

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



The National Stadium

**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:**

Wednesday, 30 August 2006

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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Ext 7217

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Democrat

Wednesday, 30 August 2006

## EXHORTATION TO KAMAJORS

By Chief Samuel Hinga Norman

1. I have been a MEMBER of the SIERRA LEONE PEOPLES PARTY (SLPP) since 1972, and up until today I still am. And a fully paid-up Grand Chief Patron at that for several years now.

2. I have suffered immensely in my time, in one way or another, for SLPP. I was charged with treason and sentenced to death in the early years of APC power for allegedly participating in activities in support of the SLPP during the crisis years of 1966 to 1972. I spent a total of four (4) years in prison before my release on winning my appeal; and nearly another two (2) years detention in solitary confinement (1974 to 1975)

3. And when the SLPP government was overthrown in May 1997 after only fourteen (14) months in office, President Ahmad Tejan Kabbah fled into exile and made a passionate plea to the people of Sierra Leone to do everything in their power to restore his government back to power. You and many others, including my humble self even as his Deputy Minister of Defence, eagerly took to the bush for several months and finally succeeded in bringing back the President and his government in March 1998, a job we selflessly did without any prior conditions of remuneration or other reward.

4. The government subsequently made an agreement with the United Nations to establish a Special Court for Sierra Leone. And today, three of us who were among the most instrumental in securing that restoration are standing trial before that Court right in the heart of Freetown, where we have been detained for over three (3) years now, all in proxy for your own alleged activities during the war.

5. Neither the Party (SLPP) –Palm Tree) nor you as its members are responsible for what is happening to me and my two colleagues. The Party, as a party, has not done anything to hurt me. And so I will never take any action against the Party or anyone who has not hurt me. Our reward lies in the bosom and contemplation of the Lord Allah, and will surely come one day.

6. You may be aware that I have taken two judicial actions in recent months in respect of the Party, one of which is still pending in the Supreme Court. Time will tell that both actions were taken for the protection of the Party itself, so that other political parties do not invoke the national Constitution against it at an inauspicious moment to the detriment of the Party, especially considering its twenty-nine (29) years in the political wilderness from 1967 to 1996. After the Supreme Court decision, hopefully in the next few weeks, you will hear again from me as a matter of URGENCY.

7. Until then, PLEASE, in the name of God and the dear lives that were lost in the defence of our country and our Party, I repeat PLEASE, DO NOT JOIN ANY OTHER POLITICAL PARTY (new or old) for the purpose of the next general elections.

8. WAIT! BE PATIENT AND STEADFAST!!

DATE: 26TH August 2006.

Exclusive

Wednesday, 30 August 2006

# *Voices from Prison...*

## "Don't Join Any Political Party..."

# \*Norman Speaks

The Jailed former head of the Civil Defence Forces Chief Sam Hinga Norman, has broken silence since his long incarceration at the Special Court for Sierra Leone Detention Centre for offences related to alleged war crimes and crimes against humanity.

In this dispatch, Mr. Norman states the way forward with regards his detention and the loyalty of the former Kamajors movement ahead of the 2007 elections.

1. I have been a MEMBER of the SIERRA LEOEN PEOPLES PARTY (SLPP) since 1972, and up until today I still am. And a fully paid-up Grand Chief Patron at that for several years now.

2. I have suffered immensely in my time, in one way or another, for the SLPP. I was charged with treason and sentenced to death in the early years of APC power for allegedly participating in activities in support of the SLPP during

the crisis years of 1996 to 1972. I spent a total of four (4) years in prison before my release on winning my appeal; and nearly another two (2) years' detention in solitary confinement (1974 to 1975);

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*Contd. page 2*

# Norman Speaks

*From front page*

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strumental in securing that restoration are standing trial before that Court right in the heart of Freetown, where we have been detained for over three (3) years now, all in proxy for your own alleged activities during the war.

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8. WAIT! BE PATIENT AND STEADFAST!!

Spectator  
Wednesday, 30 August 2006

# Hinga Norman Urges Kamajors

The detained erstwhile Deputy Defence Minister and Kamajor Leader, Sam Hinga Norman, has in a message called on the attention of his Kamajor Militia to be steadfast in the struggle and urged them not to join any new or old party but to be loyal to the Sierra Leone People's Party. Below is the full statement of Chief Sam Hinga Norman as he exhorts all Kamajors Nationwide:

*Continued page 2*



# Hinga Norman Urges Kamajors

*From front page*

I have been a member of the SIERRA LEONE PEOPLE'S PARTY (SLPP) since 1972, and up until today I am still a staunch member, fully paid up, and also a grand chief patron for several years.

I have suffered immensely in my time, in one way or another, for the SLPP. I was charged with treason and sentenced to death in the early years of APC for allegedly participating in clandestine activities in support of the SLPP during the crises years of 1966 to 1972. I spent a total of four(4) in prison before being released after winning my appeal; and nearly another two(2) years detention in confinement (1974 to 1975).

And when the SLPP government was overthrown in May 1997 after only fourteen (14) months in office, President Ahmad Tejan Kabbah fled into exile and made a passionate plea to the people of Sierra Leone to do everything in their power to restore his government back to power. You and many others, including my humble self as his Deputy Minister of Defence, eagerly took to the bush for several months and finally succeeded in bringing back the President and his government in March 1998. A job we selflessly did without any prior conditions of remuneration, bankrolling, or other rewards. The government subsequently made an agreement with the United Nations to establish a Special Court for Sierra Leone. And today, three of us

who were among the most instrumental in securing that restoration are standing trial before that court right in the heart of Freetown, where we have been detained for over three(3) years now, all in proxy for your own alleged activities during the war.

Neither the Party (SLPP-Palm Tree) nor you as its members are responsible for what is happening to me and my colleagues. The Party, has not done anything to hurt me. Our reward lies in the bosom and contemplation of the Lord Allah, and will surely come one day. You may be aware that I have taken two judicial actions in recent months in respect of the Party, one of which is still pending in the Supreme Court. Time will tell when both actions are to be taken for the protection of the Party itself, so that other political parties do not invoke the national constitution against it at an inauspicious moment to the detriment of the party, especially considering its twenty-nine (29) years in the political wilderness from 1967 to 1996. After the supreme court decision, hopefully in the next few weeks, you will hear again from me as a matter of URGENCY. Until then, PLEASE, in the name of God and the dear lives that were lost in the Defence of our country and our party, I repeat PLEASE, DO NOT JOIN ANY OTHER POLITICAL PARTY ( new or old) for the purposes of the next general elections.

**WAIT! BE PATIENT AND STEADFAST!**

Concord Times  
Wednesday, 30 August 2006

## Ahead of 2007 elections...

# RUFP searches for leader

*Story:  
Mohamed  
Massaquoi*

**S**ecretary General of the Revolutionary United Front Party (RUF), Jonathan Kposowa Monday disclosed that their party is currently shopping for a new leader since their leader, former General Issa Sesay was indicted by the Special Court.

"The party doesn't have an individual who can effectively sell the party's policies," Kposowa said, adding that they are looking for someone who is interested in the party.

He says RUFP has a prospect of winning the 2007 presidential and parliamen-

tary elections provided they have the money and a good leader.

"Some of our brothers have abandoned the party because we are without a leader. There is no leader who can bring us together and unfortunately we are now cash trapped," he said noting that they need money to compete in the coming elections.

He disclosed that they have written letters to different organizations in and out of the country for financial support but they are yet to get positive results.

"RUFP is a registered political party and we are going all out to meet the demands of the National Electoral Commission (NEC) and the Political Parties Registration Commission (PPRC)," he said and promised they would not relent in the struggle to contest the 2007 elections.



## Standard Times

Wednesday, 30 August 2006

[Note: Clarence Roy-Macaulay is the Associated Press stringer in Freetown. He has reported on the Special Court since its inception. This story was also carried in the Independent Observer.]

### Associated Press (AP) Gramling Spirit Award to Clarence Roy-Macaulay



**F**our months after President Ahmed Tejan Kabbah nominated and appointed Veteran Journalist Clarence Roy-Macaulay to be an "Officer of the Order of the Rokel" in recognition of his "exemplary dedication and contribution to the Nation in the

*CONTINUED PAGE 11*

# Associated Press (AP) Gramling Spirit Award to Clarence Roy-Macaulay

FROM PAGE 1

Field of Journalism", according to the National Award citation, news came in from the headquarters of the Associated Press (AP) in New York, U.S.A. on Monday August 28, 2006 from the President of the AP International News Agency (founded in 1848) Tom Curley that Mr. Roy-Macaulay has won this year's AP Oscar - GRAMLING SPIRIT AWARD.

According to the citation, the prestigious AP International Award is in recognition of Clarence Roy-Macaulay's "dedication to the AP Mission, exceptional and enthusiastic service to all AP staff members, subscribers and/or clients."

The recommendation letter accompanying the nomination for "excellence and distinguished service" from the AP West Africa Bureau Chief in Dakar, Senegal, Todd Pitman to the panel of judges who sat together at the AP headquarters in

New York, USA in July, 2006, to read through the submitted samples of the nominees work and letters and pick the winners, stated "AP always know they are well covered and represented in Sierra Leone and will get the news story before our competitors. That is not an easy task and Clarence Roy-Macaulay has always come through."

The President of the Associated Press News Agency Mr. Tom Curley has invited Mr. Roy-Macaulay to New York for the Award Winning Dinner Ceremony on October 25, 2006.

Clarence Roy-Macaulay was recruited from London in 1966 after he obtained his professional Diploma in Journalism from the Polytechnic School of Journalism at Regent Street, London and appointed substantive News Editor, acting as Editor of the Government owned Sierra Leone Daily Mail.

He became the first Public Relations & Students Placement Officer when Njala University College was established as one of the constituent colleges of the University of Sierra Leone.

He joined the Government Information Service (GIS) on May 19, 1969 as Information Officer and was posted to Bonn, West Germany in August, 1969, as the first Press and Information Attaché in the newly established Embassy of Sierra Leone, covering the then five European Common Market countries, France, Italy, The Netherlands, Belgium and Luxembourg.

When Sierra Leone became a Republican State on April 19, 1971, he was recalled home in October, 1971, to assume the office of first Press Officer in the Office of the President.

He later served as Press and Information Attaché in Sierra Leone's Embassy in Moscow.

At the GIS then down at Lightfoot Boston Street, Clarence Roy-Macaulay served as Head of the News Room which was responsible for production of the daily news bulletin broadcast by the Sierra Leone Broadcasting Service (SLBS). He rose through the ranks to become Controller of News & Current Affairs, SLBS, Ministry of Information & Broadcasting, and voluntarily retired on pension from Government Service in April, 1989.

On retirement he contributed to the NEW CITIZEN newspaper then at Hannah Benka-Coker Street, as a Senior Correspondent specialising in reporting Parliamentary debates and other important national events. He was also a contributor to the former UNITY NOW newspaper.

When UNOMSIL was established in 1997 under the Special Representative of

the UN Secretary General Francis Okello, Mr. Roy-Macaulay became the first Public Relations Officer of the UN Mission.

He has been a Writer for the Associated Press for several years, covering the rebel war in Liberia from Monrovia for

the Associated Press, and the ten-year rebel war in Sierra Leone, sensitising the international community about the armed civilian conflict in Sierra Leone until peace was finally achieved.

## Cocorioko website

Wednesday, 30 August 2006

### **Hinga Norman Endorses Solomon Berewa?**

Sierra Leone's Vice-President, Mr. Solomon Berewa, has said that the former Coordinator of the Civil Defence Force (CDF), Chief Hinga Norman, has endorsed his candidacy. Mr. Berewa is the Presidential candidate for the ruling Sierra Leone People's Party (SLPP) in next year's Presidential Elections.

Mr. Berewa said that Chief Norman, through his lawyer, Mr. Bubakar Jabbie, had endorsed him and expressed confidence in his candidacy, while also calling on all supporters to vote for the SLPP.

Mr. Berewa made this startling revelation while addressing residents of Freetown East 111 Constituency at the Richard Allen School venue where he was invited to distribute certificates to deserving members of that constituency.

It is yet to be known whether this announcement of the endorsement of Mr. Berewa will form part of Chief Hinga Norman's speech when he makes a very important political statement soon, as promised by the Spokesman of his Defence Fund, Rev. Alfred SamForay, recently at Leonenet.

## Star Radio

Monday, 28 August 2006

### **Former President Taylor Loses Title**

Veteran traditional politician Chief Jallah Lone has announced the retrieval of the title of Darkpanah from former President Charles Taylor.

Chief Jallah Lone told Star Radio he is now the new Darkpanah of the Republic of Liberia.

He made the pronouncement two days to the celebration of his one hundred and one birth anniversary on August 26.

Chief Jallah Lone alleged former President Taylor unilaterally took the title.

He said one must go through the eight categories of traditional societies in order to ascend to the position of Darkpanah.

As head of all traditional societies in Liberia, the Darkpana is immured from arrest and is an untouchable figure.

## **UNMIL Public Information Office Media Summary 29 August 2006**

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

### **International Clips on Liberia**

#### **Journalist Beaten By Rioting University Students**

Aug 28, 2006 (International Freedom of Expression Exchange Clearing House/All Africa Global Media via COMTEX) --On 25 August 2006, students at the University of Liberia assaulted a Liberian journalist who attempted to photograph scenes of rioting on the university's main campus in Monrovia. Journalist Robert Jadoe of the "New Vision" newspaper also had his digital camera damaged by the students, who were angered that he took a photograph of a student injured in the riot.

#### **An Ecowas Protocol on Natural Resources, a Sure Way of Eliminating Conflicts**

By Ebenezer Hanson

Accra, Aug 28, 2006 (Public Agenda/All Africa Global Media via COMTEX) --ECOWAS Parliamentarians, UNDP Officials and civil society groups have agreed on the need to enact an ECOWAS Protocol on the management of trans-boundary natural resources as a way of eliminating conflicts and civil strife in the sub-region. The consensus was reached at a two-day workshop for ECOWAS Parliamentarians in Accra, which focused on the Implementation of Regional Protocols for Security and Development in ECOWAS. The subject for discussion was "Mining, Natural Resources and Environment as Security Issues in West Africa", and had Mr. Ben Turtur Donnie, UNDP Programme Manager for Energy and Environment in Liberia as its lead discussant.

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

#### **Govt Reaffirms Support for Peacekeeping Initiatives**

By Ndubuisi Francis

Lagos, Aug 29, 2006 (This Day/All Africa Global Media via COMTEX) --The Federal Government yesterday expressed an unflinching resolve to continue to support peace-keeping initiatives within the country, the sub-region and the entire world, stating that Nigeria has played prominent roles in maintaining peace in several West African countries and beyond. Defence Minister, Alhaji Rabiu Kwankwanso, who expressed government's stance on peace-keeping initiatives while seeing off some Nigerian soldiers heading for peace-keeping in Sierra Leone, and receiving another contingent returning home, said Nigeria's support for peace in West Africa remain unshaken.

### **Local Media – Newspaper**

#### **President of Liberia Signs National Budget into Law**

*(The Analyst and New Democrat)*

- Presidential Press Secretary Cyrus Badio yesterday announced that President Ellen Johnson-Sirleaf has signed into law the National Budget for 2006/2007.



- Mr. Badio also hinted that the President has appointed 17 District and Township Commissioners from 8 counties as discussions with local authorities were continuing to appoint additional commissioners for the other 7 counties of the country.

### **Presidential Spokesman Says President Criticized Media in Good Faith**

*(New Vision)*

- Mr. Cyrus Badio, Press Secretary to President Ellen Johnson-Sirleaf, told a news conference yesterday that the President's recent criticism of the press was done in "good-faith" with the intention of getting the Press Union of Liberia to retrospect on the performance of its members who the President said were "check-book" journalists.
- The Union took exception to the statement and its Secretary-General Alphonsus Zeon thought that President Johnson-Sirleaf was frustrated because the press had refused to play to the tune of her Government.

### **Human Rights Group Abhors Prison Condition of Former President Taylor**

*(The Inquirer and The Analyst)*

- In its letter to Amnesty International, the Foundation for Human Rights and Democracy (FORHD), a local human rights group, requested Amnesty International to investigate media report that former President Charles Taylor was being mistreated in prison in The Hague to the point that he was being fed once a day and kept in solitary confinement.

### **Oil Refinery Chief Executive Fails to Appear Before Senate**

*(New Democrat, Heritage, The News, Daily Observer and The Forum)*

- In his letter to the House of Senate which had invited him to clarify corruption allegation he supposedly leveled against it, Liberia Petroleum Refining Company (LPRC) Managing-Director, Harry Greaves, said that he was unable to appear before the Lawmakers because he was making an international business trip beginning Monday, 28 August to 1 September 2006.
- Mr. Greaves however clarified that a member of the House of Representatives and not the House of Senate who asked him for a bribe of US\$50,000 to exempt LPRC from contributing to the national budget for 2009/2007.

### **Journalists Hold Forum on Controversial Issue of Rice**

*(The News, Heritage, The Forum and The Analyst)*

- The Press Union of Liberia (PUL) will today, Tuesday, lead a debate of the controversial issue of rice which has bred tension between the Government of Liberia and major importers of the commodity.
- In a press release issued in Monrovia yesterday, the PUL said that it was intervening in the debate considering the mounting concerns over reports that the Government had invited bidders from whom OLAM, an Asian company was chosen to replace the Bridgeway Corporation of George Haddad, a Lebanese merchant.

### **Margibi County District Goes to By-Election Today**

*(The News and The Analyst)*

- Briefing journalists in Monrovia yesterday, National Elections Commission Chairman James Fromayan said that logistical preparations were intact for a by-election in which more than 24,500 registered voters will elect a member of the House of Representatives for Margibi County District #2.

- Mr. Fromayan announced that four persons including Ben Fofana of Unity Party, Zoe Gougou-Willie, Liberty Party, Kollie Sorsor Jallah, Congress for Democratic Change and Edwin Harris, an Independent candidate were vying for the seat.

### **Ex-Combatants Dismiss Rumours of War**

*(The Forum)*

- Speaking on behalf of his colleagues in Grand Cape Mount County over the weekend, Mr. Prince Jeddy Weddie, a former LURD General called on President Ellen Johnson-Sirleaf to mindful of politicians who he said are doing things to undermine the peace process, adding that ex-combatants who formally occupied the Guthrie Rubber Plantation remained supportive of the Government led by President Johnson-Sirleaf and would not connive with its "detractors." He said that the President was making the needed effort to take Liberia from the shackles of war to a viable State.

### **UNMIL Boss Decorates Ukrainian Peacekeepers**

*(The Informer)*

- The Special Representative of the Secretary-General Alan Doss, in decorating UNMIL's Ukrainian peacekeepers Thursday, said that the honorees provided critical airlift support for the deployment of troops and specifically lauded the pilots, mechanics, flight specialists and support personnel for their commitment, professionalism and valuable contribution to UNMIL and the people of Liberia.

### **Rape Suspect Absconds Justice**

*(The Forum)*

- Residents of a Monrovia suburb of Duport Road informed *The Forum* that a Nigerian national, Joseph Nuraku, who allegedly raped an 11-year-old girl, is on the run after he slipped from the hands of a Bailiff at the Paynesville Magisterial Court.

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

#### **President of Liberia Signs National Budget into Law**

#### **Presidential Spokesman Says President Criticized Media in Good Faith**

#### **Human Rights Group Abhors Prison Condition of Former president Taylor**

#### **Liberian Refugees Return Home**

- Sources at the UNHCR said that more than 240 Liberian refugees have returned home by sea from Côte d'Ivoire and Ghana and were lodged at a transit center for transfer to their villages and towns in rural Liberia.

#### **President to Commission Controversial Associate Justice Today**

- Executive Mansion sources said that President Ellen Johnson-Sirleaf will today, Tuesday, commission Cllr. Kabineh Ja'neh as Associate Justice of the Supreme Court of Liberia after the same Court had quashed a human rights groups' petition not to induct him alleging that he possesses bad human rights records and unworthy to serve on the Bench.

*(Also reported on ELBS and Star Radio)*

#### **Police Fail to Transfer Unauthorized Weapons Bearer to Court**

- Liberian National Police (LNP) sources confided to correspondents that the LNP was yet to forward to court for prosecution Special Security Service (SSS) officer Aliju Murrain-Williams after she attempted to fire at Taxi Driver Prince Gueh who accidentally slammed into her car in the traffic recently.
- Ms. Murrain-Williams, 34, was arrested and charged with illegal possession of firearms which allegedly differ from those ordered by the State for use by the SSS.

*(Also reported on ELBS and Star Radio)*

### **Traditional Council Withdraws Highest Title Former President Taylor**

- The Traditional Council of Liberia recently announced that it has withdrawn from detained former President Charles Taylor the highest traditional title of "Dakphanna" and bestowed same on Chief Jallah Lone.
- Chief Lone disclosed the news of the withdrawal at a ceremony to celebrate his 101st birth anniversary on Saturday, August 26. Chief Lone accused Mr. Taylor of hijacking the title having not gone through the 8 categories of traditional societies to reach the top.

*(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).*

## Reuters

Monday, 28 August 2006

### **DR Congo rebel charged with war crimes by ICC**

By Alexandra Hudson

THE HAGUE (Reuters) - Prosecutors on Monday formally charged a Congolese militia leader with enlisting children as young as 10 and forcing them to fight in the country's civil war in the first case at the International Criminal Court.

Thomas Lubanga, who was delivered to the court from the Democratic Republic of Congo (DRC) in March, was the founder and leader of one of the most dangerous militia in Congo's lawless northeastern district of Ituri, according to prosecutors.

"Lubanga ... controlled and executed a deliberate plan to enlist and conscript children systematically and in large numbers, including children under the age of 15, even as young as 10," the International Criminal Court's (ICC) deputy prosecutor Fatou Bensouda told a news briefing.

The charges against Lubanga, leader of the Union of Congolese Patriots (UPC), an ethnic militia now registered as a political party, relate to the period between July 2002 and December 2003, although the war in the Congo began in 1998.

The Court will examine the prosecutors' evidence, based on the cases of a representative six child soldiers, in September to decide whether it is sufficient for the trial to go ahead.

Up to 30,000 children were associated with the DRC's armed groups during the height of the war, according to estimates.

"The conscription, enlistment and active use of children in armed conflict represents one of the most brutal and morally troubling legacies of war ..." Bensouda said.

The prosecutors' indictment details how the children, who often joined the militia because of their desperate need for food or desire to avenge their murdered families, were subject to systematic military training and severe discipline.

Commanders urged them to kill members of the Lendu ethnic group in Ituri without instructing them to differentiate between soldiers and civilians, prosecutors said.

Bensouda said the trial would focus on the charges relating to child soldiers but Human Rights Watch (HRW) said in a statement to the court last month such charges did not go far enough, stressing Lubanga's UPC was responsible for much more.

"We believe that you, as the prosecutor, must send a clear signal to the victims in Ituri and the people of the DRC that those who perpetrate crimes such as rape, torture and summary executions will be held to account," HRW said.

The controversial ICC was set up as the first permanent global war crimes court to try individuals and it issued its first warrants last year for five leaders of Uganda's Lord's Resistance Army (LRA).

Ituri has been a bloody corner of Congo where ethnic violence between the Hema and Lendu and clashes between militia groups vying for control of mines and taxation have killed 60,000 people since 1999.

## Council on Foreign Relations

Tuesday, 29 August 2006

<http://www.cfr.org/publication/11369/>

### **Phase Two in the Saddam Trial**

Author: Lionel Beehner, Staff Writer

#### **Introduction**

The Iraqi High Criminal Court (IHCC) (PDF), formerly the Iraqi Special Tribunal, is hearing its second case against Saddam Hussein and his top lieutenants. The former Iraqi dictator faces charges of genocide and crimes against humanity and is being tried by Iraqis under Iraqi criminal law, not by international judges under international law. Proponents of this approach, including DePaul University's M. Cherif Bassiouni, argue that trying Saddam domestically will "advance the goals of the rule of law in Iraq and help sustain a new era for the Iraqi legal system." Opponents, including a number of global human rights groups, challenge the court's legitimacy, accuse the tribunal of doling out "victors' justice" that could further inflame Saddam's sympathizers, and decry its use of the death penalty. The most recent charge against Saddam involves his order to exterminate tens of thousands of Iraqi Kurds, many of them by chemical gas, in the so-called Anfal campaign in 1988.

#### **What was the Anfal campaign?**

In 1988, Saddam Hussein and six of his deputies launched a six-month campaign to push Kurds out of the mountainous areas of northern Iraq. The directive came toward the end of Iraq's war with Iran at a time when Saddam suspected the Kurds of abetting the Iranians. The alleged ethnic-cleansing operation was dubbed Anfal, named after an Arabic term in the Koran that means "the spoils." It resulted in the deaths of at least 50,000 Kurds and scores of mass graves. There are around fifty documented cases of chemical weapons used against the Kurds. "Four thousand villages were buried and wiped off the earth," says Michael A. Newton, a Vanderbilt University law professor. "Dujail [the first case against Saddam involving the killing in 1982 of 148 Iraqi Shiites] revealed one snippet of life under the Baathists, while Anfal will show the world in living color what life was like under Saddam."

#### **What charges does Saddam face?**

Court documents say Saddam faces charges of genocide, crimes against humanity, and other war crimes. Genocide involves the deliberate or systematic elimination of a group of people because of their race, creed, or ethnicity. Some legal scholars say the crime can be difficult to prove because it is not regularly prosecuted. Further, they say, it is necessary to establish the perpetrators—in this case, Saddam and his main aide, Ali Hassan al-Majid, also known as "Chemical Ali"—had command responsibility over the Anfal campaign. Yet Newton says although an element of specific intent must be shown, genocide can be proven through circumstantial evidence as well—i.e. "mass graves filled with 100 percent Kurdish victims." The crimes against humanity Saddam and his deputies are charged with include willful killing, enslavement, and unlawful imprisonment. Separate war crimes charges involve allegations that Saddam intentionally attacked non-military buildings and civilians as well as unlawfully seized and destroyed property.

#### **What has been Saddam's defense?**

Lawyers for Saddam do not deny the former Iraqi leader ordered the chemical attacks against Kurds but say the strikes were justified and accuse Kurdish militias of treason and conspiring with Iran. This marks a shift from the defense's arguments in the Dujail case, during which Saddam denied ordering 148 Shiites killed and claims he merely ordered farmland to be razed after a failed assassination attempt against him in 1982. Saddam's lawyers have repeatedly questioned the legitimacy of the tribunal and claimed they were denied access to witnesses during the Dujail trial. Unlike the



International Criminal Tribunal for the Former Yugoslavia's (ICTY) case against Slobodan Milosevic, Saddam has not been given much opportunity to present any real defense, says David M. Crane, a law professor at Syracuse University College of Law and former chief prosecutor for the Special Court for Sierra Leone. Iraq is applying a civil criminal system, traditionally less adversarial, whereas ad hoc tribunals, like Sierra Leone's, more closely follow common law systems. In the civil criminal system, Crane says the judge acts more as an adversary or third party and can limit the defense more than in a common law court, where a higher burden exists to prove guilt beyond a reasonable doubt (he admits, though, that civil systems tend to go more swiftly).

### **Why was Dujail the first case against Saddam?**

Experts say it was manageable and prosecutors had ample evidence enabling them to launch the tribunal hearings. "The decision to go with Dujail was most likely prompted to get the court off on a good footing," says Laura Dickinson, associate professor at the University of Connecticut School of Law and former adviser to the Justice Department's liaison office to the IHHC. "Anfal is more complex and broader" and therefore expected to take months to reach a verdict. The Iraqis were wary of repeating the experience of the ICTY, which sought to prosecute Milosevic on multiple charges at once, allowing the proceedings to get bogged down. However, "the problem with choosing Dujail as the first case is it doesn't really capture the magnitude of the atrocities committed by Hussein," Dickinson says.

### **Why was a national court established versus an international tribunal?**

"The Iraqis wanted to do it themselves," Crane says. "Also, the United States did not want to give it up to the international community." Legal experts say the U.S.-led Coalition Provisional Authority operated with some secrecy in establishing the court in 2003 and 2004. It ruled out bringing in outside bodies like the United Nations due, among other reasons, to its objection to capital punishment. Although international tribunals lend some accountability, legitimacy, and impartiality to the court proceedings, experts point to many negatives. For one, Dickinson says, "a purely international tribunal sitting in The Hague runs the risk that the local population would feel disconnected to the process." Others, including Vanderbilt University's Newton, say international courts of justice should act only as a fallback option that "supplement but never supplant domestic processes" (The International Criminal Court statute includes a provision which encourages the domestic resolution of disputes. It only takes cases domestic courts are unwilling or unable to handle on their own; further, the ICC could not exercise jurisdiction in this case because most of the crimes under investigation preceded its creation.) Many legal experts favor the so-called hybrid model, which incorporates elements of domestic and international law and includes both local and international judges. "We have a workable template that easily could have been overlaid in Iraq," Crane says, referring to the UN-established hybrid model currently in place to try war crimes in Sierra Leone.

### **What are the advantages of an Iraqi-run court?**

Proponents of this model argue that a domestic tribunal will help instill a legal foundation and bolster the rule of law in Iraq's fledgling legal system. An international tribunal, Dickinson says, "would not have funneled any resources into rebuilding Iraq's court system, its physical structures, and legal human resources." Since the fall of Saddam, the Iraqis have imported a number of international legal norms into a body of law based in part on the Iraqi Criminal Code of 1971. In addition to dispensing justice, the trial also establishes a public record and provides documentation of the atrocities committed by Saddam, while allowing victims to come forward with important historical testimony. Some legal scholars say the tribunal may even prompt the establishment of a truth and reconciliation commission modeled on the one used by post-apartheid South Africa.

### **What are some disadvantages of such a court?**

Many Iraqis, as well as Muslims in the Middle East, view the court as a U.S.-led and therefore tainted operation. "There's a lingering shadow in the corners, so to speak," Crane says. "It's perceived as American-made. Whether it's completely true, it doesn't matter. If [Iraqis] feel that it's true, it's a snake-bitten court." Adds Dickinson: "Everyone would have been better served if it had been less dominated by the United States." She favors adding some non-Iraqi judges from the Arab world to the tribunal's bench. Although the United States has bankrolled the court and provides the bulk of its security (the IHHC is based in Baghdad's heavily guarded Green Zone), Newton, who recently returned from Iraq, disputes notions the Americans are calling the shots behind the scenes. "They advise and assist and that's it," he says. "It's an Iraqi court." Others charge that the Iraqis in charge of the court lack the legal wherewithal to effectively prosecute the case. "None of the Iraqi judges and lawyers [have] shown an understanding of international criminal law," claims Human Rights Watch.

### **What might be the results of the tribunal?**

Given the near-certain chance Saddam will be found guilty of Dujail, there is a possibility he may be executed before the current cases before him conclude (under the tribunal's statute, he is allowed to appeal the verdict). Some legal experts suggest postponing sentencing until after the entire trial (the charges against Saddam, in addition to Anfal and Dujail, include killing or deporting more than 10,000 members of the Kurdish Barzani tribe, putting down the Shiite uprising after 1991, and invading Kuwait in 1990). Another fear is that killing Saddam may only burnish his posthumous reputation among Iraqis, particularly given the current unpopularity of the U.S.-led occupation. "People will be more focused on the death of a martyr who stood up to the Americans," Crane says. There is also some concern the documentation revealed about the genocidal Anfal campaign may spur efforts by Kurds in northern Iraq to push for greater, if not outright, independence from Baghdad.

### **How has Iraq's security situation affected the trial process?**

"It's a huge issue," Dickinson says. The Saddam trial has become almost a sideshow given the country's recent slide into sectarian violence. Others say the security situation has imperiled the judges' ability to deliberate and deliver impartial sentences. "We don't have a careful consideration of the facts and figures because everyone is hoping to live till the end of the day," Crane says. "Their families are incredibly frightened." At least three defense lawyers have been killed by insurgents since preparations for the trial began last year. Dickinson and other experts favor temporarily moving the tribunal out of Baghdad's Green Zone to a more secure location in the Middle East like Dubai. Newton, however, says moving the trial would be "subordinating civilized society to the forces of anarchy and lawlessness."