

Iraq files genocide charges against Saddam in crackdown on Kurds

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BAGHDAD, Iraq — Iraqi authorities filed genocide charges against Saddam Hussein on Tuesday, accusing the ousted ruler and six others in a 1980s crackdown that killed an estimated 100,000 Kurds in northern Iraq.

In alleging Saddam sought to exterminate the Kurds, the prosecutors are for the first time accusing him of the sort of far-reaching crimes that the Bush administration has used to justify the war in Iraq.

The former Iraqi president returns to court Wednesday in his current 6-month-old trial, facing a possible death sentence if convicted in the killings of more than 140 Shiites. Defense lawyer Khamis al-Obeidi said Saddam plans to make a statement to the court.

But that case involves a relatively small number of victims, and the scope of the allegation pales in comparison to the crackdown against the Kurds or the suppression of the Shiite uprising in south Iraq in 1991.

Investigative judge Raid Juhi told reporters he submitted the new case against Saddam and the others to the Iraqi High Tribunal — a legal step that is the equivalent of an indictment under Iraqi law.

His move paves the way for a second trial, which could begin any time after 45 days. Juhi said charges also include crimes against humanity.

Legal experts said the



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Human skulls and clothes were found at a mass grave in the al-Samawa desert in Muthanna province, 270 kilometers (168 miles) south of Baghdad, Iraq, on Monday, April 25, 2005. The grave may offer up valuable clues to investigators gathering evidence against Saddam Hussein and others from the former regime. Dates on medicine found in the graves indicate the people were killed around the time of the 1987-1988 "Anfal campaign" that saw Kurdish villages razed and hundreds of people relocated south, said Sonny Trimble, archaeologist in charge of the excavation.

decision to accuse Saddam of genocide is controversial because the charge is difficult to prove. An international convention following the Nazi Holocaust of World War II defined genocide as an effort "to destroy, in whole or in part, a national, ethnical, racial or religious group."

The latest charges involve Saddam's alleged role in Operation Anfal, the 1988 military campaign launched in the final months of the war with Iran to crush independence-minded Kurdish militias and clear Kurds from the sensitive Iranian border area of northern Iraq.

Saddam had accused

Kurdish militias of ties to Iran. Thousands of Kurdish villages were razed and their inhabitants either killed or displaced.

A memo released by the tribunal said the Anfal campaign included "savage military attacks on civilians," including "the use of mustard gas and nerve agents ... to kill and maim rural villagers and to drive them out of their homes."

"These people were subjected to forced displacement and illegal detention involving thousands of civilians," Juhi said. "They were placed in different detention centers. The villages were destroyed and burned. Homes and

houses of worshippers and buildings of civilians were leveled without reason or a military requirement."

In the Kurdish city of Sulaimaniyah, Othman Hassan, 72, said he lost two sons and 26 other relatives in Anfal.

"When I last saw my sons, it was as if I had lost the light of my life," he said. "It was a terrible day when they were taken away. They don't need to hear from any witnesses. Just come here and see the thousands who never knew their parents and the widows who lost their husbands."

The operations against the Kurds included the March 1988 gas attack on the

village of Halabja in which 5,000 people, including women and children, died. However, Juhi told The Associated Press that the Halabja attack would be prosecuted separately and was not considered part of the charges filed Tuesday.

Others accused in the Anfal case include Saddam's cousin, Ali Hassan Majid, or "Chemical Ali"; former Defense Minister Sultan Hashim Ahmad; former intelligence chief Saber Abdul Aziz al-Douri; former Republican Guard commander, Hussein al-Tikriti; former Nineveh provincial Gov. Taher Tafwiq al-Ani; and former top military commander Farhan Mutlaq al-Jubouri.

Saddam and seven others have been on trial since Oct. 19 for the deaths of Shiite Muslims following a 1982 assassination attempt against him in the town of Dujail.

None of Saddam's co-defendants in the Dujail case is included in the latest charges. Iraqi authorities chose to try Saddam separately for various alleged crimes rather than lump all the cases together.

The Dujail trial was the first of what Iraqi authorities say could be up to a dozen proceedings. Saddam could face death by hanging if convicted in the Dujail case. But President Jalal Talabani, a Kurd, said he doubted any sentence would be carried out until all trials were complete — a process likely to take years.

Michael Scharf, director of the Frederick K. Cox International Law Center at Case Western Reserve

University, said he believed genocide may be hard to prove because Kurds who left their villages were spared and because the area where the operation occurred was "reportedly used as a base of anti-government operations by insurgents allied with Iran."

"Thus Saddam may have desired to clear it for strategic rather than genocidal reasons," Scharf said in an e-mail.

U.N. tribunals for the former Yugoslavia and Rwanda have accused at least 49 people of genocide, convicting 24 but acquitting 10. Former Yugoslav President Slobodan Milosevic was among the remaining six accused of genocide but he died last month before the end of his trial.

In December, a Dutch court sentenced chemicals merchant Frans van Anraat to 15 years in prison for selling Saddam's regime the chemicals used in attacks on the Kurds. The ruling, the first ever dealing with atrocities under Saddam, concluded that the attacks constituted genocide.

The court had no jurisdiction to try Saddam, but prosecutors named Saddam and "Chemical Ali" as coconspirators. The Iraqi tribunal has access to several weeks of testimony and evidence presented in that trial.

One document was a government decree said to have been signed by Saddam on June 20, 1987, ordering "special artillery bombs to kill as many people as possible" in the Kurdish area.

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