

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:

Monday, July 19, 2004

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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JUDGES WARN RECKLESS JOURNALISTS

By Mohamed Mansaray

The Presiding Judge of the Trial Chamber of the Special Court for Sierra Leone, Justice Benjamin Itoe has warned against reckless and irresponsible reporting of court proceedings by members of the press.

Justice Itoe warned that there could be judicial interven-

tion to protect the integrity or dignity of proceedings before the court as a last resort. He did not say what form such intervention might take. The Judge was speaking at Court Room No. 1, New England in Freetown over the weekend.

The warning came after Wayne Jordash, defence counsel

for the first RUF accused Issa Sesay protested in court against a radio broadcast on the testimony of Prosecution

SEE BACK PAGE

Court Reporters Warned

witness TF1-196 describing it as "inaccurate."

Counsel recalled that the witness testified on July 13 this year where she told the court that one AFRC commander called "Mosquito" was the man who gave orders to slaughter her husband with a machete following their abduction by five rebels around Malama Matheboi in the Bombali district between 1997 and 1999.

Counsel however regretted that the story was reported as if it was an RUF-led attack on the town. "Any inaccurate reporting of court proceedings will affect the defence of my client," Mr. Jordash protested and called on the court to put in place measures to protect the rights of the accused.

In his own protest, Mr. Brown who is defending the second accused Morris Kallon drew the attention of the court to a recent photograph of the accused published in a local tabloid which according to counsel was taken before the trials started. Mr. Brown regretted that the photograph was portrayed as if the accused are not treating the trials seriously and expressed fears that such a publication could interfere with the administration of justice.

On his own part, counsel defending Augustine Gbao, the third accused, Andreas O'Shea observed that the right of freedom of expression has limitations and hence it is not absolute. Counsel said that enjoyment of one's rights and freedom is subject to respect for the rights and freedom of others including the accused and warned against interfering with the dispensation of justice.

Justice Itoe said that the court has noted the concerns of the defence team. He said court hearings are public, noting that the press has a duty to report proceedings to the public in a faithful and professional manner and appealed to the press not to prejudice the right of the accused.

Justice Thompson also appealed for fair and objective reporting of proceedings he described as "delicate in nature." Justice Boutet also buttressed the submissions made by his colleagues that the press should report the facts as they exist to avoid prejudicing the matter.

Sittings resume today.

Salone Times

Monday July 19, 2004

http://www.dailynewsinquirer.net/news_plus

I WAS RAPED AND AMPUTATED--Witness testifies

By Sampson Cole

Sunday July 18, 2004

At the Special Court the statement of the second Prosecution witness in the RUF trial, read by a member of the Prosecution, states that after rebels captured her she was raped and later amputated.

According to the statement, the witness said that she was living at Malama with her husband when she learnt about an attack at Mateboi (two miles from Malama) and they decided to hide in the bush near Malama with some other people whom she did not recognize. The date of the attack she could not recall but said it was before the January 6 invasion. They were at the bush, when rebels including child soldiers as young as five; some in combat and others in civilian clothes, carrying RPGs, AK47s and cutlasses attacked Batmis. Unfortunately they were all captured along with her husband and herself and taken to Batmis. She said that before they left for Batmis, she was raped by one of the rebel who captured her while another watched.

At Batmis she and her husband was given rice and millet to pound while others were sent to fetch water. Some of those who went to fetch water escaped and because of that the rebels then decided to amputate the rest of them. The rebels then told her that they would kill her husband and gave her pain that would last forever. According to her the leader of the group whom she said was called 'Mosquito' then ordered that her husband should be killed and he was chopped-up with a cutlass in her presence. This 'Mosquito' she went on, was tall, slim and speaks Krio and Mende, adding that she knew he was a big commander. Then both her hands were chopped off and was told to go to Kabba for new hands.

One rebel then escorted her to a certain point where she continued in the bush until she met some of her relatives who took her to Makama village. The rebels

she said were shooting or chopping the civilians apart including her husband's family before she left Batmis, as she has not seen them up to this time. She said that she was treated at the Makeni Government Hospital and operated on by ICRC.

Special Court Trial Continues Unabated

KONDAYBAYA!

GIVING EVIDENCE at the Special Court amidst sobbing and tears, prosecution witness said they were in Kodaybaya when they saw people in military uniform with red-piece of cloth round their heads.

by

SU THORONKA

She said after three days in Kodaybaya, these men in military uniform left for Kono. Few days later, they saw a large number of people carrying bundles of personal effects on their heads, and when they asked them, the people told them that rebels were

on the way coming. This the witness said, made them went into the bush to hide for close to three months.

The witness said she was pregnant and gave birth but later lost the baby due to lack of medical attention. The witness said they were in the bush when Sundu went to the town in search of mangoes and later returned only to tell

them that she was captured by rebels who invaded the town and that she was able to escape by stroke of luck.

On hearing this information, the witness' husband decided to go to the town and make sure. She said when her husband went to the town, he found Yumku Sesay's hand had been amputated by the rebels, and the village

burnt down. When prosecution counsel asked the witness whether she knew Fanta Kamara, she answered in the affirmative and told the court that Fanta was captured by the rebel. She said one Issa Bangura whose hands were amputated told her that he was captured by rebels on his way to Kabala.

The witness said she was preparing food one day when she heard gunshots. Eventually, rebels invaded

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the village again using the most indecent language against the civilian population. She said during the sporadic gunfire that took place, fragment hit her children on the chest.

One of the rebels held her and stripped her naked demanding money from her and when she could not produce money, the rebels instructed her to get out of the house which she did. The rebel then entered the house and took two tape recorders which belong to her husband. A rebel she said, forcefully demanded to have sexual intercourse with one of the female captives but when the rebel found out that she was on her menses, he decided to take her for a wife because of her complexion. The witness said all captives including herself were taken to a location under a cotton tree where the commander waited.

On arrival at the location, the witness said they were instructed by the commander to sit on the ground. Two men were tied, Lamin Kamara and Abass Kargbo and the commander said since they wanted a civilian government they are going to chop their hands off. The witness said there were lot of corpses around the vicinity of the cotton tree. The

witness said they were under the cotton tree when rebels came with a man they identified as SSD even though the man denied. The commander took out a pistol shot him on the head and shot Abass Kargbo too whom she described as her brother-in-law. At this juncture, the witness burst into tears.

Lamin Kamara's hands were chopped off while Alhaji a meat seller was killed by the same commander, the witness said. After these people have been killed, the witness said the commander decided to amputate the rest of the captives. My son who was six years-old at the time had his hand amputated and my own hand was also amputated including several others and we were told by the commander to go to Kabala and tell Ecomog there that they will never do that.

The witness said after several days in agony, they were lucky enough to be airlifted to Freetown where they were admitted with her son. The witness while they were in the hospital said one day, her son asked her: "Mama, when will my hand grow."

Immediately after, the witness burst into tears again in court. However, because of the pathetic nature of her testimony, the bench did not allow defence counsel to cross-examine the witness.

The trial continues.

For di people

Monday July 19, 2004

New Twist In Taylor-Special Court Saga

The T.G Harris Presidential Campaign would like to express its disappointment with the recent decision of the National Transitional Legislative Assembly (NTLA) to dismiss outright the petition authorizing the Chairman of the National Transitional Gov-

ernment of Liberia (NTGL) to request that the government of the Federal Republic of Nigeria deliver Charles Taylor to the Special Court in Freetown, Sierra Leone.

Let there be no mistake, Charles Taylor has been

indicted by the international recognised UN-backed Special Court for Sierra Leone. Also, there is an outstanding warrant for his arrest. Furthermore, the U.S Congress he approved a \$2 million reward payable to anyone who delivers

this indicted war criminal to the court. More importantly, the vast majority of Liberians are in favour of delivering Charles Taylor in Freetown and allowing him to present his defence in court of law. And many

believe this is a critical step in restoring peace in the sub-region.

The Nigeria Government, which offered Charles Taylor asylum as he fled the wrath of the Liberia people in August 2003

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Independent Observer

Monday July 19, 2004

has on several occasions stated that it would willingly deliver up the indicted war criminal should the National Transitional Government of Liberia present it with formal request. Yet the Chairman of the NTGL and now the transitional Legislative body have refused to respond.

Ignoring appeals from more than 80 human rights and pro-democracy groups, victims of war crimes, as well as key members of the international community to request the transfer of Charles Taylor from Nigeria to the Special Court in Sierra Leone is unacceptable. This clearly shows that members of the NTGL have quickly forgotten the circumstances under which they came into office. And their lack of cooperation shows they also have forgotten not very long ago all Liberians were yearning for an end to the senseless violence. It is difficult to believe any patriotic Liberia would refuse to cooperate with the very same people who stood with us when the guns were blazing and our compatriots were being killed indiscriminately. Many of those now opposing Charles Taylor's prosecution only recently were leading the call to rid Liberia of his evil regime. Perhaps they ought to be reminded that prospects for lasting PEACE in Liberia is not the result of bloodletting; rather, it was made possible by the rule of law. Therefore, we find unacceptable the role of accomplice that the NTGL is playing in the obstruction of justice.

As the principal representative of the Liberia people, though unelected, the NTGL has been actively engaged in contracting out the nation's assets. As reported, many of the projects assigned will not come into operation for several years. Why then is

Charles Taylor Vs Special Court

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the NTGL, whose tenure will end within the next 18 months, more obsessed with negotiating long term contracts rather than addressing more pressing issues, such as, disarmament, reconciliation, rule of law, security, resettlement, corruption, and preparations for the upcoming elections? Is it not more important to seek justice for victims of atrocities rather than legally binding the nation to contracts which have not been approved by the citizens?

In responding to the cries of Liberians, men and women of conscience took extreme measures to restore PEACE to Liberia. Their bold and audacious moves in part led to the indictment of Charles Taylor and his exile from Liberia. Indicting Charles Taylor no doubt was the single most important act that made possible the ceasing of

hostilities and the seating of a transitional government. Therefore, we consider baseless the argument that, "allowing Taylor to face the Court in Freetown, Sierra Leone will hamper the peace process." Without justice for the victims of war crimes and crimes against humanity, it will be impossible to achieve lasting PEACE.

Therefore, the T. Q. Harris Presidential Campaign respectfully calls upon the NTGL to heed the wishes of the Liberian people as well as the voices of wisdom by making a formal request to the Government of Nigeria to allow the appropriate law enforcement agency to execute the order of the U.N. Special Court of

Freetown, Sierra Leone. After all, Nigeria, a candidate for permanent membership in the U.N. Security Council and a leading nation in Africa, has endorsed the Special Court.

The T. Q. Harris Presidential Campaign also would like to use this occasion to urge all Liberians to impress upon leaders of the NTGL to remain focused on the primary mission, which is to restore order and prepare the country for free and fair elections in October 2005. The PEACE Liberians now enjoy has come as the result of the rule of law. Therefore, it can only be sustained by upholding the law.

Independent Observer

Monday July 19, 2004

Source: [News & Business > News > News, Most Recent 90 Days \(English, Full Text\)](#) 

Terms: **mru women moot reconciliation strategy for liberia** ([Edit Search](#))

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Panafrican News Agency (PANA) Daily Newswire July 15, 2004

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Panafrican News Agency (PANA) Daily Newswire

July 15, 2004

LENGTH: 299 words

HEADLINE: MRU WOMEN MOOT RECONCILIATION STRATEGY FOR LIBERIA, SIERRA LEONE

BODY:

Conakry, Guinea (PANA) - The Mano River **Women's** Network for Peace (REFMAP) has outlined what it considers an effective **strategy** towards national **reconciliation** in **Liberia** and Sierra Leone where genuine is yet to return, despite the end of war.

REFMAP executive bureau member Saran Daraba Kaba told PANA on the sidelines of a meeting held here early July, that participants insisted on national **reconciliation** in **Liberia** and in Sierra Leone where war had led to the disintegration of both State and society.

Dr Kaba insisted that a 2-3 year presence of peacekeepers in the two countries was no panacea to problems encountered in the bid to reconcile and rebuild.

She stressed the need for an **strategy** that first identifies key and effective players in the **reconciliation** process before linking them up to bring about the desired synergy.

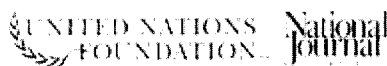
She said it was a tactical flaw to proceed with the demobilisation, disarmament and reintegration (DDR) programme, while ignoring the potential input of other actors, including **women**, youth, religious and traditional leaders.

Two Ivorian delegates participated as observers in the proceedings of REFMAP Executive board which decided to get involved in the disarmament process in **Liberia** and in post-conflict consolidation in Sierra Leone.

REFMAP committed itself to defining an intervention policy in countries bordering the Mano River Basin, such as Cote d'Ivoire, noting that conflicts undermine the drive for regional integration.

Established in April 2000 in Abuja, Nigeria with the support of the Economic Community of West African States (ECOWAS), the African Union and the UN System, REFMAP won the UN human rights award last December for its efforts in the search for peace in the Mano River Basin and Africa at large.

JOURNAL-CODE: WPNA

U.N. WIRE**ICTR Sentences Former
Rwandan Minister To Life In
Prison**[Close Window](#)

The [International Criminal Tribunal for Rwanda](#) yesterday sentenced former Rwandan Finance Minister Emmanuel Ndindabahizi to life in prison for his role in the country's 1994 genocide, in which an estimated 800,000 people, most of them from Rwanda's Tutsi minority, were massacred ([ICTR release](#), July 15).

Ndindabahizi, who was convicted of three counts of genocide and crimes against humanity, "explicitly urged the killings of the Tutsis at the roadblocks," said one of the ICTR judges, Erik Mose. "He assisted the killings by providing machetes (to attackers)" and also urged Hutu men to kill their Tutsi wives, he added.

Ndindabahizi's lawyers are expected to appeal the verdict, the highest the tribunal can impose ([Sukhdev Chhatbar](#), Associated Press, July 15).

The tribunal has now completed 23 trials of those accused of being the masterminds behind the genocide. Nineteen other trials are underway ([ICTR release](#)).

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The Guardian (London) July 19, 2004

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The Guardian (London)

July 19, 2004

SECTION: Guardian Leader Pages, Pg. 18

LENGTH: 655 words

HEADLINE: Why is Milosevic's trial taking so long?: The Editor briefing: Slobodan Milosevic was due to start his defence at the **war crimes** tribunal at The Hague today, but it has been postponed until August 31 Why haven't we heard his defence yet? The former Yugoslav president, Slobodan Milosevic, was scheduled to begin his defence in April. However ... the opening has been long delayed. This has been due partly to (his) poor health and partly to the need to replace the late Sir Richard May, previously the senior member of the three-judge panel, who died (on July 1) after falling ill himself.

BODY:

Nikki Tait in the Financial Times, July 5

So what has been ailing Mr Milosevic? The 62-year-old (has had) high blood pressure, flu and exhaustion . . . His court-appointed doctor said his blood pressure was dangerously high and he needed more rest. In the first two years of the trial, 66 days have been lost to Mr Milosevic's ailments.

From the Daily Mail, July 7

What other problems have there been? The trial . . . is certain to be remembered - as an illustration of how excruciatingly slowly the wheels of international justice can turn. Mr Milosevic's trial before . . . the UN **war crimes** tribunal in The Hague began in February 2002. Since then . . . Yugoslavia officially has dissolved, and the Serbian prime minister, Zoran Djindjic, has been assassinated.

From an editorial in the Chicago Tribune, July 13

What charges does he face? The 66 charges . . . include genocide in Bosnia and crimes against humanity in Croatia and Kosovo. The first phase of the trial ended in February, after the prosecution had presented its case for two years. Mr Milosevic, who is presenting his own defence, has 150 working days to make the case. His legal adviser, Dragoslav Ognjanovic, said Mr Milosevic's list of witnesses he wants to question is 1,600 names long. Among them are Tony Blair (and) Bill Clinton.

Vesna Peric in the Independent, July 5

What should we expect during his defence? Mr Milosevic has argued in the past that a crackdown he ordered in 1999 on ethnic Albanian muslims in Kosovo was undertaken to protect the Serb minority there . . . He also claims that as president of a crumbling Yugoslavia in the early 90s, he did not have control over ethnic Serb troops in neighbouring Croatia and Bosnia. He says he cannot be held responsible for any crimes committed after

those countries declared independence.

From the Press Association, June 5

What will happen if he remains unwell? The latest in a series of delays to the trial . . . makes it highly likely that a defence lawyer will be imposed on Mr Milosevic if his medical condition fails to improve . . . The option . . . remains problematic . . . since he has already said that he would refuse to cooperate.

Stephen Castle in the Independent, July 17

Can the tribunal be relied upon? (It is) the first international **war crimes** tribunal to be created since the Nuremberg and Tokyo tribunals after the second world war. But with a budget of \$ 120m (£70m) a year, it has been criticised for being too bureaucratic, too expensive and too slow, as well as too far removed from the victims in the countries from former Yugoslavia. The court has now streamlined proceedings, cutting the number of charges brought against defendants . . . and conducting as many as six trials at a time.

From the Economist, July 10

Has anything good come out of it? Considerable progress has already been made . . . which will be of use in future **war crimes** courts. The tribunal has ruled, for example, that the murder of 8,000 Muslims in Srebrenica in 1995 was genocide. This is likely to establish a precedent that can be applied to Saddam Hussein.

From the Daily Mail, July 7

What are the implications for the trial of Saddam? Even before (Mr Milosevic) fell ill, the international legal process was too slow and too lenient in passing sentences. The trial of other people accused of committing crimes in Croatia, Bosnia or Kosovo has also been dogged by repeated delays. And when it was time to render a judgement, the sentences were too lenient . . . This casts a dark shadow on international justice and makes one wonder whether it was worthwhile to establish the international criminal court and rely on it to administer justice. It would seem that reliance on national court systems serves justice better.

From an editorial in the Jordan Star, July 7

Delays . . . Slobodan Milosevic, right, is still in bad health

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The Washington Post July 19, 2004 Monday

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The Washington Post

July 19, 2004 Monday
Final Edition

SECTION: A Section; A10

LENGTH: 1485 words

HEADLINE: Uneasy Peace in Tikrit, Where Hussein Is Still Loved

BYLINE: Doug Struck, Washington Post Foreign Service

DATELINE: TIKRIT, Iraq

BODY:

The twin Saddam Husseins that galloped in heroic statuary on horseback atop the gate to his compound here are gone, melted down to make a memorial of a U.S. soldier being comforted by an Iraqi girl as he mourns a fallen comrade.

GIs' underwear flaps on clotheslines outside the opulent mansions of this city about 90 miles north of Baghdad. Sweaty soldiers pump iron in gyms constructed in Hussein's extravagant ballrooms. U.S. flags cover engraved poetry praising the dictator. His once-feared compound now has an American flavor, with Internet cafes, speed bumps, port-a-potties and a basketball court protected by sandbags.

The Americans have settled into Tikrit, the city long closely associated with Hussein, who was born in a village near here, drew his support from its residents and was captured nearby last December. U.S. officials tout the success they have had in keeping this stronghold of Hussein loyalists relatively peaceful and quiet, compared with the hostility and attacks directed at American soldiers in many other Iraqi cities.

"We are really making good progress" with Iraqis in Tikrit, said Capt. Donald Johnson, who lives with Iraqi National Guardsmen as they are training. "We have the same goals."

But it is an uneasy peace. Two bombs exploded in Tikrit on Sunday, killing a policeman and ending a three-month calm. And though former Iraqi generals now work with the U.S. military and Iraqi National Guardsmen go out with U.S. patrols, some Hussein loyalists hide and plot revenge. Iraqi and U.S. forces said Sunday that they had arrested a top Republican

Guard general, a cousin of Hussein's, who they said was helping direct attacks on U.S. forces. Many residents watch this with sullen resentment of the Americans, their loyalty to Hussein undimmed.

"Of course, everyone loves Saddam. He was strong. He was courageous," said a town resident, a 27-year-old teacher.

"The Americans have treated Saddam unjustly," said a medical professional. "And the Americans will never leave. They want to control the region and the world from here," she said.

Both preferred not to be identified by name; fear remains an ingrained habit. "There were many things we could not talk about," said the teacher. "We were always watched."

After the 1991 Persian Gulf War, Hussein began a binge of construction in Tikrit -- nearly two dozen palaces with columns modeled on his hands, mansions with soaring archways, bathhouses with manmade waterfalls tumbling into manmade lakes. The palaces were museums of cool marble floors, lavish decor, Shakespearean balconies and sweeping chandeliers.

Residents say they rarely saw Hussein. "He would fly in at night for a couple of hours and leave," said one woman. A poet in town was once invited to a guest palace to recite pentameters of praise to the former president. "He was like an emperor, listening to the servants compliment him."

U.S. Marines took Tikrit with very little resistance on April 14, 2003. They had expected the worst. Instead, the U.S. military remains mostly unchallenged here.

"In a lot of places in Iraq, [U.S.] patrols don't go out at night. They consider it too dangerous," said Capt. Aaron Coombs, a 30-year-old company commander from Addison, N.Y. He rode in the right-hand seat of an open Humvee as it prowled through the hot night down the alleyways in Tikrit last week.

He held his M-4 rifle, set on short burst, ready to fire. Behind him were three soldiers with rifles at the ready and one more gripping the trigger of a mounted machine gun. Behind that was another Humvee sprouting rifle barrels. But Coombs tried to make this entourage less threatening. He waved at children, hailed men sitting on plastic chairs outside their homes, stopped to chat with the Iraqi police patrols on each corner.

"We try to use an appropriate level of force," said Coombs, a seven-year veteran. "If we can do a raid by going over the wall and opening a door rather than blowing through it, we will."

Although two roadside bombs were discovered earlier, the soldiers showed no signs of tension. After midnight, when the curfew took effect, Tikrit lay still, bathed in the soft glow of green neon lights. Then four Bradley Fighting Vehicles churned through the town. The deep roar of their engines and the clanking of their heavy treads reminded residents of who holds the power here.

U.S. military officials say their success in Tikrit stems from a one-two approach. In the months after they took Tikrit, and again last April when there was a burst of attacks, the military reacted to attacks with night raids on suspects' homes, dozens of detentions and arrests, and lethal sniper fire. But as the violence ebbed, military authorities said, they made a concerted effort to turn over responsibility to the city's officials.

"Why things went right in Tikrit is that we don't hesitate to kill or capture the enemy. Then on top of that, we engage with people at all levels, from the governorate to the mayor to the

police chief to people on the street," said Maj. Gen. John R.S. Batiste, commander of the Army's 1st Infantry Division.

The morning after the night patrol, Coombs and other officers watched the graduation ceremony of 20 Iraqi National Guardsmen who had finished training as scouts. They gathered at a palace where Hussein once attended a parade honoring his birthday. In a scene that became a well-known news clip, Hussein stood on a reviewing stand, blasting into the air with a shotgun at his hip, while smartly dressed troops marched perfectly in step. Their guns had been emptied of bullets -- a precaution for the wary Hussein.

Now, below that reviewing stand, recruits of the Iraqi National Guard tried to learn to march. It was not very successful. But they carried live bullets for their guns. They were watched this time by the head of the National Guard unit here, Dakhel Hassan Hamud, a former Iraqi army colonel who says he was the first one into Kuwait during the 1990 invasion and one of the last to walk home at the end of the Persian Gulf War.

In a few months, he has recruited 600 guardsmen, he said, overcoming the fears some of them have about cooperating with the Americans.

"Yes, we get letters and threats. I got a bomb in my house," he said, shrugging. "But only one guy has been killed, and I think that was a personal grudge. "

The Americans have also spread money around. Two months ago, the brigade task force commander in charge of Tikrit, Lt. Col. Jeffrey Sinclair, offered to meet students at Tikrit University. He took off his bulletproof vest, left his weapon and walked in. Only 15 students were there.

But Sinclair answered their questions and promised to come back in two weeks. The next meeting, in the library, brought 35 students. He kept up the regular sessions. He met with faculty and offered to help with their problems. Now he has promised \$2 million for projects at the university, from new dorm rooms to a physics department. It is money and effort well spent, he said.

"That bought us a whole young generation inside this town," he said.

But while the Americans describe the inroads they are making toward acceptance by the residents, many in town see it differently.

"For the first three months, the Americans were welcomed here," said Saad Hariz Salihi, a surgeon and member of the town advisory council. "Then it turned. The first problem was the way they made arrests -- putting a man's head in a sack, tying his hands behind him and lying him down in front of his children and family.

"And when they dismissed all the Baathists and army members, you had bad unemployment here with former soldiers, policemen, government workers. That wasn't a huge mistake -- it was a fatal mistake. They were prey to the fundamentalists who came over the unguarded border.

"And don't forget, you had 40 years of America being portrayed as imperialist," he added. "From the time you were a baby, you heard only that your enemy was America and Israel. That doesn't disappear overnight.

"And finally you had Abu Ghraib," Hariz said, referring to the Iraqi prison where American soldiers abused captives. "It was a shock. Those of us who were trying to argue in favor of American civilization and culture suddenly lost all of our excuses. Suddenly people compared the Americans to Saddam."

On July 1, when Hussein appeared on television in a courtroom to face **war crimes** charges, the sentiment boiled over in Tikrit. An estimated 100 people demonstrated in the streets in favor of the former dictator. Iraqi police broke it up, firing warning shots into the air and making a handful of arrests, according to accounts here.

But they did not squelch the sentiment.

"Do you think the Iraqi people don't love Saddam?" asked a resident who spoke on condition of anonymity. "He's the symbol for Iraq. We still love him. We love him as though he was the father to us."

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July 17, 2004, 10:24 a.m.

Had Enough?

The U.N. handicaps Israel, along with the rest of us.

By Anne Bayefsky

The recent decision on Israel's security fence by the International Court of Justice (ICJ), the U.N.'s legal arm, is a classic example of how the vilification of Jews does not end with Jews.

United Nations mistreatment of the Jewish state takes many forms, from the refusal to admit Israel into the negotiating and electoral groups of many U.N. operations, to Israel's demonization by U.N. human-rights machinery applied to no other state. Though antithetical to the U.N.'s founding principle of the equality of nations large and small, many believe that the consequences of these facts of U.N.-life can be confined to Jewish self-determination. The ICJ has proved them wrong.

U.N. ASSAULT

The Court has declared four new rules about the meaning of the right of self-defense in the face of terrorism today.

- (1) There is no right of self-defense under the U.N. Charter when the terrorists are not state actors.
- (2) There is no right of self-defense against terrorists who operate from any territory whose status is not finalized, and who therefore attack across disputed borders.
- (3) Where military action is perpetrated by "irregulars," self-defense does not apply if the "scale and effects" of the terrorism are insufficient to amount to "an armed attack...had it been carried out by regular armed forces." (The scale in this case is 860 Israeli civilians killed in the last three years — the proportional equivalent of at least 14 9/11's.)
- (4) Self-defense does not include nonviolent acts, or in the words of Judge Rosalyn Higgins: "I remain unconvinced that non-forcible measures (such as the building of a wall) fall within self-defence under Article 51 of the Charter."

These conclusions constitute a direct assault on the ability of every U.N. member to fight international terrorism. The U.N. Charter was not a suicide pact and Security Council resolutions in response to 9/11 were intended to strengthen the capacity to confront violent non-state actors, not defeat it.

Having couched their analysis in general terms, however, some of the judges were concerned that the go-ahead for Palestinian suicide bombers might not be obvious enough. So Judge Abdul Koroma of Sierra Leone wrote: "It is understandable that a prolonged occupation would engender resistance." Judge Nabil Elaraby of Egypt said, "Throughout the annals of history, occupation has always been met with armed resistance. Violence breeds violence." He "wholeheartedly subscribe[d] to the view" that there is "a right of resistance." Judge Hisashi Owada of Japan spoke of the "the *so-called* terrorist attacks by Palestinian suicide bombers against the Israeli civilian population."

The judges need not have worried. Within hours a joint statement from Hamas, Islamic Jihad, and Yasser Arafat's Fatah organization announced: "We salute the court's decision." Proclaimed a Hamas communiqué "The racial wall represents the true image of the Zionist entity...The Islamic Resistance Movement, Hamas, welcomes the ICJ's decision and considers it a good step in the right direction.... We stress the need to continue our efforts and *use all available means* to stop the construction of the racial wall and remove its effects." The Popular Front for the Liberation of Palestine issued a statement hailing the ruling as "a step forward." This judgment clearly played very well to an audience from the State Department's list of foreign terrorist organizations.

There are other disturbing features of the majority judgment and its six concurring opinions. The Court expansively declared that an advisory opinion about one state gives rise to third-party obligations on every U.N. member state. General Assembly resolutions and the output of other U.N. political bodies — produced in a numbers game which free countries cannot win — are given considerable weight as sources of obligations. The General Assembly's 10th Emergency Session (which is dedicated to condemning Israel) can be reconvened in perpetuity, thereby seriously reducing U.N. capacity to deal with emergencies anywhere else.

At the same time, other aspects of the Court's decision were crafted to apply to a party of one. A barrier between terrorists and their targets is illegal, according to the Court, because it "severely impedes" or "prevents the realization" of a "right of the Palestinian people to self-determination." No mention was made of the fact that the barrier can and will be moved to accord with the recent Israeli Supreme Court decision, or that previous barriers in southern Lebanon and the Sinai Peninsula were also moved. Jewish self-determination, on the other hand, was not discussed. So the impediment to self-governance by way of Palestinian terrorists who murder Cabinet ministers, or open fire at polling stations, never made it onto the Court's radar screen.

The barrier was also said to violate other Palestinian rights: freedom of movement, the right to work, to health, to education, and to an adequate standard of living. Not once did the Court refer to the individual rights of Israelis, though the rights violated by terrorism start with the right to life and end with the freedom to move anywhere without fear of dying on the way to school or work. Finding a human-rights violation meant interpreting the international rule of proportionality. Undermining all efforts to combat terrorism, the Court balanced Palestinian rights against Israeli "military exigencies" and Communist-inspired concepts of "national security" or "public order." This tactic placed only faceless beneficiaries on the other side of the scale.

Furthermore, said the Court, the right of self-defense does not apply against Palestinian terrorism because it operates from Israeli-controlled territory and is therefore not international. The international borders between Iran, the departure point of the arms-laden ship *Karine-A* and its intended port in Gaza, or between Damascus, headquarters of The Front for the Liberation of Palestine's General Command, and suicide bombers in Haifa, apparently slipped the judges' minds.

LONG ROAD

These legal results did not materialize in a vacuum: They were the product of the Court's insidious historical revisionism and selectivity. The 1948 war was not an aggressive assault on the nascent Jewish state by combined Arab forces after their rejection of the U.N. Partition Plan. Instead, "On 14 May 1948 Israel proclaimed its independence...armed conflict then broke out between Israel and a number of Arab States and the Plan of Partition was not implemented." The 1967 war was not another

of the five successive wars Israel has been forced to wage by successive Arab rejectionists. Instead, "the 1967 armed conflict broke out between Israel and Jordan." The pre-1967 status of the territories as either "disputed" or "occupied" is crucial to the legal issues. Occupied territory requires that the land previously have belonged to somebody else. But the Court said: "there [is] no need for any enquiry into the precise prior status of those territories."

Judge Elaraby apparently forgot he was no longer Egyptian Ambassador to the United Nations — a post he held until 1999 — and used his judicial robes to deliberately misrepresent the content of Security Council Resolution 242. In his words "Resolution 242...called for the withdrawal of Israeli armed forces from *the* territories occupied in the conflict." In fact, painstaking negotiations resulted in the omission of "the" before the word territories. 242 speaks of "Withdrawal of Israeli armed forces from territories occupied in the recent conflict..." precisely so as not to pre-judge the outcome of negotiations over ownership of the territories or future lines of withdrawal.

Having decided that the historical ownership of the territories prior to 1967 is irrelevant, the Court took it upon itself to determine that today all of the territories "which before the [1967] conflict lay to the east of the Green Line" "including East Jerusalem" are "Palestinian territories" It did not matter that the parties to the conflict have agreed that final borders and the status of Jerusalem will be determined by negotiation. Instead, Judge/Ambassador Elaraby used his judicial pulpit to advance a long-held U.N. strategy of imposing results. Having misstated Israel's obligation under 242, he claimed: "It is...politically unsound to...confine it [242's obligations] to a negotiating process." Or as Jordanian Judge Awn Al-Khasawneh, a representative of Jordan at the U.N. General Assembly for 17 years until the mid-1990s, said: "The discharge of international obligations...cannot be made conditional upon negotiations" — international obligations to negotiate notwithstanding.

Into this cumulative distortion of history and law was injected the biggest U.N. deception of all. The Court's operating premise (accurately described by Elaraby) was simply this: "Occupation, as an illegal and temporary situation, is at the heart of the whole problem." A 56-year Arab campaign to end the "Judaization" of the region — as a U.N. Human Rights Commission resolution describes Jews on Arab land — was totally ignored. Judge Higgins disparagingly describes the Court's behavior (though she refuses to dissent) in a concurring opinion: "the Court states that it 'is indeed aware that the question of the wall is part of a greater whole, and it would take this circumstance carefully into account in any opinion it might give.' In fact, it never does so."

Rather than accepting their responsibility to examine the facts for themselves, the Court relied heavily on prior biased U.N. reporting. They looked to the report of Secretary General Kofi Annan in December 2003 on the barrier. He detailed Palestinian human-rights grievances about the barrier without mentioning a single case of terrorism that preceded its construction. The Court looked to the submissions of the UN special rapporteur on Israel whose mandate is to report only "Israel's violations of...international law" and not human-rights violations by Palestinians in Israel. Substantial reliance on such skewed reporting drew the International Court of Justice into the U.N. vortex of hate and discrimination directed at Israel.

Therefore, it is no surprise that within a week the Court's decision has become the subject of another 10th General Assembly Emergency Session — reconvened for the thirteenth time to condemn Israel and to call for a plethora of future activities

intended to further demonize and isolate the Jewish state. Taking their cue from Annan, who immediately pounced on the decision to make demands of Israel, there will be no pause for a single emergency session of the General Assembly on the millions dead or dying in Sudan.

Before its written release, the judgment of the Court was read aloud by its president, Judge Shi Jiuyong of China — a place where judicial training is still grappling with the inconveniences of the non-separation of legislative and judicial authority. I listened to the broadcast from a Jerusalem television studio. When it was over, I came out into the street and found it blocked off. A few meters away a bomb disposal unit was set up beside a package left at a bus stop. Eventually the soldiers gave the all-clear. Traffic resumed and children ran out of their homes as if nothing had happened. The next day, the people at a bus stop in Tel Aviv were not so lucky, as this time the package contained a real bomb, which left one dead and thirty scarred for life. Though the Court relished the fiction that it had been asked about the legal consequences of the fence, the real-life consequences of an incomplete fence marched on.

It was no accident that the only dissenting opinion on the merits of the case came from Tom Buergethal, a child survivor of the concentration camps of Auschwitz and Sachsenhausen. He needed no lessons about the face of evil, its methodologies, and its consequences. How sad for the rule of law that he spoke alone.

The Arab drive to destroy the state of Israel has debased the U.N., sullied its charter, perverted the meaning of human rights, and ransacked international law and its highest Court. How many more of the universal ideals upon which our world depends must be desecrated before we say "enough"?

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<http://www.nationalreview.com/comment/bayefsky200407171024.asp>

Testimonies of rape in Sudan

Pro-government Janjaweed militias in Sudan's Darfur region are using mass rape in order to punish, humiliate and control the non-Arab groups to which they belong, says human rights group Amnesty International.

In its report Rape as a Weapon of War, Amnesty publishes the testimonies of some of the hundreds of women its researchers have spoken to:

Singing

I was sleeping when the attack on Disa [village] started. I was taken away by the attackers, they were all in uniforms. They took dozens of other girls and made us walk for three hours. During the day we were beaten and they were telling us: "You, the black women, we will exterminate you, you have no god." At night we were raped several times. The Arabs guarded us with arms and we were not given food for three days.
Female refugee from Disa

When we tried to escape they shot more children. They raped women; I saw many cases of Janjaweed raping women and girls. They are happy when they rape. They sing when they rape and they tell that we are just slaves and that they can do with us how they wish.
A, a 37-year-old from Mukjar



In many cases, women have been raped in public, in front of their husbands, relatives, or the wider community, Amnesty says. This is in order to humiliate her, her family and the entire group.

There was also another rape on a young single girl, aged 17. M was raped by six men in front of her house in front of her mother. M's brother, S, was then tied up and thrown into fire.
H, a 35-year-old man from Mukjar.

In July 2003, the Arabs raped M, 14, on the market square and threatened to shoot on the witnesses if they tried to intervene. They also raped other girls in the bush.
S, a 28-year-old from Habila region.

The six men raped my daughter, who is 25 years old, in front of me, my wife and the young children.
H, a man from Magarsa.

Pregnant women

Amnesty says that pregnant women have not been spared.

I was with another woman, Aziza, aged 18, who had her stomach slit on the night we were abducted. She was pregnant and was killed as they said: "it is the child of an enemy".
An ethnic Irenga woman from Garsila village.

Killed

At 7am in August 2003, our village was surrounded by the Janjaweed; we heard machine guns and most of the people ran away, some were killed while trying to escape. My sister, M, aged 43, was captured by the

military and the Janjaweed. They tried to sleep with her. She resisted, I was present and could hear her: "I will not do something like this even if you kill me" and they immediately killed her.
I, from Miski.

Legs broken

The attack took place at 8am on 29 February 2004 when soldiers arrived by car, camels and horses. The Janjaweed were inside the houses and the soldiers outside. Some 15 women and girls who had not fled quickly enough were raped in different huts in the village. The Janjaweed broke the limbs (arms or legs) of some women and girls to prevent them from escaping. The Janjaweed remained in the village for six or seven days. After the rapes, the Janjaweed looted the houses.
N, a 30-year-old from Um Baru.

They took KM, who is 12 years old in the open air. Her father was killed by the Janjaweed in Um Baru, the rest of the family ran away and she was captured by the Janjaweed who were on horseback. More than six people used her as a wife; she stayed with the Janjaweed and the military more than 10 days. K, another woman who is married, aged 18, ran away but was captured by the Janjaweed who slept with her in the open place, all of them slept with her. She is still with them. A, a teacher, told me that they broke her leg after raping her.
A, a 66-year-old farmer from Um Baru.

Disowned

Married women are sometimes rejected by their husbands after being raped.

Single women may never be able to find husbands due to the stigma. They are seen as "spoiled", Amnesty says.

S, from Silaya says she was abducted along with eight other women:

After six days some of the girls were released. But the others, as young as eight years old were kept there. Five to six men would rape us in rounds, one after the other for hours during six days, every night. My husband could not forgive me after this, he disowned me.

We believe that nobody can become pregnant when raped, because this is unwanted sex and you cannot have a child from unwanted sex. For those who are in the camps in Darfur, those whom they rape day and night, they might become pregnant. Then only Allah can help the child to look like the mother. If an Arab child is born, this cannot be accepted.
A refugee from Kenyu.

If they become pregnant they must escape, they cannot stay in their family or in their community. Why? Because it is not normal for her to be pregnant from being raped, so she has to go.
K, a 40-year-old woman from Jaroko.

Early marriage

Amnesty says that even in refugee camps, women are not safe from sexual violence.

Parents fear they may not be able to "control" their daughters and try to marry them off quickly to preserve the family honour. As a result bride prices (money paid by a groom's family) are falling.

Marriage is very very cheap in our days.
A refugee in Goz Amir camp, Chad.

Impunity

Amnesty says that almost all of the rapes were carried out with either the direct involvement or in view of government forces and yet no-one has been charged with rape or abduction.

One woman said she was raped outside a refugee camp in western Darfur in June 2004. She reported it to the police and the men were arrested and disarmed.

But she says their weapons were returned the next day following the intervention of Janjaweed leaders and she was told not to make any further reports.

She regularly sees the men who raped her in the market.

Amnesty calls for an international commission of inquiry into the conflict in Darfur, including claims that the widespread rapes are part of a campaign of genocide against the region's non-Arab population.

Story from BBC NEWS:
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/3900777.stm>

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