



**Middle  
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May 2, 2018

Dean Baquet, Executive Editor, *The New York Times*, executive-editor@nytimes.com  
Michael Slackman, International Editor, *The New York Times*, slackman@nytimes.com  
Rukmini Callimachi, *The New York Times*, email via NYT website

Dear Editorial Board Members and Ms. Callimachi,

We write to you on behalf of the Committee on Academic Freedom of the Middle East Studies Association of North America (MESA) to express our deep concern regarding the series entitled "The ISIS Files," which *The New York Times* began to publish in installments on 4 April 2018.

The nearly 16,000 documents that Ms. Callimachi relies on for this series were taken out of Iraq by her and her team without permission of the relevant Iraqi authorities. With your approval, she has used these materials for a series of articles and podcasts in complete disregard of the myriad legal, professional, ethical, and moral issues involved. We call upon both Ms. Callimachi and your newspaper, which has no right to possess or retain these materials, to immediately return all of them to the proper Iraqi authorities in their original form. In the meantime, neither Ms. Callimachi nor anyone else should be permitted to make public any documents containing personal information, as the 4 April article did and as Ms. Callimachi has done in a subsequent series of tweets, because such disclosures potentially endanger the lives of individual Iraqis.

MESA was founded in 1966 to support scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 2500 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

In the first installment of "The ISIS Files, Ms. Callimachi asserts that these documents were "recovered" during five trips she made to Iraq. She also contends that "Because the buildings were near the front lines, Iraqi security forces nearly always accompanied our team. They led the way and gave permission to take the documents. In time, the troops escorting us became our sources and they, in turn, shared what they found, augmenting our cache by hundreds of records..."

The "Iraqi security forces" who are said to have given Ms. Callimachi verbal permission to take the records are unlikely to have had the authority to do so. It is only legally designated representatives of the Iraqi state, and certainly not foreign journalists, who should control the disposition of any documents found in circumstances like those in which Ms. Callimachi and her team operated, in accordance with Iraqi law and regulations governing public records.

Beyond the question of the initial seizure of these documents, their removal from Iraq is a violation of a number of international customary laws: the prohibition of pillage under the 1907 Hague Convention; the protection of cultural heritage under the 1943 London Declaration; the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; and the 1970 UNESCO Convention on the



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Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. The principle of the protection of cultural heritage, including the prohibition of the transfer of such items, was, notably, reaffirmed by UN Security Council Resolution 1483 (2003), following the looting of the Iraqi National Museum and the National Library in the wake of the 2003 US invasion of Iraq.

We further note that Ms. Callimachi and *The New York Times* have used these documents with complete disregard for potential ramifications. There is no indication that either *The New York Times* or members of the team that it assembled to examine these materials took seriously the dangers involved in publishing unredacted documents. Such behavior, which jeopardizes the safety of people who have already suffered untold trauma and tragedy, is both extremely reckless and completely unethical.

A sidebar to the 4 April article states that “*The New York Times* is working to make the trove of ISIS documents publicly available to researchers, scholars, Iraqi officials and anyone else looking to better understand the Islamic State.” This would be unacceptable for a number of reasons. In the first place, as noted above, allowing materials containing personal information about Iraqi citizens to be made public without careful prior review and redaction risks putting their lives in danger. Second, removing these documents from Iraq, with no clear plans to return them to a repository that will be accessible to all Iraqis, once again empowers outsiders to unduly influence, or even control, the narration of Iraq’s history. Most important, however, these documents are not the property of *The New York Times* or Ms. Callimachi: their disposition is not a matter that you or Ms. Callimachi or any other non-Iraqi or non-Iraqi institution is entitled to decide. These materials belong to the Iraqi people, and they need to be returned immediately to the appropriate Iraqi authorities.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith E. Tucker', written over a light blue horizontal line.

Judith E. Tucker  
MESA President  
Professor, Georgetown University

A handwritten signature in black ink, appearing to read 'Laurie A. Brand', written over a light blue horizontal line.

Laurie A. Brand  
Chair, MESA Committee on Academic Freedom  
Professor, University of Southern California