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, December 20, 2004

The press clips are produced Monday to Friday.
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THE NEW STORM
Vol. 8 No. 50 Monday December 20, 2004 Le500

AFRC Trial Starts January

By Joseph Komeh

The Special Court For Sierra Leone will next month receive an additional three Trial Judges to commence the trial of AFRC indictees; the courts Deputy Chief of Press and Public Affairs-Peter C. Anderson confirmed over the weekend in Freetown.

As usual, the judges were jointly appointed by both the Government of Sierra Leone and the United Nations in a 1:2 proportion respectively. It is expected that when the judges resume duties in January 2005, they will waste no time but to try the three Armed Forces Revolutionary Council (AFRC)

Contd page 2

AFRC Trial Starts January

From front page

indictees, which include Alex Tamba Brima, Santigie Borbor Kanu and Brima Bazzy Kamara. The AFRC trial that was initially scheduled to commence last September will now start in January and simultaneously continue with the trial proceedings of CDF and RUF indictees.

The Special Court currently has a total of eight judges. Three of them as Trial Judges presided over by Hon. Judge Benjamin Mutangba Itoe and five Appeal Judges also presided over by Justice Emmanuel Ayoola. Details of particulars of either the two UN appointed or the Sierra Leone Government nominee was not available as we went to press. As the AFRC trials resume in January, the Hon Itoe Trail Chamber is expected to complete its proceedings and pass judgement on the CDF and RUF indictees in December 2005.

THE INDEPENDENT

NO. 141 Monday December 20 2004 Price: Le 500

Former rebels accused of retaining 'bush wives'

10,000 children recruited into fighting forces during war

According to the Global Report 2004, some 1,000 women and girls are still with their former rebel commanders who claim them as wives. UNICEF says, "Urgent attention needs to be given at the chiefdom, district and national level in addressing the issue of the 'Girls Left Behind', through targeted community-based social and economic development initiatives. Utilisation of existing community-based structures, such as the Family Support Unit of the Sierra Leonean Police and Social Development Workers from the Ministry of Social Welfare Gender and Children's Affairs (MSWGCA), to examine the situation of girls and women, either remaining with commanders or abandoned in communities at the end of the conflict will be crucial".

The 2004 Global report says over 10,000 children, including girls, were recruited as combatants during the ten-year civil conflict from 1991 to 2002 in Sierra Leone.

The report also states that children are recruited in other war-torn countries like Ivory Coast and DR. Congo

The report says thousands of abducted girls, women and their children have not been accounted for. Only about 8% of the girls associated with the rebel forces were demobilized.UNICEF says, "Child demobilisation programmes did not capture the unique situation of former fighters who lost their childhood as a result of being recruited or abducted as children and after ten years of war were instead demobilized as adults. Priority must therefore be given to children in the implementation of the Poverty Reduction Strategy Paper (PRSP) and the proposed Children's Policy". However, in many communities, the former bush wives are reported to be willing to stay with their former commanders because they are financially handicapped.

The Sierra Leone Government has however been praised for positive strides in the protection of children.

A release from UNICEF in Freetown says, "Since the end of the war, significant strides have been taken by the Government of Sierra Leone and its partners to ensure the protection of children as-

Contd. page 2

Former rebels accused of retaining 'bush wives'

From page 1

sociated with the fighting forces (CAFF). The Government has ratified the Optional Protocol on the non-recruitment of children into armed groups, and over the past three years there has been no reported case of recruitment of children by armed groups within the country".

UNICEF however also looks on the bright side of things. It says about 98% of the estimated 6,845 children demobilized have been successfully reunified within their families and communities. "Worthy of note within the reunification process has been the active involvement of children in the proceedings of the Truth and Reconciliation Commission culminating in the first ever "child-friendly" version of a Truth and Reconciliation Report", the report states.

UNICEF however points out that though the Optional Protocol on Non-Recruitment of Children has been ratified, changes in national legislation in Sierra Leone

Source: News & Business > News > **News, Most Recent 90 Days (English, Full Text)**
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Africa News December 17, 2004 Friday

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Africa News

December 17, 2004 Friday

LENGTH: 408 **words**

HEADLINE: Peacekeeping and Conflict Resolution;
COPE Wants **Warlords Prosecuted** - Calls For **Urgent** Action

BYLINE: The **Analyst**

BODY:
A pro-democracy group, Center for Peace and Education (**COPE)** has proposed to the United Nations and other western powers to speedily bring to justice warmongers and commanders for what it called "Destroying the Failure of the Liberian Children."

The call was made by the Executive Director, Mr. Robert G. Miller at an opening ceremony of a three-day youth leadership Awareness Workshop on the proliferation of small arms in Liberia.

He among other things pointed out that warmongers and their commanders have placed guns in the hands of children and used them to kill their own people, depriving them of the necessities of life.

The Executive Director of **COPE** furthered that youths were victims of **warlords,** adding that all **warlords** needed to be **prosecuted** to stop others from pursuing such nefarious ventures.

Saying that these people have infused warlike mentality in the children, **COPE** boss noted these men and women have damaged the future of Liberia's future leaders.

The focus of the workshop is the proliferation of small arms in Liberia; something the **COPE** director said was destroying the future of children.

He noted that due to the "gun violence" the transitional government is "infested with massive corruption" and other mal-practices.

According to him, the economy was being denominated by foreigners at the detriment of Liberia's interest and besides that unemployment reaches an all time level.

He told hundred of youths who participated in the workshop that the present legislature is being headed and occupied by warmongers and rebels while the cabinet is infested with croaks and hustlers who pursue violence to perpetuate themselves in government.

Executive Director added his organization will continue in the vanguard to fight Liberate Liberian youth from the culture of violence.

"We like to urge all youths throughout the country to unite in the fight against the proliferation arms and light weapons, and to denounce the use of arms and violence for political power," he noted.

Also marking remarks was Father Anthony Bowah, Chairman of the Liberia Action Network on Small Arms (LANSA) who urged the youth to seriously work together to remove the threats small arms pose to their lives.

Speaking on the topic "Towards a Gun Free Liberia, Creating Conscious Youth Leaders in the Fight against Small Arms, the Catholic father noted that though the war was over but Liberia is lilted with arms.

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Taylor's Money Trail Raises Eyebrows

The Analyst (Monrovia)
NEWS
December 17, 2004
Posted to the web December 17, 2004

Are His Loyalists Still In Contact?

The extradition of Charles Ghankay Taylor, former president of Liberia, has been on the lips of prosecuting officers at the UN-backed war-crime tribunal in Sierra Leone since he fled into exile on August 11, 2003.

More than once media and optimists' opinions in Freetown claimed that Taylor was about to be handed over for prosecution, but more than once such reports were debunked by words from Abuja that Nigeria would release Taylor only to an elected government in Monrovia.

Taylor's assailants want him primarily for his role in the atrocities reportedly committed during the Sierra Leonean decade-long civil war, but now there is more pressure for his extradition inside Liberia and within diplomatic circles because it is believed that he is adversely influencing developments in Liberia's fragile peace process through financial and moral support for surrogate warmonger in Monrovia.

But as The Analyst's Staff Writer reports, the process seemed reversed: instead of remitting funds to Liberia to undermine the peace process, it is now believed that Taylor is rather receiving money from Liberia perhaps to support an armed insurgency.

The December 2004 reports of the UN Panel of Experts report has revealed that it has evidence that former Liberian president Charles Taylor is still receiving money from Liberia.

The reports say even though there has not been any direct evidence suggesting that money, funds, or assets have been diverted to former president Charles Taylor in Nigeria, information received by the UN Panel of experts shows that he is still receiving money from Liberia.

According to the experts using various sources, under condition of anonymity, it appears that "the financing of Charles Taylor is made in cash, using both male and female couriers. The couriers deliver the cash using international flights, but remittance is made via another intermediary in order to avoid a direct route." "In many cases there is no need to transfer any money in cash. The former president of Liberia will contact a 'friend' by phone and instruct him to give the required funds to a third party," the Panel's report said.

Presently, it is difficult to assess which individuals are currently supplying money to Taylor, the report noted.

"The general lack of any type of financial control, and rampant corruption in Liberia, make the diversion of money from any company or individual to Taylor extremely easy," the Panel report said without saying whether or not the money may have come from government coffers.

It however insisted that "Taylor still poses a threat to future stability in Liberia." Taylor - under bloody attacks from two rebel groups battling to overthrow him - accepted a Nigerian offer of asylum in August last year under an agreement designed to restore lasting peace to war-ravaged Liberia., said the report.

Although an arrest warrant was issued in the form of a Red Notice for Taylor's detention by the Special Court of Sierra Leone over one year ago, Taylor remains at large in Nigeria, reportedly living as a guest of honor in the Nigerian city of Calabar.

"This raises questions about the efficacy of the application of the rule of law at the international level, particularly as Nigeria is a member of the United Nations and the International Police Organization," the report contended further.

Observers say while reports of the remittance of funds to Taylor from Liberia instead of the other way around are difficult to dismiss outright, there are rings of truth to them if recent reports of Taylor's bankruptcy are anything to go by.

They say the truth cannot be any farther away mainly when such reports are added to the fact that Taylor is covertly connected with several businesses in Monrovia, being the sole shareholder in some, and that the travel ban and financial freeze on some of his prime confidants and confidantes is still loosely applied and leaky, Says the Panel's report, "Rumors abound in Liberia that other named persons like Jewel Howard Taylor are disposing of their properties. It was published in the local press that she sold two generators recently for US$38,000 to a Lebanese businessman and the transaction was conducted in cash." Thus far, according to the Panel's report, only Germany, United Kingdom, and the United States of America have frozen the assets of some of those listed on the asset freeze list.

Those reportedly affected include foreign businessman Leonid Minin of the Exotic Timber Company; Agnes Reeves-Taylor, former wife of exiled former president Charles Taylor, and former Maritime commissioner Benoni Urey.

No assets of any of the targeted persons are known to have been frozen in Liberia pursuant to resolution 1532 (2004) despite huge assets rumored to be held by each of these individuals.

The Panel recommends that adequate international pressure be brought upon the New Transitional Government of Liberia for prompt implementation of the financial sanctions. It also suggests that necessary legal assistance should be provided to the NTGL on a priority basis for implementation of the financial sanctions within the territory of Liberia.

The Panel analyzed the movements of persons at Roberts International Airport for the period 1 June-5 November 2004. None of the persons mentioned on the travel-ban list, except Mohamed Salame, seen on 8th of August 2004 on his way to Abidjan, was on the airport's departure manifests.

In that regard, the Panel was informed that the Liberian immigration authorities are vigilant and are assisted by UNMIL, which has established a CIVPOL unit at the airport itself. However, several sources have informed the Panel that some of the persons on the travel ban regularly visit their mentor in Nigeria - which suggests that other subterfuges are also used.

The Panel raised the issue of the travel ban in its meeting with Mr. Abraham B. Mitchell, the Liberian official responsible for border-surveillance matters.

He noted that two incidents had been reported to him. First, the case of Mrs. Jewel Taylor, wife of Charles Taylor, who had been arrested at RIA when she arrived from Nigeria. The second case concerned Mr.

Momo Gibba, who had tried to outwit the police by trying to pass himself off as Mo Jones before being stopped by Liberian immigration authorities.

Money transfer to Taylor may be a long way off from ascertaining, but analysts say where there is smoke, there is bound to be fire and that the NTGL and UNMIL have no option but to verify these reports and move quickly to stop it.

They say the parallel between remittance of funds and the purchase of arms for destabilization purposes is always natural and that Taylor is no stranger to such deals.

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The Advertiser

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Girl's age a key in sex case

By Keith Moor
20dec04

VICTORIA Police Superintendent Peter Halloran may get off the main sex charges against him on a technicality.

Supt Halloran's High Court trial resumes in West Africa today.

His lawyer intends asking the judge for an acquittal on the grounds there is no case to answer.

Two of the three charges against him are legitimate only if the alleged victim is aged under 14.

But Supt Halloran's defence team has tracked down the alleged victim's father, who can testify she was actually two months short of her 15th birthday at the time of the alleged offences in May this year.

The only charge of Supt Halloran's that does not depend on the girl being under 14 is that of procuring the alleged victim with the intention of having an "unlawful carnal connection" with her.

Victorian private detective Tim Carrodus, who travelled to Sierra Leone to investigate the case, said Supt Halloran, 56, was hoping not to need to use the age technicality in his defence. "Peter doesn't want to be cleared on a technicality surrounding the girl's age," Mr Carrodus said.

"He wants to be cleared because of the complete lack of evidence against him. His lawyer will argue for the judge to rule there is no case to answer and hopefully the judge will agree," he said.

"But if the judge insists on the case proceeding, then Peter has this technicality of the girl's age to fall back on. He would be silly not to use all legal means available.

"If that means getting off because the charges were not worded correctly in the first place, then so be it. That is obviously preferable to being thrown in jail for something he didn't do."

The star witness in the case against Supt Halloran - former Tasmanian police officer Mandy Cordwell - was effectively sacked last week.

She and Supt Halloran worked as war crimes investigators with the UN-backed Special Court in Sierra Leone.

Ms Cordwell, 37, was suspended on full pay last month, pending the results of an inquiry to find whether she was the source of corruption allegations made to the Herald Sun about her boss, Special Court registrar Robin Vincent.

The *Herald Sun* was interviewed by a Special Court investigator, but refused to identify the source of the allegations.

Ms Cordwell was last week suspended for four months without pay, which will take her up to the end of her contract.

It is believed her contract will not be renewed.

"She was suspended for allegedly speaking to the press, which is a violation of the Special Court's staff code of conduct," Special Court spokesman Peter Andersen said.

"Her suspension is unrelated to anything she may have said to the press," he said.

Mr Robin Vincent has denied the allegations against him.

Ms Cordwell refused to comment to the *Herald Sun*, saying the Special Court ordered her not to.

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Liberian war rapists must be brought to justice

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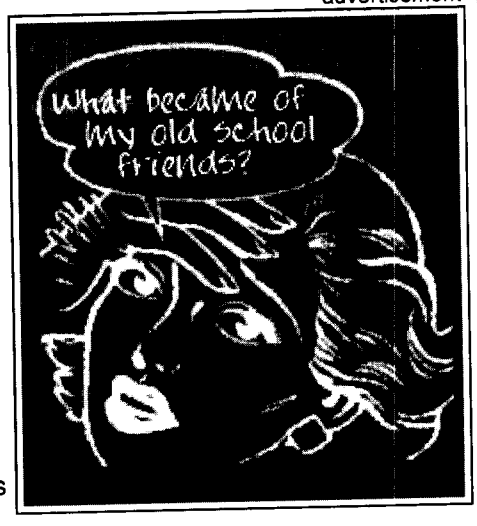

More than a year after the curtain fell on Liberia's 14-year conflict, no one has been prosecuted for the many wartime cases of rape and sexual abuse, said Amnesty International, calling on the government and the international community to swiftly bring the criminals to justice and provide more help for the victims.

"Despite the prevalence of sexual violence during the conflict, not only has no-one been prosecuted but it also remains unclear if, how and when those responsible will ever face justice," the human rights group said in a recently-published report.

"Lasting peace will not be achieved in Liberia unless those responsible for crimes under international law are held criminally responsible, truth is established and victims obtain full reparations."

Amnesty quoted preliminary figures from the United Nations Development Programme (UNDP) which indicated that about two out of three Liberians had suffered some form of sexual violence during the conflict.

The attacks included rape, gang-rape, the insertion of foreign objects and being stripped and put on public display, and although women and girls had borne the brunt of the combatants' attacks, men and boys were also victims.

UNDP began its three-month sexual violence study, based on a random sampling of 4 000 people, in March. A UNDP spokesman in Liberia said the final results had not yet been released.

In its report, Amnesty found victims of sexual violence across the West African nation. It said sexual crimes had been carried out by combatants from all three armed factions -- fighters loyal to former president Charles Taylor, members of Liberians United for Reconciliation and Democracy, and combatants belonging to the Movement for Democracy in Liberia.

"I was pregnant and running away," one 29-year-old woman told Amnesty

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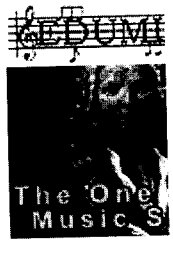

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representatives. "Three government soldiers caught me and raped me. They beat me and my unborn baby died."

Bringing the perpetrators to justice will be difficult in a country where most courts no longer function and much of the infrastructure has been destroyed or looted, Amnesty noted.

It said that one example for Liberia to follow might be found in neighbouring Sierra Leone, which suffered its own brutal decade-long war, and has since set up a UN-backed Special Court to try those who bear the greatest responsibility for crimes against humanity, including rape and sexual slavery.

Amnesty said Liberia's interim government, which took over after an August 2003 peace deal and will shepherd the nation to elections in October 2005, must come up with a clear policy to deal with those who had raped and sexually abused their countrymen.

And the UN, international donors and the World Bank should provide sufficient funds to help Liberia develop an effective justice system, it said.

The human rights group said sending a clear signal would prevent further crimes being committed and warned that women remained at risk, particularly in camps for Liberians who had been forced to flee their homes during the conflict and who had still not returned.

As far as helping the victims of the wartime assaults, equally big hurdles remain.

"Two men raped me. I am bleeding all the time. I haven't been to hospital. There is no medical care," a 35-year-old woman from the western county, Bomi, told Amnesty representatives.

Earlier this year the UN and Liberia's interim government estimated that less than 10% of the three million people living in this heavily-forested nation had access to any kind of healthcare. And Amnesty said not much had changed.

"The provision of health facilities including hospitals ... is among the worst in the world," The report said, again urging donors to deliver funds they had promised in February so that the country could get back on its feet. -- Irin

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For di PEOPLE

MON DEC 20, 2004 INDEPENDENT NEWSPAPER LE 500

Treason Trial! JUDGEMENT DAY TODAY

by ALPHA B KAMARA

JUSTICE AB Raschid of High Court No 1, Thursday announced to the court that the final verdict in the ongoing Treason Trial of Lance Corporal Daniel Sandy and 15 others will be delivered on Monday 20 December this year.

Justice Raschid's pronouncement came after the foreman for the Jurors, Santigie Kargbo, affirmed that they've unanimously agreed for the judgement to be delivered on the said date.

The Jurors affirmed their preparedness following a question posed to them by Justice Raschid as to whether they are ready for a verdict to be given at an earlier date or not.

"Mr Foreman and members of the jury, you've listened carefully to the evidence of the prosecution. You have also read the voluntary statements and charge sheet of each accused person.

"It is for you to accept the evidence of the prosecution if you believe it. But you must look at the totality of the evidence and you must also consider the statements of the accused persons before giving a verdict," Justice Raschid admonished.

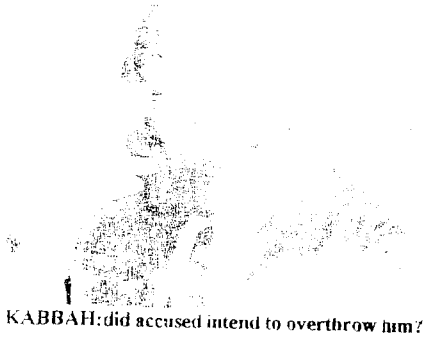
He further stated that in the event the Jury has any reasonable doubt about the evidence of the [illegible] doubt, [illegible] favour of the accused, and that they must return a verdict of not guilty.

"On the other hand, if there is no doubt, and you found that the prosecution presented their case as adduced by the evidence, then you must return a verdict of guilty," Justice Raschid said.

The judge reminded the court that the accused were standing trial for treason after they were alleged to have attacked the ATC Military Depot at Wellington with intent to procure arms and ammunition to overthrow a legitimate government. "You are duty bound to consider the defence of each accused person, and it is the prosecution that has to prove its case beyond all reasonable doubt. You are here to do justice and to return a true verdict," he said.

The 16 accused persons are as follows: Lance Corporal Daniel Sandy (Hard Guy), Issa Kanu, Captain Hindolo Trye, Alhajie Kamanda (Gun Boat), Abdulai Turay alias Master Sergeant, Richard Sellu Sankarie (Very Fast), Alhaji Mohamed Kondeh, Lamin Kamara, Mohamed Jabbie, Alusine Kamara, Alhaji Kargbo, Ibrahim Koroma, Kai Mattia, Abdul Paul Yamba Sesay and Mohamed Kamara (Gbamaloko).

Eighth accused, Santigie Kanu alias 55 will not be present during the final verdict as he is presently being prosecuted by the Special Court for alleged crimes against humanity.



KABBAH: did accused intend to overthrow him?

INTERNATIONAL
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Violence against women: The unacknowledged casualties of war

Irene Khan International Herald Tribune
Saturday, December 18, 2004

LONDON Fifteen-year-old Z. sat with her back to me, too ashamed and embarrassed to face me, as she told her story. She and three other girls had been collecting firewood outside their village in western Darfur when they were attacked by armed men belonging to the government-supported militia. She was gang-raped and became pregnant. Recently married, she is terrified that she will be abandoned by her husband and ostracized by her community when they find out.

Z. is just one of many thousands of women and girls who have been raped and sexually abused in the embattled Darfur region of Sudan. And Darfur is by no means unique. Hundreds of thousands of women have suffered the same fate in conflicts around the world. From Congo to Colombia, from Sierra Leone to the Solomon Islands, rape and sexual violence have become weapons of modern warfare.

Throughout history, women's bodies have been considered the legitimate booty of victorious armies. Custom, culture and religion built an image of women as bearing the "honor" of their communities, so that destroying a woman's physical integrity became a means by which to terrorize, demean and "defeat" entire populations, as well as to punish, intimidate and humiliate women.

In the former Yugoslavia, mass rape was used to drive entire communities from their homes. In Rwanda, rape and sexual violence became tools for genocide. In Afghanistan, abductions, forced marriages and violence against women and girls are used daily by warring sides. The fact that South Korean "comfort women" are still awaiting an apology from the Japanese government for being forced to provide sexual services to Japanese troops during World War II is just one example of the ease with which the world turns a blind eye to female victims of war.

Patterns of violence against women in conflict do not arise "naturally" and are not collateral damage of war. They are ordered, condoned or tolerated by those in power. They persist because those who commit them know they can get away unpunished.

Although prohibited under international law, rape and other gender-based violence during armed conflict are rarely prosecuted because securing justice for women through national criminal justice systems is extremely difficult.

The international tribunals for the former Yugoslavia and Rwanda took some bold steps to prosecute perpetrators of rape. The 1998 Rome Statute of the International Criminal Court (ICC) defines a broad spectrum of sexualized violence as crimes against humanity and war crimes. These include rape, sexual slavery, forced pregnancy and sterilization, and gender-based persecution.

International justice is the key to ending impunity. Even though the ICC will only be able to try a limited number of cases, high profile international prosecution could deal a strong blow to the prevailing culture of impunity.

By trying prominent leaders who either encouraged or ignored sexual violence, the ICC will send a message that there is no longer a carte blanche to commit these heinous acts. It will shame states into acknowledging the problem and promoting action through their national courts. Most important, it will give hope to thousands of women.

The ICC prosecutor, Luis Moreno Ocampo, has made a welcome commitment to investigate cases of sexual violence in the Democratic Republic of Congo and Uganda. Next year when prosecutions are expected to begin, many women's groups and human rights organizations will be watching.

To make the international justice system work, governments must take concrete steps to support the ICC, for instance by enacting necessary legislation, assisting the ICC prosecutor in his investigations, sharing evidence with him and providing protection to witnesses.

Sudan is not a party to the Rome Statute of the ICC. However, under the Rome Statute it is possible for the UN Security Council to refer situations to the ICC to investigate and prosecute anywhere in the world, even if the country in which the crimes occurred has not ratified the Rome Statute.

The United States has been vociferous in condemning killings and rape in Sudan, but it has been even more active in undermining the authority and jurisdiction of the ICC, for instance through impunity agreements for its own troops. Enabling the ICC to prosecute the crimes in Darfur could be an opportunity for the U.S. administration to recognize the ICC not as some international conspiracy against its troops and leaders, but as a real tool to promote justice for women who have been the victims of the worst forms of brutality.

Obviously, prosecution by the ICC will not be enough. It must be accompanied by vigorous actions by governments to introduce or strengthen national laws that would allow their domestic courts to exercise universal jurisdiction over rape and sexual violence committed in times of war, so that perpetrators cannot escape justice no matter where and when they committed their crimes.

The mechanisms to tackle violence against women in times of war are there - they must now be used to give justice, hope and protection to young girls like Z.

(Irene Khan is secretary general of Amnesty International.)

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Can This Man Get a Fair Trial?

By Michael P. Scharf

Sunday, December 19, 2004; Page B01

After all that's been said and written about Saddam Hussein and his underlings, is a fair trial even within the realm of possibility?

If I had been asked that question a year ago, when I first learned of the Iraqi Special Tribunal, I would have answered an emphatic "no." In fact, I wrote back then that the tribunal would probably be viewed as a "puppet court of the occupying power." Its statute had been drafted during the occupation by the U.S. government, it was being funded by the United States, and its judges were selected by the U.S.-appointed provisional government and assisted by U.S. advisers. All this on top of the fact that, with or without weapons of mass destruction, Hussein has already been tried and found guilty of atrocities in the international court of public opinion.

But that was before I spent a week in London in October, at the invitation of the Justice Department's Regime Crimes Liaison Office in Baghdad, helping to train the Iraqi Special Tribunal judges soon to be on the world stage. My experience there convinced me that I had been wrong about the tribunal.

In the next few weeks and months, we'll find out for certain. Last week, interim Iraqi Prime Minister Ayad Allawi said that pretrial hearings in the war crimes cases against Hussein's senior aides would commence within days. Yesterday, the tribunal held the first such hearing. Two former officials appeared, including Ali Hassan Majeed, the former general and close Hussein confidant known by the nickname "Chemical Ali."

Last Thursday, Hussein and one of his defense lawyers had their first meeting, which lasted four hours. I don't think Hussein's lawyer was wasting his time. It's not that I believe that Hussein will ever walk free, strolling out of the courtroom cleared of all charges. But he could be found not guilty on some of the alleged crimes. As for the rest, just because acquittal is highly unlikely doesn't mean a trial is unfair. What makes a trial fair are fair procedures, judges who can make fair decisions and what lawyers call "equality of arms," meaning that the caliber of the defense team measures up to the ability of the prosecutors.

What I learned in London from the tribunal judges was that all three of those conditions could be met in Iraq. Now the challenge will be to conduct the proceedings in such a manner that the world believes those conditions are present.

Why did I change my mind? First, I learned that the Iraqis had played a greater role in drafting the Iraqi Special Tribunal (IST) statute than had been generally reported. They had insisted, over initial U.S. objections, on the inclusion of a provision (Article 14) that enables the IST to prosecute Hussein for the crime of aggression, in addition to war crimes, crimes against humanity and genocide. The crime of aggression has not been prosecuted since 1945 in Nuremberg. The United States, which itself has been accused of waging unjustifiably aggressive wars, successfully kept it out of the statutes of the Yugoslav tribunal, the Rwanda tribunal, the Special Court for Sierra Leone and the permanent International Criminal Court. Thus the inclusion of this provision was a signal that the IST procedures were not being dictated word for word by Americans.

Second, in this time of insurgency, the tribunal's judges have risked their lives by accepting their commission, thus demonstrating the sort of courage needed to make fair decisions. Most impressive among those I met was Raed Jouhi al-Saadi, the 35-year-old judge who presided over Hussein's initial appearance before the tribunal in June.

Because of the extensive media coverage of that event, the judge has become perhaps the most recognized face in Iraq, next to that of Hussein's. The judge told me that he was given the option of not having his face shown on camera during the proceedings, but that he did not want the tribunal to be subject to the type of criticism that has been leveled at courts in Peru and Chile where judges wore hoods. He was willing to put his personal safety at risk to show the "face of Iraqi justice" and the tribunal's commitment to fairness. And his example will be followed by the other judges during the actual trials.

True, the judges lack experience in high-profile cases; the individuals who served as senior judges in the old regime were excluded from this job because they would have been viewed as corrupted or tainted. But there were plenty of experienced criminal judges at the lower levels of the Iraqi judiciary to choose from. While they have never dealt with war crimes or crimes against humanity, the same was true of the judges who were selected to serve on the international war crimes tribunals in The Hague, Arusha, Tanzania; and Freetown, Sierra Leone. Even distinguished international jurists had to undergo training to learn about this highly specialized field of law before they were ready to preside. In London, we did sessions about the laws regarding genocide, crimes against humanity, the crime of aggression, plea bargaining, self-representation and command responsibility.

The appearance of fairness is also important, and on that, the tribunal starts with several counts against it. It lacks the imprimatur of the international community. U.N. Secretary General Kofi Annan, citing concerns about the fairness of the IST procedures and his opposition to the death penalty, forbade the judges of the Yugoslav tribunal from participating on a panel scheduled for the final day of the training conference in London.

The evidence suggests, however, that Annan's actions reflect his desire to make a statement opposing the U.S. invasion of Iraq rather than actual concern about due process. The IST's rules of procedure, which detail the due process rights of the defendants -- including a ban on the use of testimony derived from torture -- were still being developed at the time. As for the death penalty, this was not something that the United States had insisted on, but rather something that all of the tribunal judges agreed was a necessary option, at least for defendants who might be convicted of genocide. Many of the Yugoslav tribunal judges, who had agreed to participate in the training conference before Annan intervened, were themselves opponents of capital punishment, but they decided, as I did, that it was better to help the Iraqi tribunal be as effective and fair as possible than sit on the sidelines hurling criticisms.

As for the third ingredient, the quality of the defense, it is too early to say. On a radio show I took part in recently, a defense lawyer for former Deputy Prime Minister Tariq Aziz complained about being unable to see his client. But he conceded that he had last tried a year and a half ago -- six months before the Iraqi Special Tribunal statute was even promulgated and a procedure set up for the registration of defense counsel. So, it's up to the defense lawyers to register with the tribunal rather than simply challenge its legitimacy. If they don't, the IST plans to appoint defense counsel from the ranks of distinguished Iraqi lawyers.

It has taken more than a year to get to this point, too long in the eyes of some. Yet the actual trials could not begin until after the elections in January 2005, so as not to give the defendants an argument that the tribunal was created in violation of the Geneva Conventions, which prohibit an occupying power from establishing special tribunals. In addition, the rules of procedure needed to be completed, evidence remains to be collected and processed and defense counsel needs to be given a full opportunity to prepare its cases. So far, the pace of setting up the Iraqi tribunal is no slower than that of other war crimes tribunals or of U.S. prosecutions of mob bosses, drug kingpins or terrorists.

While there is a mountain of evidence of atrocities committed by Hussein's regime, the Iraqi judges acknowledged in London that convicting Hussein of some crimes could be difficult. The defense might argue that the prosecution can't prove that Hussein had the intent to commit certain crimes or a clear, direct connection with those crimes. Even with regard to the massacres of Kurds or the Shiite famine that resulted from the draining of the southern marshes, Hussein's defense lawyers might argue that his intent was to suppress an insurrection or flush out insurgents, not to destroy a people. If the evidence bears this out, Hussein might still be convicted of a war crime, but not the more severe charge of genocide. Without much documentary evidence of Hussein's intentions, his subordinates' testimony will be critical.

If charged with the crime of aggression, Hussein might argue the *"tu quoque,"* or "you too," defense, as Germany's Grand Admiral Karl Doenitz did at Nuremberg. Doenitz was accused of waging unrestricted submarine warfare in the Atlantic. His lawyer procured an affidavit from U.S. Admiral Chester Nimitz, who said he had done the exact same thing in the Pacific. In light of this, the Nuremberg tribunal acquitted Doenitz on the ground that the international law outlawing unrestricted submarine warfare was not well enough settled to convict. To make the same point, Hussein may try to cite the international debate over the legality of the U.S. invasion and the continuing inability of the international community to agree on a definition of aggression for use by the permanent International Criminal Court.

In the end, as with the Nuremberg trial 60 years ago, if overwhelming evidence is presented against Saddam Hussein and his lieutenants, it will go a long way to making moot any claims that they did not receive fair trials. The tribunal judges are keenly aware of this and understand that, despite Prime Minister Allawi's desires to speed up the process, there can be no rush to judgment.

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Tapes reveal grisly threats of Saddam's henchman

Chemical Ali vowed to bulldoze Kurds into mass graves, hearing told

Colin Freeman
The Sunday Telegraph; with files from The Associated Press

December 19, 2004

BAGHDAD -- Gruesome tapes of Saddam Hussein's most feared henchman threatening to cut up his thousands of victims "like cucumbers" have been disclosed as Iraqi war-crimes judges began court proceedings against him Saturday.

Ali Hassan al-Majid, Saddam's cousin and the man nicknamed Chemical Ali for allegedly gassing up to 5,000 Kurds, is also heard vowing to swamp Kurdish villages with clouds of poison for up to 15 days as part of his brutal campaign of suppression in the late 1980s.

In chilling words that foreshadow the mass graves that now litter the country, he warns that the body count will be so great that Iraqi forces will have to "bury them with bulldozers."

Al-Majid and Sultan Hashim Ahmad, Saddam's last defence chief, were the first of the 11 jailed top figures, including Saddam, facing trial for crimes during the regime's three decades in power.

The two were questioned by a panel of investigative judges in a hearing attended by their lawyers, said Raad al-Juhyi, the head of the panel.

Interim Iraqi Prime Minister Ayad Allawi said earlier this week that detained leaders of Saddam's toppled regime would start appearing before court in the coming week -- in a bid to press ahead with the trials ahead of crucial national elections set for Jan. 30.

CREDIT: Associated Press
In this image released by the Iraqi Special Tribunal, Ali Hassan al-Majid sits prior to his preliminary investigative hearing Saturday.

Al-Juhyi did not specify what charges al-Majid faces, but the former general is accused of ordering the 1988 Halabja chemical weapons attacks that killed thousands of Kurds, directing the 1990 invasion of Kuwait and suppressing a 1991 Shiite uprising in southern Iraq.

Ahmad surrendered to U.S. forces in September 2003 at a coalition military base in Mosul, but was not considered to be a war crimes suspect; many had expected he would be freed after questioning.

Al-Majid, who was number two in the Deck of 55 most-wanted list, was the first to appear before the panel of investigative judges, who are sitting in private.

The full transcripts of al-Majid's bloodcurdling speeches, which did not form part of Saturday's court grilling, have been revealed by the international campaign group Human Rights Watch, to demonstrate the scale and brutality of the crimes that the court will be asked to assess.

On the tapes, al-Majid talks of demolishing swaths of Kurdish-dominated northern Iraq to crush their attempts at rebellion against Saddam's rule.

Al-Majid, then the secretary-general of the Ba'ath Party's northern bureau, can be heard ordering officials

and army chiefs to carry out savage reprisals against any areas that try to resist.

"As soon as we complete the deportations we will start attacking them everywhere according to a systematic military plan," he says. "I will not attack them with chemicals just one day but I will continue to attack them with chemicals for 15 days."

Al-Majid even criticizes his master for being too lenient when he orders that the families of Kurdish resistance leaders should not be harmed.

"A message reaches me from that great man, the father [Saddam], saying 'Take good care of the families of the saboteurs.' Take good care of them? No, I will bury them with bulldozers."

He also orders that millions of leaflets be distributed throughout the north warning the Kurds to leave, although he asks that the leaflets bear the stamp of the local Ba'ath Party rather than Saddam.

That may help Saddam to argue when he faces trial that he did not authorize the campaign, despite the widespread belief that his enforcers did little without his approval.

Officials have not said when Saddam will appear before the investigative panel for questioning.

Al-Majid, who describes the Kurds variously as "dogs" and "goats," also boasts of razing their houses and placing them in collectivised compounds "without any compensation." Anybody who refuses to live in the ghettoes, he adds, should be rounded up by Ba'ath Party commanders to face his wrath.

"Immediately I will say, 'Blow him away, cut him open like a cucumber.' "

The tapes were seized from Iraqi government offices and al-Majid's Kirkuk villa during the failed Kurdish uprising in 1991.

Professor Michael Scharf, an American war-crimes law specialist who has been training members of the tribunal, said that the recordings could provide key evidence alongside witness testimony and material taken from mass graves.

"It certainly seems to be pretty strong stuff," said Scharf.

"If the evidence against these people is really overwhelming, the future trials may be like those at Nuremberg -- all the talk that this is a show trial will stop when people see the documents for themselves."

Many Iraqis -- particularly among the Shiite majority -- have been eager to see the prosecution of those from the ousted regime begin. The trials and elections come amid persistent violence by insurgents, including suspected former Saddam followers, that has raised concern over the success of the vote.

The insurgency appears to be consolidating in northern Iraq following intensive U.S.-led military operations in central and western Iraq aimed at uprooting militants, comprising mainly Islamic extremists and Saddam loyalists.

On Saturday, mortars fired by insurgents landed near a centre for Iraqis to register to vote in the town of Dujail, 80 kilometres north of the capital, killing one civilian and wounding eight others.

Gunmen killed two men, apparently Iraqis, in execution-style slayings in the northern town of Beiji, police Capt. Hakim Ali said Saturday.

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Judges question Saddam deputies

TWO TOP AIDES INTERROGATED IN FIRST PHASE OF TRIBUNALS

By Hannah Allam
Knight Ridder

BAGHDAD, Iraq - Iraqi judges questioned two top members of Saddam Hussein's former government Saturday in the opening phase of trials on massacres, forced migrations and other atrocities that occurred under the dictatorship.

Meanwhile, insurgents fired mortars at an elections center north of the capital and shot to death the daughter an son-in-law of former Iraqi President Abdul Salam Aref at their home in Baghdad, according to Iraqi authorities. Attacks in the northern town of Beiji also wounded four American contractors in a roadside bombing, the U.S. military announced.

The notorious Gen. Ali Hassan al-Majid, better known as ``Chemical Ali'' for his gassing of Kurds in the 1980s, a Saddam's former defense minister, Sultan Hashim Ahmad, answered questions in Baghdad on Saturday before panel of investigative judges, said Raad al-Juhyi, the chief investigative judge. A special tribunal is presiding ove the cases of Saddam and 11 of his top cronies on charges of war crimes and crimes against humanity.

Interim Iraqi Prime Minister Ayad Allawi's administration had eagerly announced the hearings last week as the beginning of ``trials'' -- a statement critics said was exaggerated to bolster Allawi's campaign for the Jan. 30 parliamentary elections. Judges and attorneys quickly clarified that the cases are only in the investigative stage, which could take months to conclude.

``If the investigative process is done quickly, there will be many mistakes,'' Juhyi said at a news conference. ``Now, we are living in a new Iraq. We should establish legal justice. We should establish a state of law.''

Majid appeared haggard and used a cane to walk, according to video footage released from the proceedings. Ahmad looked at the ground as he was escorted by police officers on either side. Both men wore gray suits and white shirts without ties, the first images of them made public since all 12 defendants were arraigned in July.

Reporters were not allowed at the event. Juhyi said attorneys for both defendants were present.

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Juhyi said the accused face charges of participating in Saddam's Anfal campaign, which killed or expelled thousands of Kurds in a scheme to change the ethnic makeup of northern lands. Other charges are related to th Halabjah chemical-weapons attack that Majid allegedly ordered in 1988, the bloody crushing of a 1991 Shiite Muslim uprising in the south, and the executions of opposition figures since 1968.

Ahmad, former defense minister, surrendered to U.S. forces in September 2003 at a U.S. military base in Mosul but was not considered to be a war-crimes suspect. Interim Iraqi Deputy Prime Minister Barham Saleh told Arab language television channels that Ahmad's testimony was mainly to build the case against Majid.

The grisly findings from mass graves and autopsies taken from recently exhumed bodies of political victims are among the evidence used in court. Hundreds of witnesses have given testimony, Juhyi said.

Though Juhyi insisted that the sudden announcement of the hearings six weeks before elections was coincident attorneys for the defendants said they were skeptical.

``It's just publicity for the elections," Ziad al-Khasauna, a Jordan-based member of the former government's defense team, told Al-Arabiya TV channel Saturday.

Other human rights attorneys in Baghdad said Iraqis want to see their former oppressors on trial -- the sooner, t better.

``The violence we have is still financed and organized by Saddam's followers, who still believe he'll come back t power someday," said Shatha al-Qureishi, who handles cases of abused detainees. ``I don't see any relationshi between the investigations and the elections. There are a lot of parties in the field, not just Ayad Allawi, and all c them wanted the trials to be done a long time ago."

Mortars fired by insurgents Saturday landed near a voter-registration center in the town of Dujail, 50 miles north the capital. One Iraqi was killed and eight wounded in the attack, according to the U.S. military. Gunmen opene fire on another election center near the northern city of Kirkuk on Friday evening, according to police. No one wa killed.

Knight Ridder special correspondent Yasser Salihee contributed to this report.

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UN's push against Al-Qaida yields results but States need more aid – diplomat

17 December 2004 – The Chairman of a United Nations Security Council committee monitoring international sanctions against the Taliban and Al-Qaida today reported that progress is being made against those groups, but stressed that all countries must be given the necessary resources to participate in this effort.

Ambassador Heraldo Muñoz of Chile, the outgoing Chairman of the committee, based his conclusions on his extensive investigations, including visits to the Philippines, Cambodia, Thailand, Australia, Libya, Iran and Switzerland.

During these trips, he said, it became evident that the international community is dedicated to enforcing the sanctions, although in practice results have been uneven. Some of the countries clearly needed further assistance from the international community, he said, pledging to raise awareness of the need.

A constantly evolving list of Al-Qaida and Taliban operatives maintained by the Committee has served as the basis for numerous arrests in various States as well as actions to stem the flow of money to terrorists.

He said Iran had frozen considerable assets in four separate accounts of an individual on the list, namely, Gulbuddin Hekmatyar, and had apprehended a number of Al-Qaida operatives.

Some countries, especially in Africa, the Middle East and South Asia, had expressed frustration with what they saw as Western double standards in the fight against terrorism, Ambassador Muñoz said, adding that regardless of whether those perceptions were valid, they must be taken into account.

Member States must not feel that there was a group of States that were designing sanctions and monitoring their implementation, but that all States were an integral part of counter-terrorist strategies, policies and implementation efforts, he stressed. Only then could the most challenging battle of the current time be won for the benefit of each State and individual on the planet, and guarantee their right to live free from fear of terrorist attacks.