

# Iraq Court Charges Hussein with Genocide of Kurds

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By [EDWARD WONG](#)

BAGHDAD, Iraq, April 4 — The special Iraqi court that is trying Saddam Hussein said today that it had charged the president and six former officials with attempting to exterminate the Kurdish race in massacres throughout the 1980's that killed nearly 100,000 civilians.

The case is the first against Mr. Hussein to address the large-scale human rights violations committed during his decades in power, the same crimes the Bush administration has often cited to justify its costly invasion of Iraq.

The most serious of the three charges brought against Mr. Hussein and his co-defendants is genocide.

"It was during this campaign that thousands of innocent women, children and men were buried in mass graves," Raid Juhi, the chief judge of the Iraqi High Tribunal's investigative court, said at a news conference in the afternoon. "The natives of Kurdistan suffered very hard conditions."

The bloody campaign, called Anfal, unfolded from 1980 to 1988 in the rugged Kurdish homeland of northern Iraq, as Mr. Hussein was also deploying the Iraqi army in the protracted war against Iran to the east. Thousands of villages were razed, and families that escaped death squads or were allowed to live were forced to relocate into the hinterlands. The Kurds tried to fight back with their militiamen, called the pesh merga, but were crushed with chemical attacks and aerial assaults.

Among the co-defendants are Ali Hassan al-Majid, also known as "Chemical Ali," a senior Baath Party official accused of overseeing gas attacks and one of Mr. Hussein's most feared aides. Another defendant, Farhan Mutlak al-Jubouri, a former army general, is the brother of one of the current deputy prime ministers, Abid Mutlak al-Jubouri, from a prominent Sunni Arab tribe.

Judge Juhi said it will be up to other judges to review the charges and decide when to begin the trial. It is unclear whether the Anfal trial would start before the end of the current ongoing trial, in which Mr. Hussein and seven co-defendants, all different than those in the Anfal case, are being charged with the torture and killings of 148 men and boys from the Shiite village of Dujail.

Those killings took place after a failed assassination attempt against Mr. Hussein that village in 1982.

The Dujail trial is expected to resume on Wednesday and is entering its final phase, in which the court will hear arguments from the defense lawyers and the prosecutor. In the last session, Mr. Hussein gave his first formal testimony, using the opportunity to harangue the court and urge the Iraqis to unite to carry on the war against the Americans. Officials here say the Dujail case will run until at least May.

If a death sentence is handed down to Mr. Hussein in that trial, it is unclear whether the tribunal would carry out the execution before other cases, including Anfal, begin or are concluded. Judge Juhi said today that it was too soon to speculate about the issue.

Many Iraqis who despise Mr. Hussein, especially Shiites and Kurds, have denounced the very idea of a tribunal and called for Mr. Hussein's immediate execution, while some officials such as President Jalal Talabani, a Kurd and former lawyer, have said they want Mr. Hussein to stay alive long enough to face trial in all possible charges.

American and Iraqi officials say the Dujail case was selected as the first one to bring against Mr. Hussein because it is not nearly as sprawling in scope as Anfal or the suppression of the Shiite uprising of 1991. It is also easier in the Dujail case to establish a clear chain of command between Mr. Hussein and those who carried out the executions, the officials say. But they acknowledge that Anfal and the Shiite uprising are the two cases that go much more directly to the heart of Mr. Hussein's rule, and could prove more cathartic for the vast majority of Iraqis.

Human right observers have sharply criticized the shortcomings of the tribunal. Since the start, the trial has been plagued by the assassinations of a judge and lawyer, political jockeying among judges and government officials, and ambiguous witness testimony. Many of the observers are also adamantly opposed to the death sentence, and view the trial as little more than a show court that will lead to an inevitable verdict.

The levying of charges in Anfal brings a new set of problems, they say. If the case were to proceed concurrent to the Dujail trial, then Mr. Hussein's defense team could be placed at an unfair disadvantage, forced to juggle two trials. The prosecutors and judges would not have that problem; a separate prosecutor and five-judge panel will oversee Anfal.

Kurdish officials often say that 180,000 were killed in the Anfal campaign, but the actual number is closer to 80,000, according to Joost Hiltermann, the Middle East director of the International Crisis Group, who has researched the massacres and is writing a book on the Kurds. Nevertheless, the scope of the crimes is among the most sweeping during Mr. Hussein's rule. The three formal charges brought against Mr. Hussein and his co-defendants in Anfal are genocide, crimes against humanity and crimes committed during an internal conflict.