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In New Hussein Trial, a Grisly Portrait of Mass Killings

By John F. Burns

BAGHDAD — It has been the most chilling testimony in the 14 months since Saddam Hussein and his associates first went on trial: an account of how Iraqi death squads took 301 victims to remote desert sites in the late 1980s, herded them into pits dug by power shovels and gunned them down.

Among the victims, the court has been told, nearly 80 percent were women and children, with 90 percent of the children ages 13 and under.

After two years' forensic work, American experts were in court last week to detail findings from three mass grave sites dating from Mr. Hussein's so-called Anfal military campaign against Iraqi Kurds.

The sites were chosen from among more than 200 mass graves identified since the American-led invasion of Iraq in 2003, and the experts said what they found there, and in other graves, revealed "the same pattern over and over again," of a systematic program to carry out mass killings quickly, efficiently, and in secret.

The testimony seems likely to stand as the closest any account will get to the final torment suffered by many of the 180,000 Kurds prosecutors say were killed in the campaign. Moreover, with the experts' reliance on computer-aided analytical tools and graphics available only in recent years, their evidence may constitute the most complete narrative any courtroom has heard of how mass killings on the scale committed in Iraq have been carried out.

Mr. Hussein, as he has at other moments when the court heard accounts of atrocities against civilians, listened impassively, showing little more than a bookkeeper's interest. The former Iraqi leader, who is 69, took copious notes, and offered only brief, mostly matter-of-fact comments.

At one point, he demanded to know the precise geographic coordinates of the exhumed graves, and their proximity to main roads. He added that the court should not take his interest in the details as an acknowledgment that he or his co-defendants "had anything to do" with the killings.

At no point did he express remorse or pity. If his mind was on violent death, his remarks suggested that it might have been in anticipation of his own, as much as because of what had happened to the Kurds.

On Nov. 7, Mr. Hussein and two associates were sentenced to death in another case, involving the execution of 148 men and boys from the Shiite town of Dujail. Testimony in that case ended last summer as the Anfal case began.

The Dujail sentences are subject to an automatic appeal, scheduled to begin Monday before the nine-judge appeal bench of the Iraqi High Tribunal, the court trying Mr. Hussein. If the sentence against him is upheld, he could go to the gallows sometime between mid-January and mid-March, even before a verdict in the Anfal trial, according to Iraqi court officials, who have held doggedly to three or four sessions of the Anfal trial each week despite the intensifying sectarian violence that has shaken Iraq in recent weeks.

A hint that execution may be preying on his mind came when Mr. Hussein referred, after the forensic testimony in the Anfal case, to the “accelerated” schedule the court appeared to be following.

Another hint came in the brief prayer he uttered as he began his challenge to the testimony. “Praise be to Allah, the most merciful, the most compassionate,” he said, before adding a sentence: “May he grant that we all die as Muslims.”

Parts of the forensic experts’ story had been told before, on visits by reporters to the grave sites, and to the American-run forensics laboratory at Baghdad airport where the mass graves team did much of its work. But this was the first time that the men accused of directing the killings — Mr. Hussein and six co-defendants, including Ali Hassan al-Majid, known among Iraqis as Chemical Ali for his role in chemical weapons attacks against the Kurds — had been confronted in open court with details of what happened at the mass graves.

The principal forensic witness was Michael K. Trimble, a 53-year-old forensic archaeologist from St. Louis temporarily assigned to the court from his career as a civilian employee of the Army Corps of Engineers. He told of finding tangled piles of victims, many with eyes blindfolded, wrists bound, and roped together chain-gang style; of one mother lying in death with her right hand clutching a baby in a padded blanket, who like the mother had been killed with a single pistol shot to the head; and of another mother with the bones of an unborn child that remained folded in her dress as her body decomposed.

Mr. Trimble, director of an international mass graves team, described other features of the killings: how men were separated from women and children before being herded in groups into the wedge-shaped pits; how some victims were forced to squat beside the graves while awaiting pistol shots to the backs of their heads; how others, standing in the pits, including girls as young as 5, were raked with automatic fire that had some raising arms and hands defensively, then “twisting and turning and trying to get away.”

Mr. Trimble gave figures indicating that at one mass grave, south of Samawa in Iraq’s southern desert, more than 600 automatic rifle rounds had been used to kill the 114 victims, 85 of them children, and that 12 of the dead had been struck by between 13 and 22 bullets each.

At two mass graves near Hatra, southwest of the northern city of Mosul, he said, a quarter of the 25 women killed and a similar proportion of the 98 children who died suffered no gunshot wounds, suggesting, though Mr. Trimble did not say so, that some may have been buried alive.

Among both adults and children at the Samawa site, he said, the largest number of bullets struck the victims' legs, along with other strikes that shattered their skulls, spines, ribs, arms and hands. Mr. Trimble said the ballistic evidence conformed with something seen at mass grave sites elsewhere in the world, that the killers often squat and fire first at the victims' legs. "And there's a reason," he said. "When you shoot people in the legs, and bring them down, it's much easier to dispatch them."

Another feature common to all 17 mass graves the forensic team examined, he said, was that the killers chose remote desert sites, hidden from distant view by ridges and hills. The purpose, he said, was so "people coming across the desert could not see" the power shovels, vehicles and execution squads. Another common feature, he said, was that the killers excavated the graves in dried-up desert watercourses called wadis, because the soft earth made the digging easier.

Prosecutors say documentary evidence still to be presented will link the victims found in the mass grave sites to villages attacked during the campaign, and to survivors who waited for the graves' exhumation to know the fate of those whom they had lost.

Mr. Hussein's lawyers have dismissed the prosecution case, saying that what happened to the Kurds occurred while Iraq was fighting an eight-year war with Iran, and that actions against the Kurds were justified by Kurdish support for Iran.

Referring to Mr. Trimble's background, he said the court should order a new forensic inquiry led by "an international expert who has no relationship with the enemy or the enemy's army." This expert, he said, could concentrate on "other mass graves that I hear have not been dug up," and offer unbiased conclusions. "I suggest this because those who hear that this expert is an American, especially Iraqis, will have every reason to be suspicious about his findings," he said.

Mr. Hussein shared his impervious attitude toward the Kurdish killings with Mr. Majid, a cousin of Mr. Hussein who was in overall charge of the Anfal campaign during its height in 1988. Mr. Majid, too, seemed intent on the lesser details of the case. Why had the Kurdish-style clothing taken from the victims, shown draped on mannequins in photographs displayed in court, not decayed more extensively, he asked. How many identification cards did the forensic team recover from the victims? And why had the forensic team given the court none of the names of the victims?

When the trial judge, Mohammed Ureibi al-Khalifa, grew impatient with the questions raised by Mr. Hussein and Mr. Majid, saying many of them had been answered in a report that had been delivered to the defendants' lawyers, Mr. Majid, once one of the most widely feared men in Iraq, adopted a tone of injured innocence. "I have every right to defend myself," he said. "But, of course, if your honor court deems it right to deprive me of my rights, then I will not trouble the court any further."