SES-1)

Subject: FW: Protection of Cultural Heritage

(b)(3):10 US

I have attached an e-mail which reports engineer activity in MND(CS). The engineer activity is taking place within the ruin of Babylon, the seat of an ancient culture, with great historic significance. I do not have any further information than that which is contained in the attached e-mail. I forward the information to you as the staff proponent for theater engineer operations. This information need to immediately be provided to those units under the C7's control, and through you to MND(CS). Please reply to me ASAP so that I may provide feedback to CPA.

Thank you,
(b)(3):10 USC §130b

-----Original Message-----

From: (b)(6) [mailto:(b)(6)@ (b)(2)]

Sent: Wednesday, May 12, 2004 16:06

To: (b)(6)@ (b)(2) (b)(6)@ (b)(2)

Cc: (b)(6)@ (b)(2) (b)(6)@ (b)(2) Russell, John (SES-1);

(b)(6)@ (b)(2)

Subject: Protection of Cultural Heritage

(b)(6)

(b)(5)

B(5)

(b)(5) [Redacted]

B(5)

(b) [Redacted]

(b)(3); 10 USC §130b [Redacted]

Group Captain
Royal Australian Air Force 0-6
Office of the General Counsel
Coalition Provisional Authority
CPA Palace M115

(b)(2) [Redacted]



Archeological Sites Protection Project

The Iraqi Board of Antiquities, a semi autonomous agency of the Ministry of Culture, is the supreme authority responsible for Museums, archeological sites, excavations, heritage buildings, etc.

The Director General for Excavations oversees the 7,273 identified archeological sites, 3,232 of which are protected by 1,272 guards, currently in the payrolls of the Ministry of Culture. See the attached Provinces Summary.

The actual number of sites not yet identified could reach 100,000.

The Board is represented in each Province by an Archeological Inspector who is responsible for the sites and the guards.

The present system is totally ineffective in confronting the upsurge of organized looting currently taking place, with the total obliteration of entire ancient cities.

The A.S.P. Project in its first phase, to be completed by December 31, 2003, foresees that the guards, after appropriate training, shall receive FPS status, with the right to detain looters for 12 hours, a uniform, additional weapons, 40 4wd vehicles, and a radio communication system connecting them from the sites to the local Iraqi Police Station or, for the time being, to the Coalition Internal Security Forces.

The guards' task, besides guarding the sites, will be to alert and ask the intervention of the local Security Forces in all cases of looting or non authorized agricultural activities on the sites.

In due time, local Security Forces shall receive instructions from their own authorities to intervene on the sites, when alerted, as a matter of the highest priority.

Mario Bondioli Osio
Ambassador
Senior Advisor – Ministry of Culture

Tel. (b)(2)

(b)(6) @ (b)(2)

Prof. John Russell
Deputy Senior Advisor – Ministry of Culture

Tel. (b)(2)

russellj@ (b)(2)

Provinces Summary

Province	Number of Sites	Guarded Sites	Number of Guards
Ninawa	1500	801	211
At Ta'mim	900	110	29
Salah ad Din	512	201	147
Diyala	929	693	214
Baghdad	350	99	86
Al Anbar	410	20	10
Babil	423	450	113
Karbala	45	83	43
An Najaf	74	61	27
Wasit	461	51	45
Al Qadidiyah	500	144	89
Al Muthana	115	152	35
Maysan	371	252	107
Dhi Quar	592	105	109
Al Basrah	91	10	7
	7273	3232	1272

*** UNCLASSIFIED ***
***** This Message Has Been Altered *****

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ZNR UUUUU ZOC STATE ZZH
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ZNR UUUUU ZZH
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FM CPA BAGHDAD
TO RUEKJCS/SECDEF WASHINGTON DC
RUEHC/SECSTATE WASHDC 1303
RHEHNSC/WHITE HOUSE NSC WASHDC

UNCLAS BAGHDAD 000664

SENSITIVE

E.O. 12958: N/A
TAGS: PREL, MOPS, KPAO, SCUL, IZ

SUBJECT: CPA 1305: DAMAGE TO ARCHEOLOGICAL RUINS IN BABYLON

1. (SBU) SUMMARY. THE PRESENCE OF THE COALITION MILITARY BASE AT THE ANCIENT CITY OF BABYLON HAS DAMAGED LARGE AREAS OF THE ARCHAEOLOGICAL SITE. MEASURES ARE BEING INITIATED BY THE U.S. MILITARY IN AN ATTEMPT TO LIMIT NEW DAMAGE TO THE SITE. BUT DAMAGE WILL INEVITABLY CONTINUE WHILE MILITARY ARE BASED THERE. THE BASE SHOULD BE RELOCATED WHEN OPERATIONALLY FEASIBLE WITHOUT DISRUPTING ONGOING OPERATIONS AND PROTECTION TO THE SITE. END SUMMARY.

2. (U) THE U.S. MILITARY ESTABLISHED A MILITARY BASE DIRECTLY ON THE SITE OF IMPORTANT ARCHAEOLOGICAL REMAINS AT BABYLON IMMEDIATELY AFTER THE WAR IN 2003. ROMANIAN AND POLISH COALITION FORCES ALSO NOW OCCUPY THE SITE. POLISH CIVILIAN ARCHAEOLOGISTS WERE ASSIGNED TO BABYLON AFTER NOVEMBER 2003 TO ADVISE THE MILITARY REGARDING ACTIONS THAT MIGHT DAMAGE THE ARCHAEOLOGICAL REMAINS.

3. (SBU) REPORTS IN MID-MAY 2004 FROM CPA, U.S. MILITARY, POLISH MILITARY, AND IRAQI SOURCES CONFIRMED A RENEWAL OF MILITARY BULLDOZING ACTIVITY ON THE SITE. IT APPEARS THAT THESE ACTIVITIES WERE INITIATED WITHOUT CONSULTING THE APPROPRIATE ARCHAEOLOGICAL AUTHORITIES CONCERNING THE POTENTIAL IMPACT OF THE PROJECT ON THE SITE.

4. (SBU) ON 27 MAY 2004, A DELEGATION FROM CPA AND MNC-I WENT TO

OSD - SECDEF CABLE DISTRIBUTION:

SECDEF: <u> / </u>	DEPSEC: <u> / </u>	EXECSEC: <u> / </u>	FILE: _____
C&D: <u> / </u>	CCD: <u> / </u>	CABLE CH: _____	
USDP: <u> / </u>	DIA: _____	OTHER: <u> X CPA Remm </u>	
USDI: <u> / </u>	PER SEC: _____	COMM: _____	

*** UNCLASSIFIED ***

CPA 01890-04

BABYLON TO MAKE A PRELIMINARY ASSESSMENT OF DAMAGE DONE TO THE SITE BY THE MILITARY BASE. THERE THEY MET IRAQI STATE BOARD OF ANTIQUITIES INSPECTOR FOR BABIL DR. MARYAM OMRAN MOSSA AND CPA BABIL GC MARY WITT.

5. (SBU) THE TEAM DISCOVERED THAT FRAGILE CULTURAL REMAINS ARE UNDER EVERY METER OF THE BASE, WHICH IS LOCATED DIRECTLY ATOP THE RICHEST KNOWN ARCHAEOLOGICAL AREA INSIDE ANCIENT BABYLON. THE DAMAGE DONE OVER THE PAST YEAR IS EXTENSIVE. THE APPEARANCE OF THE SITE HAS BEEN TRANSFORMED: WHERE THERE PREVIOUSLY WERE ROLLING MOUNDS FORMED BY THE REMAINS OF ANCIENT BUILDINGS, NOW THERE ARE HELIPADS, PARKING LOTS, TRAILER PARKS, AND UTILITY AREAS.

6. (SBU) RECENT DAMAGE TO ARCHAEOLOGICAL AREAS INCLUDES:

-- THREE HELIPADS BULLDOZED FROM AREAS KNOWN TO CONTAIN TEMPLE AND RESIDENTIAL REMAINS DATING FROM CA. 2000 TO 500 BC.

-- A TRENCH AND BERM EXTENDING HUNDREDS OF METERS FROM THE AREA OF THE TEMPLE TOWER (THE "TOWER OF BABEL") TO THE PROCESSIONAL WAY, DUG VERY RECENTLY.

-- INTENSIVE DEVELOPMENT AROUND THE HELLENISTIC THEATRE.

7. (SBU) AS LONG AS THE BASE REMAINS ON THE SITE, FURTHER DAMAGE IS INEVITABLE, INCLUDING THE COLLAPSE OF FRAGILE WALLS DUE TO VIBRATION FROM THE PASSAGE OF HEAVY VEHICLES AND LOUD HELICOPTERS, AND THE BULLDOZING, STEAMROLLING, AND DITCH DIGGING THAT CHARACTERIZE AN ACTIVE BASE.

8. (SBU) ACTION IS NEEDED, AS BABYLON IS ONE OF THE MOST FAMOUS ARCHAEOLOGICAL SITES IN THE WORLD AND IS HISTORICALLY IRAQ'S MOST POPULAR TOURIST DESTINATION.

9. (SBU) ACTIONS TAKEN BY MNF-I AND MNC-I:

-- FRAGO ISSUED BY MNC-I, WHICH ORDERS CONSTRUCTION WORK AT THE BASE TO CEASE AND THE ESTABLISHMENT IN THE NEAR FUTURE OF AN ARCHAEOLOGICAL BOARD TO REVIEW FUTURE CONSTRUCTION PROJECTS ON THE SITE.

-- DIRECTIVE 27 ISSUED BY MNF-I REGARDING THE CESSATION OF CONSTRUCTION WORK IN THE VICINITY OF BABYLON.

-- MNC-I ISSUED A WARNING ORDER TO RELOCATE CAMP ALPHA (CAMP BABYLON) AWAY FROM THE RUINS. PLANS ARE BEING DEVELOPED. IT IS UNCLEAR WHEN THIS MOVEMENT WILL TAKE PLACE.

10. (U) ON JUNE 8, CPA PERSONNEL REVISITED THE SITE IN ORDER TO MAKE A PRELIMINARY ASSESSMENT OF THE EFFECT OF FRAGO 096. THEY INTERVIEWED ONE OF THE LOCAL IRAQI ARCHAEOLOGISTS, HAYDER ABD AL WAHID, AND TWO POLISH CIVILIAN ARCHAEOLOGISTS ASSIGNED TO THE SITE, (b)(6)

11. (U) THE POLISH ARCHAEOLOGISTS ARE TRYING TO LIMIT FURTHER DAMAGE. THEY ARE ADVISORS, HOWEVER, AND LACK ANY AUTHORITY OVER THE MILITARY AT THE SITE. KBR, WHICH IS RESPONSIBLE FOR MUCH OF THE ONGOING DAMAGE, MAY NOT BE COMPLYING WITH FRAGO 096. ALSO, IT APPEARS THAT FRAGO 096 IS NOT BEING APPLIED OR THAT THE VERY LIMITED FORCE PROTECTION EXCEPTIONS CONTAINED WITHIN IT ARE BEING MISUSED. THIS HAS BEEN THE JUSTIFICATION FOR MANY OF THE PAST ACTIONS THAT DAMAGED THE SITE. THE POLISH ARCHAEOLOGISTS RECOMMEND ABANDONING CAMP BABYLON AND MOVING OPERATIONS TO NEARBY CAMP BRAVO.

12. (U) THE ACTING UK SPECIAL REPRESENTATIVE FOR IRAQ HAS EXPRESSED THE COUNTRY'S SERIOUS CONCERNS AS WELL AND AGREES WITH THE BELOW RECOMMENDATIONS.

13. (U) FRAGO 096 IS NOT SUFFICIENT TO PROTECT BABYLON FROM DAMAGE AND DETERIORATION. AS LONG AS MILITARY OPERATIONS CONTINUE ON THE SITE, FURTHER DEGRADATION OF THE ARCHAEOLOGICAL REMAINS IS INEVITABLE. THEREFORE I HAVE DIRECTED THAT THE FOLLOWING STEPS BE TAKEN:

-- MNF-I HAS BEEN ASKED TO DEVELOP AND IMPLEMENT PLANS TO MOVE THE MILITARY BASE AWAY FROM ARCHAEOLOGICAL SITE. IRAQI ARCHAEOLOGISTS SHOULD SUPERVISE THE REMOVAL OPERATION IN ORDER TO PROTECT THE SITE FROM FURTHER DAMAGE.

-- NO FURTHER CONSTRUCTION WORK OR EXCAVATION SHOULD TAKE PLACE AT THE SITE.

-- COALITION FORCES WILL CONTINUE TO PROVIDE SECURITY TO PROTECT THE SITE FROM VANDALS AND LOOTERS.

-- THE MINISTRY OF CULTURE HAS BEEN ASKED TO DEVELOP A REMEDIAL PLAN TO REPAIR OF AMELIORATE THE DAMAGE DONE TO DATE.

-- WE WILL ISSUE A PRESS STATEMENT TO STATE WHAT HAS BEEN DONE.

BREMER

JOINT STAFF V1

ACTION

INFO CMAS(*) CMAS(1) JSAMS(*) AF-CC-POLAD(*)
BOARDMAN(*) NOOH(*) JCONNIPRDA(*) JCONSIIPRDA(*)
+SAFE

(U)

1

SECDEF V2

ACTION

INFO CHAIRS(*) CHAIRS TESTBED(*) SECDEF-C(1)
SECDEF-C(*) C3I-DASD-DCIO(*) USDAT:STS(*)
ESC-SMTP(*) OSDONNIPRDA(*) OSDONSIPRDA(*)
+JCP EMAIL CUSTOMER//CHAIRS//
+USDP:ESC

(U)

1

S

Congress of the United States
House of Representatives
Washington, DC 20515

OFFICE OF THE
SECRETARY OF DEFENSE

2003 JUL 16 PM 1:57

July 8, 2003

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Rumsfeld:

As you know, one of the concerns of the international community relates to protection of Iraqi art and archeological antiquities. The good news is that most objects in the display area of the National Museum in Baghdad have largely been accounted for, with items still missing being reduced according to some reports to the double digit level. The bad news is that there are believed to be many thousand missing items from storage and other areas of the Museum. As you also know, there have been many identifiable losses of great cultural significance from the Baghdad Museum as well as many other archeological sites across the nation. Experts report that the entire collection of ancient cylinder seals, items linked to the invention of cuneiform writing, is currently missing. These stolen materials are representative of numerous artifacts easily tradable on the international market.

In addition, there was considerable looting at other cultural institutions in Baghdad, particularly the Archives, Library and two modern art museums, and large scale vandalism of archeological sites in southern Iraq, affecting such sites as Adab, Umm al-Aqarib, Ifin, Larsa and Umm al-Hafriyat. Less extensive looting has taken place at the site of Ninevah in the north. The extent of looting at the archeological museum in Mosul is not yet known, but the museum itself has apparently suffered considerable damage.

While we are encouraged to hear of military protection being offered at the sites in Babylon, Ur, and Nimrud, we are deeply concerned as looting continues at locations including Nineveh, Jokha-Umma, Ifin, Adab, Larsa, Umm al-Aqarib and Umm al-Hafriyat. We feel that, wherever possible, these archeological and cultural sites should receive the type of protection that only the presence of military personnel – U.S. or New Coalition – can provide. We would also ask that the administration work with our allies to extend similar protection to archeological sites in post-war Afghanistan.

We bring this to your attention recognizing that U.S. and coalition forces took extensive measures to limit damage to the numerous sites of archeological and cultural interest during Operation Iraqi Freedom. The reported absence of any bomb damage to

CPA 00134-03
U11374 103

Page 2

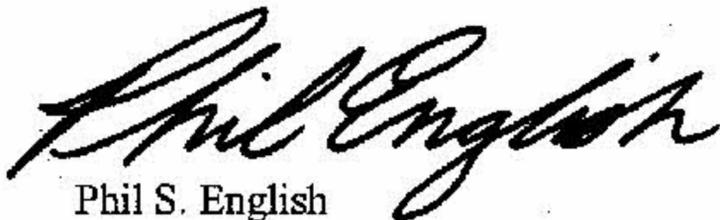
Secretary Donald Rumsfeld

July 8, 2003

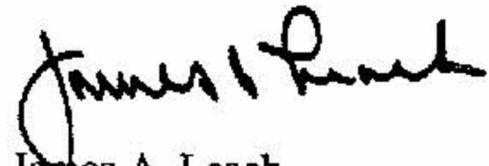
the archeological sites in Iraq is reflective of the precision and admirable length that the military went to protect these sites during the initial stages of armed conflict. The problem of subsequent looting was perhaps not as foreseen as hindsight now allows, but given the importance of history to all cultures, particularly the region of the world we consider the cradle of civilization, we are concerned that a clear priority be given to protecting Iraq's past from the lawlessness of the present.

At the risk of presumption, we would like to suggest that the assistance in site protection might be considered a kind of discreet mission particularly appropriate for troops of several of the countries that have indicated a desire to be helpful in bringing greater order to Iraq today.

Sincerely,



Phil S. English
Member of Congress



James A. Leach
Member of Congress

P.S. The Dept. may be interested in legislation (HR 2009) we have introduced to limit importation into America of looted Iraqi artifacts.

Encl: HR 2009

040107-301

**COALITION PROVISIONAL AUTHORITY
BAGHDAD**

07 January 2004

MEMORANDUM FOR THE CHIEF OF STAFF, COMBINED JOINT TASK FORCE 7

FROM ADMINISTRATOR, COALITION PROVISIONAL AUTHORITY

SUBJECT: Tasking Letter - 4007-301 Request for Information in Support of the CPA Ministry of Culture - Archeological Site Security

Reference: Request from Ministry of Culture

I request that the Commander, Combined Joint Task Force 7 (CJTF-7) take the appropriate action to provide information support to the Ministry of Culture.

WHO: Coalition Provisional Authority - Ministry of Culture

WHAT: The Ministry of Culture requires a list from each Major Subordinate Command (MSC) nationwide detailing any postings of Facility Protection Service (FPS) guards on archeological sites implemented by the MSC. Information required includes grid location, name of the site, and current number of FPS guards. Additional information should also include if coalition military forces are guarding any archeological sites and require replacement by FPS guards upon their departure, as well as plans for continuing archeological protection.

WHEN: 15 January 2004.

WHERE: All MSC Areas of Responsibility

WHY: The Ministry of Culture's State Board of Antiquities maintained an archeological security force prior to the war, and is in the process of standing this force back up. In order to not duplicate the security effort, the Ministry of Culture requires an accurate listing of sites where the military has placed FPS guards or are guarding sites with military forces.

COORDINATING INSTRUCTIONS:

Direct coordination authorized between the tasked unit(s) and the Point of Contact listed below.

MINISTRY OF CULTURE POINTS OF CONTACT:

DR. JOHN RUSSELL at CELL: (b)(2) or NIPRNET: russell@ (b)(2)
(b)(6) at CELL: (b)(2) or NIPRNET: (b)(6) @ (b)(2)
(b)(6) at CELL: (b)(2) or NIPRNET: (b)(6) @ (b)(2)

The Requirements Coordination Office (RCO) Point Of Contact is (b)(6) at DSN: (b)(6) and Cell (b)(6) or NIPRNET: (b)(6) @ (b)(2) and CENTRIX: (b)(6) @ (b)(2)

Coordination Office (RCO) Alternate Point of Contact is (b)(6) at DSN: (b)(2) or DNVT: (b)(2) and NIPRNET: (b)(6) @ (b)(2) or SIPRNET: (b)(6) @ (b)(2) or CENTRIX: (b)(6) @ (b)(2)


Stephen T. Smith
Chief of Staff
Coalition Provisional Authority

OSD Policy
14 July 2003

Read-Ahead for the Deputy Secretary on Iraqi Antiquities

- Iraq's National Museum of Antiquities was looted during the war, but the losses did not number 170,000 artifacts as originally reported in news accounts.
- According to an investigation by the Customs Service and State Department and the museum's directors, of the roughly 8,000 exhibit quality pieces, **only 33 are missing**.
 - Many famous artifacts thought to have been stolen are now known to be safe, including the Mona Lisa of Nimrud and the Sippar library of Babylonian tablets.
- U.S. forces unable to prevent looting because museum was turned into a major military defensive position by Iraqi forces.
 - Three trenches were dug in the museum's front lawn, and these underground bunkers were used to store weapons and launch attacks on U.S. tanks on the avenue in front of the museum.
 - Local witnesses say all looting occurred through the side door, to which U.S. forces did not have secure access.