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ROUNDTABLE: IRAQ TWENTY YEARS AFTER THE US INVASION

The Archives of Saddam Hussein's Baʿth Party and the Politics of Remembering and Forgetting the Baʿthist Era in Iraq

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On August 31, 2020, a US military plane returned the archive of the Baʿth Party Regional Command, more commonly known as the Baʿth Party Archive, to Iraq from California, where it had been held by Stanford University's Hoover Institution Library and Archives since 2008.[1] A leftover issue from the 2003 Iraq War, it had been static as a policy matter for years, but appeared on the agenda of the US–Iraq Strategic Dialogue in summer 2020.[2] Mustafa al-Kadhimi's emergence as the compromise choice for prime minister by Iraq's competing factions that May facilitated this development. Kadhimi, a journalist and human rights activist by background, was one of the cofounders with Kanan Makiya of the Iraq Memory Foundation (IMF), a nongovernmental organization that followed in the wake of the US-led invasion in 2003 as a US Department of Defense contractor.[3] The origins of this relationship dated to the aftermath of the 1990–91 Gulf War.[4] Shortly after arriving in Iraq in 2003, and responding to the rumor that looters were headed toward the mausoleum and museum of Baʿth Party founder Michel ʿAflaq, Kadhimi and Makiya by chance discovered the Baʿth Party Archive underneath the structure, which was adjacent to the Baʿth Party's headquarters in Baghdad.[5]

As the security situation in Baghdad deteriorated and Iraq descended into civil war in 2005, the decision by the IMF to enlist the Pentagon's help in airlifting the documents out of Iraq for the completion of digitization and safekeeping abroad touched off years of controversy with archivists and academics, both in Iraq and the West. The majority condemned the Pentagon, the IMF, and especially Makiya, who had been a prominent

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[1] Michael R. Gordon, "Baath Party Archives Return to Iraq, with the Secrets They Contain," *Wall Street Journal*, 31 August 2020, https://www.wsj.com/articles/baath-party-archives-return-to-iraq-with-the-secrets-they-contain-11598907600. The most detailed insider account of this operation, which also covers the wider history of the archive, is provided by Haidar Hadi, Rayan Ghazal, Erik Lunde, and Jean McElwee Cannon in "Mission to Baghdad," *Hoover Digest* (2021): 196–213. Hadi, an Iraqi, had worked with the IMF in Baghdad since 2003 and joined Hoover in 2009. Ghazal, as an archivist for Hoover, retrieved the records from West Virginia and drove across the country with them in 2008.

[2] "Joint Statement on the U.S.–Iraq Strategic Dialogue," U.S. Embassy & Consulate in Iraq, 19 August 2020, https://iq.usembassy.gov/joint-statement-on-the-u-s-iraq-strategic-dialogue.

[3] Alissa J. Rubin, "Iraq Chooses New Prime Minister, an Ex-Intelligence Chief Backed by U.S.," *New York Times*, 6 May 2020, https://www.nytimes.com/2020/05/06/world/middleeast/iraq-prime-minister-mustafa-khadimi.html.

[4] See Wisam H. Alshaibi, "Weaponizing Iraq's Archives," *Middle East Report* 49, no. 2 (2019): 3–9; Rebecca Abby Whiting, "The Archive as an Artefact of Conflict: The North Iraq Dataset," *Critical Military Studies* (2019): 1–15; and Joseph Sassoon and Michael Brill, "The North Iraq Dataset (NIDS) Files: Northern Iraq under Baʿthist Rule, 1968–1991," *Journal of Contemporary Iraq & the Arab World* 14, no. 1/2 (2020): 105–26.

[5] Gordon, "Baath Party Archives Return to Iraq."

intellectual supporter of the invasion that toppled Saddam Hussein's regime, of committing cultural pillage.[6] The fact that the airlift of the archive was organized and carried out by the office of Deputy Secretary of Defense Paul Wolfowitz, a leading advocate for the 2003 Iraq War inside the administration of President George W. Bush, may have drawn even more attention from archivists and academics.[7]

The view of subsequent events from the present, along with the continued proximity of central characters in the story to the archive, is even more striking. This was especially the case after the records ultimately arrived at the Hoover Institution, a place commonly associated with its conservative-leaning policy think tank as much or more than its library and archives, one of the leading research facilities of its kind in the world. The initial intermediary between Makiya and Hoover in 2007 was Larry Diamond, a Hoover fellow and Stanford University professor who briefly worked as a senior advisor on governance for the Coalition Provisional Authority in Baghdad.[8] In addition to famously meeting with President Bush in the Oval Office on the eve of war, Makiya met with National Security Advisor Condoleezza Rice in November 2002, advising the administration that the Iraqi opposition in exile was the key to Iraq's democratic future.[9] After the invasion, in 2004, both Freedom House and the United States Holocaust Memorial Museum wrote letters to Rice in support of Makiya and the IMF, urging the administration to do more to support their efforts in Iraq, especially with respect to collecting archival documents of the former regime.[10] By a curious twist of fate, the Baʿth Party Archive was repatriated to Iraq the day before Rice became the director of the Hoover Institution on September 1, 2020.[11] Wolfowitz, still a senior fellow at the American Enterprise Institute, is currently a distinguished visiting fellow at the Hoover Institution.[12]

In the years following the airlift of the Baʿth Party Archive out of Iraq, most academic treatments of the subject echoed calls for the immediate repatriation of the records to the Iraqi National Library and Archives (INLA), then under the leadership of Director Saad Eskander.[13] Eskander charged the IMF and Pentagon with not only violating international law, but also Iraqi law and sovereignty.[14] Others, including the Hoover Institution Library and Archives under Director Richard Sousa, took the view that the IMF's temporary custodianship of the records, which acknowledged that they were the property of the Iraqi people

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[6] "ACA/SAA Joint Statement on Iraqi Records," Society of American Archivists, 22 April 2008, https://www2.archivists.org/statements/acasaa-joint-statement-on-iraqi-records.

[7] Emails between the Iraq Memory Foundation and the Office of the Deputy Secretary of Defense, January 2005, Box 104, Kanan Makiya Papers, Hoover Institution Library and Archives, Stanford University, Stanford, CA (hereafter HILA).

[8] Despite opposing the 2003 Iraq War, Diamond answered a call from Condoleezza Rice in fall 2003 asking him to spend several months helping with efforts to bring democracy to Iraq. See Larry Diamond, *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq* (New York: Owl Books, 2006).

[9] "Meeting with Dr. Condoleezza Rice: Notes for Discussion," 25 November 2002, Box 83, Kanan Makiya Papers, HILA.

[10] Letters to National Security Advisor Condoleezza Rice, 20 January and 28 January 2004, Box 104, Kanan Makiya Papers, HILA.

[11] "Condoleezza Rice to Lead Stanford's Hoover Institution," *Stanford News*, 28 January 2020, https://news.stanford.edu/2020/01/28/condoleezza-rice-lead-stanfords-hoover-institution.

[12] "Ambassador Paul Wolfowitz: Distinguished Visiting Fellow," Hoover Institution, https://www.hoover.org/profiles/paul-wolfowitz.

[13] Trudy Huskamp Peterson, "Archives in Service to the State," in *Political Pressure and the Archival Record*, ed. Margaret Procter, Michael Cook, and Caroline Williams (Chicago: Society of American Archivists, 2005), 259–76; Jeffrey B. Spurr, "Report on Iraqi Libraries and Archives (2010)," *MELA Notes*, 83 (2010): 14–38; Michelle Caswell, "'Thank You Very Much, Now Give Them Back': Cultural Property and the Fight over the Iraqi Baath Party Records," *American Archivist* 74 (2011): 211–40; Sarah Wilkinson, "Who Owns These Records? Authority, Ownership, and Custody of Iraq's Baath Party Records," *RBM: A Journal of Rare Books, Manuscripts, and Cultural Heritage* 20, no. 1 (2019): 28–46.

[14] Hugh Eakin, "Iraqi Files in the U.S.: Plunder or Rescue?" *New York Times*, 1 July 2008, https://www.nytimes.com/2008/07/01/books/01hoov.html.

and would eventually be returned to Iraq, was in keeping with the laws of war and cognizant of the security situation in the country.[15] Official and academic interest in the issue appeared to gradually fade during the first term of President Barack Obama, whose policy toward Iraq was directed toward terminating the US military presence by the end of 2011 and normalizing bilateral relations. To the degree that academic awareness of the Baʿth Party Archive issue was kept alive, it was generally presented in the context of a long line of Iraqi archives displaced or plundered from Iraq.[16] However, interested parties were not privy to the information that the overwhelming majority of records seized by the US military in the 2003 war had been returned to Iraq in May 2013, something that was neither announced nor acknowledged by the US and Iraqi governments. Concerned archivists and academics were hardly the only ones kept in the dark. Makiya, Kadhimi, and the Hoover Institution appeared to learn the news only when I informed Maikya in August 2019. Eskander, who was forced out of his position at the Iraqi National Library and Archives in 2015, learned or was only convinced of the news in April 2022, writing, "A month ago and during an official meeting with some officials from the State Department via Zoom I learnt that my campaign for the returning of these records to Baghdad had been successful."[17] However, like Makiya, Eskander had been excluded from the prior talks by both US and Iraqi officials, which, for a yet unknown reason, did not include the repatriation of the Baʿth Party Archive.

The extent that there ever existed any bureaucratic inertia in the US government to resolve a complicated issue that never had much salience among the more pressing policy concerns on the agenda for US–Iraq relations is an open question. However, the erosion of the security situation anew in Iraq from 2013 onward, followed by the war against the Islamic State in Iraq and al-Sham (ISIS), occupied most official attention through 2018. Then, ʿAdil ʿAbd al-Mahdi's tenure as prime minister from October 2018 until May 2020 coincided with the administration of President Donald Trump's "maximum pressure" campaign against the Islamic Republic of Iran. During his surprise trip to Iraq in December 2018, Trump refused to meet with Mahdi in Baghdad and Mahdi refused to meet with Trump at al-Asad Air Base on short notice.[18]

Until Kadhimi's emergence on the Iraqi national political scene in 2020, the issue of the Baʿth Party Archive had been dormant, with the Iraqi government unwilling to pay for the return of the documents on one hand, and the US departments of Defense and State each thinking their counterpart was responsible on the other. In the domain of cultural affairs, Kadhimi's tenure as prime minister was a busy one. In addition to the repatriation of the Baʿth Party Archive, some 17,000 previously looted ancient artifacts were returned by US

[15] Douglas Cox, "Archives and Records in Armed Conflict: International Law and the Current Debate over Iraqi Records and Archives," *Catholic University Law Review* 59, no. 4 (2010): 1001–56; Bruce P. Montgomery, "Immortality in the Secret Police Files: The Iraq Memory Foundation and the Baath Party Archive," *International Journal of Cultural Property* 18 (2011): 309–36.

[16] Sinan Antoon, "Plundering the Past: Scholarly Treasures," *Jadaliyya*, 22 February 2012, https://www.jadaliyya.com/Details/25296; Sinan Antoon, "How the NYT Partook in the Plunder of Iraq," Al Jazeera, 24 April 2018, https://www.aljazeera.com/opinions/2018/4/24/how-the-nyt-partook-in-the-plunder-of-iraq; Arbella Bet-Shlimon, "Preservation or Plunder? The ISIS Files and a History of Heritage Removal in Iraq," Middle East Research and Information Project, 5 May 2018, https://merip.org/2018/05/preservation-or-plunder-the-isis-files-and-a-history-of-heritage-removal-in-iraq; Maryam Saleh, "Protection or Plunder? A U.S. Journalist Took Thousands of ISIS Files Out of Iraq, Reigniting a Bitter Dispute over the Theft of Iraqi History," *The Intercept*, 23 May 2018, https://theintercept.com/2018/05/23/isis-files-podcast-new-york-times-iraq; Michael Degerald, "Leveraging Secrets: Displaced Archives, Information Asymmetries, and Baʿthist Chronophagy in Iraq," *Information & Culture* 56, no. 2 (2021): 158–77; Rebecca Abby Whiting, "Living and Dying on Record: 'Atrocity Archives' as Sacred Remains," *Journal of Contemporary Iraq & the Arab World* 16, no. 1/2 (2022): 137–50.

[17] Karen Trivette, "Message from Colleague Dr. Saad Eskander," *SAA Connect*, 10 May 2022, https://connect.archivists.org/communities/community-home/digestviewer/viewthread?GroupId=1435&MessageKey=a9cd5b66-7c96-405d-abd0-72010d59f5a4&CommunityKey=3f130ed5-241d-4380-9775-eb85a8ea2cd0.

[18] Alexia Underwood, "Trump's Secret Trip to Iraq Didn't Quite Go As Planned," *Vox*, 27 December 2018, https://www.vox.com/2018/12/27/18157575/donald-trump-iraq-secret-trip-us-troops.

authorities to Iraq in 2021 alone, including the Gilgamesh Dream Tablet.[19] Even though Kadhimi lacked a broad base of support in the Iraqi political scene, to say nothing of possessing an ability to mobilize followers on the street or command the loyalty of militias, his tenure as prime minister opened a brief window in US–Iraq relations. This was especially the case in the wake of his predecessor, Mahdi, who was viewed by the Trump administration as too close to Iran.[20]

Although Kadhimi was still an acceptable choice to Tehran due to his limited political power, his reputation as a pragmatist and history of working with US officials, both from his time at the Iraq Memory Foundation and subsequently as Iraq's intelligence chief, made him an ideal diplomatic partner for Washington, DC. As someone who was not a politician, but still a political insider, Kadhimi had introduced US officials to Haidar al-Abadi during the search for Nuri al-Maliki's replacement as prime minister in 2014.[21] Abadi in turn appointed him director of the Iraqi National Intelligence Service (INIS) in June 2016.[22] Kadhimi's background also predisposed him to working on cultural affairs. And in an uncommonly magnanimous gesture by the standard of Iraqi politics since 2003, during Kadhimi's tenure as prime minister, Saad Eskander, Kadhimi's and the IMF's most prominent critic in his prior position as director of the INLA, returned to Iraq's Ministry of Culture as an advisor to the minister.[23] Eskander had been forced out of the INLA directorship position by some of Iraq's political factions in 2015.[24]

With respect to repatriations during Kadhimi's time in office, the Ba'th Party Archive's return to Iraq was in a very different category from those involving previously stolen antiquities. The timing of the return was a closely guarded secret, and the *Wall Street Journal*, the news outlet that broke the story, agreed to delay publication for several hours until the documents had been secured at their final destination. As a further indication of the security implications, Kadhimi charged the INIS, the organization he had directed from 2016 until becoming prime minister in 2020, with taking possession of and protecting the archive. The *Wall Street Journal* coverage explained, "The transfer of the documents had been wrapped in secrecy because of concern that Iranian-backed militias or other lawless groups would try to intercept the shipment, which is now tightly secured at an undisclosed location in the Iraqi capital."[25] The operation deliberately excluded Falih al-Fayyad, the Iraqi politician who had signed the receipt of shipment for the much larger trove of documents repatriated by the US Department of Defense in May 2013.[26] Then serving as Prime Minister Nuri al-Maliki's national security advisor, Fayyad had since become the chairman of the Popular Mobilization Forces, a collection of mostly Shi'ite militias with close ties to Iran. Delivering the Ba'th Party Archive to the INIS while it was staffed by personnel Kadhimi had appointed and as long as he remained prime minister ensured the safety of the documents. However, the emergence of Muhammed Shi'a al-Sudani as Iraq's prime minister in October 2022, the candidate advanced to the position by the Coordination Framework,

[19] Naomi Rea, "More Than 17,000 Looted Ancient Artifacts Have Returned to Iraq, Where Cultural Heritage Has Been Plundered during Decades of Instability," *Artnet*, 4 August 2021, https://news.artnet.com/art-world/17000-looted-ancient-artifacts-return-iraq-1995274.

[20] James Risen, "U.S. Sanctions Are Driving Iran to Tighten Its Grip on Iraq," *The Intercept*, 10 December 2019, https://theintercept.com/2019/12/10/sanctions-iran-iraq-protests.

[21] Michael R. Gordon, *Degrade and Destroy: The Inside Story of the War against the Islamic State from Barack Obama to Donald Trump* (New York: Farrar, Straus and Giroux, 2022), 94.

[22] Leen Alfaisal, "Who Is Iraq's New Prime Minister Mustafa al-Kadhimi?" *Al Arabiya English*, 9 May 2020, https://english.alarabiya.net/features/2020/05/09/Who-is-Iraq-s-new-Prime-Minister-Mustafa-al-Kadhimi-.

[23] "EUAM Iraq Met with the Iraqi Minister of Culture," European Union Advisory Mission in Iraq, 4 August 2021, https://www.euam-iraq.eu/en/news/50/euam-iraq-met-with-the-iraqi-minister-of-culture.

[24] Jeffrey B. Spurr, "Dr. Saad Eskander's Forced Departure from Iraq's National Library and Archives Deplored," *History News Network*, 4 March 2015, http://historynewsnetwork.org/article/158698#sthash.bho95Ygr.dpuf.

[25] Gordon, "Baath Party Archives Return to Iraq."

[26] Bruce P. Montgomery and Michael P. Brill, "The Captured Ba'thist State Records from the 2003 Iraq War: Repatriation and Retribution?" *Caravan Notebook*, Hoover Institution, June 2022, 13–15.

which included Maliki, Fayyad, and many other Iranian-backed political actors, was a potentially ominous sign. Sudani quickly removed Kadhimi's handpicked director of the INIS, Raid Jouhi, and named himself as the acting director of the agency.[27] It appears that neither Kadhimi nor those close to him, to say nothing of the Hoover Institution and US officials, know anything about the status of the Baʿth Party Archive since Jouhi's dismissal in November 2022.

Although it was apparent that the May 2013 repatriation of Iraqi records by the Pentagon loomed large over the restitution of the Baʿth Party Archive and the precautionary measures that were taken in 2020, this prior operation remains officially unacknowledged. News about it only appeared in print for the first time in September 2019, more than six years after the fact.[28] Shortly thereafter, the Iraqi official who had signed for the previously repatriated records, Fayyad, oversaw the violent crackdown against protests that swept many of the country's cities.[29] At the time of this writing, neither the Iraqi nor the US government has officially acknowledged the May 2013 operation, the timing for which was particularly inauspicious. Under Maliki's increasing authoritarianism, Iraq's security forces were deteriorating, the threat of the Islamic State was ascendant, and the country was drifting toward state collapse and renewed civil war.

The potential loss or destruction of the records, to say nothing of their political exploitation or transfer to Iran, were all highly plausible. The only US official to address the subject, speaking off the record, said that the Iraqi government had asked for the return of the records in 2013 and that the US government had no evidence of their misuse. The source added, "It belongs in their keeping because it is their history. Iraq is a sovereign country, and they should be responsible for any precautions they need to prevent potential misuse of this stuff."[30] In private, US diplomats concede that they do not know what happened to the records sent back to Iraq in 2013, and many of them continued to receive requests for information from their Iraqi counterparts, apparently unaware that the records had been returned by the United States. These same officials persuaded Eskander of the validity of this information in April 2022.[31] Although it is possible that US intelligence agencies, especially the Defense Intelligence Agency, which was charged with holding the records while they were in Doha, and the Central Intelligence Agency possess additional information, there has to date been a wall of silence, both with respect to official Freedom of Information Act requests and attempts to convince sources to speak off the record.

A similar silence quickly took hold surrounding the repatriated Baʿth Party Archive. Some three weeks after the repatriation in September 2020, *Al-Monitor* reported that the documents had "supposedly arrived" in Iraq in late August and that the "Iraqi government has yet to issue an official statement announcing their fate or how it will be dealing with the papers."[32] The author of the article contacted four government officials and four parliamentarians inquiring about the subject. Those reached either said they did not know anything or "have tried to dodge Al-Monitor's calls and messages." The deflection of Hisham Daoud, a close advisor of Kadhimi's, was particularly revealing. Although he said, "I, unfortunately, do not have any information about this dossier," he then "referred *Al-Monitor* to the Iraqi

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[27] Adnan Abu Zeed, "Iraqi Prime Minister to Head Intelligence Service," *Al-Monitor*, 7 November 2022, https://www.al-monitor.com/originals/2022/11/iraqi-prime-minister-head-intelligence-service.

[28] Bruce P. Montgomery and Michael P. Brill, "The Ghosts of Past Wars Live on in a Critical Archive," *War on the Rocks*, 11 September 2019, https://warontherocks.com/2019/09/the-ghosts-of-past-wars-live-on-in-a-critical-archive.

[29] Michael P. Brill, "Falih al-Fayyadh's Fall from Grace: The Inside Story of the Treasury Department's Sanctioning of Iraq's PMF Chairman and What Is at Stake," *Caravan Notebook*, Hoover Institution, 2 April 2021, https://www.hoover.org/research/falih-al-fayyadhs-fall-grace-inside-story-treasury-departments-sanctioning-iraqs-pmf.

[30] Gordon, "Baath Party Archives Return to Iraq."

[31] Trivette, "Message from Colleague Dr. Saad Eskander."

[32] Omar al-Jaffal, "Iraq's Baath Party Archive Location Unknown," *Al-Monitor*, 21 September 2020, https://www.al-monitor.com/originals/2020/09/iraq-baath-archive-us.html.

Embassy in Washington or one of the Washington-based researchers who previously worked with the Baʿth archive." His mention of Iraq's embassy was likely a reference to the fact that Iraqi ambassador to the United States Fareed Yasseen was the official who worked the closest with the US State Department to figure out the logistics for shipping the records back to Iraq. The mention of "Washington-based researchers" may have been a reference that included me. Although I did not break the news, I may have been the first to write about the upcoming repatriation of the Baʿth Party Archive after I noticed its inclusion in the statement for the first round of the US–Iraq Strategic Dialogue that was held in June 2020.[33] Shortly thereafter, I received an email from Ambassador Yasseen about my article. He in part wrote, "I have not had time to read it in full, but in glancing through it decided I must send you a note of thanks for bringing this issue to the fore." He added, "Sometime, I hope in the near future, Iraqis in Iraq will be poring over these archives to help bring a sense of closure, with all that implies, to a population that has suffered far more than any in the region."[34]

Ambassador Yasseen's comments to me about his hopes for the Baʿth Party Archive in Iraq draws attention to plans for it in the future. In this regard, conflicting statements appeared in the press during the weeks following the repatriation of the archive. The initial coverage of the subject noted, "the archive has become such a sensitive issue in the fraught situation in Baghdad that it will initially be kept under lock and key." The article quoted an unnamed Iraqi official as saying, "Our hope is that we will be able to set up the appropriate institutional structure where these documents will be available to the public, particularly researchers to help educate all of us about the horrors of the Baʿthist regime." The same official added, "We want this to be a learning moment, not a moment of revenge," while acknowledging, "Doing this sort of setup may take some time."[35] A subsequent AFP wire article reported, "Baghdad is not planning to open the archive to the public."[36] *Al-Monitor* quoted an unnamed source close to Kadhimi as revealing, "There is a building being prepared in the Baladiyat area (east of Baghdad) for the archives to be kept there. . . . We still do not know if the building has been completed." The source went on to say, "Frankly, there is no clear plan," and indicated, "there are concerns over the loyalists (pro-Iran armed factions) being exposed to the archive."[37] Another unnamed source was quoted in the Al-Monitor article as saying, "The documents probably contain the names of a number of politicians or people who dealt with the Baʿth regime and are currently involved in political work." More than seventeen years after the overthrow of Saddam Hussein's regime and the forceful termination of the Baʿth Party's rule over Iraq, these statements spoke to the serious concerns about the potential for the politically motivated destruction or exploitation of the archives in the present day.

Although a large and increasing percentage of Iraq's population was born after 2003, the same is not true of Iraq's older ruling political elites, many of whom were imprisoned by the Baʿth, lived in exile, or had to accommodate the regime to protect their family or even survive. Some were members of the Baʿth Party, security services, or military. In the context of post-2003 de-Baʿthification, Baʿth became synonymous with Sunni when wielded by Shiʿi Islamist political parties and other sectarian actors. During the early years of the US occupation and the insurgency against it, followed by the rise of ISIS in 2014, there was a level of Western official and media fascination with the presence of former Baʿthists in Sunni jihadist armed groups.[38]

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[33] Michael P. Brill, "Setting the Records Straight in Iraq," *War on the Rocks*, 17 July 2020, https://warontherocks.com/2020/07/setting-the-records-straight-in-iraq.

[34] Email from Ambassador Yasseen to the author, 20 July 2020.

[35] Gordon, "Baath Party Archives Return to Iraq."

[36] "Return of Saddam-Era Archive to Iraq Opens Debate, Old Wounds," *Arab News*, 12 September 2020, https://www.arabnews.com/node/1733176/middle-east.

[37] Jaffal, "Iraq's Baath Party Archive Location Unknown."

[38] Ironically, such accounts generally paid little to no attention to the most prominent manifestation of the former regime in the insurgency, the Army of the Men of the Naqshbandiyya Order, which fused Baʿthism with Sufism.

Some analysis erroneously took this lens for understanding the phenomenon further, arguing that converted or unrepentant Baʿthists were either the hidden hand or driving force behind the groups.[39] This interpretation unwittingly parroted the highly ideological Daʿwa Party worldview of figures like Maliki, who saw Baʿthist conspiracies in every shadow. In reality, as more perceptive studies have pointed out, veterans of the former regime brought their military training, experience, and weapons to a wide range of armed groups across Iraq's post-2003 sectarian divides, including the Mahdi Army of Muqtada al-Sadr.[40]

Iraq's Baʿthist legacies were more complicated and extensive than the sectarianization of political narratives attempted to ascribe. Seen in this light, beyond using the documents of the Baʿth Party Archive against former Sunnis alone, there existed a real potential for Iraq's rival Shiʿite Islamist parties to use them against each other. When questioned about this possibility, Hassan Shaker, a member of the Iraqi Parliament and part of the Fatah Alliance, the political front close to the Popular Mobilization Forces, welcomed using the documents and stated that the only reason the United States agreed to return the documents was that the Iraqi government in turn agreed not to reveal the truth of their contents to the public. Calling for the political use of the records, Shaker emphasized that "all collaborators with the Baʿth Party regime, whoever they are, must be punished by the Iraqi people. Returning the archive at the present time causes great harm to the Baʿthists, who still hope to return to power in Iraq."[41]

At the time the Baʿth Party Archive was repatriated to Iraq in August 2020, there were critical voices. One of the most prominent critics was Iraqi scholar Abbas Kadhim, who had used the records in his research. Describing the move as "reckless," he explained, "Iraq is not ready. It has not started a process of reconciliation that would allow this archive to play a role," adding, "Baʿthists documented everything, from a joke to an execution. Politicians, tribal leaders, people in the street will begin to use it against one another."[42] Bruce P. Montgomery, who worked with an earlier and similarly sensitive archive of Baʿth Party documents at the University of Colorado Boulder said, "Iraq deserves its historical legacy back, and we can have some confidence that the Kadhimi government will handle them responsibly," concluding, however, with the forewarning: "But what happens after his prime ministership ends may very well be problematic."[43] Marsin Alshamary noted that the displacement of the archive from Iraq had resulted in a missed opportunity for using it in transitional justice, and that the information it contained "could have been used to make de-Baʿthification less vague."[44] Alissa Walter, another scholar who has used the digital copies of the records in her research, has suggested that the repatriation of the original records raises new ethical concerns and the possibility that researchers may need to take additional steps to safeguard the identities of private individuals named in the documents.[45]

See David Jordan, "Jaysh Rijal al-Tariqa al-Naqshbandiyya: The Sufi Resistance of the Former Baʿth Party in Iraq," in *Jihadism Revisited: Rethinking a Well-Known Phenomenon*, ed. Tamara Abu-Hamdeh and Rudiga Lohlker (Berlin: Logos Verlag Berlin, 2019), 53–86.

[39] For an excellent corrective article, see Craig Whiteside, "A Pedigree of Terror: The Myth of Ba'thist Influence in the Islamic State Movement," *Perspectives on Terrorism* 11, no. 3 (2017): 2–18.

[40] Amir Taha, "Turning Ex-Combatants into Sadris: Explaining the Emergence of the Mahdi Army," *Middle Eastern Studies* 55, no. 3 (2019): 357–73.

[41] Walid al-Khazraji, "Hadhihi Dalalat Tawqit Iʿada Washintan li-Arshif al-Baʿth al-ʿIraqi," Arabi 21, 12 September 2020, <objidref>https://arabi21.com/story/1299652/%D9%87%D8%B0%D9%87-%D8%AF%D9%84%D8%A7%D9%84%D8%A7%D8%AA-%D8%AA%D9%88%D9%82%D9%8A%D8%AA-%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D9%88%D8%A7%D8%B4%D9%86%D8%B7%D9%86-%D9%84%D8%A3%D8%B1%D8%B4%D9%8A%D9%81-%D8%A7%D9%84%D8%A8%D8%B9%D8%AB-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A.

[42] "Return of Saddam-Era Archive," *Arab News*.

[43] Gordon, "Baath Party Archives Return to Iraq."

[44] Marsin Alshamary, "Important Iraqi Archives Are Now Back in Baghdad: Where Were They, and What Happens Now?" *Washington Post*, 15 September 2020, https://www.washingtonpost.com/politics/2020/09/15/important-iraqi-archives-are-now-back-baghdad-where-were-they-what-happens-now.

[45] Alissa Walter, "The Repatriation of Iraqi Baʿth Party Archives: Ethical and Practical Considerations," *Journal of Contemporary Iraq & the Arab World*,16, no. 1/2 (2022): 117–36.

The currently unknown status or whereabouts of the Baʿth Party Archive repatriated to Iraq in August 2020, along with the records sent back in May 2013, indicates the continued sensitivity of documents from Saddam Hussein's regime more than two decades after its overthrow. With respect to the earlier removal of these documents from Iraq, much of the criticism by the archivist and academic communities was premised on the call for Iraqi scholars and citizens to have access to these sources inside Iraq. The return of the records has not resulted in their opening to academics or the public, for reasons that are perhaps both political in nature and related to institutional capacity. Iraq's post-2003 ruling elites have little self-interest in complicating their official narratives about the Baʿthist period. Archivists and academics who were previously interested in the subject of these archives should support efforts to increase research access to Iraqi scholars inside Iraq, along with calling for the release of information about the 2013 and 2020 repatriations and their aftermaths.