

**SPECIAL COURT FOR SIERRA LEONE  
PRESS AND PUBLIC AFFAIRS OFFICE**



**PRESS CLIPPINGS**

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

Monday, 21 August 2006

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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New Storm  
Monday, 21 August 2006

# Prisons Department Investigates Special Court Trafficker

*BY ALLIEUV. KAISAMBA*

Sergeant Jusu a Prison Officer, who upon realizing the unearthing of his trafficking network at the Special Court has disappeared and is presently being investigated and hunted by the Criminal Investigations Department, CID. A Tribunal has been set by the Prisons Department headed by Superintendent E.O Finnay to investigate the alleged trafficking of locally brewed gin (pega-paga) to RUF detainees at Special Court Prison. Jusu now on the run, was said to have been engaged in his illegal trade since his deployment at the Special Court, which was several months ago.

In an interview with Chief Superintendent Sam Kamara, to comment on the issue, he confirmed the involvement of his personnel in such dubious activities. He added that the Sergeant has already taken a plea of guilty before the tribunal but has not turned up for the trial. He assured the nation of the Prisons Department's commitment to do everything possible to bring the Sergeant to book. CONTINUED PAGE

# Prisons Department Investigates Special Court Trafficker

*FROM PAGE 1*

In another development, Chief Superintendent Kamara also refuted allegations that his Director of Prisons Mr. F.S. Conteh is deeply engaged in corruption and using political influence to stay in office. The director is above corruption and whosoever that is doing that is an ill motivated Sierra Leonean, the Chief retorted.

The Director is said to have been receiving stipends from officers deployed at Special Court and sometimes intervened to halt the changing of his blue-eyed boys at the Court.

Chief Bilo also refuted several other allegations

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For di People  
Monday, 21 August 2006

## Special Court Orders Refile Witness List

**THE TRIAL judge of the Special court in the Sam Hinga Norman trial Justice Boute has told counsel for Fofana to refile witness list within three weeks.**

by

**SU THORONKA**

This includes the names of the additional seven witnesses, a descriptive summary of their proposed testimony, point of indictment to which they will testify and estimated length of time and the language of the testimony. It will include also the identifying information for witnesses i.e. family name, first name and nick names giving full particulars of witness including current address.

Counsel shall as soon as possible file a list containing the order of their witnesses appearance for

the eight trial session. Also disclosure to the prosecution and file with the court witness statements of those witnesses whom the second accused does not intend to call to give oral testimony. That the prosecution had five days to file their objectives if any and fourteen days to file a notice indicating whether they accept the expert report or wish to cross-examine Dr Daniel Hoftman.

He ordered that counsel for Kondewa remove Momoh Bockarie Moiwo and Joe Kpana Lewis from the Kondewa witness list of the 8 of May 2006. The judge also ordered that coun-

sel for Kondewa file a list containing the order of their witnesses appearance including references to the exhibits. That counsel should also endeavour to disclose to the prosecution and file with the court witness statements of those whom the third accused does not intend to call to give oral testimony.

That counsel for Fofana and counsel for Kondewa should

ensure at all times the availability of at least two stand by witnesses in court to testify in order to avoid any possible delays. The judge also ordered that counsel for Fofana and counsel for Kondewa should endeavour to submit any documents as soon as possible or at least fifteen days prior to the anticipated closing of their respective defence cases.

## The OSWALD HANCILES Column TEJAN KABBABH UNLIKE TAYLOR

President Tejan Kabbah of Sierra Leone, and ex-President Charles Taylor of Liberia both leaders of neighbouring states with similar history, same people, same tropical rainforest environment, same convoluted recent history, have nonetheless, made almost diametrically different history. What can Sierra Leoneans learn from the history of these two men?

Both Taylor and Kabbah sprouted as a result of "failed states". By 1989 when Charles Taylor launched his war from Nimba County in Northern Liberia and 1991 when Foday Sankoh and his RUF invaded Sierra Leone from Liberia, both Sierra Leone and Liberia were essentially "C-I-C" (Commander-In-Chief of Samuel Kayon Doe, rigged the 1985 elections, and declared himself "the democratically elected" leader of Liberia. Liberians acquiesced to the Doe presidency; and with only muted protests with the Ronald Reagan-tinted Cold War goggles – even the United States accepted the brazen stealing of elections which Doe had done – giving legitimacy to the Doe presidency.

President Doe was a terrorist president who terrorized nearly all internal opposition, forcing them into exile. It was Charles Taylor who punctured the Doe's democratic lie. Taylor made history by becoming the first "rebel leader" in West Africa to invade a country from its distant borders, snowballing his rebel force, until he reached the capital city – the first "civilian" rebel leader to call the bluff of a military man, "five star general" Doe and forcing Doe from power. Taylor proved that indeed soldier-presidents do not have monopoly over the mechanics of violence. Taylor became the first rebel leader to do ferocious battle with soldiers from Nigeria who were better schooled military officers. Taylor held his own against the military might of Nigeria, and eventually Taylor manipulated the Nigerians, and psychologically coerced the majority of Liberians to effect him "democratically" as "President". Taylor, who was by 1989 a political nonentity, became the first rebel leader in West Africa to be elected President. Taylor made history again by being the first West African president who escalated what the APC's Siaka Stevens did in Sierra Leone – making the failed state of

Liberia his private property. Taylor continued to make history as the first sitting president to be indicted by the first ever international-sanctioned "Special Court" for "War Crimes". Even with rebels knocking on his capital city door steps crying for his blood. Taylor made history by bowing out "constitutionally" with dignity, and panache...

Would Liberia's history have been different if the Nigerian ECOMOG commanders had not caved in to Charles Taylor's wile and guile, and possibly Taylor's former United States Jimmy Carter had not been conned into accepting the 'terrorist-democracy' elections that elected Charles Taylor; though Taylor was an escapee from United States justice, who should never have been granted diplomatic legitimacy by such high level American statesman? Would Liberia's history have been different if President Amos Sawyer – who headed an "interim government" in Liberia between 1990 and 1994 – had been politically savvy enough to outwit the marauding rebel forces of Charles Taylor? Would Liberia's history have been different if Alhaji Tejan Kabbah had not been elected President of the Republic of Sierra Leone in 1996, allowing Taylor to control part of Sierra Leone's diamond-rich lands – through the RUF for nearly two years in 1999/2000? What would have been Sierra Leone's history if Tejan Kabbah had not been elected president? Another Liberia? Kabbah was a political nonentity by 1996. Yet, he has made history in his own way. Whereas Charles Taylor created his NPFL rebels force, hatched his NPF political party, fighting ferociously every inch of the way to earn his presidency; Kabbah was begged to put on the presidential mantle by the half a century-old SLPP. Whereas Charles Taylor was hyper-vigilant with security, Kabbah had been comparatively lax with power losing it twice. That reminds me of an article written in 1996 by veteran Editor George Khoyama in The New Sierra Leonean newspaper: "Power is like a man holding an egg. If the man holds the egg too tightly, the egg would get crushed in the man's hand; if the man holds the egg carelessly, the egg would fall down and get broken." Kabbah held his 'power-egg' carelessly in 1997 – it dropped; Taylor held his 'power-egg' tightly in his hand in 2003. Kabbah has learned

the power game': Taylor failed to learn. Therefore it appears that Taylor knew how to handle power better than Kabbah. Taylor has lost his power. Kabbah has power in his firm grips."

In his own way, Kabbah, no matter what his faults are has built up TRUST among his opposition (even enemies) so that all in opposition do not feel threatened enough to flee into exile. No torture in Kabbah's country. No secret killings in 'Kabbah-country'. Where Kabbah's 'Godliness' would evoke trust among the international community so much that he could boast of "the largest ever United Nations Peace Keeping force in his country"; Whereas the Liberian economy under Charles Taylor was in complete shambles, Kabbah can brag of single unit inflation for six years of his government. No intention to rub 'oree' on the 'skinhead' of President Kabbah, rather, to speak the truth about him (which includes, Kabbah never won the peace we are living in; the peace happened on "Kabbah's watch"; and to challenge Kabbah to continue making more positive history, let Kabbah make "bigger history" by having the courage to fight corruption. Let Kabbah surround himself with deep-thinking people who would understand the dynamics of corruption, and be resolute about fighting corruption. Real big time corruption is being perpetuated by the cream of the educated and power elite. 'Given the legacy of 'slave' salaries and perks in the system bequeathed by the departing colonialist, corruption is the evitable if a senior government official is not to live like a "middle class pauper". Kabbah has set into motion several "governance reform" programmes. The cauldron of corruption is being fuelled by the reality that productivity in government service is not rewarded, indeed, not even recognised. Even as we pay lip service to Kabbah-created-institutions like the Anti-Corruption Commission, Kabbah must become forcefully aware that one of the main issues in the battle against corruption is rewarding productivity and punishing mediocrity and sheer laziness. Presently, Kabbah is soft on corruption. The ordinary Sierra Leonean would make history too by realizing that we are not just a cork on a wide ocean of history-each single individual helps to make the history of the Charles Taylor or Tejan Kabbahs.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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## **UNMIL Public Information Office Media Summary 19 August 2006**

*[The media summaries and press clips do not necessarily represent the views of UNMIL.]*

### **International Clips on Liberia**

08/19/2006 08:09:29

#### **Liberia to set up anti-corruption agency**

Monrovia\_(dpa) \_ In a demonstration of her desire to fight corruption Liberian President Ellen Johnson Sirleaf has endorsed the setting up of an anti-corruption agency in the war-battered African country, reports said Saturday. The decision to set up the agency was reached late Friday during a cabinet meeting. The agency will have "investigative and prosecutorial powers," reports said. The Liberian president has directed Good Governance Commission Chairman, former president Dr. Amos Sawyer, to draft the legislation to set up the agency. Despite Sirleaf's declaration that corruption is her number one enemy during her inauguration last January and the inclusion of the internationally supported Governance and Economic Management Assistance Programme (GEMAP) in her government, corruption has continued to flourish in certain quarters.

### **International Clips on West Africa**

#### **COTE D IVOIRE: Rebels, opposition slam Gbagbo**

**[This report does not necessarily reflect the views of the United Nations]**

BOUAKE, 18 Aug 2006 (IRIN) - Leaders of Cote d'Ivoire's main opposition parties and the rebel New Forces movement have issued a joint statement slamming President Laurent Gbagbo for hindering efforts to keep the war-divided country's peace process on track. The groups met in the central town of Daoukro to discuss a speech by Gbagbo earlier this month in which he said he would remain in office beyond his mandate if peace-sealing elections failed to take place as scheduled on 31 October. Cote d'Ivoire has been divided between a rebel north and government-controlled south for almost four years.

### **Local Media – Radio Veritas** *(News monitored yesterday at 6:45 pm)*

#### **Supreme Court Quashes Injunction on Associate Justice-Designate**

- In its ruling into cases heard during the March Term of court yesterday, the Supreme Court quashed an injunction filed by a coalition of human rights activists against the commissioning of Cllr. Kabineh Ja'neh as Associate Justice of the Court for failing to prove that Ja'neh possessed appalling human rights record to sit on the Court's Bench. The groups had alleged that the House of Senate violated its own standing rules by confirming Cllr. Ja'neh. The Court ruled into 13 other cases.

*(Also reported on ELBS and Star Radio)*

### **Suspended Deputy SSS Director Calls for Speedy Probe into Shooting Incident**

- Suspended Special Security Service (SSS) Deputy Director Ashford Peal, briefing journalists in Monrovia yesterday, called for speedy investigation into the shooting incident early this month because the public needed to know what transpired at the residence of SSS Director Christopher Massaquoi.
- Mr. Peal said that any delay in the investigation could compromise the truth and open the way for speculations, adding that he would cooperate with investigators having given his version of the incident to the Liberia National Police. Mr. Peal expressed regrets for the death of SSS officer Emmanuel Williams during the shooting incident.

*(Also reported on ELBS and Star Radio)*

### **U.S. Navy Undertakes Repair on Major Ports in Liberia**

- A United States Navy team has begun partial rehabilitation works at the Free Port of Monrovia with the installation of protective material on the commercial pier of the harbor. Twelve professional divers have restored 7 protective dolphins ahead of plan for the accommodation of more vessels.
- The head of the divers, Chief Warrant Officer Peter Sharpe told reporters in Monrovia that a total of 39 personnel including a detachment of marines were in town for the rehabilitation of the Freeport of Monrovia and the Port of Buchanan in Grand Bassa County.
- The Deputy Managing Director of the National Port Authority James Dogba-Yassah commended the navy officers and called on the U.S. Government to increase its support to the port.

*(Also reported on ELBS and Star Radio)*

### **Government Opens Account for Controversial Association**

- The Government of Liberia said that it has established a Bank Account on behalf of the controversial Civil Servants Association of Liberia naming as key signatories to the Account, Civil Servants Association of Liberia Director-General Dr. William Allen and Deputy Minister of Finance for Expenditure Edward Liberty, a letter addressed to Finance Minister Antoinette Sayeh said. The disputed President of the Association, Jefferson Elliot described the government's action as a gross violation of the rights of civil servants.

*(Also reported on ELBS and Star Radio)*

### **Ballots for Legislative By-Election Arrive**

- The National Elections Commission (NEC) announced that over 28,000 ballot papers for the legislative by-elections for Margibi County arrived in the country yesterday and have been placed in a secured storage until preparations for their distribution are finalized.
- Addressing a news conference, NEC Chairman James Fromayan said that 24,539 voters would participate in the poll for which campaign activities have commenced.

*(Also reported on ELBS and Star Radio)*



## UNMIL Public Information Office Media Summary 18 August 2006

*[The media summaries and press clips do not necessarily represent the views of UNMIL.]*

### International Clips on Liberia

08/18/2006 06:36:43

#### **Liberian president threatens to deal harshly with rapists**

Monrovia \_ (dpa) \_ Liberian President Ellen Johnson Sirleaf threatened to deal harshly with "rapists who exploit womanhood", reports said Friday. "I am sending out a message to all men, who are in the business of abusing the dignity of women, that my government will deal with them in a harsh manner," Johnson Sirleaf said late Thursday at the launch of the Liberian Education Trust, a charity aimed at supporting girls' education in Liberia. Johnson Sirleaf expressed concern at the growing instances of rape, and said she would personally appear in any court the next time there is a rape case before the courts, reports said.

08/18/2006 07:10:11

#### **Armed men attack plantation in north-eastern Liberia**

Monrovia\_(dpa) \_ Thousands of residents in the Cocopa Plantation in north-eastern **Liberia** were reported Friday to be fleeing the plantation for neighbouring towns following an armed attack on the plantation Thursday. The Catholic-run Radio Veritas quoted its correspondent from the scene in Nimba County as saying the armed men attacked the residence of the general manager of the plantation, seriously injuring his brother. The correspondent, quoting local police commander Sam Lloyd, said the Bangladeshi Contingent of the UN Mission in Liberia intervened promptly to prevent further bloodshed.

**BBC** 18 August 2006

#### **Liberia: Ex-soldiers advised to patiently await benefits**

The leadership of demobilized soldiers of the Armed Forces of Liberia [AFL] has called on all former soldiers to remain calm. The chairman of the United Committee in Defence of Demobilized AFL Soldiers said the constant grumbling of the former soldiers in the streets was worrisome. Mr Saydee Tarley said it was time the demobilized soldiers refrain from violence and support government's reconstruction process. Mr Saydee Tarley reminded his colleagues that as former soldiers, they are meant to remain law-abiding until benefits owned them by government are received. Groups of demobilized AFL soldiers have been gathering at the Barclay Training Centre and other parts of Monrovia in demand of benefits allegedly owed them by government.

**BBC** Last Updated: Friday, 18 August 2006, 08:51 GMT 09:51 UK

## **Ivorian leader 'barrier to peace'**

Leaders of rebel forces and the main opposition parties in Ivory Coast have accused President Laurent Gbagbo of being an obstacle to the peace process. They denounced him for saying earlier this week that he would remain in office if October's polls are delayed. Last year, Mr Gbagbo had his mandate extended by a year by the UN as elections failed to take place. The disarming of rebels and militias has still to begin and there are disagreements over voter registration. Some 10,000 French and UN peacekeepers monitor a buffer zone between the rebels who control the north, and the government-held south.

## **COTE D IVOIRE: UN condemns nation's prison conditions**

*[This report does not necessarily reflect the views of the United Nations]*

ABIDJAN, 17 Aug 2006 (IRIN) - The United Nations peacekeeping mission in Cote d'Ivoire on Thursday issued a scathing report on the country's penitentiary system, saying people were being held in overcrowded, unsanitary, crumbling prisons, with severe malnutrition a leading cause of death. The report also cited extended provisional custody, lack of health care and aging infrastructure as among the problems in Cote d'Ivoire's 33 prisons. In March, prisons in the government-run south held 9,274 prisoners for a total of 3,371 places, with men, women, and children detained in "extremely precarious" conditions, said Francoise Simard of the UN mission's Rule of Law unit. It investigated the prisons over a two-year period in collaboration with penitentiary experts.

## **Local Media – Newspaper**

### **Armed Men Attack Rubber Plantation in Nimba County**

*(The Inquirer, The Analyst and The Informer)*

- Workers of the Cocopa Rubber Plantation Company in Nimba County are said to be fleeing their camps after suspected armed robbers, for the second time in a week, attacked the Company's sites.
- Eyewitness Roland Ladney told correspondents that about 19 armed men invaded the plantation yesterday opening fire on the Company's Manager, riddling his building with bullets and vandalizing properties of the Company.
- The Workers Union's spokesman, Gondar Newark said that his fellow workers live and work in fear so they thought to leave the plantation for safety. UNMIL troops and police are said to have moved into Cocopa to calm the situation.

### **President Vows to Deal Harshly with Rapists**

*(The Inquirer, Public Agenda)*

- Launching the Liberian Education Trust in Monrovia yesterday, President Ellen Johnson-Sirleaf vowed to deal harshly with perpetrators of rape in Liberia.
- She said that the government would work along with the Association of Female Lawyers of Liberia to combat the growing rate of rape cases. She said that to demonstrate her seriousness about the issue of rape, she would go to the court to witness the next rape case against a child.

### **Government Operates on Credit Says Deputy Finance Minister**

*(The News and Heritage)*

- Mr. Francis Karpeh, Deputy Minister of Finance for Administration yesterday reported to the House of Representatives that the Government of Liberia was operating on credit as the proposed national budget was still being debated by them.
- Minister Karpeh averred that government was taking loans from local vendors hoping to payback when the budget is passed, noting that the government had incurred huge debts with the vendors to the point that they have started to deny government new credits. Meanwhile, Deputy Central Bank Governor Ethel Davis yesterday apologized to members of the Lawmakers for the Bank's inability to report to them as required by law.

### **German-National Evades Arrest for Rape**

*(The Analyst)*

- German-national Peter Blanquette reportedly escaped when he was being served a writ of arrest for allegedly raping a 13-year-old girl in Sinkor. According to a Monrovia City Court record, Mr. Blanquette allegedly raped the girl on the 14<sup>th</sup> of this month but was about to be arrested when he escaped.

### **Five Thousand Scholarships for Girls**

*(Daily Observer and Heritage)*

- The Liberian Education Trust to provide 5,000 scholarships for girls, build 50 schools and train 500 teachers over a three year period has been launched in Monrovia by President Ellen Johnson-Sirleaf.

### **Former President Supporters to Use Protests for Troublemaking**

*(New Democrat)*

- The United Nations said in a report recently that hardline supporters of detained former President Charles Taylor were set to use peaceful protests in the country to cause instability. But the report said that based on information gathered around the country, the government enjoys strong support due its economic programs.
- The report said that with UNMIL presence, the security situation should remain stable. However, according to the report, disputes and protests over salary arrears will provide immediate areas of risk.

### **Security is Worsening Says UN Confidential Security Review**

*(New Democrat)*

- A confidential UN security review within the sub-region said recently that Liberia's security was worsening with the rise in armed robberies and in-fighting within the Special Security Services. The report said that based on intelligence, UNMIL conducted a search to intercept the alleged transfer of weapons into the country but no weapons were found. "The overall situation in Liberia remains calm and peaceful, but several incidents, trends and rumours indicate that the security situation may be worsening," according to the review.

### **Ex-Combatants at Rubber Plantation Attack Leaders**

*(The Informer New Democrat)*

- Ex-combatants who had been occupying the Guthrie Rubber Plantation yesterday attacked three officials of the Ex-combatants Welfare Committee of the Guthrie Rubber plantation and vandalized their homes, accusing them of undermining the ex-combatants interest by receiving a US\$350,000 bribe to turn over control of the plantation to the government. The ex-combatants, who had made the plantation their source of livelihood, demanded their leaders—Sumo Dennis, Ranly Farley and Molton Yahn—to turn over the money they allegedly received.

## **Local Media – Radio Veritas** *(News monitored yesterday at 6:45 pm)*

### **President Vows to Harshly Deal with Convicted Rapists**

*(Also reported on ELBS and Star Radio)*

### **Government Operates on Credit as Lawmakers Hold Up Budget**

*(Also reported on ELBS and Star Radio)*

### **Plantation Workers Flee Attacks from Armed Robbers in Nimba County**

*(Also reported on ELBS and Star Radio)*

### **German-National Escapes Arrest for Rape**

#### **Police Apprehend Criminals Using Master-Keys to Open Doors**

- The Liberian National Police (LNP) over the weekend nabbed three (3) persons in connection with a new organized crime where perpetrators use special keys to open homes, cars and business centers to steal.
- LNP Inspector-General Beatrice Munnah Sieh said that Mr. Moses Haul, the alleged ringleader of the group, was arrested in Sinkor, opening the door of the shop of a Fulani businessman. She added that during preliminary investigation, suspect Haul revealed the names of Allison Boyd and Arthur Maweah as part of the organized crime.

*(Also reported on ELBS and Star Radio)*

#### **Police Arrest Suspected Criminals Known as “Isakaba Boys”**

- The Liberian National Police (LNP) said that it has arrested 8 criminals under the name “Isakaba Boys” who terrorize and rob the communities using machetes.
- LNP Deputy Chief of Patrol Maj. Amos Swami, told journalists that the suspects were nabbed Wednesday after they had robbed some women traders of over LD\$8,000 at a Monrovia suburb of West Point. He disclosed that the group was arrested with cutlasses, axes and other harmful objects in its possession.

*(Also reported on ELBS and Star Radio)*

#### **Supreme Court to Render Judgment into Cases Heard**

- The Supreme Court of Liberia will today Friday rule into cases it heard during the March Term of court. The Court’s 3-man Bench of Associate Justices headed by Chief Justice Johnny Lewis will perform the ceremony at the Chambers of the Court at the Temple of Justice. Court sources were unsure that ruling into the injunction on the commissioning of Associate Justice-designate Kabineh Ja’neh would be handed down.

*(Also reported on ELBS and Star Radio)*

*Complete versions of the UNMIL International Press Clips, UNMIL Daily Liberian Radio Summary and UNMIL Liberian Newspapers Summary are posted each day on the UNMIL Bulletin Board. If you are unable to access the UNMIL Bulletin Board or would like further information on the content of the summaries, please contact Mr. Jeddi Armah at [armahj@un.org](mailto:armahj@un.org).*

## Associated Press

Monday, 21 August 2006

### **Hussein Faces Another Trial**

Ex-Leader, 6 Co-Defendants Accused In 1987-88 Slaying Of Kurds

August 21, 2006

By RAWYA RAGEH, Associated Press BAGHDAD, Iraq -- A new legal chapter opens today for Saddam Hussein when the ousted Iraqi leader goes on trial for a second time, charged with genocide and war crimes from his scorched-earth offensive against Kurds nearly two decades ago.

The case against Hussein and six co-defendants is tied to the deaths of tens of thousands of people during the Iraqi army's "Operation Anfal" - Arabic for "spoils of war" - and prosecutors are seeking the death penalty.

The 1987-88 crackdown was aimed at crushing independence-minded Kurdish militias and clearing all Kurds from the northern region along the border with Iran. Hussein accused the Kurds of helping Iran in its war with Iraq.

Kurdish survivors say many villages were razed and countless young men disappeared.

They also accuse the army of using prohibited mustard gas and nerve agents, but the trial does not deal with the most notorious gassing - the March 1988 attack on Halabja that killed an estimated 5,000 Kurds. That incident will be part of a separate investigation by the Iraqi High Tribunal.

The trial begins as Hussein and seven others await a verdict from a trial for their alleged involvement in the killings of more than 148 Shiite Muslims from Dujail as punishment for an assassination attempt on Hussein in the town in 1982.

Critics have decried the first trial's lengthy, sometimes chaotic proceedings.

Human Rights Watch said Friday that the Iraqi High Tribunal was incapable of fairly and effectively trying Hussein and others on the Anfal charges "in accordance with international standards and current international criminal law."

The New York-based group said the nine-month Dujail trial showed the court's administration to be "chaotic and inadequate," and also complained that the trial relied too heavily on anonymous witnesses. It said the court must "improve its practices if it is to do justice."

The Dujail trial was marred by disorder, with Hussein repeatedly engaging in arguments with the judges and then boycotting the proceedings. Defense teams repeatedly walked out, prompting the appointment of replacements. Three defense lawyers also were assassinated.

Heading the five-member panel of judges for the Anfal trial is Abdullah al-Amiri, 54, a Shiite who was a judge under Hussein's regime for 25 years.

Hussein's co-defendants include his cousin Ali Hassan al-Majid, who allegedly led Operation Anfal as secretary of the Baath Party's northern bureau. Al-Majid's alleged role in the operation earned him the name "Chemical Ali" for the use of poison gas.

Both Hussein and al-Majid are charged with genocide. They also are charged with war crimes and crimes against humanity, as are the other five defendants.

Iraqi officials and rights groups say the precise death count resulting from Operation Anfal is difficult to determine because of the attacks' scale. Estimates range from about 50,000 to well over 100,000.

## CNN

Monday, 21 August 2006

### **Hussein fails to enter poison gas plea**

Anfal campaign included deadly assaults on Kurds

BAGHDAD, Iraq (CNN) -- Former Iraqi dictator Saddam Hussein went on trial Monday for genocide and crimes against humanity in the so-called Anfal campaign, the series of deadly assaults in 1988 in the Kurdish region that included the former regime's alleged use of poison gas.

Taking a defiant tone early in the proceedings, Hussein refused to enter a plea in the case, engaging in a combative exchange with chief judge Abdulah Ali Aloush. The judge had a plea of "innocent" entered on behalf of the former Iraqi leader.

"Anfal" -- which means "spoils" in Arabic -- is a term from the eighth chapter, or sura, of the Quran, the sacred Muslim book.

It is believed that about 100,000 Kurds were killed and 3,000 villages destroyed in the operation. Those who survived the mass murder were illegally detained and later executed. (Watch survivors of Anfal -- 2:25)

Hussein and six co-defendants -- including Ali Hassan al-Majeed, a former Iraqi general known as "Chemical Ali" -- are on trial in the Anfal case. The head judge also entered an "innocent" plea for al-Majeed.

All face charges of war crimes related to an internal armed conflict and crimes against humanity.

Hussein and al-Majeed have been charged with genocide.

The other defendants in the Anfal case are Sultan Hashem Ahmed, the military commander of the campaign; Saber Abdel Aziz, the director of military intelligence during the campaign; Hussein Rashid, the deputy of operations for Iraqi forces at the time; Taher Ani, a former governor of Mosul; and Farhan Jubouri, former head of military intelligence in northern Iraq.

Five native Iraqi judges of Shiite and Kurdish origin will preside over the tribunal, created in 2003 to prosecute members of the former Iraqi regime who are alleged to have committed war crimes, crimes against humanity, genocide and the violation of certain Iraqi laws.

A U.S. official close to the proceeding the trial is expected to be completed in months, by mid-December, with the court preparing to work three to four days a week 10 a.m. to 4 p.m. with time off every so often.

There are 120 to 140 witnesses expected for the prosecution, and the defense must provide its list of witnesses by the end of October, the official said.

The Kurdish regional government -- which represents the people of Duhuk, Sulaimaniya and Irbil provinces in the north -- said it "welcomes the trial of Saddam Hussein at the Iraqi Special Tribunal. Justice must be done, and must be seen to be done."

Estimates of the number of deaths in the Anfal operation range from 50,000 to nearly 200,000, and Iraq's Kurdish Regional Government said that "for decades to come, this horrific period of their history will remain in the collective memory of the people of Kurdistan."

"These policies and crimes were conceived and conducted by Saddam Hussein and his regime," the Kurdish government said in a statement on Thursday.

The regional government says it "has sought and will continue to seek justice for the victims through legal, democratic and transparent means" and it "demands that the Iraqi government compensate the victims of the crimes committed by Saddam Hussein's government, as provided for in the constitution of Iraq."

The grim legacy remains.

Kurds "continue to live with the legacy of suffering and bodies continue to be unearthed from mass graves," the Kurdish Regional Government said.

"The crimes have left behind a generation of women who lost their husbands, and children who lost their fathers, uncles and grandfathers.

"The Iraqi government's acts have resulted in illnesses from chemical weapons exposure, unusually high rates of cancer, large numbers of internally displaced persons, and families still fighting to reclaim their homes and lands."

*CNN's Joe Sterling, Nicky Robertson and Octavia Nasr contributed to this report.*

BBC

Monday, 21 August 2006

## Anfal: Genocide on trial

By Gerry Simpson

Reader in public international law, London School of Economics

### Saddam Hussein is due to stand trial on 21 August to judge his part in the mass killings of Iraqi Kurds during the notorious Anfal campaign of the 1980s.

The decision in April to charge Saddam Hussein with the crime of genocide could have the effect of giving his trial added legitimacy in the eyes of many Iraqis.

At the same time, it is likely to make the proceedings immensely more complex and lengthy, thereby threatening that same legitimacy.

There is an additional irony here. Earlier this year, many experts, including myself, were calling for an international trial along the lines of the trial of Slobodan Milosevic.

In the wake of the former Serbian dictator's death in March, that trial was criticised for its failure to do justice speedily and effectively.

Commentators lined up to accuse the court of over-complicating the trial by attempting to convict Milosevic of genocide.

A month later, the announcement that Saddam Hussein, too, would be charged with genocide came as the barrage of criticism was still echoing loudly.

### Extraordinary times

In trying to understand what all this means for the trial in Baghdad and for international

justice generally, it is important to come to terms with the meaning of "genocide" itself.

When Ralph Lemkin, a Polish adviser to the Nuremberg war crimes trials, coined the term genocide, he could hardly have imagined that 60 years later one European dictator would die in a cell in The Hague just as his trial for genocide was ending while, at the same time, charges of genocide were announced in the trial of a defeated Arab leader in that leader's own capital city.

These are extraordinary times in the life of a legal concept first elaborated the 1948 UN Convention on Genocide and rarely applied in court since.

In the now abandoned Milosevic case and in the trial of Saddam Hussein, the defendants faced justice but I would argue that the crime of genocide itself is also on trial.



Saddam Hussein is awaiting the verdict of a first trial in Baghdad



**ANFAL CAMPAIGN**  
Anfal, Arabic for "spoils of war"  
Ran from 1987 to 1989  
180,000 civilian victims  
Headed by Ali Hassan al-Majid,  
Saddam's cousin

[Anfal campaign against Kurds](#)  
[Chemical Ali profile](#)



Can convictions for genocide be achieved without undermining the whole trial process?

Genocide is the supreme crime under international law. And little wonder.

The destruction in whole or in part of human communities is surely a singular evil. To be convicted of genocide is to be declared beyond humanity's pale.

Yet, there is a paradox here. Genocide - almost by definition large-scale, usually very public and visible atrocity - is very difficult to prove as a matter of individual criminal responsibility.

### **Legal definition**

This partly accounts for the fact that there are a number of genocides on the public record since 1948 but only a tiny number of convicted genocidaires.

Even in cases where genocide is not too hard to prove, there is a reluctance to employ the term.

Adolf Eichmann was convicted for his role in facilitating the Holocaust but there was no mention of the word "genocide" in the list of charges laid against him.

One explanation for all this is that the popular definition of genocide is much broader than the legal definition found in the Genocide Convention.



Numerous mass graves have been found dating back to Anfal days

In law, genocide is a very specific type of offence involving three distinct elements.

In order to prove that someone like Saddam Hussein has committed genocide it must be shown:

- that he possessed intent to destroy in whole or in part
- a particular racial, religious, ethnic or national group
- by engaging in one or more of a series of acts, for example killings or deportations or forcible removal of children from family home.

It is very difficult to demonstrate intent in the criminal law generally.

It is much more difficult where there are layers of hierarchy between the accused and those carrying out the specific killings, and where leaders are careful not to leave a paper trail linking them to the acts in question.

### **Prosecution strategy**

The prosecutors in the Milosevic case were finding it difficult to discharge that burden in relation to the alleged genocides in Bosnia.

The charges in the Saddam Hussein trial relating to the Anfal campaign may prove equally troublesome.

There may be little doubt that Saddam Hussein ordered the destruction of some Kurdish villages, but did this add up to an intent to destroy the Kurdish people?

A possible clue to the prosecutor's strategy can be found in the Krstic case at the International Criminal Tribunal for the former Yugoslavia (ICTY).



Radislav Krstic's trial may lend a clue to prosecutors in Baghdad

General Radislav Krstic, immediate subordinate of the now fugitive military leader Ratko Mladic, commanded the Drina Corps, a Bosnian-Serb force engaged in and around Srebrenica, when the corps participated in the killing of about 8,000 Muslim men and boys after the fall of the UN's "safe haven" in 1995.

In 2001, Krstic was convicted of genocide and sentenced to 46 years in jail. The term was later reduced on appeal to 35.

The court found that Krstic possessed the requisite intent to commit genocide against Bosnian Muslims by seeking to destroy a substantial part of that population, namely the Bosnian Muslims of Srebrenica.

### **Bad news for Saddam?**

This case could be significant in relation to the Anfal campaign because it suggests that the crime of genocide encompasses the destruction of relatively localised communities within a larger national group.

Crucially, the court also said the following: "Where direct evidence of genocidal intent is absent, the intent may still be inferred from the factual circumstances of the crime."

This precedent could spell bad news for Saddam.

But even if Saddam is convicted of the crime of genocide, if this occurs in the context of a lengthy and convoluted trial, what effect will this have on the legitimacy of the proceedings?



Iraqi Kurds may lose faith if the trial's outcome is endlessly delayed

This could play out in two ways. In one scenario, the problems of proof relating to the crime of genocide may so greatly delay the outcome of the trial that more and more Iraqis become disaffected with it or simply switch off altogether.

Alternatively, introducing a charge of genocide may have the effect of galvanising the trial process and vindicating the claims for justice made by a substantial number of Saddam's victims.

Either way, the crime of genocide is on trial in Baghdad.