

**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 of:**

Monday, 5 December 2005

The press clips are produced Monday to Friday.  
If you are aware of omissions or have any comments or suggestions please contact  
Ibrahim Tommy  
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## Standard Times

5 December 2005

### **At the Supreme Court...**

#### **Hinga Norman, SLPP & Others Battle in Court on Wed 7.**

Wednesday December 7, 2005 opens another legal battle between the SLPP as 1st defendant, Alhaji U.N.S. Jah and Jacob Saffa as 2nd and 3rd defendants respectively while detained Chief Sam Hinga Norman is the plaintiff in another constitutional matter.

Already a notice of trial had been issued out to Dr. Jabbie Lawyer, representing Chief Sam Hinga Norman, that the matter between his client and the parties involved would kick-off on Wednesday 7th December 2005 at the Supreme Court to be presided over by five judges.

It would be recalled that similar constitutional matter was brought to the attention of the Supreme Court a couple of months ago by the same complainant against the conduct of the Makeni convention of the ruling SLPP. The court, in its judgment, stated that the plaintiff lacked locus standi, thus granting the defendants permission to proceed with the planned convention in Makeni in early September 2005.

It is not known what judgment the Supreme Court would deliver this time round.

# International Enforcement Law Reporter

December 2005

SECTION: CRIMES AGAINST HUMANITY, JURISDICTION & IMMUNITIES; Vol. 21, No. 12

## **Complications with the Sierra Leone War Crimes Court Raise Questions about Effectiveness of Future Ad Hoc Tribunals**

Jason McClurg

*Jason McClurg is an Associate at Berliner, Corcoran & Rowe LLP in Washington, D.C., where his practice includes international criminal, white collar, and public international law.*

With only a year and a half remaining in its mandate, the Special Court for Sierra Leone is experiencing a number of complications that may cause policy makers to question the effectiveness of ad hoc criminal tribunals in the future. Although the Special Court was initially touted by some, including the United States, as an alternative model for prosecuting perpetrators of war crimes and crimes against humanity, weaknesses in the Court's mandate and structure jeopardize the future of the court and may cause supporters to reevaluate the future utility of the model.

The Special Court for Sierra Leone was established in January 2002 by an agreement between the United Nations and the government of Sierra Leone. Although the costs of operating and maintaining the court has risen above its initial budget to \$100 million, it remains far less costly than the International Criminal Tribunals for the former Yugoslavia ("ICTY") and Rwanda ("ICTR"). n2

*New Appeal for Funds for Sierra Leone War Court, agence france presse, September 19, 2005.*

However, despite the relatively low cost of Sierra Leone's ad hoc tribunal, the Court is having considerable difficulty raising the \$25 million needed to complete its work.

In order to avoid the costs associated with operating the ICTY and ICTR, policy makers attempted to create a new type of international tribunal to prosecute those responsible for grave atrocities. As a result, the UN Security Council established an ad hoc tribunal in Sierra Leone that would operate for a limited period of time, thereby reducing costs significantly. The Special Court was initially funded by voluntary contributions, and had relatively little problem meeting funding requirements.

However, as time passed, the Special Court began to have more difficulty. In mid-2005, the UN General Assembly was forced to appropriate a supplemental \$20 million for the court and authorized \$13 million for the rest of 2005. n3

*Donors Pledge Less Than Half Funds Needed for War Crimes Court, u.n. integrated regional information networks, available on [www.allafrica.com](http://www.allafrica.com) (October 3, 2005)*

Despite the fact that the Special Court has come to rely on UN funding, the Court will be dependent solely on voluntary contributions after January 1, 2006. n4

This has caused many to question the ability of a court to operate based on a voluntary contribution structure. Although international donors have pledged \$10 million for the final stretch in of the Court's operations, which are due to end in mid 2007, this is far less than the \$25 million required. The United States, which has been a major contributor to the Special Court over the years, has yet to announce a pledge.

Even if the Special Court is able to raise the remaining \$15 million needed to finalize its work, other issues associated with the Court's mandate have also raised questions as to whether it should serve the model for the future. Although the Special Court has indicted thirteen individuals thus far, the most important indictee, former Liberian president Charles Taylor, remains at large. Because the Court was adopted under Chapter VI of the UN Charter, it does not have the authority, unlike the ICTY and ICTR, to force countries to cooperate with its directions. This has allowed Charles Taylor to avoid accountability for crimes he is accused of committing because Nigeria has enabled him to seek political asylum, and refuses to extradite Taylor to Sierra Leone to stand trial.

Moreover, the Court's limited mandate may provide some comfort for those who have become targets of its prosecutions. Many have speculated that Charles Taylor is biding his time until the Court ceases operations in 2007, and will return to Liberia once he no longer has to fear extradition to Sierra Leone. This sets a dangerous precedent for future criminals indicted by ad hoc tribunals: so long as they can find a friendly government to host them for a limited period of time, they can wait until the expiration of the court's mandate and then return to their old tactics.

# AngolaPress

Luanda - Monday, December 05, 2005 - 9:12:39 AM

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## UN changes guards at Freetown court

Freetown, Sierra Leone, 12/03 - The United Nations Mission in Liberia (UNMIL) on Thursday assumed responsibility to provide security for Sierra Leone's Special Court, replacing the departing UN Mission in Sierra Leone (UNAMSIL).

The change of security arrangement is in keeping with a United Nations Resolution mandating UNMIL to provide a Military Guard Force (MGF) to secure the Special Court for Sierra Leone starting 1 December 2005, a UN press release said here.

The mandate of the UN Mission in Sierra Leone (UNAMSIL) will end on 31 December 2005, after several years in the West African nation that saw a decade of rebel war.

The UN-backed court was set up to try those bearing the 'heaviest responsibility' for war crimes and crimes against humanity committed during the civil conflict, including ex-Liberian president Charles Taylor who is accused of aiding and abetting the rebel Revolutionary United Front (RUF).

Meanwhile, the Nigerian Government has agreed to send 250 troops from its contingent under the control of UNMIL until 15 January 2006, pending the arrival of the assigned UNMIL military guard force (MGF).

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## International Information Programs

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30 November 2005

-SNIP-

### **BUSH CONGRATULATES LIBERIAN PRESIDENT-ELECT**

President Bush telephoned Liberian President-elect Ellen Johnson-Sirleaf to congratulate her on her electoral victory, as well as “the historic significance of her election” as the first elected female African head of state.

Press secretary McClellan said Bush emphasized to Johnson-Sirleaf the U.S. “commitment and support to help build a democratic secure and prosperous Liberia.”

McClellan also said the president conveyed his view of the importance of bringing former Liberian leader Charles Taylor to justice so that “he can no longer threaten the people of Liberia and the region of West Africa.”

Johnson-Sirleaf is scheduled to assume the presidency January 16.

(Distributed by the Bureau of International Information Programs, U.S. Department of State. Web site: <http://usinfo.state.gov>)

## Cocorioko website

[http://www.cocorioko.com/news\\_extra\\_](http://www.cocorioko.com/news_extra_)

### CHARLES TAYLOR'S DAYS AS A FREE MAN MAY BE NUMBERED

Saturday December 3, 2005

COCORIOKO can now reliably inform readers that the Special Court in Sierra Leone may indeed very likely catch its biggest fish after all. A personal letter sent to this newspaper yesterday by the U.S Senate Subcommittee on International Terrorism and Nonproliferation 's Committee on International Relations spelt out clearly the determination of the US. government to ensure that former Liberian warlord Charles Taylor faces justice in Freetown.

A Spokesman of the committee has written COCORIOKO to emphasize that indeed U.S .President George W. Bush jr did make it clear to Liberia's President-Elect , Mrs. Ellen Johnson-Sirleaf, in his congratulatory message to her this week , the importance of bringing Charles Taylor to justice so that he would not continue to threaten the security of Liberia and the West African region again

Other newspapers did report on the Bush statement but people have read so many such newspaper reports that this recent flurry of reports did not strike a serious chord. Yesterday, all that ended. The letter from the U.S . Senate Subcommittee on International Terrorism underlined the seriousness of the situation.

Infact , Mrs. Johnson-Sirleaf will be in Washington D.C . the week of December 12 , 2005 and she is expected to hold talks with U.S. Secretary of State , Mrs. Condoleeza Rice .

If Taylor ever thought that he will beat the rap, he should start singing a different tune and begin brainstorming about his Legal Defence Team before the Special Court . He should know by now that President George Bush does not double-speak.

Read part of the letter that pertains to Taylor :

"As you may know, Julianne Smith has left U.S. Congressman Ed Royce's office. My name is Edward Burrier, I will be helping to coordinate Mr. Royce foreign policy press until a new press secretary is hired."

"I wanted to bring your attention to the latest development on former Liberian President Charles Taylor below. In his call to President-elect Johnson-Sirleaf, President Bush raised the importance of bringing Taylor to justice. You may recall that Mr. Royce wrote Johnson-Sirleaf asking that she immediately call upon the Nigerian government to transfer Taylor to the custody of the Special Court for Sierra Leone. [Let me know if you would like another copy.] Also, please note that Johnson-Sirleaf will be in Washington, D.C. the week of December 12th. I will work to get you more details as they become available, but I believe that she will be meeting with Secretary Rice."



Mr. Burrier also sent us the press release that was published this week by other newspapers. The release reads :

#### BUSH CONGRATULATES LIBERIAN PRESIDENT-ELECT

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**U.N. Freezes Assets of Two it Claims Helped Taylor**

By Jeff Miller

Posted: 12/2/2005 3:18 PM



(Rapaport...December 2, 2005) The United Nations moved to freeze assets and ban travel of two men linked with (whom they call gunrunner) Victor Bout due to previous arms sales in Liberia and the link with arms and diamonds in Sierra Leone. The men are said to have helped former President Charles Taylor who is wanted for war crimes in Sierra Leone. Taylor has already been indicted for fueling a civil war in Sierra Leone through arms-for-diamond deals with rebels, but he has been granted asylum in Nigeria for the time being.

A sanction committee, run by the Security Council, listed Richard Ammar Chichakli of Texas and Valeriy Naydo of the United Arab Emirates as two businessmen whose assets and travel will be frozen worldwide.

At press time, Chichakli was not available for comment; however, he contends that he has been setup by both the United States and the United Nations and he writes on his blog that he is being "wrongfully persecuted and placed in exile by the United States government without charges, trial, evidence, or due process."

Additionally the United Nations listed 30 companies to freeze including: Air Bas, Air Cess, CET Aviation Enterprise, Centrafrican Airlines, San Air General Trading FZE, and Trans Aviation Global Group Inc.

The United Nations says Bout runs a network of cargo companies across the Middle East, Africa, Eastern Europe, and in the United States. Bout is accused of brokering arms for fueling wars diamond-rich areas of Sierra Leone, Angola, the Democratic Republic of the Congo, and Liberia.

A committee statement says Chichakli lives in a suburb of Dallas, and is Bout's chief financial manager. He "plays a significant role in assisting Bout in setting up and managing a number of his key firms and moving money," the panel said.

They described Naydo as a former pilot and Bout's second in command out of South Africa as well as chief executive officer of Bout's CET Aviation, the holding company for Centrafrican Airlines, which was linked to illicit arms deals with Liberia.

Liberia's newly elected president, Ellen Johnson-Sirleaf, expanded upon the fate of Taylor after saying earlier in the week that she had not made a decision whether or not to ask for his extradition to Sierra Leone. Nigeria has said that a new president in Liberia could make such a decision and it would therefore honor that request.

Johnson-Sirleaf said other national leaders in Africa were close to reaching a consensus to the fate of Taylor. While Johnson-Sirleaf ran for public office in Liberia she said that Taylor's fate was up to the Special Court of Sierra Leone, and apparently did not rule out setting up a war crimes court in Liberia as well. Other political analysts in Liberia suggested Johnson-Sirleaf could pardon

**Breaking News**

♦ **Japan October Imports Flat, \$1**  
Japan's polished c  
imports for the te  
ending October 3

♦ **Dubai Gem Cert Service to Begin**  
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service ...

♦ **GIA Inaugurate Branch in Taiwa**  
The Gemological  
America (GIA) Inc  
new Taiwan ...

♦ **JCK Sets 2006 S**  
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Taylor "in the spirit of national reconciliation."

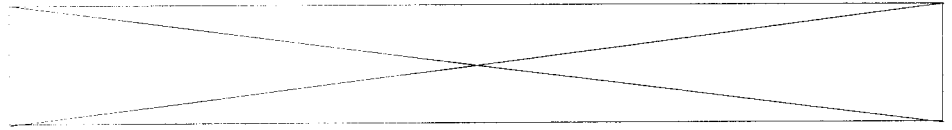
Taylor's former wives Jewel Taylor, Enid Tupid Taylor, and Agnes Taylor, and his former aide Edwin Snowe are also on the travel ban list. Jewel was elected to Liberia's Senate in November. Press reports from Africa indicate that Enid, Agnes, and Snowe still hold strong ties in Liberia's newly elected government.

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## Impunity Under Attack -Rights Groups Demand Judicial Reform, Others

**The Analyst** (Monrovia)

ANALYSIS

December 2, 2005

Posted to the web December 2, 2005

By Sam Garnett

*-But Will GOL Comply?*

*Liberians of all backgrounds and the friends (international community) of Liberia are unanimous that impunity is amongst the principal reasons for the civil war that devastated the country and left over 250,000 Liberians dead, maimed, or displaced.*

*What they mainly do not seem to agree upon is exactly what to do with the problem. The international community believes the way to go about wiping out impunity and restoring justice and the rule of law is to penalize wrongdoers through the due process of law. But for most Liberians, retributive justice leads to more rancors. The alternative to retributive justice then, according to them, is a public forum for confession and forgiveness called a truth and reconciliation forum.*

*But more than 140 human rights and humanitarian organizations meeting in The Gambia last week agreed that impunity, adjudged an anathema to the growth, development, and stability of post-war Liberia, can not be eradicated without a functional judiciary and are therefore calling on the incoming Liberian government to install special guideposts for a new Liberia dedicated to the rule of law. The Analyst's Staff Writer has been looking at the Banjul forum from the perspective of its relationship with what most Liberians see as the path to peace.*

Over 140 African human rights and humanitarian organizations meeting in The Gambia have cast impunity in Liberia in aspersions and are calling for a binding resolution.

The revelation was contained in a press release issued yesterday by the Liberia Watch For Human Rights (LWHR) issued under the signature of its Executive Director, Mr. T. Thompson Ade-Bayor.

According to the release, impunity in Liberia came under attack during an NGO's Forum held in Banjul, The Gambia, against the backdrop of the fourteen years of civil war in Liberia and the recent election of former warlords within the parliament of Liberia's post-war government.

The forum deliberated, amongst other major issues, on impunity and the new challenges for the African Court on human and people's rights which two issues are expected to show up in deliberations at the 38th Ordinary Session of the African Commission on Human and People's Rights due to commence on December 21, 2005.

Concerned about the effect the participation of individuals with tainted backgrounds may have on reconciliation and the rule of law in post-war Liberia, the forum in one of its sessions recommended that the

next meeting of the African Commission on Human and People's Rights adopt a resolution that will compel the incoming Liberian government to reform its judicial system.

The forum moreover prayed the African Commission to cause the Government of Liberia to institute measures that will bring to justice perpetrators of the violation of human rights and humanitarian law during armed conflicts in the past.

"[We] call upon the African Commission on Human and People's Rights to adopt a resolution to conform with the provisions of international instruments ratified by Liberia, notably, the International Convention on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and People's Rights (ACHPR)," the forum prayed.

As part of efforts to wipe out impunity from the continent, specifically the ECOWAS subregion that has been in turmoil for most of the last two decades, the forum called on Nigeria to cooperate with the Special Court for Sierra Leone by extraditing former president Charles Taylor to face justice.

In the same breath that the forum called for justice through court trial, it also prevailed on the African Commission to make mandatory a Liberian government "support the work of the Truth and Reconciliation Commission (TRC) by notably ensuring its proper funding and guaranteeing its independence".

The forum believed that unless these measures were required by the African Commission of Liberia through a binding resolution and implemented by the incoming administration, it would be difficult if not impossible, for rule of law and lasting peace to be established and maintained notwithstanding the "free, fair, and pluralistic" polls conducted on October 11 and November 8 by NEC.

The forum, though, seemed not embarrassed by the contradictions of its simultaneous recommendation for retributive justice through a reformed judiciary and support for the establishment of the TRC.

No matter what euphemism is used to describe its establishment, according to analysts, the TRC was set up based on compromise consensus amongst Liberian stakeholders in Accra to shield former warlords and individuals who are likely to be accused of bearing the greatest responsibilities for perpetrating atrocities against innocent civilians during the civil war.

By seeking to play the twin mother, many say, the forum has muddled rather than helped the situation.

"You possibly can't support call for support for the TRC and in the same breath call for the prosecution of Taylor in Sierra Leone. The simple reason is the cases that are heard at the special court in Sierra Leone are not different from the ones that need to be heard in Liberia by the TRC. So if Taylor goes to court for crimes against humanity in Sierra Leone, why don't the forum recommend the same measures against perpetrators in Liberia for the same crimes?" wondered Tommy Clemenceau Barclay of Congo Town Old Road.

In Barclay's view, since the two systems of justice and of eradicating impunity contradict each other, the forum would have done well had it shown its bias for one and said so in unequivocal terms.

"What is the possible yardstick for sending two criminals, one to face a reconciliation hearing and another to face criminal charges, if the two committed one and the same crimes?" he asked.

Some that doubt that the forum may be contradicting itself believed the body considered the issue on the basis of magnitude and extent.

"But who has established the magnitude and extent of atrocities committed during the 14- and 10-year wars in Liberia and Sierra and is therefore in the position to say which perpetrator should face war crimes charges and which should face a reconciliation forum?" asked Peter Wagner of Sinkor Old-Road.

It is not clear how the African Commission on Human and People's Rights will address the concerns of Barclay and Wagner when it meets within three weeks in The Gambian capital, Banjul, but analysts say it may consult the incoming government in Liberia to work out modalities regarding judicial reforms vis-à-vis the urgency attached to the reestablishment and the maintenance of the rule law in Liberia through the reforming of the courts.

The reforming of the judiciary is beyond the mustering of political will by the government of Liberia; no one in the NTGL and the incoming is known to oppose judicial reforms, contended an observer.

He said instead of calling for a resolution to mandate judicial reforms in Liberia which is a foregone conclusion therefore, what was needed was adequate funding for the reform process.

Besides, he noted, while Taylor's extradition to Sierra Leone to face war crime charges points to the beginning of the stamping out of impunity in West Africa, legal justification needed to be proffered for those who will face the TRC inside Liberia.

Whether this suggestion means that the charges against Taylor must be dropped is not clear, but a look at the TRC's mandate revealed that criminal prosecution is a last resort for any accused that will not cooperate with the reconciliation forum.

In other words, the TRC waives criminal charges against any accused until he or she refuses to testify, concede guilt voluntarily, and ask for forgiveness from the victim or victims of his past actions.

"It is only those that are intransigent that will face the courts to vindicate themselves against allegations," source closed to the TRC said recently.

Many Liberians and some members of the international community say the TRC offers a quicker and less problematic path to peace and reconciliation and is therefore worth supporting, making the preference of criminal litigation by other influence members of the international community to raise eyebrows of double standards.

Fortunately, the eyebrows may not remain raised for long once the Ellen Johnson-Sirleaf administration takes power less than one and a half month from now, said one analyst. He was relying on Mrs. Sirleaf's statement to journalists in Abuja shortly after holding talks with President Olusengun Obasanjo of Nigeria.

"There are certain national and regional sensitivities which will be taken into account.

Liberia is a good standing member of the United Nations and will abide by all the rules. We think with a little time we will find a solution that will preserve Liberia's peace and West African peace and meet the requirements of the international community," Mrs. Sirleaf said.

Whether by that statement she intends to harmonize Liberians' seemingly overwhelming preference for the TRC and the international hubbub for criminal prosecution remains to be seen, analysts say.

Until that comes up and is thrashed out, the path to Liberia's reconstruction, peace, and reconciliation may remain dingy, uncertain, and hinged upon multiple demands over which Liberia will probably have no jurisdiction.

## The Liberian Times website

[http://www.theliberiantimes.com/article\\_2005\\_12\\_3\\_2722.html](http://www.theliberiantimes.com/article_2005_12_3_2722.html)

### **Liberia: US President raises issue Of Charles Taylor with Liberia's President Johnson-Sirleaf**

Dec 3, 2005

In his call to Liberia's 23rd President-elect, Madam Ellen Johnson-Sirleaf, President Bush of the United States of America raised the importance of bringing Taylor to justice.

White House press secretary Scott McClellan said Bush emphasized to Johnson-Sirleaf the U.S. "commitment and support to help build a democratic, secure and prosperous Liberia."

McClellan also said the president conveyed his view of the importance of bringing former Liberian leader Charles Taylor to justice so that "he can no longer threaten the people of Liberia and the region of West Africa."

In addition, US Congressman Ed Royce (R) wrote Johnson-Sirleaf asking that she immediately call upon the Nigerian government to transfer Taylor to the custody of the Special Court for Sierra Leone. Also, Johnson-Sirleaf will be in Washington, D.C. the week of December 12th and the issue about Taylor will be center stage when Johnson-Sirleaf meets with US Secretary of State Condoleezza Rice.

While in Washington DC, Johnson-Sirleaf, the first woman to ever be elected as president on the African Continent, will attend a dinner in her honor hosted by the Leon H. Sullivan Foundation. Prominent representatives from government and business communities are expected to attend.

"This is history in the making," stated Hope Masters of the Sullivan Foundation. "We are going to give the President Elect the opportunity to talk about the way forward for Liberia and her vision for what the future holds. We are thrilled to be hosting this very special event."

Meanwhile, a local advocacy group, the Prisoner Assistance Program (PAP) says ex-President Charles Taylor should not be tried only for crimes allegedly committed in Sierra Leone. The group said ex-President Taylor should also be held for crimes alleged committed in Liberia.

PAP's Executive Director R. Jarwlee Geegbe also suggested that Mr. Taylor should be tried in the Hague instead of Sierra Leone. He sees obstacles in attempts to try the ex-Liberian President in the neighboring country.

Cocorioko website

<http://www.cocorioko.com/editorial>

## **CONDOLEEZA MUST GRILL ELLEN NOT ONLY ON TAYLOR BUT WAR CRIMES TRIBUNAL IN LIBERIA**

Monday December 5, 2005

There is no way that anybody can ever talk about justice in West Africa if you jail a man like Chief Hinga Norman , but you let killers like Charles Taylor, Prince Johnson, Issac Musa, Sekou Diamante Conneh and the other Liberia rebel kigpins walk away with the abominable atrocities they caused in Liberia .

As a newspaper set up to fight human rights abuses, injustices, bad governments and corruption, COCORIOKO cannot compromise with anybody who tries to purposely subvert justice by preaching that because of the necessity for peace in Liberia, that country should go easy on the ideas of prosecuting Taylor and forming a war crimes tribunal to punish those who committed atrocities in the country.

What kind of peace would anybody ever nurture without justice ? Can there ever be peace without justice ? Peace cannot flourish in any society where there is no justice. Peace cannot prevail in any country if we set free killers, rapists and arsonists, whose victims are still languishing in pain or whose blood is still crying out in their graves. for justice. Justice precedes peace . AS A MATTER OF FACT, JUSTICE GIVES BIRTH TO PEACE.

When U.S.Secretary of State, Dr. Condoleeza Rice and Liberia's President-Elect, Mrs. Ellen Johnson-Sirleaf hold their famous talks in Washington D.C. next week, Dr. Rice should leave no stone unturned in stressing to Mrs. Johnson-Sirleaf that Charles Taylor must be brought to justice and she must set the machinery in motion immediately to facilitate Taylor's transfer from Nigeria to the Special Court in Freetown, Sierra Leone. There should be no double-talking on the Taylor issue. The man deserves to pay the price for the pain and suffering he caused in Liberia and Sierra Leone.

America must also refuse to buy the Liberian argument that a war crimes tribunal would undermine peace in their country . If any country deserves such a tribunal it is Liberia. All the chaos, mayhem, killings and destruction of the past two decades in West Africa were masterminded by terrorists from Liberia. Those who perpetuated these diabolical acts from Liberia must be equally punished .

But for Liberia, no war would have ever occurred in Sierra Leone .But for Liberia, the brief rebel onslaught in Guinea would not have happened. But for Liberian mercenaries and terrorists , the Ivory Coast chaos would not have escalated to the devillish and fiendish depths it keeps going now and again.



And Liberia still constitutes a danger to West Africa, despite the restoration of a constitutionally-elected government, as long as the Charles Taylors, Prince Johnsons, Isaac Musas and Diamante Konnehs are loose in society. Somewhere along the line, these men in whom the seeds of impunity and violence have taken roots, will stir up trouble again and plunge the whole subcontinent in turmoil. One day, they will hurt the people of Sierra Leone and West Africa again. Therefore, what peace are people talking about? Once a rebel, always a rebel. Once a terrorist, always a terrorist.

Sierra Leone's Chief Hinga Norman was a famous and legendary hero who liberated many parts of Sierra Leone from the hands of the Liberia-sponsored rebels. His Kamajors took the battle to the insurgents and crushed them wherever they met. Because of the tremendous support given the army, ECOMOG and the UN Peace-keeping Force by Hinga Norman and the Kamajors, the rebels were not able to take Sierra Leone.

Yet Hinga Norman is presently on trial before the Sierra Leone Special Court for alleged war crimes said to have been committed by the Kamajors, whom he headed. How can we put on trial a man who waged a valiant battle in the cause of the people, but free men and women who purposely, wickedly and diabolically went out to harm the people? Was consideration given to the fact that putting Hinga Norman on trial would destroy peace and the gains of national reconciliation in Sierra Leone? In fact, no situation is inimical to peace than the trial for war crimes of a man who fought on the side of the people.

The argument that trying Taylor or setting up a war crimes court in Liberia would endanger peace is therefore very silly and should not be accepted by the U.S. and the international community. With the UN and U.S. support, a war crimes tribunal would flourish in Liberia. It will bring all the terrorists to justice and not a dissident will fire a gun. And the benefits of this court will be immense. It will send a strong message to Liberians that those who think they can only settle their grievances by the gun or by inflicting horror on their own people and others will ultimately pay the price.

We therefore appeal to Mrs. Condoleeza Rice to press home to Mrs. Sirleaf that she must hand over Taylor and also set up a war crimes tribunal to try all those Liberians who destroyed their country and Sierra Leone. For the Liberians who brought chaos and horror to West Africa, there must be no escape. That is justice. That is peace.

## Call for Africa 'dictator' court

**Senegal's president has called for Africa to set up its own tribunal to hear cases such as that levelled at Chad's former President Hissene Habre.**

Mr Habre is wanted in Belgium for alleged abuses committed under his rule and has lived in Senegal for 15 years.

President Abdoulaye Wade's comments come after Mr Habre was released from jail but allowed to stay in Senegal until the AU decides on his fate.

A Senegalese court said it did not have the power to decide on his extradition.

### 'Africa's Pinochet'

Mr Wade told journalists on Wednesday that there was "no reason Africa should not have its own tribunal" to judge cases such as Mr Habre's.

"I have no reason to keep Hissene Habre but I'm not going to... send him either to a country of his choice where he is guaranteed impunity," he said.

#### POTENTIAL TRIALS

**Chad's Hissene Habre**

lives in Senegal

**Ethiopia's Mengistu Haile Mariam**

lives in Zimbabwe

**Liberia's Charles Taylor**

lives in Nigeria

On Sunday, Senegalese Foreign Minister Cheikh Tidiane Gadio said that Mr Habre could remain in Senegal until the next African Union summit in January.

African heads of state would then to be asked to decide on Mr Habre's fate.

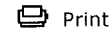
Human Rights Watch has called Mr Habre "Africa's Pinochet". His administration has been accused of murdering and torturing political opponents.

Alleged victims filed complaints under Belgium's universal jurisdiction law, which allows Brussels judges to prosecute human rights offences anywhere.

Mr Habre denies any knowledge of atrocities under his rule between 1982 and 1990.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4488418.stm>



# THE DAILY STAR

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Monday, December 05, 2005

## Lebanon's post-conflict strategies debated

### *Conference looks at ways to come to terms with the past*

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By Raed El Rafei

Daily Star staff

BEIRUT: Fifteen years after the end of Civil War, has Lebanon come to terms with the crimes of the past? Have a general amnesty and policy of "turning the page on the war" proved the most effective strategies in building a new democracy and ensuring long-term peace?

Such issues were the focus of a two-day conference last week, during which civil rights associations debated Lebanon's post-conflict strategies in dealing with the lingering memories of the atrocities of the 15-year Civil War

The conference was organized by the International Center for Transitional Justice (ICTJ), an organization which assists "countries pursuing accountability for past mass atrocity or human rights abuse."

With coordination efforts provided by the Lebanese Sustainable Democracy Center and the Lebanese Center for Policy studies, discussions focused on various examples of approaches to transitional justice used in countries such as Sierra Leone, Morocco, Peru and South Africa.

"Societies do not have the luxury of not dealing with their past," said Paul van Zyl, country programs director at ICTJ, adding "If not dealt with proactively, the past will always haunt post-conflict societies."

Van Zyl said the priority during a political transition phase after a period of violence was to "seek to restore and address the dignity of victims."

Van Zyl also spoke of justice and prosecution, truth finding processes, reparation programs for victims, institutional reforms, reconciliation and peace building and, finally, memory and memorialization.

In the case of Lebanon, where no formal processes were adopted to address the widespread suffering during the war, van Zyl said it is important to give voice to the war's victims, assuring such a move would "create cross-community solidarity."

Criticizing the amnesty laws passed in Lebanon after the war, attorney and civil rights activist Nizar Saghieh argued that instead of reconciling citizens with the principles of justice and rule of the law, Lebanon's authorities were always in favor of political leaders "consolidating their position as superior to the rest of the population."

"The victim was repeatedly marginalized and responsibilities for the violence were overlooked by amnesty laws after the war," he said.

Saghieh further slammed the "discriminating character" of the amnesty law passed in 1991, stressing the law suffered from a major flaw in that it stipulated that war crimes committed against the populace would be pardoned while those committed against political and religious leaders would not.

Noting how the government dealt with Israeli collaborators after Israel's withdrawal in 2000, Saghieh said the "fast trials" and "exemplary punishments" had "a political character" which neglected victims' suffering.

"Again, the logic of the winner, in this case Hizbullah, was consolidated" he said.

A similar amnesty was passed once more after Syria's withdrawal in April, he complained, in which Lebanese Forces leader Samir Geagea was pardoned for his alleged war-time crimes, an official decision Saghieh deemed "glorification of the crime."

However, MP Samir Franjeh defended the amnesty laws as a means by which to end the war, saying "the priority then was to put an end to the conflict." He added that a fear of a return to violence and further destabilization of the national peace had made amnesty a priority.

Luc Cote, the former chief of prosecutions to Sierra Leone's Special Court (established to try those accused of war crimes and human rights violations during the nations eight-year conflict ended in 1999), said that, while important for strengthening the rule of law, prosecution was only one form of transitional justice.

"Since not all criminals can be prosecuted after a conflict, prosecution is limited and symbolic, implying the importance of making a very careful choice of who to try," he said.

**THE DAILY STAR**

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# The Spectator

December 3, 2005

## **Saddam must get real justice; Geoffrey Robertson says that the former Iraqi leader should be tried by an international court**

BYLINE: Geoffrey Robertson

The trial of Saddam Hussein stops and starts and now stops again for six weeks, in a city rent by civil war a war which the defendant's courtroom outbursts against 'invaders' helps to inflame. One judge and two defence lawyers have already been assassinated, and the evidence called so far would be rejected as hearsay in any proper court. It is time to ask whether this trial is too important to be left to (and in) Iraq.

It is not an easy matter to bring a tyrant to justice in his own country. When he first appeared in the dock, Saddam used the same words, in translation, as King Charles I when he faced Cromwell's judges: 'By what authority (legal, I mean) do you try me?' It was a good question in both cases, asked by heads of state constitutionally clothed with immunity. Charles was executed and became as a result a 'blessed martyr':

when his family returned to power, they disembowelled his judges. That was not a happy precedent, but 60 years on from Nuremberg we now have an alternative and much better way to deal with political and military leaders accused of crimes against humanity, namely, by putting them before international criminal courts.

The moral claim of the Iraqi people to exact retribution sounds fine in theory as President Bush argues, 'They were the people who were brutalised by this man.' But if justice can neither be done nor be seen to be done in Baghdad, in the midst of a civil war in which the defendant's 'people' are killing the 'people' of the judges, then Iraq's claim must give way to the moral and legal right of the international community to try international crimes. The genocide charges which Saddam faces for the gassing of the Kurds and for mass-murdering the Marsh Arabs are crimes 'against humanity' because the very fact that they can be conceived and committed by fellow human beings demeans us all, wherever we live and whatever our nationality.

After all, Saddam and his henchmen are only in the dock because of action by a coalition led by the United States. The US established the Iraqi Special Tribunal (at a cost of \$75 million), trained the judges, and arrested all the 'playing-card' suspects, while the evidence was amassed by the Justice Department's Regional Crime War Liaison Office. The tribunal's original statute, drafted by American and British lawyers, was based on UN court models and provided fair trial, with the prospect of international jurists sitting with the Iraqi judges. Last year I helped to train these courageous men who told me they wanted to sit with international colleagues, like the UN's court in Sierra Leone.

But strange things have happened to this court since the handover. Its name has been changed, to the Iraqi Higher Criminal Court, and its statute has been rewritten to exclude the possibility of international judges (except in rare cases where a foreign state is a party). And there is a sinister new provision: 'No authority, including the President of the Republic, may grant a pardon or mitigate the punishment issued by the court.' Article 6(4) of the Human Rights Covenant (which the US, the UK and Iraq have ratified) insists that anyone sentenced to death must have the right to seek commutation or pardon after conviction, so this is a breach of international law at which all coalition partners seem to have connived. But merciless Iraqi politicians want Saddam executed, and this new provision will prevent President Talabani from ever considering clemency.

There is a prospect that Saddam will be executed speedily after conviction on the first charge, which accuses him, with senior officials, of killing villagers at Dujail as a reprisal after some of them made a botched attempt on his life. Many of these villagers admitted involvement in the plot and, comparatively speaking, this is the least serious of the charges which Saddam faces. His immediate execution would deprive the world of any trial, and hence any authoritative judgment, on his responsibility for genocide.

An international criminal court, sitting (as in Sierra Leone) with both local and international judges, would provide such a verdict. It would not be troubled, like a domestic court, by the fact that the president had constitutional immunity for any crimes committed while in office, because international law trumps amnesty provisions. Given the deteriorating security situation in Baghdad, the argument for moving the trial to The Hague, before a special court set up by agreement between the Security Council and the Iraqi government, seems compelling.

Moreover, there is the important matter of the Genocide Convention, which both the US and the UK have ratified. It requires trial and punishment for this most heinous of all crimes, if not by a 'competent national court', then by an international penal tribunal. If the Iraqi court is not competent because of the deteriorating security situation, then the Security Council has a duty to establish an alternative, sitting somewhere in safety with both international and Iraqi judges.

Lessons have been learnt from the mistakes with the Milosevic trial: the indictment was overloaded, the defendant has been given far too much latitude in representing himself, and no alternative judge was available to step in when the presiding judge died. These problems would not recur if Saddam were tried on the genocide charge alone, in a forum where he would (like most defendants) speak only when spoken to.

The main reason it is being resisted by the Iraqis and by the US is that no UN court can impose the death penalty. It seems they want Saddam and his henchmen hung high in some dusty square, to shouts of joy from his Shia opponents. But this spectacle will make the man a martyr (like Charles I), inflame the civil war, and only serve to endorse the disrespect for human life that so scars Iraq's past and present.

Of course, if convicted, the Baathist leaders could not be imprisoned for life in the country where they still have factional support. Nor could they be permitted to communicate with supporters. Britain learnt one lesson from the martyrdom of Charles I: instead of executing Napoleon, it sent him into exile in the south Atlantic. The UK opposes the death penalty, and doubtless it would make St Helena, or better still the Falkland Islands, available, as a place where the defendants would never be heard from again.

The coalition did not invade Iraq in order to prosecute Saddam. But in the absence of any weapons of mass destruction or links to al-Qa'eda, and in the shadow of the death toll already taken on Iraqis and coalition troops, effective trial of the Baathist leadership would be one positive consequence a landmark, perhaps, in deterring tyranny.

If the Iraqi legal system (described as 'chronically dysfunctional' by a recent UN study) cannot produce a proper trial, these proceedings must be transferred to The Hague before they become an example of that wild justice revenge.



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## Saddam defense team walks out

**BAGHDAD, Iraq (CNN) -- Saddam Hussein's defense team walked out of court on Monday after a heated exchange over the legitimacy of the tribunal.**

Former U.S. Attorney General Ramsey Clark and two other attorneys for Hussein left the courtroom after Chief Judge Rizgar Mohammed Amin refused to hear their complaints immediately.

At one point Hussein stood up, shook his fist and shouted, "Long live Iraq."

Clark had sought to address the court on the issue of its legitimacy and the security of defense lawyers. But Amin said only Hussein's chief lawyer could address the court.

Amin told defense lawyers to submit their arguments in writing and warned that if they walked out the court would appoint replacement lawyers.

"We reject the appointment of court employees to defend us," Hussein said.

He and his half brother Barazan Ibrahim then chanted "Long live Iraq, Long live the Arab state."

When the judge said he was ruling in accordance with Iraqi law, Hussein said, "This is a law made by America and does not reflect Iraqi sovereignty."

After the defense team walked out, Amin called a recess.

The intense drama came within the first 20 minutes of Monday's court session, which resumed after a week's adjournment.

On Sunday, a Western official close to the trial said one of the judges serving on the tribunal had recused himself because one of the former Iraqi leader's co-defendants may have been involved in the execution of the judge's brother.

Amin was expected to announce that one of the judges was stepping down Monday. The judge would be replaced on the five-judge panel by an alternate.

For security reasons, only the presiding judge in the trial is being named.

Eight defendants, including Hussein, are standing trial in connection with the killing of more than 140 men 23 years ago in the mostly Shiite town of Dujail. The killings are considered retribution for a failed assassination attempt on Hussein.

According to the Western official, the judge who disqualified himself was given a document showing a defendant in the case was involved in a death warrant that led to the execution of the judge's brother.

The judge said he could not remain impartial, knowing the information.

Iraqi security forces, meanwhile, said they uncovered a plot by Sunni insurgents to attack the site of Saddam Hussein's trial, set to resume Monday, Iraqi national security adviser Mowaffak al-Rubaie said Sunday.

Security forces found "positioning mortars, long-range mortars" from a Baghdad suburb aimed at the trial's location, al-Rubaie said.

He said that there was evidence the group planning the attack -- the 1920 Revolution Brigades -- had a "sophisticated" global positioning system.



Al-Rubaie declined to say what evidence linked the weapons to the trial. He said the evidence was being withheld because authorities do not want to release sensitive information about how they uncovered the plot.

Little is known about the 1920 Revolution Brigades. The military has said that the group has claimed responsibility for attacks in the past.

Ramsey Clark, a member of the toppled Iraqi leader's defense team, said he will raise the issue of security for defense attorneys in court Monday.

"We'll present, presuming the court permits it, an urgent need in protecting Iraqi defense lawyers," said Clark from Amman, Jordan.

The slayings of defense attorneys Sadoon Janabi and Adil Muhammed al-Zubaidi have made security a key issue in the trial.

"Two have already been executed," Clark said. "There is nothing in place to protect them, which is really an outrage. It is dangerous for them every day, but it's more dangerous when they appear in court."

Defense attorneys have not accepted offers of security because they do not see them as complete enough, Clark said.

He said he plans to speak in court Monday, along with former Qatar Justice Minister Najeeb Nuaimi, who also has joined the defense team.

Otherwise, Clark said that they could walk out, although he added that no strategy has been set.

"We want that protection in place," Clark said. "Then we will address the legality of the court. The court has no authority or power to proceed until it is established that it is legal. If it is an illegal court, they don't have any right to address people and hold people and try people. So those will be the two main issues we will work on in this hearing."

Hussein and seven other defendants are standing trial in connection with the 1982 killings of more than 140 men in the mostly Shiite Iraqi town of Dujail.

The killings were believed to be in retribution for a failed assassination attempt on Hussein -- who is a Sunni Muslim.

During Hussein's court appearance last week, the chief judge adjourned the trial until Monday after defendants complained about their attorneys. ([Full story](#))

A representative of the Iraqi government denounced Clark's role in the trial. Nuaimi, the ex-Qatar official, said he and Clark were challenging the legitimacy of the trial court.

Clark said he plans to meet with Hussein on Sunday afternoon.

"It will be the first real meeting where we've had a chance to discuss the trial," he said. "He has been held in total isolation. He hasn't seen any members of his family, any friends, anyone he knew before."

If the trial court refuses to hear them, Clark said, "then we might have to go to the higher court and get an order for it to hear our issues."

*CNN's Aneesh Raman contributed to this report.*

**Find this article at:**

<http://edition.cnn.com/2005/WORLD/meast/12/05/saddam.hussein.trial/index.html>

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## Source: Saddam trial judge to step down

### Official: Plot uncovered to attack site of tribunal

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Judge Rizgar Mohammed Amin, the chief judge on the tribunal, is expected to announce that one of the judges is stepping down Monday, when the trial resumed after a weeklong delay.

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