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# Lawyers for Hussein Accuse Kurd of Treason

By [DAMIEN CAVE](#)

BAGHDAD, [Iraq](#), Aug. 23 — Defense lawyers for [Saddam Hussein](#) accused a former Kurdish militant of treason on Wednesday, arguing on the third day of Mr. Hussein's genocide trial that chemical attacks on Kurds were legitimate acts against local militias conspiring with [Iran](#).

The emerging strategy — evident in comments from lawyers and two of Mr. Hussein's six co-defendants — came on a day filled with continued testimony about Kurdish suffering during the Anfal military campaign against northern villages in 1988.

The court adjourned until Sept. 11 at the request of defense lawyers who said they needed more time to prepare.

On Wednesday, three middle-aged women testified for the prosecution, all wearing traditional black dresses and offering similar tales of a sweet, mysterious smell that blinded them temporarily, killed their relatives and forced them to hide in caves.

The attacks they described preceded by a few months the start of the Anfal campaign, the heart of the case against Mr. Hussein and his co-defendants. But the witnesses said that the attacks — allegedly with mustard gas or nerve agents — represented the start of a wider effort to destroy everything they had.

“I lost all my livestock, all my property, I lost all my health,” said Adiba Awla Baiz, 45, a mother of five from Balasan. “I lost my sight. My children lost their sight.”

She said she also lost the ability to give birth. After two miscarriages and the death of an infant, “The doctor told me my womb was affected by chemical weapons,” she said.

“We were not at fault,” she added. “Whoever had a hand in this is a criminal.”

Another Balasan woman, Badrya Said Kheder, said nine of her family members died from a gas attack in spring 1987. At one point in court, she said she could not keep talking because she still suffered after-effects that affected her throat.

A third woman, Bahiya Mustafa Mahmood, said she was unable to flee even to caves nearby in the first 24 hours after the attack. Trapped in her village, she tried to soothe her burning throat with milk. But it failed.

“We drank the milk, and when we vomited it was like cheese,” she said.

Mr. Hussein’s defense lawyers have spent little time disputing victims’ claims over the past three days, the first phase of what is likely to be a long trial. Instead, particularly on Wednesday, they have suggested that dead Kurdish families were collateral damage in an effort to root out Iranian troops in the area.

Several times, the lawyers’ line of questioning boiled down to a single inquiry: were there soldiers loyal to Iran in the bombed villages?

Every witness offered a response much like the one provided by Ms. Baiz. “No, no, never,” she said. “I never saw anyone like this.”

The questioning continued. The lawyers asked Ms. Kheder if she knew why the area was being bombed. (“There was no reason,” she said. “They were just bombing us.”) They asked repeatedly about shelters described by victims, suggesting that they were actually bunkers for Iranian soldiers or Kurdish pesh merga militias opposed to the Iraqi government.

The legal assault intensified after Mosa Abdullah Mosa, 50, the final witness of the day, admitted to being a pesh merga fighter at the time of two chemical weapons attacks on his village, Ichmala, one in 1987 and another in August 1988. He described harrowing scenes of death and

injury, with some people's eyes falling from their sockets. Then a defense lawyer rose to declare that Mr. Mosa must have been working with Iranians because he said he was trained to cover his mouth with a wet cloth to minimize the effects of chemical weapons.

A barrage of questions followed. Had he ever fought against the Iraqi government?

"Nobody asked me to participate in a military operation," said Mr. Mosa, a father of four who now lives in Tennessee. "I was a guard in the First Brigade headquarters."

Was the militia keeping war prisoners from the Iraqi government?

"Sure, there were war prisoners," he said. "They were released."

Why raise weapons against the state?

"One goal was liberation," Mr. Mosa said, "to have Kurdish identity, democracy and peace."

Why didn't he lay down his weapons, as the Iraqi government asked?

"The amnesties were false," he said. "They were just trying to arrest us."

At one point, Ali Hassan al-Majid, known as Chemical Ali, Mr. Hussein's commander in the north at that time, stood up and asked Mr. Mosa if he knew anyone who had served in the Iraqi forces, or only people who opposed them.

Mr. Mosa said he knew no Iraqi soldiers, and Kurdish political parties governed the area. Mr. Majid concluded: "Then the state had no control at all over the area where he was."

Sabir Aziz al-Duri, a former intelligence officer and one of the defendants, offered a summary of his own. In the prelude to a question for the witness — as is allowed under Iraqi law — he said, "The Iranians and the Kurdish were joined." Iran had large headquarters in the area, he said, and he asked the witness for the address. Mr. Mosa, like all the witnesses, pleaded ignorance. "I never heard anything like that," he said.

In Baquba on Wednesday, eight people were killed, including the owner of an ice cream shop, in clashes that broke out in several areas of the city, the authorities said. A roadside bomb in Falluja, the site of several large battles between American troops and insurgents, killed two Iraqi civilians, wounded four and damaged an American tank, according to the police.

In Baghdad, at least 15 people were found dead, many showing signs of torture, according to Interior Ministry and hospital officials.

An American serviceman died from his injuries after combat in Mosul, the United States military said in a statement. The Iraqi Army said it had killed one militant and arrested 29 others throughout the country since Tuesday.

Prime Minister [Nuri Kamal al-Maliki](#) also offered his most specific plans to date for the transfer of authority to Iraqi forces. Though additional American troops were required recently to secure the capital, he said Iraqi forces were on track to handle security within a matter of months.

“Next month we will start to receive control security in the provinces, one by one,” he said in a statement thanking the Interior Ministry for providing protection during a recent Shiite pilgrimage in Baghdad. “At the end of the year we will take control of most provinces.”